

## DETERMINATION AND STATEMENT OF REASONS

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

<b>DATE OF DETERMINATION</b>	29 August 2023
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Larissa Ozog, Scott Lee, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 29 August 2023 opened at 5:00pm and closed at 6:03pm.

#### MATTER DETERMINED

DA-2022/571 -Lot 1 DP 199079 and Lot 3 DP 999196, 58-60 Smith Street, Wollongong (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by three (3) submitters.

The Panel heard from the applicant and their 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:

- The Panel concurs with the officer's assessment and recommendation.
- The Panel considers that the proposal represents a good design response for the site, particularly in the way in which the potential impacts on residents adjoining to the west have been minimised.
- The applicant's representative pointed out that draft conditions 47 and 61 and 144 and 147 were duplicates, and requested clarification of condition 62. Also, Condition 36a is to be amended to reflect the updated ground floor layout plan.

#### CONDITIONS

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

- Condition 36a is amended to read:
  - a. "The minimum habitable floor levels must be constructed in accordance with the levels shown on the Ground Floor Layout Plan prepared by ADM Architects Ref 2021-31 Dwg No A-103 Rev F dated 31/07/2023."
- Conditions 61 and 147 are deleted.
- For clarification, condition 62 is amended to read:

“Electric vehicle charging stations are to be provided within the basement car park in accordance with the provisions of the National Construction Code. A minimum of one (1) electric vehicle station is required. Details shall be provided with the construction certificate application.”

- Condition 36 is amended to read:

#### **Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a. The minimum habitable floor levels must be constructed in accordance with the levels shown on the Ground Floor Layout Plan prepared by adm Architects Ref 2021-31 Dwg No A-103 Rev F dated 31/07/2023.
  - b. Any portion of the building or structure below the 1 % AEP flood level plus 0.5 metres freeboard should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of ‘flood compatible materials’ as stated in Chapter E13 of the Wollongong DCP2009.
  - c. The proposed building shall be designed to withstand the forces of floodwater, debris and buoyancy up to the Probable Maximum Flood (PMF) level plus 0.5 metres freeboard being RL 15.36.”
- Condition 24 shall be amended to read;

#### **Final Landscape Plan Requirements**

The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a. planting of indigenous plant species native to the Illawarra Region such as: *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c. planting on communal open space must be installed in raised planters. All podium planting areas are to have a waterproofing membrane with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix. The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.
- d. A minimum of two (2) Illawarra Flame trees shall be planted along the eastern and western corners of the site at the rear and a minimum of five (5) Blueberry Ash trees shall be planted along the rear boundary (unless otherwise stipulated by Council).

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Larissa Ozog
 Scott Lee	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2022/571
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures; consolidation of allotments; construction of proposed apartment building comprising 18 apartments over basement parking
3	STREET ADDRESS	58-60 Smith Street, WOLLONGONG Lot 1 DP 199079 and Lot 3 DP 999196
4	APPLICANT	Applicant - ADM Architects
5	REASON FOR REFERRAL	Referral for <b>determination</b> pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979.  Under 4(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, 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"> <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 &amp; 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>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 2022</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 Environmental Planning and Assessment Regulation 2021: Australian Standard AS 2601—2001: The Demolition of Structures - conditions of consent are recommended for imposition requiring compliance with AS 2601.</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 29 August 2023</li> <li>Written submissions during public exhibition: seven (7)</li> <li>Verbal submissions at the public meeting: three (3)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 29 August 2023. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Robert Montgomery (Chair), Larissa Ozog, Scott Lee, Bernard Hibbard (Community Representative)</li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Council assessment staff:</u> Pier Panozzo (Manager City Centre &amp; Major Development), Theresa Whittaker (Senior Development Project Officer), Amanda Kostovski (Design Expert)</li></ul>
9	COUNCIL RECOMMENDATION	Approve with Conditions
10	DRAFT CONDITIONS	Attached to the council assessment report