

DATE OF DETERMINATION	27 July 2018
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Renata Brooks, Michael Mantei, David Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Wollongong City Council on 27 July 2018, opened at 1:15 pm and closed at 1:20 pm.

MATTER DETERMINED

2017STH021 – Wollongong – DA - 2017/992

9 Railway Parade, WOLLONGONG

Demolition of existing structures and construction of a 19 level shop top housing development containing 105 residential units ,3 commercial tenancies and car parking for 125 vehicles

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 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979* subject to amended conditions tabled at the meeting.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The development is consistent with the applicable provisions of the Wollongong Local Environment Plan 2009 and the relevant state planning policies including SEPP 65 and the Apartment Design Guide.
- The Panel considers that the proposal will not have unreasonable impacts on the environment or the amenity of the locality. The proposal is consistent with the desired future character of the area and is therefore considered to be in the public interest.

CONDITIONS

The development application was approved subject to the deferred commencement consent conditions in the Council Assessment Report with the following amendments:

Car parking numbers at condition 32 are to be amended as follows:

32 Car parking and Access

The development shall make provision for a total of ~~122~~124 car parking spaces, including 21 visitor spaces, 10 commercial spaces and ~~6~~12 accessible spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

Condition 13(m) to be moved to prior to issue of the Occupation Certificate

- 99 *Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied*

Condition 26 is to be relocated to condition 1b as a deferred commencement requirement

1b Wind Impact Assessment

A Wind Effects Report is to be submitted to Council prior to the issue of the Construction Certificate. The report shall include results of a wind tunnel test validating the preliminary findings of the Pedestrian Wind Environment Statement (WC070-04F02(REV0) dated 4 July 2018 prepared by Windtech) and demonstrate compliance with the following wind criteria:

- i) 10 metres/second in retail streets,*
- ii) 13 metres/second along major pedestrian streets, parks and public places, and*
- iii) 16 metres/second in all other streets.*

Condition 87 is to be relocated to prior to commencement of construction works and amended as follows:

70 Site Validation Report and Site Auditor's Statement (SAS)

A site validation report and site auditor's statement (SAS) are to be submitted to Council ~~prior to issue of Occupation Certificate~~ **following excavation and prior to the commencement of construction of the building.** The validation report shall verify that:

- a) all site contamination remediation works have been satisfactorily completed;
- b) the site is not affected by any soil strata and/or groundwater table contamination, above the NSW DECCW threshold limit criteria; and
- c) the site is rendered suitable for the proposed development.

The submission of a site audit statement (SAS) is required from the NSW EPA accredited site auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.

New condition regarding the awning over the road reserve:

50 Structure over Road

The submission of an application is required for the proposed structure within or over the road reserve for Council's approval pursuant to the provisions of the Roads Act 1993 prior to the issue of the Construction Certificate. If approved, the Roads Act 1993 approval will, in part, require the owner and successive owners to maintain the structure in a satisfactory state of repair and shall indemnify Council against all claims arising from the structure. The approval will also include a provision that Council reserves the right to terminate the approval under the Roads Act 1993 at any time and for any reason.

New condition requiring amendment of room sizes

- 26 Bedroom 1 of room number 4.03 and bedroom 1 of room number 4.07 (see Level 4 Plan 104-D dated 2 July 2018) are to be amended to achieve a minimum dimension of 3m.


PANEL MEMBERS



Pam Allan (Chair)



Alison McCabe



Renata Brooks



Michael Mantei



David Brown

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH021 – Wollongong – DA - 2017/992
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 19 level shop top housing development containing 105 residential units ,3 commercial tenancies and car parking for 125 vehicles
3	STREET ADDRESS	9 Railway Parade, WOLLONGONG
4	APPLICANT/OWNER	Eddy Haddad – Wollongong Investments No. 1 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$20 million, and 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 (Infrastructure) 2007 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development ○ Wollongong Local Environmental Plan 2009 • Draft environmental planning instruments: State Environmental Planning Policy (Coastal Management) 2016 (draft SEPP at time of lodgement) • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 ○ Wollongong Section 94A Development Contributions Plan 2017 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • 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: 18 July 2017 • Written submissions during public exhibition: eight submissions from four people. • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – David Furlong & George O Donovan
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 26 September 2017 • Final briefing meeting to discuss council's recommendation, 27 July 2018. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Pam Allan (Chair), Alison McCabe, Renata Brooks, Michael Mantei, David Brown ○ <u>Council assessment staff</u>: Anne Starr, Mark Fowler, Pier Panozzo, Rebecca Welsh, John Wood, Paul Marskell, Andrew Heaven, Theresa Whittaker, Mark Riordan, Andrew Carfield, Nigel Lamb

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and addendum circulated at the meeting.