

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	11 December 2019
PANEL MEMBERS	Robert Montgomery (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 11 December 2019 opened at 5:00pm and closed at 5.54pm.

MATTER DETERMINED

DA-2019/774, Lot 2 DP 151454, 16 Smith Street Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by one (1) submitter.

The Panel also heard from the applicant's 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 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:

- In relation to the exception to the minimum lot width development standard the Panel is satisfied that:
 - 1) the applicant's written request to justify the contravention of the development standard demonstrates 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;
 - 2) The applicant has made reasonable attempts to purchase the adjoining land to the east without success; and
 - 3) The adjoining land to the east, being a corner lot, has the potential to develop independently of the subject site.
- The Panel considers that the overall design of the development is an appropriate response to the site, and therefore agrees with the officer's recommendation.
- Although, not determinative to the application, the Panel is of the view that the following minor aspects of the development could be improved:
 - 1) The vehicle ramp at basement level (refer to drawing DA03-B) is currently shown at 11.2m long with a gradient of 1 : 14. As such, this ramp is required by the BCA to have a landing every 9m and compliant handrails. It is therefore recommended that the gradient of this ramp is changed to 1 : 20, so as not to require handrails or a landing.
 - 2) The transition zone indicated at ground floor level on the entry ramp (refer to DA05-C) is incorrectly called up as 1:4 – this should be 1:8 maximum. This should be corrected and the ramp reviewed to ensure that it is accurately drawn and is compliant with BCA and other requirements.

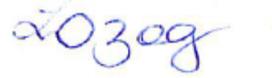
- 3) Considering the high quality of the proposed units generally, the entry to apartment 1 (itself a 175.5sqm unit) is very tight and cramped. It is therefore recommended that the bathroom is rotated and the door moved to the north so as to create an amenable entry space.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and the following additional condition:

“To reduce the potential for overlooking to the east a privacy screen with a minimum height of 1.6m from the finished floor level shall be installed along the full length to the following areas;

- Eastern side of the private open space (balcony) to Apartment 1 on the lower ground floor
- Eastern side of the raised balcony as part of the communal open space on the lower ground floor”

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Larissa Ozog
 Brendan Randles	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/774
2	PROPOSED DEVELOPMENT	Demolition of all structures and construction of a residential flat building
3	STREET ADDRESS	16 Smith Street Wollongong
4	APPLICANT OR OWNER	Saads Property Group Pty Ltd (owner & applicant)
5	REASON FOR REFERRAL	<p>The proposal has been referred to WLPP for determination pursuant to clauses 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Clause 3 and 4(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the development</p> <ul style="list-style-type: none"> • involves contravention of a development standard by more than 10%, and • is subject to SEPP 65
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ 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 ○ State Environmental Planning Policy (State Significant Precincts) 2005 ○ Wollongong Local Environment Plan 2009 • NSW Apartment Design Guide • Wollongong Development Contributions Plan • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 • Coastal zone management plan: Wollongong Coastal Zone Management Plan • 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 11 December 2019 • Written submissions during public exhibition: 3 • Verbal submissions at the public meeting: 1
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 11 December 2019. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Larissa Ozog, Brendan Randles, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Pier Panozzo, Anne Starr
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report