

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	20 September 2022
PANEL MEMBERS	Alison McCabe (Acting Chair), Helena Miller, Steven Layman, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 20 September 2022 opened at 5:00pm and closed at 5.24pm.

MATTER DETERMINED

DA-2021/425, Lot 1 DP 194397 and Lot 1 DP 986139, 200-202 Princes Highway, Bulli (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

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

- (a) An amended report that characterised the proposed use as a Residential Flat Building (RFB) and provides an assessment against the controls applicable to a RFB.
- (b) Amended clause 4.6 Exceptions to Development Standards that reference the land use as a RFB and identifies the relevant standard.
- (c) Amended Architectural Plans that detail the verandah elements on the eastern elevation being retained correctly.

The Panel will consider the amended assessment report and determine the matter electronically.

The decision was unanimous.

PANEL MEMBERS



Alison McCabe
(Acting Chair)



Helena Miller



Steven Layman



Peter Sarlos
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/425
2	PROPOSED DEVELOPMENT	Adaptive re-use of listed former Denmark Hotel as three residential apartments with associated parking and site works including vehicular access via Miners Cottage site
3	STREET ADDRESS	200 and 202 Princes Highway, Bulli Lot 1 DP 194397 and Lot 1 DP 986139
4	APPLICANT	ROI NSW Pty Ltd
5	REASON FOR REFERRAL	<p>The proposal has been referred to the WLPP for determination pursuant to Part 1 of Schedule 2 of the Local Planning Panels Direction as Council is the owner of 200 Princes Highway, Bulli, Lot 1 DP 194397.</p> <p>The proposal is also referred to the WLPP for determination pursuant to Part 3 of Schedule 2 of the Local Planning Panels Direction, as the Development contravenes development standards Clauses 4.3 Building Height and 7.14 minimum site width imposed by an environmental planning instrument by more than 10%.</p>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP (Resilience and Hazards) 2021 ○ SEPP (Building Sustainability Index: BASIX) 2004 ○ SEPP (Transport and Infrastructure) 2021 ○ SEPP (Biodiversity and Conservation) 2021 ○ Wollongong Local Environment Plan 2009 • Wollongong Development Contributions Plan • Draft environmental planning instruments: none • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: none • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 6, 61, 62 & 64. • Coastal zone management plan: Nil. • 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 20 September 2022 • Written submissions during public exhibition: Total: Seven (7) – two (2) objections and five (5) of support. • Verbal submissions at the public meeting: One
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 20 September 2022 Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Acting Chair), Helena Miller, Steven Layman, Peter Sarlos (Community Representative) ○ <u>Council assessment staff</u>: Jessica Saunders

9	COUNCIL RECOMMENDATION	Defer
10	DRAFT CONDITIONS	Attached to the council assessment report