

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	3 July 2019
PANEL MEMBERS	Alison McCabe (Chair), Steve Fermio, Brendan Randles, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 3 July 2019 opened at 5:00pm and closed at 6:00pm.

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 was addressed by one submitter.

The Panel also heard from the applicant and consultants.

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 is not satisfied with the level of certainty in respect to the proposed deferred commencement condition.

- 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:
 - a Consultation with the adjoining neighbour at 45-47 Denison Street regarding the construction impacts of equipment used on the premise to understand the level of sensitivity to vibration and regenerated noise.
 - b A detailed report to be prepared that outlines the construction methodology that mitigates the impacts of excavation and construction on adjoining property.
 - c That the report be peer reviewed by an acoustic and vibration consultant at the applicant's cost.
 - d Appropriate conditions be drafted to reflect the recommendation in the report.
 - e Council officer review the Section 94 contributions.
- 2 The Panel delegates determination of the application to the Manager Development Assessment and Certification following Council's satisfaction of the above matters.

The decision was unanimous.

PANEL MEMBERS



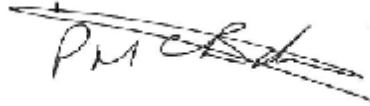
Alison McCabe
(Chair)



Steve Fermio



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 82 residential units above with a roof terrace
3	STREET ADDRESS	49-51 Denison Street, WOLLONGONG (Lot 1 DP 1108504)
4	APPLICANT/OWNER	Wollongong Investments No 2 Pty Ltd
5	REASON FOR REFERRAL	Clauses 3 & 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"> · 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 City Wide Development Contributions Plan 2018 · Draft environmental planning instruments: Nil relevant · Development control plans: Wollongong Development Control Plan 2009 · Planning agreements: Nil relevant · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 - AS2601-1991 to be considered in regards to any proposed demolition · Coastal zone management plan: Nil relevant · 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 3 July 2019 · Written submissions during public exhibition: ten (10) · Verbal submissions at the public meeting: one
8	SITE INSPECTIONS BY THE PANEL	Site inspection 3 July 2019. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Steve Fermio, Brendan Randles, Trish McBride (Community Representative)
9	COUNCIL RECOMMENDATION	Approve with conditions
10	DRAFT CONDITIONS	Attached to the council assessment report