

ITEM 26

QUARTERLY REPORT ON DEVELOPMENT APPLICATIONS INVOLVING VARIATIONS TO DEVELOPMENT STANDARDS 1 JULY TO 30 SEPTEMBER 2017

This regular quarterly report to Council identifies three (3) Development Applications have been determined during the period 1 July to 30 September 2017, where a variation to a development standard was granted. The NSW Department of Planning and Environment has been notified of the variations as part of Council's ongoing reporting requirements.

RECOMMENDATION

Council note the report.

REPORT AUTHORISATIONS

Report of: Mark Riordan, Manager Development Assessment and Certification
Authorised by: Andrew Carfield, Director Planning and Environment - Future City and Neighbourhoods

ATTACHMENTS

1 Variation to Development Standards - July to September 2017

BACKGROUND

Development Applications involving variations to development standards may be made under clause 4.6 of Wollongong Local Environmental Plan 2009 (WLEP 2009). Requirements are provided within clause 4.6 of WLEP 2009 for the assessment of variations to development standards.

Any variations approved are reported on a quarterly basis to Department of Planning and Environment (DP&E), in accordance with procedural guidelines. Council and DP&E may in turn consider the extent and nature of variations granted when reviewing relevant planning controls or instruments.

Wollongong City Council provides further transparency and oversight of applications seeking departures to development standard via:

- Independent Hearing and Assessment Panel (IHAP) peer review.
- Declaration of any variation during public exhibition.
- Maintaining an ongoing public record of all variations approved.

QUARTERLY RESULT

During the last quarter (1 July 2017 to 30 September 2017) three (3) Development Applications were approved which included a variation to a development standard. The first application (DA-2010/439/B) involved alterations and additions to the Imperial Hotel at Clifton. The proposal involved variations to clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio (FSR) under Wollongong Local Environmental Plan 2009 (WLEP 2009). The proposed variation to clause 4.3 Height of Buildings was considered reasonable on the basis that the Imperial Hotel has an existing 12.3 metre height, which is already above the 9 metre height limit under WLEP 2009. The proposal involved a 0.36:1 FSR instead of the permitted 0.3:1 FSR under WLEP 2009. The proposed variation to clause 4.4 Floor Space Ratio was also considered reasonable in the circumstances of the case particularly since FSR variation was a result from the enclosure of two rear decks to deal with inclement weather. The rear decks are enclosed by glass panels which act as an acoustic barrier and minimise overlooking to properties to the south. Further, the proposed enclosure of the rear decks was also supported on the basis of upgrading the dilapidated building and activating the rear of the building to return the heritage building back to a useable state. This application was referred to the Independent Hearing & Assessment Panel (IHAP) on 19 July 2017. All panel members concurred with the Council Officer's recommendation, subject to the imposition of appropriate conditions of consent.

The second application (DA-2016/969) involved the demolition of existing structures and construction of shop top housing comprising ground floor commercial/retail space and six residential levels above with basement parking. The proposed variation related to a proposed 7 metre building separation distance instead of a 20 metre building separation distance. The application was referred to IHAP on 26 April 2017 at which time the panel members deferred consideration of the application and recommended amended plans and additional information be provided for a number of issues/matters, including waste management issues, daylight access issues on the northern elevation, deep soil planting, inadequate building separation on the north-west corner of the site, access to communal open space and functionality of the open space, additional accessible parking on basement levels 1 and 2 of the development and additional information on whether the existing building fell within the definition of Low Rental Residential Building. The IHAP indicated that these matters did not necessitate the application to be re-referred back to IHAP. Amended plans and additional information were provided to Council to enable further assessment of the application. The previous matters were all satisfactorily addressed and considered by a further Section 79C assessment report. The Manager Development Assessment & Certification considered the further Section 79C assessment report and subsequently agreed to the approval of the development subject to the imposition of appropriate conditions of consent.

The third application (DA-2017/603) involved alterations and additions to an existing dwelling-house at Cordeaux Heights. The proposal involved a proposed Floor Space Ratio (FSR) on 0.4:1 instead of the FSR of 0.3:1 permitted under WLEP 2009. The proposed variation of the FSR standard was considered reasonable on the basis that the proposed development was compatible with the streetscape with the bulk and scale of the proposed development being sympathetic with surrounding development in the locality.

Attachment 1 provides for the information relating to these matters and forms the basis of the quarterly return for Department of Planning and Environment, which is now submitted.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective 1.6: *The sustainability of our urban environment is improved under the Community Goal We value and protect our environment Community Goal.*

It specifically addresses the Annual Plan 2016-17 Key Deliverables: *Development is functional, attractive and sympathetic with the environment and avoids unnecessary use of energy, water or other resources* which forms part of the Five Year Action: *Provide high quality development assessment and certification based on QBL principles* contained with the Revised Delivery Program 2012-2017.

