

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	6 February 2024
PANEL MEMBERS	Robert Montgomery (Chair), Alison McCabe, Brendan Randles, Edger Du Bois (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 6 February 2024 opened at 5:00pm and closed at 7:10pm.

MATTER DETERMINED

DA-1982/539/B - Lots 1 & 2 DP 773067 and Lot 1 DP 653310 Korrongulla Swamp, Primbee (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by three submitters.

The Panel heard from the applicant and their representative.

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 refuse the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.




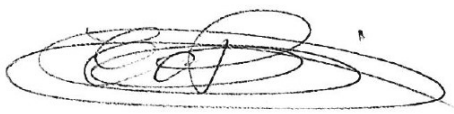
The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel has considered all relevant matters and considers that the proposed reasons for refusal are both sound and appropriate.
- The Panel concurs with the Officer's assessment and recommendation.

Should the decision be legally appealed, the Panel delegates any function of the Panel to defend the matter in accordance with S2.20(8) of the Act to Council.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Alison McCabe
 Brendan Randles	 Edger Du Bois (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-1982/539/B
2	PROPOSED DEVELOPMENT	Sand Extraction and Emplacement of Slag; Modification B - Modify condition 48 to seek a further 15 years from the date of modified consent to complete works
3	STREET ADDRESS	Korrongulla Swamp, Primbee Deviation, Primbee NSW 2502
4	APPLICANT/OWNER	Michael Brown Planning Strategies – applicant Mimosa Rehabilitations Pty Ltd – owner Lot 2 DP 773067 and Lot 1 DP 653310 Wollongong City Council – owner Lot 1 DP 773067
5	REASON FOR REFERRAL	Clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979 and clauses 1(a) and 2(b) of the Local Planning Panels Direction dated 6 September 2023 - the proposal relates to land where Council is the landowner and there are more than 10 unique objections to the development.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Wollongong Local Environment Plan 2009 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 2021</i>: <ul style="list-style-type: none"> 30B & 66A Council related development applications 98-100 applications for modification of development consent 106, 109, 112 notification of modification applications Coastal zone management plan: Wollongong Coastal Zone Management Plan 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 Regulation 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 6 February 2024 Written submissions during public exhibition: 137 Verbal submissions at the public meeting: three
8	SITE INSPECTIONS BY THE PANEL	No site inspection was carried out
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT REASONS	Attached to the council assessment report