

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	19 June 2019
PANEL MEMBERS	Sue Francis (Chair), Scott Lee, Mark Carlon, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 19 June 2019 opened at 5:00pm and closed at 6:08pm.

MATTER DETERMINED

DA-2019/157 - Lot 1, DP 810281, 27-29 Wentworth Street, Port Kembla (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by residents both for and against the proposal.

The Panel also heard from the applicants.

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 weighed the issues raised by the objectors and those supporting the proposal having regard to the matters under the Act.

The Panel notes that Darcy House already operates in the town in close vicinity to the site and that this proposal does not seek to intensify the existing operation but rather to relocate it to a more suitable building providing more indoor space and better facilities.

Accordingly, 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





CONDITIONS

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

- Condition 28 relating to the Plan of Management be amended to specifically include, but not be limited to, the following details:-
 - No access to premises from rear terrace area;
 - Operating Hours;
 - Staffing levels;
 - Acoustic management;
 - Identify the location for smoking, ideally away from the rear and located fronting Wentworth Street.

A new Condition to be drafted which addresses the acoustic treatment of the rear deck area to minimise noise from the use of the area. Such treatment to include mitigating material to the roof of the existing loading area, and further, a wall/enclosure with acoustic properties to the south western edge of the loading canopy.

- Additional condition: Remove the proposed gate opening onto Jubilee Street and instead provide a fence to the rear of the parking spaces so the parking is separated from the outdoor area.
- That Condition 2 be deleted since the applicant is not empowered to surrender the current Darcy House consent
- That Condition 9 be deleted due to the written request for waiver received and considered by Council staff where staff advised the Panel that Baptist Care is a non-for profit community provider and thus exempt from contributions.
- That Condition 10(a) be amended to be 2.1metre.

PANEL MEMBERS	
 Sue Francis (Chair)	 Scott Lee
 Mark Carlon	 Peter Sarlos (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/157
2	PROPOSED DEVELOPMENT	Change of Use – Community Centre with internal fit-out, alterations and additions and associated signage.
3	STREET ADDRESS	27-29 Wentworth Street, Port Kembla
4	APPLICANT/OWNER	Applicant: Metris Urban Planning (Attn: Shivesh Singh) Owner: Baptistcare NSW & ACT
5	REASON FOR REFERRAL	The proposal is captured by Clause 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, having received over 10 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 No 64—Advertising and Signage ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Wollongong Local Environment Plan 2009 • Wollongong City Wide Development Contributions Plan 2018 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> ○ <i>Clause 92 - What additional matters must a consent authority take into consideration in determining a development application?</i> Conditions of consent are recommended with regard to demolition. ○ <i>Clause 93 – Fire Safety and other considerations</i> Not applicable as building works are proposed. ○ <i>Clause 94 – Consent authority may require buildings to be upgraded</i> This clause applies to the development as building works are proposed. • Coastal zone management plan: Wollongong Coastal Zone Management Plan (NB the site is not identified as being subject to coastal hazards) • 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 June 2019 • Written submissions during public exhibition: 88 (comprising 47 objecting to the development and 41 in support) • Verbal submissions at the public meeting: six
8	SITE INSPECTIONS BY THE PANEL	Site inspection 19 June 2019. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis, Scott Lee, Mark Carlon, Peter Sarlos (Community Representative) ○ <u>Council assessment staff</u>: Rebecca Welsh, Pier Panozzo
9	COUNCIL RECOMMENDATION	Approve

10	DRAFT CONDITIONS	Attached to the council assessment report
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