

DETERMINATION AND STATEMENT OF REASONS
WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	29 November 2022
PANEL MEMBERS	Sue Francis (Chair), Robert Montgomery, Glenn Falson, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 29 November 2022 opened at 5:00pm and closed at 5:26pm.

MATTER DETERMINED

DA-2022/449 – Lots 2 and 3 DP 150899, 75-77 Corrimal Street, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

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 maximum building height 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 accepts that, as a consequence of the topographic fall in the street and a cross fall to the rear of the site and the need to minimise the risk to basement flooding that result in a minor breach of the height occurs and is acceptable at the rear. The Panel does not accept that the height standard has been abandoned, as suggested in the clause 4.6. Rather, the consent authority has accepted variations to the height limit under clause 4.6 having regard to the circumstances of the case, not dissimilar to this matter.

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 considers the design of the development to have had regard to its constraints being an infill site and the relationship of the proposal to its neighbours. It is accepted that over shadowing will occur to the south of the site, at 79 Corrimal Street, however, the required two hours of solar access will be maintained to the living rooms of all units in that building.
- The Panel notes the apparent reduced setback to Corrimal Street but acknowledges the commentary in the assessment report which suggests that the setback of 10.36 metres is anomalous in this circumstance and in the area generally.
- In all other respects, the Panel considers it is a well designed building which will result in good amenity to existing and future residents.

CONDITIONS

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

Condition 12 is to be amended to correct an error whereby the contribution was based on City Centre rates. The site is not within the City Centre for the purposes of s.9A Contribution Plans

12. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$47,651.20 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the proposed cost of development and the applicable percentage levy rate.

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

To request an invoice to pay the contribution amount go www.wollongong.nsw.gov/contributions and submit a contributions enquiry. The following will be required:

- Application number and property address.*
- Name and address of who the invoice and receipt should be issue to.*
- Email address where the invoice should be sent.*

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.gov.au.

Condition 1 need is to be amended to account for an amended plan received after preparation of the report. The plan addressed the need for bicycle parking to be provided in the basement.

Condition 1 will now read (amendment in red):

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

<i>Plan No</i>	<i>Revision No</i>	<i>Plan Title</i>	<i>Drawn By</i>	<i>Dated</i>
<i>011</i>	<i>P</i>	<i>Demolition Plan</i>	<i>DWA</i>	<i>19.08.22</i>
<i>020</i>	<i>P</i>	<i>Site Plan – Roof Plan</i>	<i>DWA</i>	<i>19.08.22</i>
<i>021</i>	<i>P</i>	<i>Basement 2</i>	<i>DWA</i>	<i>19.08.22</i>
<i>022</i>	<i>R</i>	<i>Basement 1</i>	<i>DWA</i>	<i>21.11.22</i>
<i>023</i>	<i>P</i>	<i>Ground Floor</i>	<i>DWA</i>	<i>19.08.22</i>
<i>024</i>	<i>P</i>	<i>Level 1-3 (Typical)</i>	<i>DWA</i>	<i>19.08.22</i>
<i>025</i>	<i>P</i>	<i>Level 4</i>	<i>DWA</i>	<i>19.08.22</i>
<i>040</i>	<i>P</i>	<i>Elevations (North/South)</i>	<i>DWA</i>	<i>19.08.22</i>
<i>041</i>	<i>P</i>	<i>Elevations (East/West)</i>	<i>DWA</i>	<i>19.08.22</i>
<i>050</i>	<i>P</i>	<i>Sections (A)</i>	<i>DWA</i>	<i>19.08.22</i>
<i>051</i>	<i>P</i>	<i>Sections (B)</i>	<i>DWA</i>	<i>19.08.22</i>
<i>052</i>	<i>P</i>	<i>Sections (C)</i>	<i>DWA</i>	<i>19.08.22</i>

053	P	Sections (D)	DWA	19.08.22
054	P	Detail Sections (1, 2 & 3)	DWA	19.08.22
055	P	Detail Sections	DWA	19.08.22
1	G	Landscape Site Plan	Paul Scrivener Landscape	17.08.22
2	G	Planting Plan & Calculation Plan	Paul Scrivener Landscape	17.08.22
3	G	Details Plan, Details & Notes	Paul Scrivener Landscape	17.08.22
4	G	Sections AA and BB	Paul Scrivener Landscape	17.08.22
5	G	Sections CC and DD	Paul Scrivener Landscape	17.08.22
6	G	North & South Elevation	Paul Scrivener Landscape	17.08.22
7	G	North & South Elevation	Paul Scrivener Landscape	17.08.22



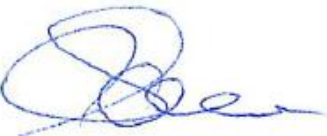

ing documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

A further condition is required to provide for consolidation of lots as follows:

92A Consolidation

The subject lots shall be consolidated into one parcel. Evidence of the registration of the plan of consolidation shall be provided to the Certifier prior to the issue of an occupation certificate.

PANEL MEMBERS	
 Sue Francis (Chair)	 Robert Montgomery
 Glenn Falson	 Peter Sarlos (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2022/449
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of five (5) storey building with 10 residential units and basement parking
3	STREET ADDRESS	75-77 Corrimal Street Wollongong
4	APPLICANT	Design Workshop Australia
5	REASON FOR REFERRAL	Pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clause 4(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal 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"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Precincts Regional) 2021 ○ State environmental planning policy (koala habitat protection) 2021 ○ Wollongong Local Environment Plan 2009 · NSW Apartment Design Guide · Wollongong 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: N/A · Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 61 - Demolition · Coastal zone management plan: N/A · 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 29 November 2022 · Written submissions during public exhibition: two (2) · Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 29 November 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Robert Montgomery, Glenn Falson, Peter Sarlos (Community Representative) ○ <u>Council assessment staff</u>: Brad Harris
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report

