

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	13 August 2020
PANEL MEMBERS	Robert Montgomery (Chair), Larissa Ozog, Scott Lee, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 13 August 2020 opened at 5:00pm and closed at 5.28pm.

MATTER DETERMINED

DA-2020/291- Lots 4, 5 and 6 Sec G DP 19008, 70-74 Kurrajong Street, Windang, Lots 24, 25 and 26 DP 17906, 217-221 Windang Road, Windang (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by the applicant's representative.

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 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 alteration to condition number 65 is to provide clarity with respect to operating hours and delivery hours.
- The applicant requested that conditions 28 and 29 (paved footpath along Kurrajong Street and Windang Road) be deleted. The Panel agrees that a better outcome for Kurrajong Street will be achieved by retaining a grass verge along with the street trees required by condition 30. The Panel considers that the requirement for paving along the Windang Road frontage should remain.

CONDITIONS


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

- Condition 65 to be reworded as follows:
'The hours of operation for the sales of fuel and convenience goods shall be 24 hours/7 days per week. Waste collection and deliveries of fuel and goods shall occur only between the hours of 7am and 10pm, 7 days per week. Should there be any evidence of exceedance of the noise criteria contained within condition 66 as a result of general operation and/or deliveries, the hours of operation will be reviewed by Council.'
- Condition 28 is to be deleted.
- The following note is to be included before condition 65:
'Should there be any inconsistency between the Plan of Management and the Operational Conditions of this consent, the conditions of consent shall prevail'

PANEL MEMBERS



Robert Montgomery
(Chair)



Larissa Ozog



Scott Lee



Bernard Hibbard
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/291
2	PROPOSED DEVELOPMENT	Retail premises – Service Station
3	STREET ADDRESS	70-74 Kurrajong Street Windang and 217-221 Windang Road, Windang
4	APPLICANT	Isaac Property Group
5	REASON FOR REFERRAL	Referred for determination pursuant to Schedule 2, 2 of the Local Planning Panels Direction of 30 June 2020, as the proposal is the subject of more than 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. 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Wollongong Local Environment Plan 2009 • Wollongong City Wide Development Contributions Plan 2019 • Wollongong Community Participation Plan 2019 • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Coastal zone management plan: <ul style="list-style-type: none"> ○ Wollongong Coastal Zone Management Plan • 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 13 August 2020 • Written submissions during public exhibition: 13 • Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Site inspection 13 August 2020. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Larissa Ozog, Scott Lee, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: Nadir Mian, Pier Panozzo
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report