

DATE OF DETERMINATION	Tuesday, 18 April 2019
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Renata Brooks, David Brown and Michael Mantei
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 29 March 2019 and 18 April 2019.

MATTER DETERMINED

2017STH019 – Wollongong – DA-2017/730 at 2A-6 Thomas Street Wollongong and 115-117 and 131-141 Keira 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The Panel considered the clause 4.6 variation request to vary clauses 7.13 and 8.6 of Wollongong LEP 2009 adequately addresses the matters in clause 4.6(3) of LEP 2009 and that the variation is otherwise appropriate having regard to the matters in clause 4.6(4)(a)(ii) of LEP 2009.
- The Panel determined to approve the application for the reasons outlined in the original council assessment report
- The Panel considers the revised conditions of consent, as amended below, will ensure compliance with the conservation management strategy, detailed documentation of works to the heritage buildings and adequate financial arrangements for future maintenance.
- The Panel is satisfied that the amended plans improve design of the Thomas Street facade to improve natural light and ventilation.

CONDITIONS

The development application was approved subject to the conditions in the Supplementary Council Assessment Report of 10 April 2019 with the following amendments:

- Deferred Commencement Condition (i)(a) to have 'and Council' deleted from the end so that it reads:

Deferred Commencement - BCA Upgrade Works and Conservation Works






A detailed Schedule of Works is required showing all works proposed on the heritage buildings to meet both the BCA and the conservation works within the GML Heritage 'Schedule of Conservation Works'. The Schedule of Works is to be endorsed by the developer's heritage consultant.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Heritage impacts
- Traffic impact
- Waste collection
- Quality of information provided
- Non-compliance with policy
- Scale of development
- Impact on amenity during construction

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment have been raised since the public meeting.

PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	 David Brown
 Michael Mantei	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH019 – Wollongong – DA-2017/730
2	PROPOSED DEVELOPMENT	Demolition of existing buildings and ancillary structures and the construction of a mixed use development above basement parking
3	STREET ADDRESS	115-117 Keira St, Wollongong; 131 – 135 Keira St, Wollongong; 137-141 Keira St, Wollongong; 2 Thomas St, Wollongong; 2A Thomas St, Wollongong; 4 Thomas St, Wollongong and 6 Thomas St, Wollongong
4	APPLICANT/OWNER	ADM Architects
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million (DA lodged prior to 1 March 2018)
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) 207 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Coastal Management) 2018 Wollongong Local Environmental Plan 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Section 94A Development Control Plan 2017 Wollongong Development Control Plan 2009 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 94 Coastal zone management plan: s79c (1)(a)(v) 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: 19 November 2018 Memorandum correcting typographical error in Council Assessment Report: 28 November 2018 Written submissions during public exhibition: six Verbal submissions at the public meeting on 29 November 2019: <ul style="list-style-type: none"> Support – Nil Object – Nil Council assessment officer – Anne Starr On behalf of the applicant – Angelo Di Martino and Stephen Gouge Supplementary Council assessment report: 26 March 2019 Supplementary Council assessment memorandum: 10 April 2019 Applicant submission dated 11 April 2019 Supplementary Council assessment memorandum: 15 April 2019
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL; PAPERS CIRCULATED	<ul style="list-style-type: none"> Site inspection and briefing 30 August 2017 Final briefing to discuss council's recommendation, 29 November 2018: Attendees:

	ELECTRONICALLY	<ul style="list-style-type: none"> ○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Renata Brooks, David Brown and Michael Mantei ○ <u>Council assessment staff</u>: Pier Panozzo, Anne Starr • Papers were circulated electronically between 29 March 2019 and 18 April 2019.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Supplementary Council assessment report dated 10 April 2019