

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	7 May 2024
PANEL MEMBERS	Jan Murrell (Chair), Grant Christmas and John Brunton

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 7 May 2024 opened at 5:00pm and closed at 6.04pm.

MATTER DETERMINED

DA-2020/1332 – Lots 1&3 DP109795, Lot 1 DP543285, Lot 1 DP551658 Lots 10&11 DP552933, Lot 151 DP628980, Lot 20 DP633211, Lot 102 DP716727, Lots 1&2 DP792664, Lots 7&8 DP104952, Lot 30 DP1175058, Lot 1092 DP 1140369, Pt Lot 31 DP 1175058, Part Lot 31 DP117508, Lot 1 DP1146409, Lot 15 DP1050255 – Tallawarra Land (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel heard from the Applicant’s Consultant who requested amendments to conditions and the insertion of an amendment to the plan to split Lot 5 into two separate lots.

The Panel notes the Council approved the Planning Agreement and the DCP Chapter that are a requirement of the Concept Approval for determination of the application.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed: at item 7 and item 8 in Schedule 1; the material presented at the meeting; and the matters observed at the joint site inspection.

The Panel has considered the applicant’s written request, under Section 4.6 of the EP&A Act, to justify the contravention of the minimum subdivision lot size 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 also considers that the objectives of the development standard and the zone are satisfied, and the proposal is in the public interest.

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* subject to amendments to the following conditions as described below.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel concurs with the reasons in the Council Officer’s assessment report and recommendations, subject to changes to conditions.

The Panel notes that this development application is a requirement of the Concept Plan conditions and will facilitate the implementation of the consent granted by the Department of Planning, Housing and Infrastructure.

CONDITIONS

The development application is approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 9 – amended to change wording to “Subdivision Certificate”.

9 Creation of Easements to Facilitate Final Stormwater Management Masterplan before the Issue of a Subdivision Certificate

An appropriate drainage easement / easement to drain water shall be created over all parts of any super lot through which water from another super lot will be conveyed, as indicated on the final Stormwater Management Masterplan (SMM), that is required under this consent to be provided prior to the release of a Subdivision Certificate. This is to ensure that the overall concept plan area can be developed in a holistic and coordinated manner. Evidence that this requirement has been satisfied shall be submitted to the Principal Certifier prior to the release of the Subdivision Certificate.

Reason:

To ensure holistic water management across the overall concept plan approval area.

- Condition 14 – deleted as not required where a Concept Approval exists over the land.
- Condition 17 (f) and (g) deleted as not relevant to subdivision where no works proposed.

17 Final Documentation Required Prior to Issue of Subdivision Certificate

The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:

- a Completed Subdivision Certificate application form and fees in accordance with Council’s fees and charges;
- b Administration sheet prepared by a registered surveyor;
- c Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- d Final plan of subdivision prepared by a registered surveyor plus one (1) equivalent size paper copy of the plan;
- e Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- f Payment of Development Contribution fees (Pro rata) (if applicable).

Reason:

To satisfy the requirements of the legislation.

COMMENT

Prior to making its decision the Panel considered the submission from the Applicant’s Consultant at the Public Meeting requesting a number of changes. However, given the fact the changes could have other flow on effects, such as the description of the development, the Panel has decided that the most appropriate way forward is to allow further detailed consideration of all changes to be considered comprehensively through either, a modification application, or alternatively, seek a review of this determination under Section 8.2 of the EP&A Act.

PANEL MEMBERS



Jan Murrell
(Chair)



Grant Christmas



John Brunton

SCHEDULE 1		
1	DA NO.	DA-2020/1332
2	PROPOSED DEVELOPMENT	Subdivision - Torrens title - creation of ten lots - six superlots, one environmental offset lot and three lots for future road provision
3	STREET ADDRESS	Tallawarra Lands
4	APPLICANT	EnergyAustralia
5	REASON FOR REFERRAL	Sensitive Development for which the developer has offered to enter into a planning agreement and is required to be determined by the Panel under Schedule 2, 4(f) of the Local Planning Panels Direction
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ Wollongong Local Environment Plan 2009 • Wollongong City Wide Development Contributions Plan • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Tallawarra Planning Agreement - Wollongong City Council and Bridgehill (Tallawarra) Pty Ltd and EnergyAustralia Tallawarra Pty Ltd <ul style="list-style-type: none"> ○ Provisions of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, Schedule 2 • 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 7 May 2024 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Site inspection 7 May 2024. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jan Murrell (Chair), Grant Christmas and John Brunton ○ <u>Council assessment staff</u>: Nicole Ashton
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report