

<b>DATE OF DETERMINATION</b>	10 May 2024
<b>DATE OF PANEL DECISION</b>	10 May 2024
<b>DATE OF PANEL BRIEFING</b>	8 May 2024
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Grant Christmas, David Brown, Tina Christy
<b>APOLOGIES</b>	Marjorie Ferguson, Juliet Grant
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 1 May 2024.

#### **MATTER DETERMINED**

PPSSTH-333 – Wollongong – DA-2023/785 at 1-3 Kemblawarra Road, Warrawong – Demolition of existing buildings and construction of a group home (10 units).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

#### **Request to contravene a development standard**

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

- a) compliance with cl. 4.4 (floor space ratio) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel was satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.4 (floor space ratio) 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.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to uphold the Clause 4.6 request in respect to the contravention of the floor space ratio development standard and approve the application for the reasons outlined in the Council Assessment Report subject to the conditions recommended by Council.

In particular the Panel agreed with Council's assessment that;

- The development is permissible with consent and meets the objectives of the R2 (Low Density Residential) zone;

- The development is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*;
- The Council's assessment report demonstrated that the relevant prerequisites for the grant of consent had been met; and
- The site is suitable for the development as proposed.

The Panel was satisfied that the impacts associated with the construction and operation of the facility could be adequately mitigated or managed through the imposition of conditions as recommended by Council.

The Panel was further satisfied that the proposal was in the public interest given:

- The site is suitably located and accessible;
- The development would be socially beneficial providing much needed transitional group housing;
- The development would create positive economic impacts generating additional employment during construction and operation;
- The development, subject to the conditions imposed, would not result in any unacceptable environmental amenity or land use safety impacts either onsite or on the surrounding urban landscape; and
- An appropriate assessment in terms of section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken.

The Panel commended Council assessment staff for a thorough and comprehensive assessment report.

#### **CONDITIONS**

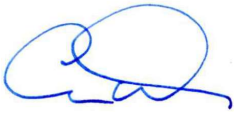



The Development Application was approved subject to the conditions in the Council Assessment Report.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Potential impact on stormwater disposal on adjacent property

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and through the conditions as imposed and that no new issues requiring assessment were raised.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Grant Christmas
 Tina Christy	 David Brown

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-333 – Wollongong -DA-2023/785
2	PROPOSED DEVELOPMENT	Demolition of existing buildings and construction of group home (10 units)
3	STREET ADDRESS	1-3 Kemblawarra Street WARRAWONG
4	APPLICANT/OWNER	Salvation Army Housing / NSW Land and Housing Corporation (LAHC)
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
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>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Wollongong Development Control Plan 2009 (WDCP 2009)</li> <li>Wollongong City-Wide Development Contributions Plan (2021)</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 29 April 2024</li> <li>Clause 4.6 request to depart from clause 4.4 (Floor Space Ratio) development standard</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Council and Applicant Briefing: 13 March 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown, Marjorie Ferguson</li> <li><u>Council assessment staff</u>: Brad Harris, Pier Panozzo, Mark Adamson</li> <li><u>Applicant representatives</u>: Ian Creaton (The Salvation Army Australia), John Clark (BCBA Studio), Daniel Govers (Creative Planning Solutions)</li> <li><u>Other</u>: Amanda Moylan (DPHI), Tracey Gillett (DPHI)</li> </ul> </li> <li>Final briefing to discuss council's recommendation: [date] <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, David Brown, Tina Christy</li> <li><u>Council assessment staff</u>: Brad Harris, Pier Panozzo, Mark Adamson, Kristen Obeid</li> <li><u>Applicant representatives</u>: Glen Plummer (The Salvation Army Australia), John Clark (BCBA Studio), Daniel Govers (Creative Planning Solutions), Lucy Thomas (BCBA Studio)</li> </ul> </li> </ul>

		○ <u>DPH</u> : Amanda Moylan, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report