

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	7 April 2020
PANEL MEMBERS	Robert Montgomery (Chair), Mark Carlon, Helena Miller, Tina Christy (Community Representative)

Public meeting held by teleconference at Wollongong City Council, 41 Burelli Street, Wollongong on 7 April 2020 opened at 5:00pm and closed at 6:42pm.

MATTER DETERMINED

DA-2019/1008, Lot 1 DP 8441, 1 Smith Street, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by seven (7) submitters.

The Panel also 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 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 officer's report does not make a clear recommendation either for approval or refusal. The Panel notes that although reasons for refusal are provided, the assessment and commentary throughout the report does not entirely support these reasons.
- The Panel acknowledges the concerns raised by submitters in relation to the height of the building, the character of the locality and nearby heritage items. It is also noted that reference was made to the adjacent "special area" identified in the Wollongong DCP 2009. For the sake of clarity, the Panel notes that this is not a Heritage Conservation Area under the Wollongong LEP 2009 and that the site itself is not identified as a heritage item.
- As described by the applicant, the design has been the subject of numerous iterations in response to the Design Review Panel and Council Planning staff comments and recommendations. The applicant claims that the current design is consistent with the advice provided by the Design Review Panel.
- Notwithstanding that a lower scale building would fit more comfortably in the existing streetscape, in this case the LEP set a maximum height and FSR which establishes a building envelope for the site.
- The Panel acknowledges the use of brick elements to create a five storey podium which is comparable to the height limit of the majority of Harbour Street. The design as presented does not achieve the design principle of creating a podium at the fifth level. To achieve this the three levels that comprise the penthouse need to be reduced in bulk and solidity, so the building above the podium is a much smaller and lighter element. It is the Panel's view that the upper levels need to be further set in from all boundaries and the materiality be lightened.
- As agreed by the architect the southern and western elevations should also be further articulated and detailed.

DEFERRAL

The development application is deferred to allow the applicant to address the matters raised in the commentary above. Any revised application should be reported to a future panel for determination. Any amended plans should be notified in accordance with the Community Consultation Plan requirements.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Mark Carlon
 Helena Miller	 Tina Christy (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/1008
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures and the construction of and eight (8) storey residential flat building
3	STREET ADDRESS	1 Smith Street, Wollongong
4	APPLICANT	ADM Architects
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Schedule 2, 3 & 4(b) of the Local Planning Panels Direction of 1 March 2018. The proposal is the subject of 10 or more unique submissions by way of objection and is development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies and is more than 4 storeys in height.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ 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 ○ Wollongong Local Environment Plan 2009 · NSW Apartment Design Guide · Wollongong Section 94A Development Contributions Plan · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · 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 7 April 2020 · Written submissions during public exhibition: ~100 · Verbal submissions at the public meeting: seven
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 7 April 2020. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Mark Carlon, Helena Miller, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: Nigel Lamb, Pier Panozzo
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report