

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	14 September 2021
PANEL MEMBERS	Sue Francis (Chair), Sue Hobley, Glenn Falson, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 14 September 2021 opened at 5:00pm and closed at 6:13pm.

MATTER DETERMINED

DA-2020/1465 - Lot 1 DP 87188, 15-19 Crown Street, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

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 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 is also satisfied that the proposed development will be in the public interest because it is consistent with the objections of the relevant development standard and the objectives of the relevant zone.

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:

1. The Panel queried whether the matter of the affordable housing component of the application would trigger the need for the application to be determined by the Regional Planning Panel; being aware that any application for affordable housing, with a capital value of \$5 million or over, is a matter for the Regional Planning Panel. The Panel was informed by the applicant that the affordable housing component of the application represents 28.42% of the development, with a value of \$4,520,892. The Panel asked the applicant what aspects of the development were included in the development to ensure that all appropriate costs were considered. Following clarification from the applicant, the Panel was reasonably satisfied that the Local Planning Panel is the appropriate approval authority in this case.
2. The design of the development satisfies Council's controls and the issues raised by the Design Review Panel, with the exception of the landscape plan, have been addressed and are acceptable having regard to Council's controls and desired future character for the area.

3. In relation to the landscape plan, the Panel had concerns with regard to the failure of the plan to address all the concerns raised by the Design Review Panel, as well as the lack of accessibility to commercial units and proposed tree management. Accordingly, conditions of consent have been drafted to dress these issues

CONDITIONS

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

1. Amend condition 12 to read: -

12 Tree Removal

- ~~4. This consent permits the removal of trees numbered as indicated on the Landscape Plan prepared by Landform Studio February 2021 and Arboricultural Impact Assessment Report October 2020. No other trees shall be removed without prior written approval of Council.~~

Notwithstanding the provision of consent by the owner of No.13 Crown Street to the removal of trees on that site if required as a consequence of the construction of the proposed development, a separate Tree Removal Application shall be lodged for the removal of any off-site trees. No trees other than those approved under this consent shall be removed without prior written approval of Council.

2. Amend condition 48 to read: -

48 Street Trees City Centre





The developer must address the street frontage by installing street tree planting. The number and species for this development is three (3) Cupaniopsis anacardioides (Tuckeroo). 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles. Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Works. These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

3. Add additional condition prior to CC

An amended landscape plan shall be submitted. The plan shall address the requirements of Wollongong DCP-2009 Chapter E06 Landscaping and include the following:

- a. *An accessible pathway to the ground floor commercial units;*
- b. *Further development of the design of the level 1 and level 12 common open spaces based on:*
 - I. *providing more functional spaces (requiring the deletion of the central planters except where they are designed to support a community garden space);*
 - II. *defining (without losing all flexibility) a variety of activities that are catered for in specifically furnished and fitted out areas;*
 - III. *ensuring good visual links between the various spaces (to enable surveillance and wayfinding);*
 - IV. *using a variety of suitable plants to give individual character and definition to the different spaces;*
 - V. *providing breaks in perimeter plantings to support views out of the COS without compromising privacy; and*
 - VI. *providing a mix of shady and sunlit areas and shelter from winds;*

- c Further development of the design of the level 3 common open space to provide for a more generous and flexibly functional space unhampered by a central planter and with viewing points through the perimeter plantings.
- d Provision of water outlets to the various open space areas to enable irrigation of plantings; and
- e Allowing for lighting of and energy supply to COS areas.

PANEL MEMBERS	
 Sue Francis (Chair)	 Sue Hobley
 Glenn Falson	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/1465
2	PROPOSED DEVELOPMENT	Mixed use development - construction of a 13 storey residential flat building over a ground level commercial premise and one (1) level of basement parking
3	STREET ADDRESS	15-19 Crown Street Wollongong
4	APPLICANT/OWNER	Traders in Purple
5	REASON FOR REFERRAL	Pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. In accordance with Schedule 2, Clauses 3 and 4 (b) of the Local Planning Panels Direction of 30 June 2020, the proposal is sensitive development being that to which SEPP 65 applies and contravenes a development standard by more than 10% (building separation Cl 8.6) of Wollongong Local Environmental Plan 2009.
6	RELEVANT MANDATORY CONSIDERATIONS	<ol style="list-style-type: none"> 5. Environmental planning instruments: <ul style="list-style-type: none"> o State Environmental Planning Policy (State and Regional Development) 2011 o State Environmental Planning Policy (Infrastructure) 2007 o State Environmental Planning Policy No 55 – Remediation of Land o State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development o State Environmental Planning Policy – Affordable Rental Housing 2009 o State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 o Wollongong Local Environment Plan 2009 6. NSW Apartment Design Guide 7. Wollongong Section 94A Development Contributions Plan 8. Development control plans: <ul style="list-style-type: none"> o Wollongong Development Control Plan 2009 9. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality 10. The suitability of the site for the development 11. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations 12. 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 14 September 2021 · Council memo dated 14 September 2021 regarding Draft SEPPs · Written submissions during public exhibition: 10 · Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 14 September 2021. Attendees:</p> <ul style="list-style-type: none"> o <u>Panel members</u>: Sue Francis (Chair), Sue Hobley, Glenn Falson, Bernard Hibbard (Community Representative) o <u>Council assessment staff</u>: Pier Panozzo, Brad Harris
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report