

# DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	1 September 2020
PANEL MEMBERS	Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 1 September 2020 opened at 5:00pm and closed at 7:15pm.

### MATTER DETERMINED

DA-2020/213 – Lot 7 Sec 58 DP 3436, 11 Princes Highway, Dapto (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by the applicant and 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 Panel determined to accept the cl4.6 variations in respect of both min lot size under cl 40 of the SL SEPP and the variation to allow residential uses on the ground floor (cl 7.13 of WLEP 2009 on the following grounds: \_

In relation to cl 40 of SLSEPP:

- The location of the site in an urban area and on a corner allows for the satisfaction of the objectives of the development standard.
- The reduction in site area has no detrimental impact.
- The variation satisfies the objectives of the standard and sufficient environmental planning grounds have been identified in the written submission from the applicant to grant the variation
- The proposal as a whole satisfies the objectives of the zone and would be in the public interest, providing respite care in an accessible location.

Accordingly, the Panel resolved 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 proposal would provide a public benefit in providing respite care in an accessible location.
- There are no adverse environmental planning impacts.

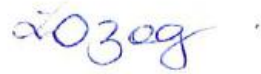
### CONDITIONS

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

PANEL MEMBERS



Sue Francis  
(Chair)



Larissa Ozog



Robert Montgomery



Trish McBride  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/213
2	PROPOSED DEVELOPMENT	Respite Care Facility
3	STREET ADDRESS	11 Princes Highway DAPTO NSW 2530
4	APPLICANT/OWNER	Disability Trust
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 3 of Schedule 2 of the Local Planning Panels Direction, as the Development contravenes development standards imposed by an environmental planning instrument namely clause 7.13 of WLEP2009 - Certain land within business zones. The ground floor of the eastern building contains residential development. The development also contravenes cl 40 (2) of SEPP Housing for Seniors and People with a Disability 2004 as relates to minimum site area providing for 907.4 m <sup>2</sup> in lieu of the required 1000 m <sup>2</sup> .
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 (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· West Dapto Contributions Plan 2017</li> <li>· Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ Draft West Dapto Contributions Plan 2020</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 <i>Environmental Planning and Assessment Regulation 2000</i></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 1 September 2020</li> <li>· Written submissions during public exhibition: One</li> <li>· Verbal submissions at the public meeting: Nil</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 1 September 2020. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Maria Byrne</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report