

## DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	2 May 2023
<b>PANEL MEMBERS</b>	Stephen Davies (Chair), Scott Lee, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 23 February 2023 opened at 5:00pm and closed at 5.46pm.

### MATTER DETERMINED

DA-2022/ 211, Lot 1 DP 1256197, 4 Auburn Street WOLLOGONG (as described in detail in schedule 1).

Sue Hobley declared a pecuniary interest in this item in that she was a member of the Wollongong Design Review Panel that provided advise to Council staff and the applicant. She left the meeting for this item and took no part in the discussion or decision.

### PUBLIC SUBMISSIONS

The Panel was addressed by two (2) submitters. The Panel considered a written submission from Mr Ron Knowles.

The Panel heard from the Applicant and their representatives.

### PANEL CONSIDERATION AND DECISION

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 development complies with the relevant standards.
- The design has responded positively to the issues raised and the advice provided by Council's Design Review Panel.
- The Panel is satisfied that 2 Auburn Street, Wollongong retains appropriate development potential in the context of Council's development controls including the provision for potential Rights of Way (ROW) for the benefit of Lot B DP 160637 which will be secured by the imposition of a condition of consent which was agreed to by the applicant during the course of the public meeting.

### CONDITIONS

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

- The Panel approved the DA subject to the draft Conditions forming Attachment 8 subject to condition 1 being amended to include the following plan references for the Basement Plans:

013	M	Basement 3	Design Workshop Australia	02.02.23
014	M	Basement 2	Design Workshop Australia	02.02.23

015	M	Basement 1	Design Workshop Australia	02.02.23
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- **Right of Carriageway**

A Right of access pursuant to Section 88B of the Conveyancing Act 1919 shall be established to provide access from the subject site (Lot 1 DP 1256197) to any future development on No. 2 Auburn Street (Lot B DP 160637). The Right of Way shall allow development on Lot B DP 160637 to access the loading area and all basement levels within the subject development.

Evidence of the creation of this right of carriageway is to be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

The 88B Instrument shall contain a provision that this clause may not be altered, modified or extinguished, except with the written consent of Wollongong City Council.

PANEL MEMBERS	
 Stephen Davies (Chair)	
 Scott Lee	 Peter Sarlos (Community Representative)

SCHEDULE 1		
1	DA NO.	2022/211
2	PROPOSED DEVELOPMENT	Commercial - demolition of existing structures and construction of a 24 storey mixed use building consisting of a hotel with 36 rooms, three (3) commercial spaces, 59 residential units, associated parking and amenities
3	STREET ADDRESS	4 Auburn Street Wollongong
4	APPLICANT	Wollongong Central Holdings Pty Ltd
5	REASON FOR REFERRAL	Clauses 3 and 4(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020. The proposal involves a variation to a development standard in excess of 10% and is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development 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 (State and Regional Development) 2011</li> <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>○ The State Environmental Planning Policy (Koala Habitat Protection) 2021</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: N/A</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: <ul style="list-style-type: none"> <li>- Clause 6 – Determination of BASIX Development</li> <li>- Clause 61 – Additional Matters (Demolition)</li> </ul> </li> <li>• Coastal zone management plan</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 2 May 2023</li> <li>• Written submissions during public exhibition: Four (4)</li> <li>• Verbal submissions at the public meeting: Two (2)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 2 May 2023. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Stephen Davies (Chair), Scott Lee, Peter Sarlos (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Pier Panozzo and Brad Harris</li> </ul>

<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approve
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report