

## DETERMINATION AND STATEMENT OF REASONS

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

<b>DATE OF DETERMINATION</b>	27 April 2022
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Alison McCabe, Scott Lee, Edger du Bois (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 27 April 2022 opened at 5:00pm and closed at 5:58pm.

#### MATTER DETERMINED

DA-2021/656, Lot 250 DP 1062570 and Lots 1 and 2 SP 71786, 1-2/110 Lawrence Hargrave Drive, Austinmer (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel heard from the owner and the applicant's architect.

#### 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 has considered the applicant's written request to justify the contravention of the minimum lot width development standard and is satisfied that it demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the relevant development standard and the objectives of the relevant zone.

The Panel determined to approve 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 acknowledges that the proposal is to carry out internal alterations only to the existing building to create one additional dwelling. No increase in floorspace is proposed, nor does the proposal generate any additional requirement for car parking on site.
- The Panel accepts the applicant's written request pursuant to Clause 4.6 of Wollongong LEP 2009 and concurs with the Officer's assessment and recommendation.
- The minor increase in density and additional choice of housing type proposed is considered appropriate for the site, given the site's proximity to public transport and other services.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS



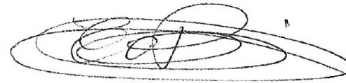
Robert Montgomery  
(Chair)



Alison McCabe



Scott Lee



Edger du Bios  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/656
2	PROPOSED DEVELOPMENT	Conversion of existing dual occupancy to residential flat building containing three (3) sole occupancy units and Subdivision - Strata title - three (3) lots
3	STREET ADDRESS	Lot 250 DP 1062570, 110 Lawrence Hargrave Drive, AUSTINMER NSW 2515
4	APPLICANT/OWNER	Mr. John Vakirtzis
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 3 of Schedule 2 of the Local Planning Panels Direction, as the Development contravenes a development standard (Minimum site width) imposed by an environmental planning instrument by more than 10%. The required site width is 24m whereas the proposal provides a site width of 14.47m which represents a departure of 39.7%.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Act 1979</li> <li>○ Environmental Planning and Assessment Regulations 2000</li> <li>○ SEPP (Resilience and Hazards) 2021</li> <li>○ SEPP (Transport &amp; Infrastructure) 2021</li> <li>○ SEPP (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong City Wide Development Contributions Plan</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</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 27 April 2022</li> <li>• Written submissions during public exhibition: Nil</li> <li>• Verbal submissions at the public meeting: Nil</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection – 27 April 2022. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Alison McCabe, Scott Lee, Edger du Bois (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Andrew Kite</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report