

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	5 September 2018
PANEL MEMBERS	Robert Montgomery (Chair), Scott Lee, Tina Christy (Community Representative)

Alison McCabe declared a conflict of interest in this item, in that her firm was involved in preparing information previously for this application. Ms McCabe left the room during this item and took no part in the Panels deliberations.

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 5 September 2018 opened at 5:00pm and closed at 7.50pm.

MATTER DETERMINED

DA-2017/1577, Lot 1 DP 225986, 27 Flinders Street, Wollongong NSW 2500 (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two (2) submitters who raised issues regarding:

- Carparking, impacts on amenity to adjoining buildings, in particular solar access acoustic and visual impacts

The Panel also heard from the applicant's representatives who responded to the matters raised in the Council officer's report and comments made by the submitter.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1. The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*:

"The clause 4.6 submission in relation to an exemption to the height of building standard in clause 4.3 is not well founded and has not provided sufficient justification for the exemption".

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The matters considered in the officers report are supported
- The proposed development will have unacceptable impact on adjoining residential premises
- The Panel is not satisfied that the request for exemption under clause 4.6 is justified

CONDITIONS

The development application was refused subject to the reasons for refusal listed in Attachment 8 and the additional condition noted above.

PANEL MEMBERS

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Robert Montgomery (Chair)

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Scott Lee

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Tina Christy (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2017/1577
2	PROPOSED DEVELOPMENT	Mixed use development -demolition of existing structures and the construction of a mixed use development consisting of 2 commercial tenancies, 36 apartments over basement parking for 50 cars
3	STREET ADDRESS	Lot 1 DP 225986, 27 Flinders Street, Wollongong NSW 2500
4	APPLICANT	Artro Management Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel pursuant to clause 2.19(1) (a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the development is sensitive development being more than 4 storeys in height and SEPP 65- Design Quality of Apartment Buildings applies (clause 4), has received in excess of 10 submissions (clause 2b) and exceeds the height limit under WLEP 2009 by greater than 10% (18%) (Clause 3).
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 SEPP 71 Coastal Protection (Applicable at time of lodgement, since repealed but did not apply to the city centre) SEPP Coastal Management 2016 (Draft at time of lodgement) NSW Apartment Design Guide Wollongong Section 94A Development Contributions Plan Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: clause 92 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 September 2018 Written submissions during public exhibition: 22 in total however multiple submissions received from a number of objectors. Verbal submissions at the public meeting: Two (2)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 5 September 2018. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Robert Montgomery (Chair) Scott Lee, Tina Christy (Community Representative) <u>Council assessment staff</u>: Pier Panozzo, Nigel Lamb
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report