

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	19 September 2023
PANEL MEMBERS	Stephen Davies (Chair), Steven Layman, Tina Christy, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 19 September 2023 opened at 5:00pm and closed at 5:45pm.

MATTER DETERMINED

DA-2023/447 - Lot 20 DP 233082, 20 Greenhill Avenue, Figtree (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

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 has considered the applicant's written request to justify the contravention of the Floor Space Ratio 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.

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 proposal is within the confines of the existing building.
- The proposal will have no detrimental impact on the amenity of adjoining properties.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS

A handwritten signature in black ink that reads "Stephen Davies".

Stephen Davies
(Chair)

A handwritten signature in black ink that reads "Steven Layman".

Steven Layman

A handwritten signature in blue ink that reads "Tina Christy".

Tina Christy

A handwritten signature in blue ink that reads "Bernard Hibbard".

Bernard Hibbard
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2023/447
2	PROPOSED DEVELOPMENT	Residential – retaining walls and sub floor storage area
3	STREET ADDRESS	20 Greenhill Avenue Figtree
4	APPLICANT	P Harris
5	REASON FOR REFERRAL	The proposal has been referred to the Wollongong Local Planning Panel (WLPP) for determination pursuant to Clause 3 of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, 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%. The proposal seeks a departure of 12.7% to the FSR zoning standard of 0.5:1.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Wollongong Local Environment Plan 2009 Wollongong Development Contributions Plan 2022 Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 92 – Demolition of structures. 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 19 September 2023 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Site inspection 19 September 2023. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Stephen Davies (Chair), Steven Layman, Tina Christy, Bernard Hibbard (Community Representative) <u>Council assessment staff</u>: Sarah Richards
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report