

## DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	26 October 2021
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Brendan Randles, Helena Miller, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 26 October 2021 opened at 5:00pm and closed at 7:54pm.

### MATTER DETERMINED

DA-2021/682 – Lot 78 DP 12991, 14 Kareela Road, Woonona (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by one submitter.

The Panel heard from the owner and their representatives.

### 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.



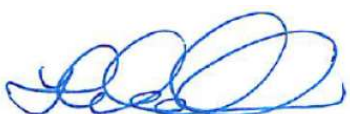

The Panel determined to refuse the development application as described in Schedule 1 for the reasons listed in Attachment 6, pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- At the request of the applicant, Panel Members reviewed the statement of environmental effects, which included the LEC judgement (Pritchard v Northern Beaches Council [2020] NSWLEC 1310), and the photographs recently submitted by the applicant.
- The Panel acknowledges that the applicant relies on the LEC judgement for consideration of the development application. However, Council's legal advice is that the circumstances of this application are different and the Panel is without power to approve the application.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Brendan Randles
 Helena Miller	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/682
2	PROPOSED DEVELOPMENT	Residential - alterations and additions to an approved dual occupancy
3	STREET ADDRESS	14 Kareela Road Woonona
4	APPLICANT/OWNER	Ms Amy Ellis - Ellis Studio
5	REASON FOR REFERRAL	Development standard departure exceeding 10%
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ State Environmental Planning Policy (Koala Habitat Protection) 2021</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong City Wide Development Contributions Plan</li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft Housing SEPP</li> <li>○ Draft Design and Place SEPP</li> <li>○ Draft Environment SEPP</li> <li>○ Draft Remediation of Land SEPP</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> <li>○ Coastal zone management plan: Wollongong Coastal Management Plan 2017</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report dated 26 October 2021</li> <li>• Written submissions during public exhibition: Four</li> <li>• Verbal submissions at the public meeting: One</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 26 October 2021. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Brendan Randles, Helena Miller, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Pier Panozzo, Anne Starr</li> </ul>
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Not applicable