

## DETERMINATION AND STATEMENT OF REASONS

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

<b>DATE OF DETERMINATION</b>	11 February 2020
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Steve Layman, Scott Lee and Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 11 February 2020 opened at 5:00pm and closed at 5.22pm.

#### **MATTER DETERMINED**

DA-2019/756, Lot 17 & Lot 18 Sec B DP 2205, 65 - 67 Walker Street, HELENSBURGH NSW 2508 (as described in detail in schedule 1).

#### **PUBLIC SUBMISSIONS**

There were no public submitters. The owner and town planner attended the meeting and answered some questions from the Panel.

#### **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 approve 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 has considered the applicant's written request to justify the contravention of the building height and ground floor residential development standards and is satisfied that it demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the relevant development standard and the objectives of the relevant zone.
- The Panel agrees with the Officer's assessment and recommendation.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report

PANEL MEMBERS



Robert Montgomery (Chair)



Steve Layman



Scott Lee



Tina Christy  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/756
2	PROPOSED DEVELOPMENT	Mixed use - demolition of existing dwellings and excavation works, construction of mixed use development and basement carparking
3	STREET ADDRESS	65 - 67 Walker Street, Helensburgh NSW 2508
4	APPLICANT	Environa Studio
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel for determination pursuant to the Local Planning Panels Direction of 1 March 2018 as the development which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies. The application also involves two exceptions to a development standard.
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 No 65 – Design Quality of Residential Flat Development</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (State Significant Precincts) 2005</li> <li>○ State Environmental Planning Policy (Three Ports) 2013</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• NSW Apartment Design Guide</li> <li>• Wollongong Section 94A Development Contributions Plan</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 11 February 2020.</li> <li>• Written submissions during public exhibition: nil</li> <li>• Verbal submissions at the public meeting: Nil</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 11 February 2020 Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Steve Layman, Scott Lee, Tina Christy (community representative)</li> <li>○ <u>Council assessment staff</u>: Maria Byrne, John Wood</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report