

## DETERMINATION AND STATEMENT OF REASONS

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

<b>DATE OF DETERMINATION</b>	19 September 2023
<b>PANEL MEMBERS</b>	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-2023/384 - Lot 11 DP 878167, 100 Wyllie Road, Kembla Grange (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by one submitter.

The Panel heard from the applicant and their representative.

#### 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 maximum height of buildings development standard and is satisfied that it does not demonstrate that compliance with the development standard is reasonable and necessary in the circumstances of this case and that there are not sufficient environmental planning grounds to justify contravening the development standard.

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 set out in the officer's recommendations as per Attachment 5.





The decision was unanimous

#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The submitted clause 4.6 Request for Variation is unsatisfactory.
- The proposal is considered to have insufficient information with regards to scale, visual impact and impacts on Aboriginal Heritage, the Illawarra Escarpment Heritage Conservation Area and the intensification of an existing use.
- The application has failed to demonstrate potential impacts relating to traffic, car parking and access related to the claimed increase visitation to the site as a result of the proposal.
- The application submission fails to demonstrate the impacts of the proposed development with respect to utilities, waste management, economic impacts and site suitability. As such, a complete assessment of the likely impacts of the development is not able to be made.

Should the decision be legally appealed, the Panel delegates any function of the Panel to defend the matter in accordance with S2.20(8) of the Act to Council.

PANEL MEMBERS	
 Stephen Davies (Chair)	 Steven Layman
 Tina Christy	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2023/384
2	PROPOSED DEVELOPMENT	Place of public worship - construction of a new monument - 32.5 metre cross
3	STREET ADDRESS	100 Wyllie Road KEMBLA GRANGE
4	APPLICANT	Macedonian Orthodox Church Sv. Kliment Ohridski Port Kembla
5	REASON FOR REFERRAL	Under Schedule 2(3) of the Local Planning Panels Direction of 30 June 2020, the proposal is development that contravenes a development standard imposed by an environmental planning instrument by more than 10%. Additionally, under Schedule 2(2b) the development is contentious development, having received more than 10 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>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Koala Habitat Protection) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• West Dapto Development Contributions Plan 2020</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 19 September 2023</li> <li>• Written submissions during public exhibition: 115</li> <li>• Verbal submissions at the public meeting: one (1)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 19 September 2023. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Stephen Davies (Chair), Steven Layman, Tina Christy, Bernard Hibbard (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Eliza Metcalfe, Nicole Ashton</li> </ul>
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the Council assessment report