

## DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	17 February 2021
PANEL MEMBERS	Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative)

Transaction of business outside of meetings pursuant to Clause 26 of Schedule 2 of the *Environmental Planning and Assessment Act, 1979*.

#### MATTER DETERMINED

DA-2020/572 – Lot 1 DP 86796, 481-485 Princes Highway, Woonona (as described in detail in schedule 1).

On 3 November 2020 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*. This matter is re-submitted for determination for electronic determination as per previous Panel recommendations.

#### 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 again defer determination of 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 remains unsatisfied with the responses in respect of contamination on the site and its responsibilities un SEPP55. The Panel requires:-
  1. A report which identifies whether there are any contaminants on the site
  2. If there are contaminants, are they of such a type of quantity to require site remediation.
  3. If there are no contaminants or contaminants that are not harmful to the use of the site for residential purposes, then a clear and unequivocal statement as such.
  4. If there are contaminants and they are potentially harmful to the use of the site for residential purposes either by virtue of their type or volume that the method of disposal be identified and detailed. If a RAP is required, then this is to be identified and detailed so it can form a condition of consent.
- A further report/reports to be provided to Council within 28 days following which a supplementary report will be provided to the Panel for determination. The matter will be determined electronically unless otherwise stated by the chair.
- If there are no contaminants and or the contaminants are not harmful to the sites future use, then draft condition 9 is not required and should be removed by Council.
- Notwithstanding the above, the Panel also considered the other matters raised in its deferral of 3 November 2020 as follows:-
  1. The proposed turning head satisfies the Panels concern noting that advice from Council's engineer identified that it is not required.
  2. The proposed pergola however is in a location that might distract from the use of said turning head and so the panel requests that the pergola be relocated to cover the proposed path through the park from the Princes Highway. This could form a condition of consent in the supplementary report.
  3. The proposed motorbike parking space be deleted and replaced with landscaping. Its location is not ideal in respect of its juxtaposition with unit 1 and Councils traffic engineer

has advised that it is not strictly required. This could form a condition of consent in the supplementary report.

4. The proposed planting between units 6/7, 4/5, and 2/3 be low level to ensure sight lines are maintained for drivers reversing from their garages. This could form a condition in any supplementary report

PANEL MEMBERS	
 Sue Francis (Chair)	 Larissa Ozog
 Robert Montgomery	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/572
2	PROPOSED DEVELOPMENT	Residential - multi dwelling housing - demolition of existing warehouse storage facility and construction of 12 x two storey dwellings.
3	STREET ADDRESS	481-485 Princes Highway, Woonona.
4	APPLICANT	MMJ Wollongong
5	REASON FOR REFERRAL	Under Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal is categorised as contentious development under 2(b) of the Schedule as over 10 unique submissions were received. The supplementary information and addendum report is submitted to the panel as per recommendations from the WLPP meeting on 3 November 2020.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>· Environmental planning instruments: <ol style="list-style-type: none"> <li>1. State Environmental Planning Policy No 55 – Remediation of Land</li> <li>2. State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004</li> <li>3. State Environmental Planning Policy (Infrastructure) 2007</li> <li>4. State Environmental Planning Policy (Koala Habitat Protection) 2019</li> <li>5. Wollongong Local Environment Plan 2009</li> </ol> </li> <li>· Wollongong City Wide Development Contributions Plan 2019</li> <li>· Development control plans: <ol style="list-style-type: none"> <li>1. Wollongong Development Control Plan 2009</li> </ol> </li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> <li>○ Clause 92 – demolition and provisions of AS2601</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: Addendum Report 17 February 2021 and, original 3 November 2020.</li> <li>· Written submissions during public exhibition: 21 (original proposal)</li> <li>· Verbal submissions at the public meeting: 2 (original meeting 3/11/2020)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 3 November 2020. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Sharyn Grant, John Wood</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report