

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	23 February 2023
PANEL MEMBERS	Robert Montgomery (Chair), Steve Layman, Mark Carlon, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 23 February 2023 opened at 5:00pm and closed at 6:04pm.

MATTER DETERMINED

DA-2021/1376 – Part Lot 1 DP 551243 (known as 145 Cordeaux), Part Lot 1 DP 551243 West of Access Road, Lot Pt 1 DP 551243, Part Lot 1 DP 551243 (known as 129 Cordeaux), Part Lot 1 DP 551243 (known as 131 Cordeaux), 595 Cordeaux Road, Kembla Heights (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two (2) submitters.

The Panel heard from the applicant's heritage consultant.

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 refuse the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons contained in the Officer's report.

The decision was unanimous.

Should an appeal be lodged to the Land and Environment Court, all functions of the Panel in relation to the Appeal are delegated to the Manager Development Assessment and Certification, pursuant to Section 2.20 (8) of the *Environmental Planning and Assessment Act, 1979*.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel is concerned about the existence of multiple dwellings on the land and whether or not the residential use of those buildings is legitimised by existing use rights. This matter should be addressed by the applicant in any subsequent application for the land.
- The unique nature and history of the land necessitates a comprehensive approach to heritage conservation, which is not evident in the development application.
- The Panel concurs with the Officer's assessment and recommendation. In doing so the Panel is of the opinion that replacing the existing dwelling may be achievable with a different design and location and only by adopting an integrated approach to heritage management for the totality of the site. This would include identification of all buildings, their use and conservation requirements, the appropriate design, location and the relationship of a new dwelling to the existing historic buildings and the adjoining cemetery, and ongoing landscape conservation and enhancement.

PANEL MEMBERS



Robert Montgomery
(Chair)



Steve Layman



Mark Carlon



Trish McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1376
2	PROPOSED DEVELOPMENT	Residential – tree removal, demolition of existing dwelling and construction of a new dwelling and additions to existing detached garage
3	STREET ADDRESS	595 Cordeaux Road, KEMBLA HEIGHTS NSW 2526
4	APPLICANT	Mrs Kathleen Nicholls
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 1(e) of Schedule 2 of the Local Planning Panels Direction, as the land owner is a relative of a member of Council staff who is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 • Wollongong Development Contributions Plan • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clauses 92 Additional matters that consent authority must consider in relation to demolition works • 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 23 February 2023 • Written submissions during public exhibition: nine (9) • Verbal submissions at the public meeting: two (2)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 23 February 2023. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Steve Layman, Mark Carlon. Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: John Wood and Rod Thew
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report