

DATE OF DETERMINATION	Thursday, 16 November 2017
PANEL MEMBERS	Alison McCabe (Chair), Renata Brooks, Peter Brennan, David Brown, Michael Mantei
APOLOGIES	Hon. Pam Allan
DECLARATIONS OF INTEREST	None

Public meeting held at Wollongong City Council, 41 Burelli St, Wollongong on 16 November 2017, opened at 4.00pm and closed at 5.37pm.

MATTER DETERMINED

2016STH025 – Wollongong – DA 2016/1354 at 43, 45 Atchison Street, and 40-46 Kenny Street, WOLLONGONG (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings 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 80 of the *Environmental Planning and Assessment Act 1979* subject to the following changes:

- a point (ii) of the deferred commencement conditions being extended to 24 months.
- b deferred commencement condition (b) and (c) being moved to conditions requiring compliance before the construction certification and review the wording of condition 37.
- c Condition 13 – (Construction Management Plan) to read as follows:

Prior to the release of a Construction Certificate or the commencement of any works at the site, a detailed Construction Management Plan (CMP) prepared by a suitably qualified person in consultation with adjoining owners shall be submitted to and approved by Council. The construction management plan shall include (but not be limited to) the following details:
 - plan of proposed construction storage area;
 - parking for construction workers during the demolition and construction phases;
 - the type of materials/plant/ equipment to be transported to and stored at the site and how is it to be transported and stored;
 - timing of delivery of materials;
 - the proposed access points to the site during construction;
 - treatment of barricading/ hoarding for construction/and restricting access;
 - address all environmental aspects of the development's demolition and construction phases including soil and water management/erosion and sediment control plan; noise and vibration management plan; dust suppression/ dust management plan; waste management plan and litter control;
 - construction noise mitigation measures with particular reference to the operating hours of the neighbouring child care centre;
 - timing of waste collection during construction;

- monitoring of compliance with the proposed mitigation measures and corrective actions; and
- arrangements for continuity of access to child care centre and other local businesses.

A community engagement plan be prepared and incorporated into the Construction Management Plan, including regular updates and contact numbers for complaints and consultation for schedule of works.

A Construction Certificate shall not be released by the Principal Certifying Authority and no works shall commence until such time as Council's written approval has been obtained for the construction management plan. The approved construction management plan shall be complied with at times.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was Unanimous.





REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposed development exhibits design excellence and is consistent with the desired future character of the area.
- The clause 4.6 exceptions to development standard was supported for the reasons contained in the report and on the basis that there were sufficient environmental planning grounds to justify a variation.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended by the resolution to address the management of construction impacts.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Peter Brennan	<i>Endorsed via email 22/11/17</i> David Brown
 Michael Mantei	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH025 – Wollongong – DA 2016/1354
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a shop top housing development containing 203 residential apartments, two (2) levels of commercial/retail floor space, four (4) basement parking and servicing levels and associated landscaping and service
3	STREET ADDRESS	43 - 45 Atchison Street and 40 – 46 Kenny Street, Wollongong
4	APPLICANT/OWNER	Mark Dillon, BHI Architects / Astypalea Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
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 Apartment Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (State and Regional Development) 2011 Wollongong Local Environment Plan 2009 Draft environmental planning instruments: Draft State Environmental Planning Policy (Coastal Management) 2016 Wollongong Section 94A Development Contributions Plan 2017 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 2000: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288. Clause 92 matters for consideration being AS 2601-1991 in respect of any demolition works and the NSW Coastal Policy. 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
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: received 6 November 2017 Written submissions during public exhibition: six Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Ms Jilliam Valdivia and Meredith Henderson On behalf of the applicant – David Laing, Mark Hitchcock and Mark Dillon Clause 4.6 variation to development standards.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing meeting 15 March 2017 Final briefing meeting to discuss council's recommendation, 16 November 2017 [time]. Attendees: <ul style="list-style-type: none"> Panel members: Alison McCabe (Chair), Renata Brooks, Peter Brennan, David Brown, Michael Mantei Council assessment staff: Theresa Whittaker
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report