

## DETERMINATION AND STATEMENT OF REASONS

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

<b>DATE OF DETERMINATION</b>	2 March 2021
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Scott Lee, Helena Miller, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 2 March 2021 opened at 5:00pm and closed at 6:07pm.

#### MATTER DETERMINED

DA-2020/805 - Lot A DP 369644, 56-64 Asquith Street, Austinmer (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by one submitter.

The Panel heard from the applicant.

#### 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 defer 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 application cannot be finalised (other than by refusal) without the concurrence of the NSW Rural Fire Service. The Panel notes that the RFS issued a request for information on 1 March 2021, which the applicant has received. Accordingly, the deferral is to provide the applicant with an opportunity to respond to the RFS request. The response is to be provided to Council within twenty-one (21) days.
- Until bushfire matters are resolved to the satisfaction of the RFS, it is unknown whether a redesign will be required and whether this will create additional impacts particularly in relation to biodiversity.
- The Panel notes that there appear to be some inconsistencies between information shown on the survey plans and on the site and landscape plan, in particular relating to the top of the bank of the watercourse and its relationship to the dwelling footprint.
- The Panel is of the view that the submission pursuant to clause 4.6 of WLEP 2009 does not provide sufficient justification to vary the maximum height limit. Should the application proceed, a complete and fully justified written submission in accordance with clause 4.6 should be submitted.

The application should be referred back to the Panel for determination.

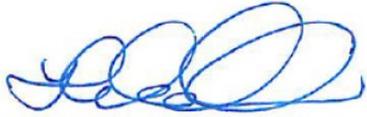
PANEL MEMBERS



Robert Montgomery  
(Chair)



Scott Lee



Helena Miller



Tina Christy  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/805
2	PROPOSED DEVELOPMENT	Residential - dual occupancy and tree removal
3	STREET ADDRESS	56-64 Asquith Street, AUSTINMER NSW 2515 Lot A DP 369644
4	APPLICANT	Lisa Joan Hughes
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 application involves an exception to a development standard at Clause 4.3 of WLEP 2009, contravening the 9 metre height limit requirement by more than 10% (16.5%).
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 No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> <li>○ Wollongong City-Wide Development Contributions Plan 2020 (Section 7.12 of EP&amp;A Act 1979)</li> <li>○ Wollongong Community Participation Plan 2019</li> <li>○ Planning for Bush Fire Protection 2019 (PBP 2019)</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 2 March 2021</li> <li>• Written submissions during public exhibition: four</li> <li>• Verbal submissions at the public meeting: one</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 2 March 2021. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Scott Lee, Helena Miller, Tina Christy (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Maria Byrne, John Wood</li> </ul>
9	COUNCIL RECOMMENDATION	Defer
10	DRAFT CONDITIONS	Attached to the council assessment report