

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	28 June 2022
PANEL MEMBERS	Robert Montgomery (Chair), Tina Christy, Stephen Davies, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 28 June 2022 opened at 5:00pm and closed at 5:36pm.

MATTER DETERMINED

DA-2021/1081 – Lot 3 DP 161827, 56 Elliotts Road, Fairy Meadow (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant’s representatives, who were available to answer questions.

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 building height 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*.

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.
- The Panel notes that the minor departure from the building height due to the lift overrun will not result in any additional adverse impact.
- The variations to DCP controls for site width and front setback and ADG visual privacy are considered to be justified in the circumstances.
- The proposal is an appropriate response to the zoning of the land and its context within the locality.

CONDITIONS

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

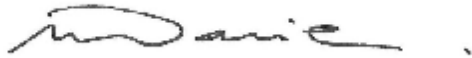
PANEL MEMBERS



Robert Montgomery
(Chair)



Tina Christy



Stephen Davies



Peter Sarlos
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1081
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwelling and construction of three (3) storey residential flat building comprising eight (8) units with basement car parking and rooftop amenities
3	STREET ADDRESS	56 Elliotts Road, Fairy Meadow
4	APPLICANT	Design Workshop Australia
5	REASON FOR REFERRAL	The application is for sensitive development, being a development to which <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> applies and is four or more storeys in height, which is required to be determined by the Panel under Part 4(b) Schedule 2 of the Local Planning Panels Direction of 30 June 2020.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Transport & Infrastructure) 2021 ○ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ Wollongong Local Environment Plan 2009 · NSW Apartment Design Guide · Wollongong Section 94A Development Contributions Plan · Draft environmental planning instruments: N/A · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: N/A · Coastal zone management plan: N/A · 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 28 June 2022 · Written submissions during public exhibition: Three (3) · Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 28 June 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Tina Christy, Stephen Davies, Peter Sarlos (Community Representative) ○ <u>Council assessment staff</u>: Cathryn Bell
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report