

## DETERMINATION AND STATEMENT OF REASONS

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

<b>DATE OF DETERMINATION</b>	26 October 2021
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Brendan Randles, Helena Miller, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 26 October 2021 opened at 5:00pm and closed at 7:54pm.

#### MATTER DETERMINED

DA-2021/822 – Lot 1 DP 1047082, 19-21 Walker Street, Helensburgh (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by four 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.

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 concerns raised in submissions about the number of liquor outlets in Helensburgh. However, NSW liquor and Gaming is the regulator for licenced premises and condition 4 of the consent requires the appropriate liquor licence to be obtained.
- Some local residents were concerned about additional competition to local retailers and the potential loss of local business and village character. The proposal is for a change of use from one shop to another. Competition and impact on individual businesses are not matters for consideration under the *Environmental Planning and Assessment Act, 1979*.
- The Panel agrees that no loading of goods should take place from Walker Street due to the location of the pedestrian crossing and likely pedestrian conflicts. Accordingly, condition 11 is modified to prevent this.
- It is noted that the intention of condition 8 was that closing hours would be in line with Coles Supermarket, not opening hours. To prevent any uncertainty in operating hours, this condition is modified as below.

#### CONDITIONS

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

- Amend Condition 8 by deleting the words "*in line with Coles Supermarket*".
- Amend Condition 11 to read as follows:  
*"Loading/unloading operations are to take place at all times via the loading dock in Short Street only. Loading/unloading may only occur within the premises itself or from the public footpath in Short Street only in accordance with a traffic control plan approved by Council.  
No loading or unloading of goods is to occur from Walker Street."*

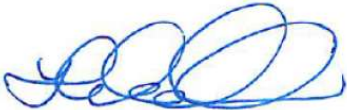
PANEL MEMBERS



Robert Montgomery  
(Chair)



Brendan Randles



Helena Miller



Trish McBride  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/822
2	PROPOSED DEVELOPMENT	Commercial - change of use to liquor store and extension of trading hours
3	STREET ADDRESS	19-21 Walker Street, HELENSBURGH NSW 2508 Lot 1 DP 1047082
4	APPLICANT	Coles Supermarket
5	REASON FOR REFERRAL	Pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction- the application is the subject of 10 or more unique submissions by way of objection
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>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong City Wide Development Contributions Plan 2021</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 26 October 2021</li> <li>• Written submissions during public exhibition: 32</li> <li>• Verbal submissions at the public meeting: four</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 26 October 2021. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Brendan Randles, Helena Miller, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: John Wood, Brigit Mathai</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report