

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	01 August 2018
PANEL MEMBERS	Robert Montgomery (Chair), Steve Fermio, Larissa Ozog and Bernard Hibbard (Community Representative)
DECLARATIONS OF INTEREST	None

Public meeting held at Wollongong City council function room, 41 Burelli Street, Wollongong on 01 August 2018 opened at 17:00 and closed at 7.34pm.

MATTER DETERMINED

DA-2018/323, Lot 60 DP 10927 30 Kemblawarra Road and Lot 61 DP 10927 32 Kemblawarra Road, Warrawong NSW 2502.

PUBLIC SUBMISSIONS

The Panel was addressed by three submitters and the applicant's town planner.

PANEL CONSIDERATION AND DECISION

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

The Panel noted during the site inspection that the property appears to contain a significant amount of fill material. It was also evident that there had been a small oil spill in one location. Given the requirements of SEPP 55, the consent authority needs to be satisfied in relation to potential to contamination prior to determining the application. It is noted that the applicant has not provided any information (i.e. Phase one contamination investigation) and therefore has not demonstrated that the site is suitable or could be made suitable for the proposed development.

The Panel determined to:

1. Development application DA-2018/323 be deferred for the following information a Phase one contamination assessment that meets the requirements of Clause 7 of SEPP 55.
2. That on receipt of the additional information Council prepare a further report to assess whether the provisions of SEPP 55 have been satisfied.
3. Delegate the determination of the application to the Manager of Development Assessment and Certification in accordance with Section 2.20(8) of the EP&A Act 1979.

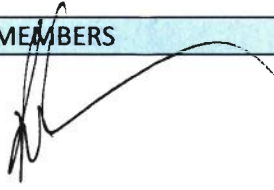
The decision was unanimous

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel was not satisfied that it had sufficient information to determine that the land is suitable for the proposed residential use in the absence of a phase 1 contamination report.
- Subject to satisfactory receipt of this information, the Panel is of the view that the proposal has merit.

PANEL MEMBERS



Robert Montgomery (Chair)



Steve Fermio



Larissa Ozog



Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2018/323
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures and construction of multi dwelling housing
3	STREET ADDRESS	Lot 60 DP 10927 30 Kemblawarra Road, Warrawong NSW 2502 and Lot 61 DP 10927 32 Kemblawarra Road, Warrawong NSW 2502
4	APPLICANT	Mr Tom Simovic
5	REASON FOR REFERRAL	Departure from a development standard being minimum site width
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Wollongong Local Environment Plan 2009 • Wollongong Section 7.12 Development Contributions Plan • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: The proposal involves demolition. • 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 1 August 2018 • Written submissions during public exhibition: Seven (7) • Verbal submissions at the public meeting: Three (3)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 01 August 2018 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Steve Fermio, Larissa Ozog, Bernard Hibbard (community representative) ○ <u>Council assessment staff</u>: Pier Panozzo, James Chappell
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report