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Development Applications approved with variations to development standards for the quarterly period between 1 July 2017 and 30 September 2017 (Reporting applications with a decision of 'Approved'/'Deferred Commencement')

Application	DA-2010/439/B		
Lots	100 DP 1118518, 1 Sec 1 DP2281	Zone	E4 Environmental Living
Address	317 and 321 Lawrence Hargrave Drive, CLIFTON NSW 2515		
Description	Alterations and additions to existing Imperial Hotel building, continued use as a pub/restaurant, with parking for 24 vehicles, 2 (two) motorcycle spaces, 7 (seven) bicycle spaces and landscaping works		
Decision	Approved	Decision Date	1 August 2017
Variations	Planning Instrument	WLEP 2009	Clauses 4.3(2) Height of buildings 4.4(2) Floor space ratio
	Justification of variation	<p><u>Clause 4.3 Height of Buildings</u></p> <p>The requested exception to Clause 4.3 Height of Buildings of Wollongong Local Environmental Plan 2009 is considered reasonable given the circumstances of the case. It is noted that the heritage listed Imperial Hotel has an existing height greater than 13m. The Applicant has provided adequate justification for the variation sought and demonstrates that strict compliance with the development standard is unreasonable and unnecessary.</p> <p>The application was referred to IHAP on 19 July 2017. All panel members concurred with the Council Officer's recommendation subject to amendments.</p> <p><u>Clause 4.4 Floor Space Ratio</u></p> <p>The requested exception to Clause 4.4 Floor Space Ratio of Wollongong Local Environmental Plan 2009 is considered reasonable given the circumstances of the case. The Applicant has provided adequate justification for the variation sought and demonstrates that strict compliance with the development standard is unreasonable and unnecessary.</p> <p>The application was referred to IHAP on 19 July 2017. All panel members concurred with the Council Officer's recommendation subject to amendments.</p>	
	Extent of variation	<p><u>Clause 4.3 Height of Buildings of Wollongong Local Environmental Plan 2009</u></p> <p>Maximum permitted height: 9m Approved height: 12.3m</p> <p><u>Clause 4.4 Floor Space Ratio of Wollongong Local Environmental Plan 2009</u></p> <p>Maximum FSR permitted: 0.3:1 Approved FSR: 0.36:1</p>	
	Concurring Authority	Council under assumed concurrence	

Application	DA-2016/969		
Lots	2 DP153824, 3 DP 153824, 4 DP153824, 1 DP 196964	Zone	B4 Mixed Use
Address	48 Bank Street, WOLLONGONG NSW 2500 108A and 108 Kembla Street, WOLLONGONG NSW 2500		
Description	Demolition of existing structures and construction of shop top housing comprising ground floor commercial and six residential levels with basement parking		
Decision	Approved	Decision Date	6 July 2017
Variations	Planning Instrument	WLEP 2009	Clause 8.6 Building separation within the B4 Mixed Use zone
	Justification of variation	<p>Objectives of Clause 8.6 and zone objectives have been satisfied & sufficient planning grounds to justify variation provided. Reduced building separation will not compromise visual amenity, privacy, overshadowing outcomes for existing or future buildings.</p> <p>The application was referred to IHAP on 26 April 2017 at which time the IHAP panel deferred the application requiring amended plans and additional information for a number of matters, including waste management, lack of deep soil planting, inadequate building separation in the north-west corner of the site, access to communal open space and functionality of the landscape space, main bedrooms relying on highlight windows for daylight access on the northern elevation, insufficient information on whether the existing building did not fall within the definition of Low Rental Residential Building and additional accessible parking on basement levels 1 and 2. At the 26 April 2017 meeting, IHAP indicated that the matter did not need to come back to IHAP once these issues were addressed.</p> <p>The matters were satisfactorily addressed and a Section 79C Assessment Report was completed on 5 July 2017 recommending approval of the development subject to appropriate conditions.</p>	
	Extent of variation	20m separation distance between habitable parts of dwellings where minimum 7m separation distance proposed.	
	Concurring Authority	Council under assumed concurrence	

Application	DA-2017/603		
Lot	523 DP 1006249	Zone	E4 Environmental Living
Address	5 Southspur, CORDEAUX HEIGHTS NSW 2526		
Description	Residential - Alterations and Additions		
Decision	Approved	Decision Date	12 September 2017
Variations	Planning Instrument	WLEP 2009	Clause 4.4(2) Floor space ratio
	Justification of variation	<p>The proposal is compatible with the streetscape and is of a bulk and scale that reflects surrounding development. Therefore, the proposal will have minimal impact on the amenity of the neighbourhood.</p> <p>The application was referred to IHAP on 30 August 2017. All panel members concurred with the Council Officer's recommendation subject to amendments.</p>	
	Extent of variation	Required FSR 0.3:1, approved FSR 0.4:1	
	Concurring Authority	Council under assumed concurrence	