

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	24 September 2020
PANEL MEMBERS	Robert Montgomery (Chair), Steven Layman, Helena Miller, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 24 September 2020 opened at 5:00pm and closed at 7:30pm.

MATTER DETERMINED

DA-2019/1124 – Lot 2 DP 202822, 92-94 Princes Highway, Thirroul (as described in detail in Schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two (2) submitters.

The Panel also heard from the applicant and their representatives

PANEL CONSIDERATION AND DECISION

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

The Panel determined to refuse 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 agrees with the Officer's assessment and concurs with the recommendation.

DECISION

A The development application was refused for the following reasons:

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009:
 - Clause 1.2 Aims of the Plan – (2)(c) and (2)(g).
2. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate consistency with State Environmental Planning Policy – Infrastructure:
 - Clause 101 Development with frontage to classified road as relates to the uncertain outcome of required cul-de-sac works in Bangalow Road to resolve traffic impacts on Bulli Pass.
3. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009:
 - Chapter B1: Residential Development
 - Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management;

- Chapter E17: Preservation and Management of Trees and Vegetation; (required works in (Bangalow Road).
4. Pursuant to the provisions of Section 4.15 (1)(a)(iiiia) of the Environmental Planning and Assessment Act 1979, it is considered that a Section 7.4 Planning Agreement is required to satisfy TfNSW and Council's traffic management concerns via works in Bangalow Road and no such Agreement or draft Agreement is in place.
 5. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate that the likely impacts of the development will not be adverse.
 6. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate that the site is suitable for the development.
 7. Pursuant to the provisions of Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act, 1979, it is considered that having regard to submissions received and in the circumstances of the case, approval of the development would not be in the public interest.
- B. Pursuant to Section 2.20 (8) of the Environmental Planning and Assessment Act, 1979 the Panel delegates all functions of the Panel to the Manager Development Assessment and Certification should an appeal be lodged.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Steven Layman
 Helena Miller	 Tina Christy (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/1124
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwelling house and construction of a multi dwelling housing development
3	STREET ADDRESS	92-94 Princes Highway, THIRROUL NSW 2515
4	APPLICANT	Design Workshop Australia
5	REASON FOR REFERRAL	Pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction and the application is the subject of 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 (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 • Wollongong Section 94A 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 24 September 2020. • Written submissions during public exhibition: 18 • Verbal submissions at the public meeting: two
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 24 September 2020. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Steven Layman, Helena Miller, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: John Wood, Brigit Mathai
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Reasons for refusal are stated in the Panel's decision.