

## DETERMINATION AND STATEMENT OF REASONS

### WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

|                       |  |
|-----------------------|--|
| DATE OF DETERMINATION | 3 November 2020  |
| PANEL MEMBERS         | Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative) |

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 3 November 2020 opened at 5:00pm and closed at 6:51pm.

#### MATTER DETERMINED

Lot 1 DP 780693, Lot 1 DP 1246328, 9-11 Park Street, Wollongong (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by four submitters.

The Panel heard from the applicant.

#### 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 defer 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 remains of the view that 13 Park Street is not 'isolated' since the zoning of the site allows a range of residential uses and the existing development has been built consistent with the uses permissible in that zone.
- In respect of solar access, particularly to 13 Park Street, the amendments have improved the access to the adjoining dwellings; noting that 13 Park Street is located to the south of the subject site, has minimal side setbacks and that the subject proposal is consistent with the built form established by Council's controls. In this respect, the Panel notes that the proposal is considerably lower than the maximum permissible height (by approx. 2 storeys) and in several locations exceeds the minimum side and rear setbacks. Where there is a diminution in the side setback through the bathroom projections this does not impact on privacy or solar impact but does add to the articulation of the building.
- In respect of the front setback the Panel notes that the Council's DCP specifies a 4m setback. Any increase in this setback is unlikely to increase the solar access to the centrally located units at 13 Park Street.
- However, the Panel does require that the 'service rooms' which replaced the Zen gardens be reduced in size by a distance of 1.5m from the balustrade in each case, on each floor. They are larger than required and reducing the slab projection and location of the balustrade by 1.5m will improve articulation. Detailed plans are to be provided to Council prior to determination.  
In the absence of an updated BASX certificate, consent may not be granted. This is to be provided to Council following the amendments referenced above.

Following the satisfactory receipt of this information, the Panel gives delegation to the Manager Development Assessment and Certification to determine the application

PANEL MEMBERS



Sue Francis  
(Chair)



Larissa Ozog



Robert Montgomery



Trish McBride  
(Community Representative)

| SCHEDULE 1 |                                   |   |
|------------|-----------------------------------|---|
| 1          | DA NO.                            | DA-2019/1356  |
| 2          | PROPOSED DEVELOPMENT              | Residential - Eight storey residential flat building comprising 14 residential units over two levels of basement carparking.  |
| 3          | STREET ADDRESS                    | 9-11 Park Street, Wollongong  |
| 4          | APPLICANT                         | PRD Architects  |
| 5          | REASON FOR REFERRAL               | <p>Under Schedule 2 of the Local Planning Panels Direction, the proposal classified as sensitive development in accordance with Part 4 (b) as it is development to which SEPP 65 Design Quality of Residential Flat Buildings applies and is 4 or more storeys in height.</p> <p>The proposal is also classified as a contentious development under Part 2 (b) as it is the subject of 10 or more unique submissions by way of objection.</p> <p>The Panel deferred the matter at the WLPP meeting of 1 September 2020</p>  |
| 6          | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> <li>· Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· NSW Apartment Design Guide</li> <li>· Wollongong Section 94A Development Contributions Plan</li> <li>· Draft environmental planning instruments: NA</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Provisions of the Environmental Planning and Assessment Regulation 2000: Clause 92</li> <li>· The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>· The suitability of the site for the development</li> <li>· Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations</li> <li>· The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL  | <ul style="list-style-type: none"> <li>· Council assessment report dated 3 November 2020.</li> <li>· Written submissions during public exhibition: nine</li> <li>· Verbal submissions at the public meeting: four</li> </ul>  |
| 8          | SITE INSPECTIONS BY THE PANEL     | <p>Site inspection 3 November 2020. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Martin Jameson, Pier Panozzo, Mark Riordan</li> </ul>  |

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| 9  | COUNCIL<br>RECOMMENDATION | Approve                                   |
| 10 | DRAFT CONDITIONS          | Attached to the council assessment report |