

## DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	2 May 2024
<b>PANEL MEMBERS</b>	Stephen Davies (Chair), Jan Murrell, Tina Christy

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

### MATTER DETERMINED

DA-2023/539, Part Lot 3 DP 2534, 'Kareelah' 522 Marshall Mount Road, MARSHALL MOUNT NSW 2530 (as described in detail in schedule 1).

### 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 *height* 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 are as outlined in the Council Officers report in particular:

- The Panel is satisfied that the development is in the Public Interest and is providing necessary infrastructure.
- The development is permissible under State Environmental Planning Policy (Transport and Infrastructure) 2021

PANEL MEMBERS	
 Stephen Davies (Chair)	 Jan Murrell
 Tina Christy	

SCHEDULE 1		
1	DA NO.	DA-2023/539
2	PROPOSED DEVELOPMENT	Telecommunications facility – construction of 30m monopole, headframe, and ground-based equipment units
3	STREET ADDRESS	'Kareelah' 522 Marshall Mount Road, MARSHALL MOUNT NSW 2530
4	APPLICANT	WAVECONN OPERATIONS PTY LTD
5	REASON FOR REFERRAL	Pursuant to clause 3, schedule 2 of the Local Planning Panels Direction for departure to Clause 4.3, Height of Buildings in Wollongong Local Environmental Plan (WLEP) 2009 by more than 10%. The proposal seeks a departure of 333%.
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 (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong Development Contributions Plan</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 200</li> </ul> </li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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 2 May 2024</li> <li>• Written submissions during public exhibition: None</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 2 May 2024 Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Stephen Davies (Chair), Jan Murrell, Tina Christy</li> <li>○ <u>Council assessment staff</u>: Braiden Buttigieg, John Wood</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report