

# DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	12 December 2022
PANEL MEMBERS	Alison McCabe (Acting Chair), Helena Miller, Steven Layman <i>Apologies:</i> Peter Sarlos (Community Representative)

Transaction of business outside of meetings pursuant to Clause 26 of Schedule 2 of the *Environmental Planning and Assessment Act, 1979*.

### MATTER DETERMINED

DA-2021/425, Lot 1 DP 194397 and Lot 1 DP 986139, 200-202 Princes Highway, Bulli (as described in detail in schedule 1).

On 20 September 2022 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* for the following reasons:

- (a) An amended report that characterised the proposed use as a Residential Flat Building (RFB) and provides an assessment against the controls applicable to a RFB.
- (b) Amended clause 4.6 Exceptions to Development Standards that reference the land use as a RFB and identifies the relevant standard.
- (c) Amended Architectural Plans that detail the verandah elements on the eastern elevation being retained correctly.

This matter is re- submitted for electronic determination as per previous Panel recommendations.

### 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.

#### Application to vary a development standard

Following consideration of a written request from the applicant, made under Clause 4.6 (3) of the Wollongong Local Environmental Plan 2009 (LEP), that has demonstrated that:

- a) Compliance with Clause 4.3 (Height of Buildings) and Clause 7.14 ( Minimum Site Width) is unreasonable or unnecessary in the circumstances; and
- b) There are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that:

- a) The applicant's written requests adequately address the matters required to be addressed under Clause 4.6 (3) of the LEP; and
- b) The development is in the public interest because it is consistent with the objectives of Clause 4.3 (Height of Buildings) and Clause 7.4 (Minimum Site Width) of the LEP and the objectives for development in the R2 Low Density Residential zone; and
- c) The concurrence of the Secretary has been assumed.

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 site is suitable for the development.
- The proposed development will facilitate the restoration of the heritage item and appropriate adaptive re-use; and
- The impacts of the development will be reasonably mitigated.

**CONDITIONS**

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

PANEL MEMBERS	
 Alison McCabe (Acting Chair)	 Helena Miller
 Steven Layman	

SCHEDULE 1		
1	DA NO.	DA-2021/425
2	PROPOSED DEVELOPMENT	Adaptive re-use of listed former Denmark Hotel as three residential apartments with associated parking and site works including vehicular access via Miners Cottage site
3	STREET ADDRESS	200 and 202 Princes Highway, Bulli Lot 1 DP 194397 and Lot 1 DP 986139
4	APPLICANT	ROI NSW Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to Part 1 of Schedule 2 of  the Local Planning Panels Direction as Council is the owner of 200 Princes Highway, Bulli, Lot 1 DP 194397.  Re-referred for electronic determination as per previous Panel recommendations.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>· Environmental planning instruments: <ul style="list-style-type: none"> <li>○ SEPP (Resilience and Hazards) 2021</li> <li>○ SEPP (Building Sustainability Index: BASIX) 2004</li> <li>○ SEPP (Transport and Infrastructure) 2021</li> <li>○ SEPP (Biodiversity and Conservation) 2021</li> <li>○ SEPP 65 – Design Quality of Residential Apartment Development</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong Development Contributions Plan</li> <li>· Draft environmental planning instruments: none</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Planning agreements: none</li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 6, 61, 62 &amp; 64.</li> <li>· Coastal zone management plan: Nil.</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 20 September 2022 and Addendum Report dated 12 December 2022.</li> <li>· Written submissions during public exhibition: Total: Seven (7) – two (2) objections and five (5) of support.</li> <li>· Verbal submissions at the public meeting: One (1) (original meeting 20 September 2022)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 20 September 2022 Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Acting Chair), Helena Miller, Steven Layman.</li> <li>○ <u>Council assessment staff</u>: Jessica Saunders</li> </ul>

9	COUNCIL RECOMMENDATION	Approve – Deferred Commencement
10	DRAFT CONDITIONS	Attached to the Council addendum report