

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	8 March 2022
PANEL MEMBERS	Robert Montgomery (Chair), Helena Miller, Larissa Ozog, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 8 March 2022 opened at 5:00pm and closed at 7:07pm.

MATTER DETERMINED

DA-2021/344 – Lot 10 DP 38803, 328 Gipps Road, Keiraville (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by four (4) submitters.

The Panel heard from the applicant and his 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 Site Width 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 is also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the relevant development standard and the objectives of the relevant zone.

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 the conditions contained in Attachment 4.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:


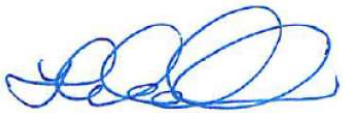


- The Panel concurs with the Officer's assessment report and recommendation and considers that the proposal is a good design response to the site.
- The minor variation sought to the site width presents no perceptible impacts on the design and is considered to be justified pursuant to Clause 4.6 of Wollongong LEP 2009.
- The Panel considers that the proposed variations to the side boundary setbacks are acceptable.

CONDITIONS

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

Panel Note: The Department of Planning and Environment recently amended and consolidated the existing forty-five (45) state environmental planning policies (SEPPs) into eleven (11) new policies in order to simplify the planning system. The consolidated SEPPs commenced on 1 March 2022 with the exception of the Housing SEPP which commenced on 26 November 2021 and the Design and Place SEPP which is still in a draft form.

Notwithstanding that the Officer's report was prepared prior to 1 March 2022, the Panel has considered this application in accordance with the relevant SEPPs as they apply as at 8 March 2022.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Helena Miller
 Larissa Ozog	 Peter Sarlos (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/344
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwelling and ancillary structures, removal of 15 trees and construction of three (3) townhouses with basement parking
3	STREET ADDRESS	328 Gipps Road, KEIRAVILLE NSW 2500
4	APPLICANT/OWNER	ADM Architects
5	REASON FOR REFERRAL	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"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 • Wollongong Section 94A Development Contributions Plan • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Environment SEPP ○ Draft Remediation of Land SEPP ○ Draft Design and Place SEPP • 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 8 March 2022 • Written submissions during public exhibition: 35 • Verbal submissions at the public meeting: four (4)
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 8 March 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Helena Miller, Larissa Ozog, Peter Sarlos (Community Representative) ○ <u>Council assessment staff</u>: Brigit Mathai, John Wood
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report