

# DETERMINATION AND STATEMENT OF REASONS

## WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	7 June 2022
PANEL MEMBERS	Sue Francis (Chair), Steven Layman, Brendan Randles, Trish Buchan (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 7 June 2022 opened at 5:00pm and closed at 7:22pm.

### MATTER DETERMINED

DA-2021/136 – Lot 1 DP 617042, 1A Norman Street, Mangerton (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by seven submitters.

The Panel heard from the applicant/owner and his representative.

### 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 defer 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

- On 26 October 2021 the Panel determined to defer the determination of the development application to allow the applicant and Council to address a number of concerns.
- The Panel does not have the benefit of the previous Council report which it will require to be fully informed of the assessment of the application. The Panel suggests that a single holistic report be prepared for consideration
- The Panel is concerned with the complexity of the site, its shape, topography and relationship to adjoining buildings and easements. Accordingly, the Panel requires a survey prepared by an independent registered surveyor of the site surrounding boundary treatment, road levels, detail and location of easements and details of trees. The survey is to be used to inform all the architectural plans.
- The amended architectural plans shall delete all references to a dual occupancy.
- The amended plans shall comply with the front setback
- The Panel would like to see multiple cross sections of the site to include the relationship of the proposal and topography to side boundaries and easements and built form so that the Panel can understand the relationship of the proposal to its neighbours.

The matter shall be re-referred to the Panel for determination upon submission of the above information.

PANEL MEMBERS



Sue Francis  
(Chair)



Steven Layman



Brendan Randles



Trish McBride  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/136
2	PROPOSED DEVELOPMENT	Residential - construction of a dwelling house and pools and Subdivision - Torrens title – two (2) lots
3	STREET ADDRESS	1A Norman Street, Mangerton
4	APPLICANT/OWNER	Ted Switaj
5	REASON FOR REFERRAL	Clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979 and Schedule 2(2) of the Local Planning Panels Direction. The proposal is contentious development that received in excess of 10 objections.
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>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong Section 94A Development Contributions Plan</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Planning agreements: N/A</li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92, 93 and 94</li> <li>· Coastal zone management plan: N/A</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 7 June 2022</li> <li>· Written submissions during public exhibition: 33</li> <li>· Verbal submissions at the public meeting: seven</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual site inspection 7 June 2022. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Nigel Lamb</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report