

## DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	29 March 2022
PANEL MEMBERS	Sue Francis (Chair), Glenn Falson, Larissa Ozog, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 29 March 2022 opened at 5:00pm and closed at 5:36pm.

#### MATTER DETERMINED

DA-2021/1058 - Lot 2 DP 1153054, Lot 2 Short Lane, Helensburgh (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by two submitters.

The applicant was invited to address the Panel but did not respond to the invitation.

#### 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 refuse the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons outlined in the officer's report with the additional reason:

*"The proposed development, its siting and design will have an adverse impact on the adjoining properties, particularly number 5 Walker Street by blocking openings, windows and doors and thus preventing physical access and solar access."*

The decision was unanimous

All functions of the Panel in relation to the Land and Environment Court Appeal are delegated to the Manager Development Assessment and Certification, pursuant to Section 2.20 (8) of the Environmental Planning and Assessment Act, 1979.

PANEL MEMBERS



Sue Francis  
(Chair)



Glenn Falson



Larissa Ozog



Bernard Hibbard  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1058
2	PROPOSED DEVELOPMENT	Mixed use development - commercial and shop top housing
3	STREET ADDRESS	Lot 2 Short Lane, HELENSBURGH NSW 2508
4	APPLICANT/OWNER	Zta Group/MJH CORP Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, as the application is the subject of 10 or more unique submissions by way of objection
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>· Environmental planning instruments: <ul style="list-style-type: none"> <li>○ SEPP (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong City Wide Development Contributions Plan 2021</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</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 29 March 2022</li> <li>· Written submissions during public exhibition: Twelve (12)</li> <li>· Verbal submissions at the public meeting: Two (2)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection – 29 March 2022. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Glenn Falson, Larissa Ozog, Bernard Hibbard (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Rod Thew</li> </ul>
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report