

Panel Members

Chairperson	Jason Perica
Panel Experts	Greg Flynn Linda McClure
Community Representative/s	Paul Dignam

A Supplementary Report was provided to the Local Planning Panel on 9 July 2021, as per request at the Panel meeting of 8 April 2021 where the matter was deferred.

The Local Planning Panel members considered the original Council staff report, the supplementary report and supporting documents for DA/59637/2020 – 68 Railway Street Woy Woy – Stratum Torrens Subdivision (as amended) via electronic determination.

1.1 DA/59637/2020 – 68 Railway Street WOY WOY - Stratum Torrens Subdivision (as amended)

Relevant Considerations	As per Council assessment report and Supplementary report
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Material Considered	<ul style="list-style-type: none">• Documentation with application• Council assessment report, 8 April 2021• Supplementary Report, 9 July 2021
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Council Recommendation	Approval
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Panel Decision	<p>1 <i>That the Local Planning Panel grant consent to DA59637/2020 – 68 Railway Street Woy Woy for 2-lot Stratum Torrens Subdivision of Lot: 12 DP: 1009830 and 2-lot Strata Subdivision of Proposed Lot 2 in the Stratum Subdivision of Lot: 12 DP: 1009830, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, subject to the following changes to conditions 2.1 and 2.2.</i></p>
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2.1 *All conditions under this section must be met prior to the issue of the Stratum Subdivision Certificate. The Strata Subdivision Certificate may be issued at the same time but not prior to the issue of the Stratum Subdivision Certificate.*

2.2 *Submit details to Council / Principal Certifier that demonstrate the completion of all works and implementation of any plans required under conditions of Development Consent No 48230/2015.*

Note: The details shall include a statement to the satisfaction of Council from a suitably qualified Heritage Consultant certifying the restoration and conservation works to the heritage building have been carried out in accordance with Development Consent No 48230/2015.

Reasons

- 1 The Panel agreed with the assessment of the revised proposal by Council staff, subject to some refinement to conditions.
- 2 The proposal involves subdivision to give effect to previously approved works.
- 3 The Panel supports conservation of the heritage building. The Panel wanted to ensure appropriate conservation works were completed at the appropriate stage, which led to some refinement of conditions.
- 4 The Panel agrees that the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the Floor Space Ratio (FSR) development standard, the objectives of the minimum lot size development standard and the objectives for development within zone R1 General Residential in which the development is proposed to be carried out.

- 5 While there significant breaches of numerical development standards the unique circumstances related to prior approval

and heritage conservation works were peculiar to this particular application.

- 6 The proposal had been appropriately amended since the original consideration by the Panel from a 3 lot to a 2 lot stratum torrens subdivision and strata subdivision.
- 7 The environmental impacts, where they exist, are reasonably managed and mitigated by recommended conditions of consent, as amended.

Votes The decision was unanimous

Date 27 July 2021