

# DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	22 May 2019
PANEL MEMBERS	Alison McCabe (Chair), Larissa Ozog, Brendan Randles, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 22 May 2019 opened at 5:00pm and closed at 7:45pm.

### MATTER DETERMINED

DA-2018/473 - Lot 1 DP 1108504, 49-51 Denison Street, WOLLONGONG (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel heard from the applicant's architect.

### 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* for amended plans that:

- set the building back from the rail line by a minimum of 3 metres and for this area to be landscaped and include plants that will provide an effective screen to the rail corridor;
- re-design the development to minimise the number of units with orientation to the rail corridor;
- reduce the number of units per floor to between 9 or 10 per floor to improve amenity;
- provide detailed construction methodology in relation the method of excavation to minimise vibration impacts to the adjoining properties.

On receipt of amended plans a further report be prepared for consideration and determination by the Panel.

The decision was unanimous.

### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- To improve the amenity of the units
- To provide sufficient detail to mitigate construction impacts.

PANEL MEMBERS



Alison McCabe  
(Chair)



Larissa Ozog



Brendan Randles



Trish McBride  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2018/473
2	PROPOSED DEVELOPMENT	Commercial - Demolition of existing buildings and construction of mixed use building containing 2 levels of basement car parking (94 cars), three ground floor commercial / retail spaces, and 84 residential units above with a roof terrace
3	STREET ADDRESS	Lot 1 DP 1108504, 49-51 Denison Street, WOLLONGONG
4	APPLICANT/OWNER	Applicant/ Owner - Wollongong Investments No 2 Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the Wollongong Local Planning Panel for determination pursuant to Clauses 3 and 4 of Schedule 2 of the Local Planning Panels Direction of 1 March 2018. The proposal is development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies. A variation is also sought to building separation under clause 8.6 of WLEP in excess of 10%.
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 (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</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 2018</li> <li>· Draft environmental planning instruments: Nil of relevance</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Planning agreements: Nil</li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 – AS2901-1991 in respect of demolition works</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 22 May 2019</li> <li>· Written submissions during public exhibition: ten (10)</li> <li>· Verbal submissions at the public meeting: 0</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 22 May 2019. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Larissa Ozog, Brendan Randles, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Pier Panozzo, Theresa Whittaker</li> </ul>
9	COUNCIL RECOMMENDATION	Defer
10	DRAFT CONDITIONS	Attachment 7 to the Council assessment report