

# DETERMINATION AND STATEMENT OF REASONS

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

|                       |  |
|-----------------------|--|
| DATE OF DETERMINATION | 15 November 2022   |
| PANEL MEMBERS         | Scott Lee (Acting Chair for this item), Tina Christy, Trish McBride (Community Representative) |

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 15 November 2022 opened at 5:00pm and closed at 6:07pm.

Stephen Davies declared a pecuniary interest in this item in that his firm previously prepared a heritage report for the Hotel. He left the meeting for this item and took no part in the discussion or decision. In Stephen's absence, Scott Lee was nominated to Act as Chair for this Item.

### MATTER DETERMINED

DA-2022/961 – Lot 1 DP 83618, 160-164 Keira Street, Wollongong (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel heard from the applicant.

### 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 agrees with the Council Officer's report.
- The proposal establishes an appropriate framework for the event.
- The proposed conditions of consent, as amended by the Panel, will mitigate any potential adverse environmental impacts.

### CONDITIONS

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

#### Condition 3 - Endorsement of Event

- Typo – "The review should occur in *consolation* with Police". Replace with "consultation"
- Applicant requested condition be clearer to be relevant to events following the 2022/2023 NYE event

#### Condition 31 - Site Set-Up

*Site set-up must be undertaken no earlier than 48 hours before the commencement of the camping event unless the prior written approval from Council is obtained. Vehicles associated with the delivery and installation of the set-up shall not remain parked on grassed areas once unloading and installation is completed.*

- Condition mistakenly refers to "camping event"
- Condition may be redundant as matters covered by other conditions

### Condition 33 - Notification to SafeWork NSW

*The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (6) metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.*

- Condition may be redundant as compliance with SafeWork NSW covered by other conditions and no structures over 6m proposed. Also, technically "demolition" not proposed, as opposed to disassembling temporary structures

### Condition 34 - Depth/Location of Services

*The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.*

- No "construction" technically proposed, rather set up / construction of temporary structures

### Condition 37 - Protection of Public Places

*If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:*

- a) A hoarding or fence must be erected between the work site and the public place;*
  - b) an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;*
  - c) the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;*
  - d) safe pedestrian access must be maintained at all times;*
  - e) any such hoarding, fence or awning is to be removed when the work has been completed.*
- "Erection or demolition of a building" not technically proposed, rather temporary structures

### Condition 41. Occupation Certificate

*Temporary Structures used as Entertainment Venue Pursuant to clauses 156(1)(b) and 268(A) of the Environmental Planning and Assessment Regulation, 2000.*

*Appoint and obtain from a Registered Certifier an Occupation Certificate prior to the occupation of temporary structures, being a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent); or a mobile structure that is used as an entertainment venue, as defined by the Environmental Planning and Assessment Regulation 2000 being a cinema, theatre or concert hall or an indoor sports stadium.*

- Condition refers to repealed legislation, condition should refer to S72 and S144 of the Environmental Planning and Assessment Regulation 2021.

Conditions 38,56,60 ad 67 cover much the same requirements and should be consolidated.

Conditions 26 and 62 cover much the same requirements and should be consolidated.

Conditions 57 and 63 cover much the same requirements and should be consolidated.

Conditions 64 and 76 cover much the same requirements and should be consolidated.


PANEL MEMBERS



Scott Lee  
(Acting Chair)



Tina Christy



Trish McBride  
(Community Representative)

| SCHEDULE 1 |                                   |   |
|------------|-----------------------------------|---|
| 1          | DA NO.                            | DA-2022/961   |
| 2          | PROPOSED DEVELOPMENT              | Five (5) year approval is sought for the partial closure of Market Street, between Keira Street and Keira Lane (including northern footpath) to enable an annual New Year's Event to operate in conjunction with the Illawarra Hotel  |
| 3          | STREET ADDRESS                    | Illawarra Hotel 160-164 Keira Street Wollongong<br>Market Street, Wollongong  |
| 4          | APPLICANT                         | MMJ Wollongong  |
| 5          | REASON FOR REFERRAL               | Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the landowner of Market Street is Council.   |
| 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 (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Industry and Employment) 2021</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong Development Contributions Plan</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: <ul style="list-style-type: none"> <li>○ 62 Consideration of fire safety</li> <li>○ 63 Considerations for erection of temporary structures</li> </ul> </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 15 November 2022</li> <li>· Written submissions during public exhibition: One</li> <li>· Verbal submissions at the public meeting: Nil</li> </ul>  |
| 8          | SITE INSPECTIONS BY THE PANEL     | Virtual Site inspection 15 November 2022. Attendees: <ul style="list-style-type: none"> <li>○ Panel members: Scott Lee (Acting Chair), Scott Lee, Tina Christy, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Martin Jameson</li> </ul>  |
| 9          | COUNCIL RECOMMENDATION            | Approve   |
| 10         | DRAFT CONDITIONS                  | Attached to the Council assessment report   |