

DETERMINATION AND STATEMENT OF REASONS
WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	9 June 2020
PANEL MEMBERS	Sue Francis (Chair), Larissa Ozog, Glenn Falson, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 9 June 2020 opened at 5:00pm and closed at 6.29pm.

MATTER DETERMINED

DA-2020/96 – Lot A DP 392369, 195 Lawrence Hargrave Drive, Thirroul (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant and their 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 defer 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 as follows:

The proposal requires both works, use and subdivision together with a clause 4.6 variation relating to the width of the existing lot for the proposed use. The Panel considers that the proposed use has merit and that the clause 4.6 variation has demonstrated sufficient environmental grounds to grant approval. However, because unlawful works has occurred the Panel is not empowered to grant retrospective development consent under the Act. Further there is insufficient information on the plans to identify what is work already undertaken (unlawfully) and what is proposed. Accordingly, the Panel has deferred the application for the following matters to be addressed:

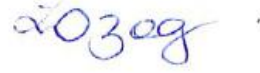
- Detailed plans must be provided indicating what works have been undertaken which have not received consent. No retrospective development approval can be granted for these works.
- A Building Certificate can and should be sought from Council in respect of this work. Council to assess and determine the building certificate prior to addressing the proposed change of use.
- Detailed plans should be provided to Council to identify what physical works are proposed to allow the proposed change of use.
- Plans must provide an open courtyard to each dwelling which provides sufficient privacy as well as solar access. The courtyard should not include the garbage storage as shown but garbage collection areas should be redesigned to make such storage more discreet.

Once Council has assessed the building certificate and is satisfied as to the appropriateness of the works and proposed works, particularly in terms of actions relating to BCA then Council may, under delegation, determine the DA for the proposed use.

PANEL MEMBERS



Sue Francis
(Chair)



Larissa Ozog



Glenn Falson



Peter Sarlos
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/96
2	PROPOSED DEVELOPMENT	Residential – alterations and use of development as a multi-dwelling site and Subdivision - Strata title - three (3) lots
3	STREET ADDRESS	195 Lawrence Hargrave Drive, THIRROUL NSW 2515
4	APPLICANT	JJH Building Design Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 3 of Schedule 2 of the Local Planning Panels Direction, as the Development contravenes a development standard (Minimum site width) imposed by an environmental planning instrument by more 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 (Coastal Management) 2018 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 · Wollongong City Wide Development Contributions Plan 2019 · 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>: <ul style="list-style-type: none"> ○ Clause 93 - Fire safety and other considerations; ○ Clause 94 – Consent authority may require buildings to be upgraded · 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 9 June 2020 · Written submissions during public exhibition: One (1) · Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 9 June 2020. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Larissa Ozog, Glenn Falson, Peter Sarlos (Community Representative) ○ <u>Council assessment staff</u>: John Wood, Rod Thew
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report