

## DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	9 April 2024
<b>PANEL MEMBERS</b>	Julie Savet Ward (Chair), Stuart McDonald, Rachel Harrison

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 9 April 2024 opened at 5:00pm and closed at 7.35pm.

### MATTER DETERMINED

DA-2023/367- Lot 2, Lot 3, Lot 4 DP 16300, Lot 1 DP 339403, Lot A DP 340505, Lot 1 DP 354072, 300-302 Crown Street, Wollongong (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the Applicant.

### PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel considered the applicant's written request to justify the contravention of the Building Separation development standard and was satisfied that it demonstrated 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 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 agreed with Council's Assessment Report and recommendation.
- Based on advice to the Panel, access over the right of carriageway had been appropriately designed to maintain access to the adjoining property. This access does not extinguish or unreasonably compromise the easement.
- The Panel acknowledged that the design had been considered by, and amended in response to, the Design Review Panel. The Panel considered that the proposal represented a good design response for the site and that it satisfied the design excellence provisions.
- The proposal is consistent with the objectives of the zone and the desired future character of the locality.
- The applicant's written request to vary the building separation development standard adequately addressed the matters required under Clause 4.6 of Wollongong Local Environmental Plan (2009).
- The conditions of consent, as amended, satisfactorily addressed the potential impacts on the locality.
- The issues raised in the public submissions had been addressed in the amended design or the conditions of consent, as amended.

**CONDITIONS**


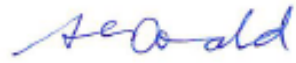

The development application was approved subject to the conditions in Council’s Assessment Report with the following amendments.

- Condition 33, Final Landscape Plan Requirements, paragraph one to read:

The submission of a final Landscape Plan to the Principal Certifier is required, prior to the issue of the Construction Certificate. The final Landscape Plan shall be generally consistent with the landscape concept plan by Paul Scrivener Landscapes 1-5 Issue E dated 27/9/23 and amended as necessary to include:

The following additional plan reference is to be included in the list of approved plans and documents in Condition 1:

- Waste Management Plan (dated April 2023 prepared by Dickens Solutions) (Note: required to be amended by condition 40).

PANEL MEMBERS	
 Julie Savet Ward (Chair)	 Stuart McDonald
 Rachel Harrison	

SCHEDULE 1		
1	DA NO.	DA-2023/367
2	PROPOSED DEVELOPMENT	Mixed use – demolition of existing structures, tree removal, construction of eight (8) storey shop top housing development, basement parking, associated earthworks, landscaping, subdivision – Torrens title – two (2) lots, and land dedicated for footpath widening
3	STREET ADDRESS	300-302 Crown Street, Wollongong
4	APPLICANT/OWNER	Albert Zhang (c/o Tahnee Ironside – Smith and Tzannes) / Settler Wollongong Pty Ltd
5	REASON FOR REFERRAL	Clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 clause 4(b) of the Local Planning Panels Direction of 6 September 2023, the application is for development to which SEPP 65 applies.
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 (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</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>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• NSW Apartment Design Guide</li> <li>• Wollongong Development Contributions Plan</li> <li>• Draft environmental planning instruments: N/A</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Planning agreements:</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 61</li> <li>• Coastal zone management plan: N/A</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 9 April 2024</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public meeting: None</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 9 April 2024. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Julie Savet Ward (Chair), Stuart McDonald, Rachel Harrison</li> <li>○ <u>Council assessment staff</u>: Nigel Lamb</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report