

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	24 September 2020
PANEL MEMBERS	Robert Montgomery (Chair), Steven Layman, Helena Miller, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 24 September 2020 opened at 5:00pm and closed at 7:30pm.

MATTER DETERMINED

DA-2019/1273 – Lot 336 DP 124313, Lot 337 DP 124313, 1 and 9 Raven Street, Wongawilli (as described in detail in Schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by ten submitters.

The Panel also 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 at site inspection 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 Panel agrees with the Officer's assessment and concurs with the recommendation.
- The Panel acknowledges that a child care centre may be appropriate for the site as it would serve the needs of the local community. However, it is considered that the service station and fast food components represent an overdevelopment of the site in that they are very intensive 24 hour developments which are more suited to a highway location.
- The impacts of the development from the 24 hour operation, frequent visits by large heavy vehicles including semi-trailers for both refuelling and deliveries and high traffic volumes are considered to be unacceptable within the low density residential environment.
- The zone objectives and DCP requirements envisage a local village centre which provides a range of small scale retail, business and community uses that the serves the needs of the people who live or work in the surrounding neighbourhood. The proposed development does not satisfy these requirements and would prevent more appropriate uses from being established in the future as demand for local services increases.

DECISION

A. The development application refused for the following reasons:

- 1 Insufficient information has been submitted under Section 4.12 of Environmental Planning and Assessment Act, 1979. In this regard, under Section 54 of the Environmental Planning and Assessment Regulation 2000, additional information has been requested in correspondence to the applicant dated 5 February 2020 and extensions of time have been granted; however, further information remains outstanding. The assessment for determination has been made on the basis of information submitted to date.

- 2 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate consistency with:
 - State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
 - State Environmental Planning Policy No. 64 – Advertising and Signage
 - 3 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009:
 - Clause 2.1 – Aims of the plan
 - Clause 2.3 – Zone objectives and land use table
 - Clause 4.4 Floor space ratio
 - Clause 4.6 Exceptions to development standards
 - Clause 7.3 Flood planning
 - Clause 7.4 Riparian lands
 - Clause 7.6 Earthworks
 - Clause 7.8 Illawarra Escarpment area conservation
 - 4 Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009:
 - Chapter B4: Development in Business Zones
 - Chapter C1: Advertising Signage and Structures
 - Chapter D1: Character Statements
 - Chapter D16: West Dapto Release Area
 - Chapter E2: Crime Prevention Through Environmental Design
 - Chapter E3: Car parking, Access, Servicing/Loading Facilities and Traffic Management
 - Chapter E6: Landscaping
 - Chapter E13 – Floodplain Management;
 - Chapter E23 – Riparian Land Management
 - 5 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate that the likely impacts of the development will not be adverse in relation to environment, traffic and social and economic impacts in the surrounding locality.
 - 6 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, the site is not suitable for the development.
 - 7 Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, the submissions received have been considered, and in the circumstances of the case, approval of the development would set an undesirable precedent.
 - 8 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development does not serve the public interest of providing a range of small scale retail, business and community uses that the serves the needs of the people who live or work in the surrounding neighbourhood by:
 - Providing a large scale retail/business development within a low density residential environment; and
 - Preventing appropriate small scale retail/business from being established on the site.
- B. Pursuant to Section 2.20 (8) of the Environmental Planning and Assessment Act, 1979 the Panel delegates all functions of the Panel to the Manager Development Assessment and Certification in relation to the Appeal which has been lodged by the applicant.

PANEL MEMBERS



Robert Montgomery
(Chair)



Steven Layman



Helena Miller



Tina Christy
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/1273
2	PROPOSED DEVELOPMENT	Subdivision - Torrens title - two (2) existing lots into three (3) lots and construction and use of a food and drink premises, service station, centre based childcare facility and two (2) commercial tenancies.
3	STREET ADDRESS	1 Raven Street, WONGAWILLI NSW 2530 9 Street, WONGAWILLI NSW 2530
4	APPLICANT	The Stevens Group
5	REASON FOR REFERRAL	The proposal has been referred to the Wollongong Local Planning Panel for determination pursuant to Section 2(b) and 3 of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the application is the subject of 10 or more unique submissions by way of objection and represents a development departure to Floor Space Ratio by greater 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 No 64—Advertising and Signage ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ Wollongong Local Environment Plan 2009 • West Dapto Contributions Plan 2017 • 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 24 September 2020. • Written submissions: 145 written submissions • Verbal submissions at the public meeting: ten
8	SITE INSPECTIONS BY THE PANEL	Site inspection 24 September 2020. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Steven Layman, Helena Miller, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: John Wood, Maria Byrne
9	COUNCIL RECOMMENDATION	Refuse
10	REASONS FOR REFUSAL	Stated in the Panel's decision