

DATE OF DETERMINATION	20 May 2024
DATE OF PANEL DECISION	20 May 2024
DATE OF PANEL BRIEFING	30 April 2024
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown, Tina Christy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 April 2024. Supplementary assessment report circulated electronically on 16 May 2024.

MATTER DETERMINED

PPSSTH-178 – Wollongong – DA-2022/938 at 4-8 Parkinson Street and 377-383 Crown Street, Wollongong – Demolition of existing structures and construction of a 20-storey mixed use building consisting of commercial and retail space with 93 residential apartments and parking for 374 cars. (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.

Development application

Following the determination meeting of 30th April 2024, the Panel agreed to defer the determination of the matter pending the submission by Council of a supplementary assessment report and revised recommended conditions of consent that addressed the following:

- The provision and consideration of a parking layout design plan/s that demonstrate that the basement layout can accommodate the swept paths of a B99 vehicle passing a B85 vehicle on all two-way circulation aisles in accordance with AS2890.1. This is to be demonstrated using swept path software which observes the required 300mm clearances specified in AS2890.1; and
- The need to ensure that should consent for this application be issued, consent is not being granted for any retrospective work approved and undertaken under DA-2021/10/70 (i.e. excavation for four levels of parking); and
- Any subsequent necessary changes to the recommended conditions of consent.

A supplementary Council assessment report and revised draft recommended conditions of consent were circulated to the Panel on 14 May 2024 for consideration. The Panel has considered the supplementary report and revised conditions and is satisfied that they adequately address the reasons for deferral, specifically:

- The basement level design has been amended to ensure 2-way circulation isles. This is reflected in updated plans which now form part of Condition 1. While this has resulted in the loss of 6 commercial car parking spaces, it is noted that prior to the amendment there was an excess of 3 commercial car spaces. Subsequently the net loss in terms of compliance with Council's DCP is 3 spaces. The amended plans were supported by a revised Traffic Impact Assessment (TIA) which recommended that the loss be offset through the implementation of a Green Travel Plan. This is supported by the Panel. Condition 118 has been included in the approved instrument of consent to affect this outcome.

- The need to ensure that retrospective works undertaken in accordance with previous approvals do not form part of this approval. This has been addressed through the inclusion of Condition 6 which states:
This consent does not authorise the bulk excavation, shoring, piling, and capping works undertaken in association with Construction Certificate No. C1A052A2 (DA-2020/535 and Construction Certificate No. C2A042A1 (DA-2021/107/(A). The works carried out pursuant to these Certificates are excluded from this approval.
- Several other matters were either supported by additional information and/or additional or revised conditions. These included updated FSR calculations, updated car parking requirements, the need for additional detail in regard to site investigations under 377 Crown Street (Childcare Centre), an additional condition relating to the Crown Street bus shelter, clarification regarding the acoustic conditions, repair of infrastructure, and landscaping maintenance. The Panel is satisfied that these issues have been adequately addressed.

Request to contravene 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:

- a) compliance with cl.4.6 (building separation) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

the Panel is satisfied that:

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

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. The Panel determined to approve the application for the reasons outlined in the Council's Assessment and Supplementary Reports subject to the recommended draft conditions as amended (refer below). The Panel was satisfied that:

- The matters the subject of the deferral had been satisfactorily addressed;
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken;
- The proposal is unlikely to result in any unacceptable amenity, environmental or land use safety impacts subject to the imposition of the conditions of consent as amended;
- The development would contribute to the housing needs of the Illawarra Region and would provide for additional retail activity in the CBD; and
- The development would enhance the public domain.

Given the above, the Panel was satisfied that the development was in the public interest.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the request to contravene a development standard under Clause 4.6 relating to building separation and approve the application for the reasons outlined in the Council Assessment and Supplementary Assessment Reports, subject to the recommended draft conditions of consent as amended.

