

## DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	2 May 2023
<b>PANEL MEMBERS</b>	Stephen Davies (Chair), Sue Hobley, Scott Lee, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 2 May 2023 opened at 5:00pm and closed at 5.46pm

### MATTER DETERMINED

DA-2022/1221 - Lot 19 DP 997936, 11 Coledale Avenue, Coledale (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by one (1) submitter.

The Panel also heard from the Applicant.

### 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 has considered the applicant's written request to justify the contravention of the Floor Space Ratio (FSR) development standard 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.

Notwithstanding the FSR non-compliance the Panel is concerned that the kitchen shown on sheet DA-03/1 (existing entry level) does not appear to be approved and its implications for the future development were not clarified in the Assessment Report.

The Panel determined to defer the development application as described in Schedule 1 pursuant to 4.16 of the *Environmental Planning and Assessment Act 1979* for the following information:

- Further discussions between the Applicant and Council regarding the introduction of a new kitchen additional to the existing lower ground level kitchen, should be conducted to determine if the new kitchen is necessary, or reasonable, or should be deleted from the proposal.

Voting on the decision was Three (3) to One (1) Stephen Davies, Sue Hobley and Scott Lee, voting in favour of the decision, and Peter Sarlos dissenting.





Peter Sarlos – the works carried out were illegal and should be referred to Council's Regulation and Enforcement for Compliance action which should be followed through to make an example of person's undertaking illegal work. Subject to that, in my view the development is capable of being approved.

The Panel delegates determination of the application to the Manager Development Assessment and Certification under Section 2.20(8) following Council's assessment of the above matters.

## REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel was satisfied that the new works are completely in the existing building envelope and FSR is acceptable.
- The new kitchen labelled as “reinstated” does not appear to have had prior approval nor is it discussed/considered in the assessment report.

PANEL MEMBERS	
 Stephen Davies (Chair)	 Sue Hobley
 Scott Lee	 Peter Sarlos (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2022/1221
2	PROPOSED DEVELOPMENT	Residential – continued use of mezzanine area
3	STREET ADDRESS	11 Coledale Avenue Coledale
4	APPLICANT	Stantec Australia Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel for determination pursuant to clause 3, Schedule 2 of the Local Planning Panels Direction for an exception to a development departure to Clause 4.4 Floor Space Ratio in Wollongong Local Environmental Plan (WLEP) 2009 by more than 10%.
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 (Resilience and Hazards) 2021</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong Development Contributions Plan</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>• Coastal zone management plan: Yes</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 2 May 2023</li> <li>• Written submissions during public exhibition: Two (2)</li> <li>• Verbal submissions at the public meeting: One (1)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 2 May 2023 Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Stephen Davies (Chair), Sue Hobley, Scott Lee, Peter Sarlos (Community Representative)</li> <li>○ <u>Council assessment staff</u>: John Wood and Rod Thew</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report