

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	19 July 2022
PANEL MEMBERS	Stephen Davies (Chair), Larissa Ozog, Edger du Bois (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 19 July 2022 opened at 5:00pm and closed at 5:57pm.

MATTER DETERMINED

DA-2021/1231 – Lots 14 and 15 DP 6920, 3-5 Ocean Street, Wollongong (as described in detail in schedule 1).

Tina Christy declared a pecuniary interest in this item in that she works for the planning firm GYDE Consulting, who represents the applicant. She left the meeting for this item and took no part in the discussion or decision.

PUBLIC SUBMISSIONS

The Panel was addressed by two submitters.

The Panel heard from the applicant's 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 2:1 - Edger du Bois (Community Representative) was the dissenting vote due to the following reasons listed below:

- Overshadowing and lack of winter sun.
- Loss of view.
- Height of the building in the local context.
- Concern over the issues raised in regard to geotechnical and potential sub-subsidence.
- The number of apartments and subsequent impact on street parking.

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 agrees that the minor variations to the ADG for building separation is justified in the circumstances.
- The proposal is an appropriate response to the zoning of the land and its context within the locality.
- The design is well resolved and reflects a collaborative approach with Council to achieve a desirable outcome

CONDITIONS

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

8 Height Restriction

The development shall be restricted to a maximum height of 32 metres AHD from the existing ground level (inclusive of the lift tower and any air conditioning plant). Any alteration to the maximum height of the development will require further separate approval of Council.

10A. Geotechnical

- a An earthworks plan is to be developed by a geotechnical consultant prior to start of earthworks.
- b Permanent ground anchors are not permitted within the road. Temporary ground anchors can only be used where the Road Authority has provided written confirmation to the applicant for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2012/001.
- c A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- d No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- e All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- f All recommendations of the geotechnical consultant in their geotechnical report are to be accommodated in the earthworks plan.
- g Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- h The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.
- i Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.

At the completion of the site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

10B. Construction Management, Pedestrian and Traffic Management Plan

The submission of a Construction Management, Pedestrian and Traffic Management Plan to the Principal Certifier prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, and adjoining property during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a) proposed earthworks plan as approved by the geotechnical engineer
- b) proposed ingress and egress points for vehicles to/from the construction site;
- c) proposed protection of pedestrians, infrastructure and property adjacent to the construction site;
- d) proposed pedestrian management whilst vehicles are entering/exiting the construction site;

- e) proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- g) proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- h) proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Maritime Service's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. – "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- i) proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- j) proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

16 Schedule of External Building Materials/Finishes

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) together with a sample board and an A4 or A3 sized photograph of the sample board shall be submitted for the separate approval of the Wollongong Council City Centre Planning Manager or delegate, prior to the release of the Construction Certificate.

26 Landscaping

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifier, prior to the release of the Construction Certificate. The Final Landscape Plan must show the retention of the Illawarra Flame Tree adjacent to the rear (eastern boundary) of the site and existing street trees. All trees to be planted shall have a minimum 200L pot size.


PANEL MEMBERS



Stephen Davies
(Chair)



Larissa Ozog



Edger du Bois
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1231
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 10 storey building residential flat building
3	STREET ADDRESS	3-5 Ocean Street, Wollongong
4	APPLICANT/OWNER	Theo Lucas and Associates Architects
5	REASON FOR REFERRAL	Clauses Clause 2(b) and 4(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal received over 10 unique submissions by way of objection and 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"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP (Resilience and Hazards) 2021 ○ SEPP 65 Design Quality of Residential development ○ SEPP (Building Sustainability Index: BASIX) 2004 ○ SEPP (Transport & Infrastructure) 2021 ○ SEPP (Koala Habitat Protection) 2021 ○ Wollongong Local Environment Plan 2009 • NSW Apartment Design Guide • Wollongong Section 94A Development Contributions Plan • Draft environmental planning instruments: N/A • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2021: CI 61 • Coastal zone management plan: Nil • 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 Environmental Planning and Assessment Act 1979 or regulations • The public interest, including the principles of ecologically sustainable development
	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report dated 19 July 2022 • Written submissions during public exhibition: Seventeen (17) • Verbal submissions at the public meeting: Two (2)
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 19 July 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen Davies (Chair), Larissa Ozog, Edger du Bois (Community Representative) ○ <u>Council assessment staff</u>: Brad Harris (Development Project Officer), Pier Panozzo (City Centre & Major Development Manager)
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report