

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	1 June 2021
PANEL MEMBERS	Robert Montgomery (Chair), Alison McCabe, Steve Fermio, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 1 June 2021 opened at 5:00pm and closed at 7:10pm.

MATTER DETERMINED

DA-2020/614 – Lot 4 DP 997089, Lot 1 DP 153262, 16-18 Market Place, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two submitters.

The Panel heard from the applicant's 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.

A The panel has considered the applicant's written request to justify the contravention of the minimum site width development standard and is not satisfied that it demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and that there are insufficient environmental planning grounds to justify contravening the development standard.

The Panel is also not satisfied that the proposed development will be in the public interest because it is inconsistent with the objectives of the relevant development standard and the objectives of the relevant zone.

B 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*.

C 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 should an appeal be lodged.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel concurs with the officer's assessment and recommendation.
- It is considered that the clause 4.6 submission is unsatisfactory.
- The proposed development is likely to have unacceptable impacts in terms of privacy to adjoining neighbours, overshadowing and character, particularly in relation to the heritage listed park and current arrangement of buildings and open spaces in the immediate location.

PANEL MEMBERS



Robert Montgomery
(Chair)



Alison McCabe



Steve Fermio



Tina Christy
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/614
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwellings and outbuildings and the construction of a five (5) storey residential flat building with basement parking
3	STREET ADDRESS	16-18 Market place Wollongong
4	APPLICANT/OWNER	Borst & Co Architecture Pty Ltd – applicant Trustees of the Roman Catholic Diocese Wollongong - owner
5	REASON FOR REFERRAL	Under Schedule 2, (2 & 4) of the Local Planning Panels Direction of 30 June 2020, the proposal is contentious development (33 total submission) as well as being development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies
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 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy (Koala Habitat Protection) 2021 ○ Wollongong Local Environment Plan 2009 · NSW Apartment Design Guide · Wollongong City Wide Development Contributions Plan 2020 · 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>: clause 92 · Coastal zone management plan: Wollongong CZMP 2017 · 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 1 June 2021 · Written submissions during public exhibition: 33 · Verbal submissions at the public meeting: two (2)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 1 June 2021. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Alison McCabe, Steve Fermio, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: Anne Starr
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report