

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	30 November 2021
PANEL MEMBERS	Stephen Davies (Chair), Mark Carlon, Larissa Ozog, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 30 November 2021 opened at 5:00pm and closed at 7:22pm.

MATTER DETERMINED

DA-2021/890 - Lot 107 DP 613634, Lot 2001 DP 1102607, 170 Pioneer Road, Fairy Meadow, Towradgi Beach Hotel (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by four (4) submitters.

The Panel heard from the applicant's representatives.

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 Applicant's representative suggested that the Panel defer the decision to allow for additional acoustic monitoring to occur. The Panel considered this request however believed there is adequate information provided to make a decision.

The Panel considered the officer's assessment and recommendation and determined to refuse the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* in accordance with the officer's recommendation subject to the following additional reason.

Additional reason:

"The proposed design and location of the decks will unreasonably intensify the use of the site and will create adverse acoustic, social, and amenity impacts."

The decision was unanimous.

REASONS FOR THE DECISION

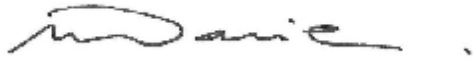
The reasons for the decision of the Panel were:

- The design and location of the decks will encourage the intensification of the use with demonstrated unreasonable amenity impact on surrounding residents.
- The proposal will create unacceptable and adverse acoustic impacts on residential properties within the locality.
- The Panel concurs with the officer's report and the reasons for refusal.

The Panel suggests that Council undertakes further investigation of the historic consents applying to the site with a view of taking appropriate action in relation to any existing non-compliances.

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

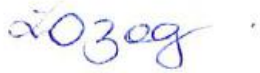
PANEL MEMBERS



Stephen Davies
(Chair)



Mark Carlon



Larissa Ozog



Tina Christy
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/695
2	PROPOSED DEVELOPMENT	Use of two timber decks within the beer garden of Towradgi Beach Hotel
3	STREET ADDRESS	170 Pioneer Road Fairy Meadow
4	APPLICANT/OWNER	Applicant: Oscars Hotels Pty Ltd
5	REASON FOR REFERRAL	Number of submissions
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 (Coastal Management) 2018 ○ State Environmental Planning Policy (Koala Habitat Protection) 2021 ○ Wollongong Local Environment Plan 2009 · Wollongong City-Wide Development Contributions Plan 2021 · Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Environment SEPP ○ Draft Housing SEPP ○ Draft Design and Place SEPP ○ Draft Remediation of Land SEPP ○ Draft Fun SEPP · 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>: cl. 92, 93 & 94 · Coastal zone management plan: Wollongong Coastal Zone Management Plan 2017 · 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 30 November 2021 · Written submissions during public exhibition: ten (10) · Verbal submissions at the public meeting: four (4)
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual site inspection 30 November 2021. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen Davies (Chair), Mark Carlon, Larissa Ozog, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: Pier Panozzo, Rebecca Welsh, Anne Starr
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report