

## DETERMINATION AND STATEMENT OF REASONS

### WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	18 December 2019
PANEL MEMBERS	Robert Montgomery (Chair), Glenn Falson, Helena Miller, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 18 December 2019 opened at 5:00pm and closed at 5.30pm.

#### MATTER DETERMINED

DA-2019/1259, Lot 15 SP 78814, and Unit 15 - 8 Pioneer Drive, Woonona (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

No one addressed the Panel for this Item.

#### 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 FSR 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.

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 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:





- The Panel agrees with the officer's assessment and recommendation;
- The Panel is of the view that the increase in floor space as a consequence of the mezzanine levels which have been constructed will have no additional impact;
- The proposed additional conditions will provide additional clarity in respect of the use of the units and the unauthorised structures;
- The Panel notes that the circumstances of this application justify the additional floor space created, particularly as there is an excess in car parking on the site which satisfies the DCP requirements for the additional floor space. It is also noted that the uses of the individual units are of low intensity. Therefore, the proposal is acceptable due to the unique circumstances presented.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:-

1. **Building Information Certificate**  
Prior to the use of the mezzanine area, a Building Information Certificate must be issued for the mezzanine area in accordance with Division 6.7 of the Environmental Planning & Assessment Act 1979.
2. **Use of Mezzanine Area**  
The Mezzanine Area is to be used in conjunction with the approved use of the unit only.

3. Replace the proposed condition titled 'Use of Areas within Unit' with the following condition:  
Use of Loading Areas  
The area within the unit designated for loading, unloading and handling of goods shall not be used for any other purpose.
4. Remove the proposed condition limiting the number of staff to be on the premises.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Glenn Falson
 Helena Miller	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/1259
2	PROPOSED DEVELOPMENT	Mezzanine Level and Change of use to Depot
3	STREET ADDRESS	Unit 15 - 8 Pioneer Drive, Woonona
4	APPLICANT	Mr Craig William Burrows, Mrs Catherine Ann Burrows, Mr Christopher Stuart and Mrs Nicole Stuart
5	REASON FOR REFERRAL	Clause 3 of Schedule 2 of the Local Planning Panels Direction
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 (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ Wollongong Local Environmental Plan 2009</li> </ul> </li> <li>· Wollongong City Wide Development Contributions Plan 2018</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> <li>○ Clause 92</li> <li>○ Clause 93</li> <li>○ Clause 94</li> </ul> </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 18 December 2019</li> <li>· Written submissions during public exhibition: 0</li> <li>· Verbal submissions at the public meeting: 0</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 18 December 2019. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Glenn Falson, Helena Miller, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Martin Jameson and Pier Panozzo</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report