

DATE OF DETERMINATION	24 January 2018
PANEL MEMBERS	Alison McCabe (Chair), Renata Brooks, Susan Budd, Michael Mantei
APOLOGIES	Hon. Pam Allan
DECLARATIONS OF INTEREST	None

Electronic meeting held between 10 January 2018 and 24 January 2018.

MATTER DETERMINED

2016STH037 – Wollongong - DA-2016/1719 at 38 Atchison 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*.
- The Clause 4.6 variation request to vary the building separation Development Standard.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel resolved to approve this development application, which is appropriate to the character of the area and objectives of the B3 Commercial Core zone.

The Panel generally agreed with environmental assessment and the balance of considerations in Council's assessment report as updated by the supplementary assessment report.

The Panel is satisfied that the supplementary Council assessment report and the revised conditions of consent adequately address concerns raised by the Panel at the deferral of 26 September 2017.

This is inclusive of the matters in Clause 7.3- Flood Planning Area, which the Panel considers to have been adequately addressed by the revised plans submitted by the Applicant and the relevant conditions of consent.





The Panel supports the proposed departure from the requirements of Clause 8.6 Building Separation, Wollongong LEP 2009 set out in the Clause 4.6 Request to vary Development Standards, as no unreasonable impacts arise from the non-compliance, and the development is consistent with the objectives of the development standard, and the objectives of the B3 zone. The Panel notes the departure from the development standard is a technical non departure arising from the position of the buildings to the north and south of the site, and that as the area undergoes further transition, it is likely development of these adjoining sites will provide an opportunity to provide the continuous street wall envisaged by the development standard. Further, the Panel agrees with the conclusion that variation from the standard results in a better and more appropriate outcome for the proposed development and the desired future character of the area.

Based on the supplementary information provided, the Panel is satisfied that that the land will be suitable after remediation for the proposed use, and that the land will be appropriately remediated prior to the proposed use commencing, subject to imposition of the amended Condition 15 and Condition 126 of the revised conditions of consent.

In terms of design excellence, the Panel notes the proposal has been comprehensively reviewed by a Design Review Panel and that the final design responds to the DRP's comments and incorporates amendments required by the DRP. The Panel has had regard to the Council officer's assessment of the matters in Clause 7.18 (4) of *Wollongong Local Environmental Plan 2009*, and considers the development exhibits design excellence.

CONDITIONS

The development application was approved subject to the revised conditions in the Supplementary Council Assessment Report.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Renata Brooks
 Susan Budd	 Michael Mantei

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH037 – Wollongong - DA-2016/1719
2	PROPOSED DEVELOPMENT	Mixed use development - ground and mezzanine level commercial with 92 residential apartments over two (2) basement carparking levels including demolition of existing concrete hardstand surface
3	STREET ADDRESS	38 Atchison Street, WOLLONGONG
4	APPLICANT/OWNER	Applicant - PRD Architects; Owner – Pars Holdings 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 Environmental Plan 2009 NSW Apartment Design Guide Wollongong Section 94A Development Contributions Plan 2016 Draft environmental planning instruments: Draft SEPP (Coastal Management) 2016, Draft Education and Childcare SEPP, Draft Infrastructure SEPP 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: As 2601 in respect of any demolition. 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"> Clause 4.6 variation request. Supplementary Council Assessment Report Council assessment report: 14 September 2017 Written submissions during public exhibition: One submission in support of the proposal. Verbal submissions at the public meeting: None
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Public meeting (deferred): 26 September 2017 Site inspection and briefing meeting 15 March 2017 Briefing meeting 4 July 2017 and 30 August 2017 Final briefing meeting to discuss council's recommendation, 26 July 2017 at 2:45pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe(Chair), Renata Brooks, Susan Budd <u>Council assessment staff</u>: Theresa Whittaker
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report