

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	10 April 2019
PANEL MEMBERS	Robert Montgomery (Chair), Helena Miller, Mark Carlon, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 10 April 2019 opened at 5:00pm and closed at 6:00pm.

MATTER DETERMINED

DA-2018/1219, Lot 6 Sec C DP4167, 151-153 Princes Highway, Corrimal NSW 2518, (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

There were no submitters or applicant in attendance.

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*, subject to changes to conditions of consent as follows:

- Additional condition: **3A - Disability Discrimination Act 1992**
This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.
- Remove condition 10 relating to mail boxes.
- Additional condition: **10 - Fire Safety Schedule**
When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.
- Remove condition 17 relating to driveway entry threshold as this condition is included in condition 27.
- Additional condition: **17 - Floor Waste Required for Flexibility of Use of Commercial Premises**
The floor waste(s) must be fitted with a basket trap and grate and constructed in all stainless steel finish (AS-4674/2004-Section 4.1.8).

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

The decision was unanimous.

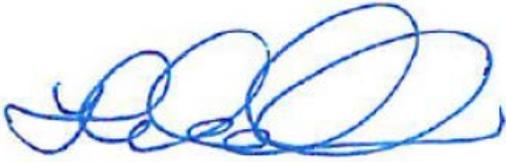
REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel has considered the applicant’s written request to justify the contravention of the minimum site width development standard (Clause 7.14) 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 considers that the proposal represents an appropriate design response to this corner site.

CONDITIONS

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

PANEL MEMBERS	
 <p>Robert Montgomery (Chair)</p>	 <p>Helena Miller</p>
 <p>Mark Carlon</p>	 <p>Tina Christy (Community Representative)</p>

SCHEDULE 1		
1	DA NO.	DA-2018/1219
2	PROPOSED DEVELOPMENT	Demolition of existing building and construction of a shoptop housing development including Subdivision - Strata title - 11 lots
3	STREET ADDRESS	151-153 Princes Highway, CORRIMAL NSW 2518
4	APPLICANT	Applicant - BHI Architects
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel for determination pursuant to the Local Planning Panels Direction of 1 March 2018 as the development is sensitive development being more than 4 storeys in height and development which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies. The application also involves an exception to a development standard at Clause 7.14 of Wollongong Local Environmental Plan 2009 as the site width variation is greater than 10%.
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 ○ Wollongong Local Environment Plan 2009 • NSW Apartment Design Guide • Wollongong Section 94A Development Contributions Plan • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: demolition • 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 10 April 2019 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: 0
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 10 April 2019. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Helena Miller, Mark Carlon, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: John Wood, Maria Byrnes
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report