

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	8 April 2025
PANEL MEMBERS	Julie Savet Ward (Chair), Rachel Harrison (Expert), Michael Baker (Expert), Lewis Troman (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 8 April 2025 opened at 5:00pm and closed at 6:12pm.

MATTER DETERMINED

DA-2024/683 - Lot 8 DP 1282203, 9 Indigo Loop, Yallah (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by three submitters.

The Panel heard from the applicant, owner and acoustic consultant.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 7 and item 8 in Schedule 1; the material presented at the meeting; and the matters observed at the joint site inspection.

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 a majority decision as one Panel member (Lewis Troman) would have refused the development application because the proposal involves a Development Control Plan variation to the hours of operation for industrial uses adjoining residential area, specifically noise generated during normally quiet hours early in the morning and later into the evening.

REASONS FOR THE DECISION

The proposed development involves a Development Control Plan variation to the hours of operation for industrial uses adjoining residential. A variation request statement with justification was provided by the applicant in accordance with clause 8 of Chapter A1 of WDCP 2009.

The Panel carefully considered the issue of noise during the extended hours of operation raised by written and oral submissions. The Panel concluded that the proposed development, with the noise attenuation measures recommended by the Acoustic Report and the conditions of consent, as amended, will further manage the noise emissions from the development. The proposed development will also be subject to a 12-month trial period to monitor the effect of the extended hours.

The Panel also noted that pursuant to Division 1, Subdivision 23B of the State Environmental Planning Policy (Exempt and Complying Codes) 2008, operation of the premises 24 hours a day is development specified as Exempt Development in the E4 General Industrial zone.

CONDITIONS

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

- New condition 13 as follows:

13. Amended Operational Plan of Management




Prior to the taking of effect of the revised hours of operation, the Operational Plan of Management prepared by JIH Building Designs dated 11 December 2024 shall amend Section 8.0 'Complaints Approach' to include the following:

- Signage, displayed in a prominent location outside the premises, with the contact details of the business operator.
- The complaints register is to be held on-site and to be made available to Council staff on request.

The amended Operational Plan of Management shall be issued to Council and the signage and complaints register shall be in place prior to the revised hours of operation taking effect.

Reason:

To ensure protection of the environment and to protect neighbourhood amenity.

PANEL MEMBERS	
 Julie Savet Ward (Chair)	 Rachel Harrison (Expert)
 Michael Baker (Expert)	 Lewis Troman (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2024/683
2	PROPOSED DEVELOPMENT	Increased hours of operation, Monday to Friday 4am to 10pm, Saturday 7am to 6pm, no work Sunday or public holidays
3	STREET ADDRESS	9 Indigo Loop YALLAH NSW 2530
4	APPLICANT	JIH Building Design Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, as the application is the subject of ten (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 (Resilience and Hazards) 2021 Wollongong Development Contributions Plan 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 April 2025 Written submissions during public exhibition: twelve (including one in support) Verbal submissions at the public meeting: three
8	SITE INSPECTIONS BY THE PANEL	Site inspection 8 April 2025. Attendees: <ul style="list-style-type: none"> Panel members: Julie Savet Ward (Chair), Rachel Harrison (Expert), Michael Baker (Expert), Lewis Troman (Community Representative) <u>Council assessment staff</u>: Jim Ponton, John Wood
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report