

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	20 February 2024
PANEL MEMBERS	Robert Montgomery (Chair), Helena Miller, Brendan Randles, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 20 February 2024 opened at 5:00pm and closed at 5:11pm.

MATTER DETERMINED

DA-2023/868 – Lot 12 DP 1175049, 3A Cliff Parade, Thirroul (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel heard from the applicant and owner.

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 floorspace ratio development standard contained within clause 4.4 of Wollongong Local Environmental Plan 2009 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


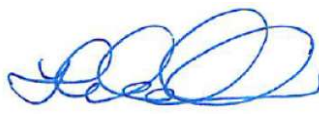


The reasons for the decision of the Panel were:

- The Panel concurs with the Officer's assessment and recommendation.
- While roof-top terraces are generally discouraged, it is noted that the roof-top area proposed is quite small, is shielded from view on three sides and will not cause any privacy or overlooking impacts to adjoining properties.
- An additional condition is proposed to ensure that balustrade on the stairs to the roof-top satisfies the requirements of the Building Code of Australia.

CONDITIONS

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

- Condition 8 is amended by adding the following words: "Details of the balustrade to the roof-top stairs, which demonstrate compliance with the BCA, shall be provided to the Certifier prior to the issue of a Construction certificate".

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Helena Miller
 Brendan Randles	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2023/868
2	PROPOSED DEVELOPMENT	Alterations and additions to existing dwelling.
3	STREET ADDRESS	3A Cliff Parade, Thirroul NSW 2515
4	APPLICANT	Adam Roser
5	REASON FOR REFERRAL	Departure of development standard >10%
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 (Sustainable Buildings) 2022 Wollongong Local Environment Plan 2009 NSW Apartment Design Guide Wollongong Development Contributions Plan Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 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 February 2024 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Site inspection 20 February 2024. Attendees: <ul style="list-style-type: none"> Panel members: Robert Montgomery (Chair, Helena Miller, Brendan Randles, Bernard Hibbard (Community Representative)
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report