

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	5 December 2023
PANEL MEMBERS	Robert Montgomery (Chair), Steve Fermio, Tina Christy, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 5 December 2023 opened at 5:00pm and closed at 5:33pm.

MATTER DETERMINED

DA-2023/124 - Lot 1 DP 1286062, 13 Crown Street, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel 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 has considered the applicant's written request to justify the contravention of the Building Separation development standard and is satisfied that it 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.

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 carried by the majority of the Panel, with 3 votes in favour of approval. Peter Sarlos disagreed due to an apparent BCA non-compliance relating to egress distances. In this regard, Mr Sarlos held the view that the application should not be approved until the applicant provides certification from a suitably qualified fire services engineer that the development will comply with the BCA.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:




- The Panel raised the matter of apparent BCA non-compliance for egress distance with the applicant's architect. He confirmed that in response to a question from the Design Review Panel (early in the design process), a performance solution had been put forward to install a sprinkler system in the building. He stated that the design has been reviewed by a fire engineer and that he is confident that a performance solution can be applied which does not require a redesign of any aspect of the building.
- The majority view of the Panel was that the applicant's assurance in relation to egress arrangements is acceptable to allow determination of the application. The Panel considers that an additional condition should be added as detailed below.
- The Panel concurs with the Officer's assessment.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the addition of the following note on the consent:

- **Note:**

“Prior to issue of the first construction certificate, the applicant shall provide to the PC, certification from an appropriately qualified Certifier—fire safety demonstrating that the NCC/BCA requirement for egress from all apartments is satisfied.”

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Steve Fermio
 Tina Christy	 Peter Sarlos (Community Representative)

SCHEDULE 1		
1	DA NO.	DA 2023/124
2	PROPOSED DEVELOPMENT	Mixed Use - demolition of existing buildings and structures and construction of a 14 storey shop top housing development including car parking, associated earthworks and landscaping
3	STREET ADDRESS	13 Crown Street WOLLONGONG
4	APPLICANT/OWNER	Wollongong Investments No.6 Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clause 4(b) of Schedule 2 of the Local Planning Panels Direction of 6 September 2023, the proposal 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"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 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 Development Contributions Plan Draft environmental planning instruments: N/A Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: N/A Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: <ul style="list-style-type: none"> Clause 6 BASIX Clause 61 (1) Demolition Coastal zone management plan: N/A 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 5 December 2023 Written submissions during public exhibition: two Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Site inspection 5 December 2023. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Robert Montgomery (Chair), Steve Fermio, Tina Christy, Peter Sarlos (Community Representative) <u>Council assessment staff</u>: Brad Harris
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report