CONDITIONS

The Development Application was approved subject to the conditions attached to the Council's Supplementary Assessment Report which included the following amendments:

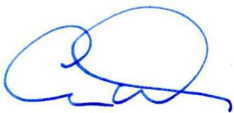

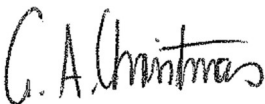


- The need for a deferred commencement Condition requiring the redesign of the basement layout to accommodate 2-way isles was deleted;
- Condition 1 was amended to include plans reflecting the basement redesign and also to include the correct acoustic report;
- Condition 4 was updated to strengthen the requirements relating to site investigations under 377 Crown Street;
- Condition 6 was included to acknowledge that this approval does not include previous work undertaken in accordance with earlier approvals;
- Condition 21 (formerly Condition 20) was amended to refer to the correct acoustic report;
- Condition 55 (formerly 54) was revised to reflect the revised parking requirements;
- Condition 63 (new) was included to clarify requirements for when works are proposed in a public reserve;
- Condition 116 relating to the repair of infrastructure has been confirmed in terms of its intent and need;
- Condition 118 (new) was included requiring the preparation and implementation of a Green Travel Plan;
- Condition 123 (new) was included requiring the developer to complete the upgrade of the Crown Street bus shelter; and
- Condition 124 (new) has been included to ensure landscaping is maintained in perpetuity.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Overlooking
- Height
- Development standard departure
- Parking
- Construction noise & vibration

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment and Supplementary Assessment Reports.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 David Brown
 Tina Christy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-178 – Wollongong – DA-2022/938
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 20 storey mixed use building consisting of commercial and retail space with 93 residential apartments and parking for 384 cars.
3	STREET ADDRESS	4-8 Parkinson Street and 377-383 Crown Street, Wollongong
4	APPLICANT/OWNER	Blaq Projects 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 (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy No.65 (Design Quality of Residential Apartment Development) - Saved ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) – Saved ○ Wollongong Local Environmental Plan 2009 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Other relevant policies; <ul style="list-style-type: none"> ○ Wollongong City-Wide Development Contributions Plan 2022 ○ Wollongong Community Participation Plan 2019 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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 <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: 22 April 2024 • Clause 4.6 request – Building Separation • Supplementary Assessment Report: 13 May 2024 • Written submissions during public exhibition: 4 • Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 21 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, David Brown ○ <u>Council assessment staff</u>: Vanessa Davis, Pier Panozzo, Amanda Kostovski, Mark Adamson ○ <u>Applicant representatives</u>: Georges Jreije (Urban Link), Jared Beneru (Blaq / Client), Luke Rollinson (MMJ), Michel Bou Melhem (Client)

		<ul style="list-style-type: none"> • Site inspection: 21 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, David Brown ○ <u>Council assessment staff</u>: Vanessa Davis, Pier Panozzo, Amanda Kostovski, Mark Adamson • Briefing: 11 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown ○ <u>Council assessment staff</u>: Vanessa Davis, Pier Panozzo, Amanda Kostovski, Janelle Johnston, Mark Adamson ○ <u>Applicant representatives</u>: Georges Jreije (Urban Link), Mark Beauman (Urban Link), Jared Beneru (Blaq), Luke Rollinson (MMJ) ○ <u>Other</u>: Amanda Moylan (DPHI), Tim Mahoney (DPHI), Tracey Gillett (DPHI) • Briefing: 21 February 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, David Brown ○ <u>Council assessment staff</u>: Vanessa Davis, Pier Panozzo, Mark Adamson ○ <u>Applicant representatives</u>: Georges Jreije (Urban Link), Mark Beauman (Urban Link), Luke Rollinson (MMJ) ○ <u>Other</u>: Tim Mahoney (DPHI), Tracey Gillett (DPHI) • Final briefing to discuss council's recommendation: 30 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown, Tina Christy ○ <u>Council assessment staff</u>: Vanessa Davis, Pier Panozzo, Mark Adamson, April Wilkinson, Charlie Bevan. ○ <u>Applicant representatives</u>: Georges Jreije (Urban Link), Mark Beauman (Urban Link), Luke Rollinson (MMJ), Jared Beneru (Blaq), Donald Lee (Varga Traffic) ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Supplementary Assessment Report