

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	7 June 2022
PANEL MEMBERS	Sue Francis (Chair), Steven Layman, Brendan Randles, Trish Buchan (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 7 June 2022 opened at 5:00pm and closed at 7:22pm.

MATTER DETERMINED

DA-2021/1117 - Lot 33 and 34 DP6920, Lot 1 DP 314618, 1-3 Church Street, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two submitters.

The Panel heard from the applicant and his 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 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 Panel is not satisfied that the negotiations in relation to the valuation in respect of 5 Church Street and the offers made address the relevant Planning Principle for “Redevelopment -isolation of site by redevelopment of adjacent site(s)”. The Panel requires detailed documented and evidence as to the level of negotiation and the reasonableness of offers as well as any relevant planning requirements and the provisions of S79C of the EP&A Act 1979.
- The Panel requests the Council to enquire of the neighbour and or representative at 5 Church Street of any documentation they may have relating to the matters discussed in the above dot point. In the absence of documentation, statutory declarations may be provided.
- Notwithstanding the above, further consideration should be given to providing more detail to demonstration of the highest and best development that could occur on 5 Church Street in the absence of its consolidation.
- In relation to the setbacks at levels 7 and 8 it is considered that greater compliance can be achieved without sacrificing amenity of future residents and neighbours.

The matter shall be re-referred to the Panel for determination upon submission of the above information.

PANEL MEMBERS



Sue Francis
(Chair)



Steven Layman



Brendan Randles



Trish McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1117
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures and construction of a residential flat building
3	STREET ADDRESS	1-3 Church Street, WOLLONGONG
4	APPLICANT	PRD Architects
5	REASON FOR REFERRAL	Clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clauses Clause 2(b) and 4(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal received over 10 unique submissions by way of objection and is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies.
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 No 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 · NSW Apartment Design Guide · Wollongong Section 94A Development Contributions Plan · Draft environmental planning instruments: N/A · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: N/A · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92, 93 and 94 · Coastal zone management plan: N/A · 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 7 June 2022 · Written submissions during public exhibition: 34 · Verbal submissions at the public meeting: two
8	SITE INSPECTIONS BY THE PANEL	Virtual site inspection 7 June 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Nigel Lamb
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report