

DATE OF DETERMINATION	Wednesday, 26 August 2020
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Michael Mantei and David Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held Public Teleconference on 26 August 2020, opened at 3:00pm and closed at 3:40pm.

MATTER DETERMINED

PPSSTH-13 – Wollongong – DA-2019/1231 at 111-113 Crown Street, Wollongong – Kembla Chambers (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Wollongong Local Environmental Plan 2009 (LEP), that has demonstrated that:

- compliance with clauses 4.4A and 8.6 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standards.

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of clauses 4.4A and 8.6 of the LEP and the objectives for development in the B3 Commercial Core zone; and
- the concurrence of the Secretary has been assumed.

Development application

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 determined to uphold the Clause 4.6 variation to FSR and building separation; and approve the application for the reasons outlined in the council assessment report.

- The proposed development is permissible with consent in the B3 Commercial Core zone and is consistent with the objectives of the zone.
- The Panel was of the view that the requested clause 4.6 variation to the FSR is justified on the basis that the cumulative floorspace of the development and the adjoining related development to the east in Crown Street (DA-2017/493) was compliant with the FSR for the combined area of both sites. The two buildings form a joint development with vehicle/basement access and pedestrian access between the ground floor.

- The Panel was satisfied that the access between the development and the adjoining Lang's Corner development (DA-2017/493) at the basement and shared level of retail spaces at the ground floor could be ensured by way of a covenant on title Rights of access pursuant to Section 88B of the Conveyancing Act 1919. A condition of consent to this effect has been included.
- The Panel was of the view that the requested Clause 4.6 variation to building setback from 6m to 4.5m is justified on the basis of the improved urban design outcomes including the integrated nature of development with Lang's corner proposal, the retention of two-storey facades and improved permeability associated with Lois Lane. These outcomes are considered by the Panel to be site specific and unique to this proposal.
- The Panel was satisfied that proposed development was not likely to have unacceptable impacts on the heritage items located to the south of the development.
- The Panel was satisfied that the comments raised by the Design Review Panel have been incorporated into the revised design of the building and that design excellence has been achieved for the development.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Amend Condition 38 to add at the end "The final Landscape Plan must also include details of waterproof membranes to be installed and arrangements for establishment and maintenance of the landscape elements for the long term".
- Add conditions after Condition 86:
 - (X) All landscaping identified in the approved landscape plan, including maintenance requirements, shall be fully implemented and maintained to the satisfaction of Council. Reason: to ensure appropriate arrangements are in place for the installation and maintenance of landscaping
 - (X) An active transport plan is to be developed and implemented to encourage alternative forms of transport for occupants of the building.
 - Reason: to minimise any impacts on traffic volumes arising from the development
- Delete condition 33 (duplicates condition 32)
- Delete condition 79 (duplicates condition 78).

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:

- Variation under Clause 4.6 in relation to FSR and Building Separation
- Heritage considerations
- Overshadowing
- Traffic impacts

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS



Gordon Kirkby (Chair)



Renata Brooks



Tim Fletcher



Michael Mantei



David Brown

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-13 – Wollongong – DA-2019/1231
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of A-Grade office building above retail and basement parking
3	STREET ADDRESS	111-113 Crown Street, Wollongong
4	APPLICANT/OWNER	Applicant: Mr Angelo Di Marino Owner: Triple One Crown Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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 (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 Wollongong Local Environmental Plan 2009 (WLEP 2009) Wollongong City-Wide Development Contributions Plan (2019) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 (WDCP 2009) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 (1) (a) demolition Coastal zone management plan: s4.15(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: 13 August 2020 Clause 4.6 FSR and Building Separation Written submissions during public exhibition: 4 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Brad Harris On behalf of the applicant – Gary Sheils and Angelo DiMartino Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Thursday, 4 June 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Tim Fletcher, Renata Brooks, Michael Mantei and David Brown <u>Council assessment staff</u>: Brad Harris Site inspection: Thursday, 11 June 2020 <ul style="list-style-type: none"> <u>Panel member</u>: Renata Brooks Site inspection: Sunday, 14 June 2020 <ul style="list-style-type: none"> <u>Panel member</u>: Tim Fletcher Site inspection: Wednesday, 12 August 2020 <ul style="list-style-type: none"> <u>Panel member</u>: Gordon Kirkby

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Wednesday, 26 August 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Tim Fletcher, Renata Brooks, Michael Mantei and David Brown ○ <u>Council assessment staff</u>: Brad Harris, Pier Panozzo and Rebecca Welsh
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report