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| DATE OF DETERMINATION | 22 November 2024 |
| DATE OF PANEL DECISION | 22 November 2024 |
| DATE OF PANEL BRIEFING | 20 November 2024 |
| PANEL MEMBERS | Chris Wilson (Chair), Juliet Grant, Grant Christmas, Marjorie Ferguson |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 15 November 2024.

MATTER DETERMINED

PPSSTH-334 – WOLLONGONG – DA-2023/962 at Edmund Rice College - 112 Mount Keira Road WEST WOLLONGONG – Construction of Technical and Applied Studies (TAS) Building and associated works, installation of lift and accessible pathways, part minor demolition of structures, extension of Block B, drainage, landscaping and tree removal. (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.

Contravention of 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), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 (height of building) is unreasonable or unnecessary in the circumstances as the development will improve accessibility within the school; and
- there are sufficient environmental planning grounds to justify contravening the development standard because the development is consistent with objectives of the Residential (R2) Zone and will not result in any detrimental impact on the streetscape or adjoining properties.

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 contravention of the development standard under Clause 4.6 relating to building height; and approve the application for the reasons outlined in the Council Assessment Report. The Panel was satisfied that:

- The prerequisites for the grant of consent had been met.
- The proposal, where relevant, is consistent with the objectives of applicable planning legislation.
- The proposal has been designed to both complement the existing school and the wider urban landscape.
- The proposal will not result in any unacceptable amenity environmental or land use safety impacts subject to the imposition of the conditions of consent.
- The proposal is in the public interest.

The panel agreed that a thorough assessment has been undertaken in accordance with s4.15 of the *EP&A Act 1979* and the key issues regarding flood risk and flood emergency management, safety, security and crime prevention and contamination have been resolved through design and recommended draft conditions.

In particular, the panel was satisfied that:

- The development would not increase the risk to life.
- There were safe places to shelter.
- There was adequate access for emergency services.
- An appropriate emergency response plan would be in place.

The panel was also satisfied that matters relating to the development and the existing contamination containment cell would be adequately managed through the imposition of conditions.

CONDITIONS

The Development Application was approved subject to the revised draft conditions (20 November 2024) provided with the Council Assessment Report with the following amendments:

Condition 5 – Tree Retention/Removal - for clarity, delete the following text:

- “Total number five+ (5+ No.) & across the school site”; and
- “Total number ten (10.No.)”



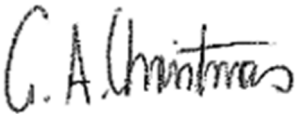

The panel noted the revised draft conditions were agreed to by the applicant.

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:

- Increase of traffic volume and parking issues, inadequate on-site parking provisions.
- Flooding issues
- Lack of Vegetation Management Plan
- Non-compliance in building height
- Information within the access report not satisfactory

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, a revised *Flood Study and Flood Impact Assessment Project No.23153* was prepared by siteplus (November 2024) which addresses the concerns regarding flood risk and flood emergency management. The panel also noted that the *Statement of Environmental Effects* prepared by Planning Plus (December 2023) states that as there is no increase in staff or student numbers arising from the development. As a result, there is not expected to be any increase in traffic volumes and parking requirements.

| PANEL MEMBERS | |
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|  Christopher Wilson (Chair) |  Juliet Grant |
|  Grant Christmas |  Marjorie Ferguson |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSTH-334 – WOLLONGONG – DA-2023/962 |
| 2 | PROPOSED DEVELOPMENT | Edmund Rice College – Construction of Technical and Applied Studies (TAS) Building and associated works, installation of lift and accessible pathways, part minor demolition of structures, extension of Block B, drainage, landscaping and tree removal. |
| 3 | STREET ADDRESS | 112 Mount Keira Road WEST WOLLONGONG |
| 4 | APPLICANT/OWNER | Quinn O'Hanlon Architects Pty Ltd / Edmund Rice College Wollongong |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Private infrastructure and community facilities over \$5 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Planning Systems) 2021 SEPP (Transport and Infrastructure) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Biodiversity and Conservation) 2021 Wollongong Local Environmental Plan 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 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: 15 November 2024 Clause 4.6 departure for development standard – Height of building Revised draft conditions: 20 November 2024 Written submissions during public exhibition: 3 Total number of unique submissions received by way of objection: 3 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: 13 March 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown, Marjorie Ferguson <u>Council assessment staff</u>: Brigit Mathai, John Wood, Mark Adamson <u>Applicant representatives</u>: Catherine Steller (Quinn O'Hanlon Architects), Anne Treize (Planning Plus), Darren Jeffery (Business Manager, Edmund Rice College), James Buskin (Quinn O'Hanlon Architects), Edward O'Hanlon (Quinn O'Hanlon Architects) <u>DPHI</u>: Amanda Moylan, Tracey Gillett Site inspection: 21 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas <u>Council assessment staff</u>: Brigit Mathai, Andrew Heaven, Mark Adamson, Nyrie Davis Final briefing to discuss council's recommendation: 20 November 2024 |

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| | | <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Marjorie Ferguson ○ <u>Council assessment staff</u>: Brigit Mathai, John Wood, Mark Adamson, Andrew Heaven ○ <u>Applicant representatives</u>: Aylie O’Hanlon (Quinn O’Hanlon Architects), Catherine Steller (Quinn O’Hanlon Architects), Stephen Gough (Principal, Edmund Rice College), Darren Jeffery (Business Manager, Edmund Rice College), William Francis (O’Hanlon Design Landscape Architects) ○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |