

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	3 December 2021
PANEL MEMBERS	Robert Montgomery (Chair), Sue Hobley, Helena Miller, Edger du Bois (Community Representative)

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

MATTER DETERMINED

DA-2020/1157/A Lot 144 DP 659755, Lot 100 DP 877156, 17 Birch Crescent, East Corrimal (as described in detail in schedule 1).

The applicant is proposing to modify the existing consent by deleting Condition 5a in relation to consolidating the two existing lots prior to the issue of the Construction Certificate.

The proposal has been referred to the WLPP for determination pursuant to Direction 2 of the Local Planning Panels Direction as the application proposes an amendment to a condition of development consent that was imposed by the Panel.

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:

- In the circumstances, the Panel is of the opinion that Condition 5(a) which required the consolidation of the two lots is unnecessary.
- The Panel is satisfied that the proposed modification:
 1. is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 2. has been notified (or not notified because not required); and
 3. has been assessed having regard to the relevant matters in s4.15(1) EP&A Act.
- The Panel has taken into account the reasons of the consent authority that granted the consent that is sought to be modified.

CONDITIONS

The modification was approved by deleting Condition 5(a) as detailed in the Council Assessment Report.

PANEL MEMBERS



Robert Montgomery
(Chair)



Sue Holey



Helena Miller



Edger du Bois
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/1157/A
2	PROPOSED DEVELOPMENT	Construction of carport in existing dual occupancy development – MODIFICATION A – Delete Condition 5a to consolidate existing lots
3	STREET ADDRESS	17 Birch Crescent, EAST CORRIMAL NSW 2518 Lot 144 DP 659755, Lot 100 877156
4	APPLICANT/OWNER	Kyrn Stevens
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to Direction 2 of the Local Planning Panels Direction as the application proposes an amendment to a condition of development consent that was imposed by the Panel
6	RELEVANT MANDATORY CONSIDERATIONS	<ol style="list-style-type: none"> 1. Environmental planning instruments: <ul style="list-style-type: none"> o State Environmental Planning Policy No 55 – Remediation of Land o State Environmental Planning Policy – Coastal Management o Wollongong Local Environment Plan 2009 2. Wollongong City Wide Development Contributions Plan 3. Development control plans: <ul style="list-style-type: none"> o Wollongong Development Control Plan 2009 4. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 5. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality 6. The suitability of the site for the development 7. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations 8. The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> · Council addendum report dated 3 December 2021
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 1 December 2020. Attendees:</p> <ul style="list-style-type: none"> o <u>Panel members</u>: Robert Montgomery (Chair), Sue Hobley, Helena Miller, Edger du Bois (Community Representative) o <u>Council assessment staff</u>: Tamika Bridge
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council addendum report