

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	1 September 2020
PANEL MEMBERS	Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 1 September 2020 opened at 5:00pm and closed at 7:15pm.

MATTER DETERMINED

DA-2019/1356 – Lot 1 DP 780693, Lot 1 DP 1246328, 9-11 Park Street, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by eight submitters.

The Panel also heard from the applicant and representatives

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 defer 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 Panel heard from local residents as to their concerns for parking, overshadowing, design, site isolation and general concern for the scale and form of the development.

In considering these matters the Panel notes that the site is orientated on an east/west block and that there will always be consequential impact to the south in such circumstances. The Panel is also aware that the proposal is permissible in the zone and that it is approximately two-three storeys lower than anticipated by the Council's controls. The Panel is also aware that the proposal complies with the parking requirements and actually exceeds the parking numbers to the detriment of the proposed FSR.


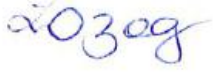


However, the Panel identified a concern as to the calculation of the GFA relating to the exclusion of the 'zen gardens' and was also concerned that there was no consideration of the isolation of 7 Park Street. The Panel accepts that 13 Park Street is not isolated having regard to the Planning Principle. Further, there are outstanding issues relating to design and its consequential impact on solar access to 13 Park Street that needs to be resolved.

Accordingly, the Panel resolved to defer the determination of the matter to seek further information and plans to address the following: -

1. Details to establish that 7 Park Street is not isolated having regard to the relevant Planning principle. The fact that No's 5 and 7 Park Street are in the same ownership does not, in the view of the Panel, necessarily result in No 7 not being isolated.
2. Reduction in the GFA to comply with the maximum permissible FSR. In the Panels view, the 'zen gardens' do constitute GFA.

3. Review the design to remove elements which add to the extent of overshadowing of 13 Park Street. This may involve removal of elements fronting Park Street and increasing the rear setback. It may also involve increasing height but reducing the footprint to improve the solar access to the south.
4. Retain the trees in the rear and integrate them into the landscaped design.
5. Address the outstanding matters raised by the design excellence panel.
6. Reconsider the materiality and aesthetics of the design to create a softer "residential" feel. The large expanse of dark cladding should be reduced (up to Level 6) so that the upper levels are lighter elements and the cladding broken up.
7. The large expanse of full height, centrally located privacy screens along the northern elevation should be reduced in number and offset and broken up to reduce the visual dominance of this element.
8. Compliance with ADG separation distances.

This amended information is to be received by the Council by 3 October 2020. Following receipt and assessment by Council a further report is to be provided to the Panel by 3 November 2020 for determination.

PANEL MEMBERS	
 Sue Francis (Chair)	 Larissa Ozog
 Robert Montgomery	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/1356
2	PROPOSED DEVELOPMENT	Residential - Eight storey residential flat building comprising 14 residential units over two levels of basement carparking.
3	STREET ADDRESS	9-11 Park Street, Wollongong
4	APPLICANT	Applicant - PRD Architects
5	REASON FOR REFERRAL	<p>Under Schedule 2 of the Local Planning Panels Direction, the proposal classified as sensitive development in accordance with Part 4 (b) as it is development to which SEPP 65 Design Quality of Residential Flat Buildings applies and is 4 or more storeys in height.</p> <p>The proposal is also classified as a contentious development under Part 2 (b) as it is the subject of 10 or more unique submissions by way of objection.</p>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 · NSW Apartment Design Guide · Wollongong Section 94A Development Contributions Plan · Draft environmental planning instruments: NA · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 · 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 1 September 2020 · Written submissions during public exhibition: 20 · Verbal submissions at the public meeting: eight (8)
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 1 September 2020. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Martin Jameson, Pier Panozzo / Rebecca Welsh
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report