

# DETERMINATION AND STATEMENT OF REASONS

## WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	28 June 2022
PANEL MEMBERS	Robert Montgomery (Chair), 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-2021/1375 – Lot 1 DP 168224, 43 Kembla Street, Wollongong (as described in detail in Schedule 1).

Tina Christy declared a pecuniary interest in this item in that she works for the planning firm GYDE Consulting, who represents the applicant. She left the meeting for this item and took no part in the discussion or decision.

### 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 site width, street frontage and building separation development standards 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 agrees that the departures from the development standards are acceptable in the circumstances.

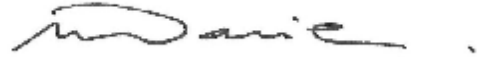
### CONDITIONS

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

PANEL MEMBERS



Robert Montgomery  
(Chair)



Stephen Davies



Peter Sarlos  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1375
2	PROPOSED DEVELOPMENT	Mixed Use Development - demolition of existing structures, construction of a residential flat building with ground floor commercial premises and basement parking
3	STREET ADDRESS	43 Kembla Street Wollongong
4	APPLICANT	Design Workshop Australia
5	REASON FOR REFERRAL	Pursuant to Clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clause 3 of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposed development contravenes a development standard by more than 10% (minimum site width and building separation). Further, the development in part constitutes a residential flat building of 4 or more storeys to which SEPP 65 applies; this also necessitates determination by the LPP under Clause 4 of Schedule 2 of the Local Planning Panels Direction.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>· Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Resilience &amp; Hazards) 2021</li> <li>○ State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Koala Habitat Protection) 2021</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Other Policies <ul style="list-style-type: none"> <li>○ NSW Apartment Design Guide</li> <li>○ Wollongong City Wide Contributions Plan 2021</li> </ul> </li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009.</li> </ul> </li> <li>· Provisions of the Environmental Planning and Assessment Regulation 2000: Clause 61 - consideration to be given to AS 2601—2001: <i>The Demolition of Structures</i> in relation to any demolition works.</li> <li>· The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>· The suitability of the site for the development.</li> <li>· Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>· The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>· Council assessment report dated 28 June 2022</li> <li>· Written submissions during public exhibition: Three (3)</li> <li>· Verbal submissions at the public meeting: Nil</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 28 June 2022. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Stephen Davies, Peter Sarlos (Community Representative)</li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Theresa Whittaker (Senior Development Project Officer), Pier Panozzo (City Centre &amp; Major Development Manager)</li> </ul>
9	COUNCIL RECOMMENDATION	Approve with conditions
10	DRAFT CONDITIONS	Attached to the council assessment report