

DATE OF DETERMINATION	24 December 2020
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, David Brown, Mark Carlon
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Mantei - I have an interest that might be perceived a conflict in this matter. I am presently working with Luke Rollinson, the author of the SEE in this matter, on a Court matter involving an RFB in the Wollongong City Centre. Until my case is it would not be appropriate for me to sit on this determination or any other determination where Luke is involved.

Public meeting held by teleconference on Tuesday, 15 December 2020, opened at 2pm and closed at 4pm.

MATTER DETERMINED

PPSSTH-44 – WOLLONGONG – DA-2020/528

357-359 Crown Street, Wollongong

Demolition of existing structures, construction of 20 storey hotel including 3 levels of basement parking, 120 room / suites, 6 commercial suites, lobby, cafe and associated hotel facilities (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 cl. 4.3 (Height of Buildings) and 8.6 (Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

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 cl. 4.3 (Height of Buildings) and 8.6 (Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use) 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 building height and building separation; and approve the application for the reasons outlined in the council assessment report. The Panel noted:

- 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 building height was justified on the basis that the
 - The building is proposed on a steeply sloping prominent corner site and the design provides a suitable response to the unique location and topography.
 - There is architectural merit to a taller element that exceeds the height marginally combined with a shorter element that sits below the height plane. When read together the two elements provide a balance to height control. There is also a vertical rhythm to the building which the taller element positively contributes to.
 - The additional height is associated only with rooftop plant and does not contribute to GFA.
 - The building envelope permitted under the controls more generally is not fully realised.
- The Panel was of the view that the requested Clause 4.6 variation to building setback was justified on the basis that the setback variation only applies to a limited number of floors (14-17) on the western elevation and these floors do not include any primary windows minimising potential privacy impacts nor will the reduced setback create any significant overshadowing.
- 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 revised conditions submitted by the Council following the determination meeting held on 15 December 2020. The revisions were minor and not substantive and related to strengthening requirements or formatting.

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:

- Non-compliance with building height limit
- Floor space ratio calculations
- Car parking and green travel plan
- Non-compliance with building separation control
- View corridor impacts
- Traffic and access

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 the Applicant made amendments to vehicle access arrangements and submitted additional information to address view impacts. For the reasons outlined in this Statement of Reasons, the Panel was satisfied that the requested variations to building height and building separation were appropriate.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Tim Fletcher	 David Brown
 Mark Carlon	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-44 – WOLLONGONG – DA-2020/528
2	PROPOSED DEVELOPMENT	Demolition of existing structures, construction of 19 storey hotel including 3 levels of basement parking, 120 room / suites, 6 commercial suites, lobby, cafe and associated hotel facilities.
3	STREET ADDRESS	357-359 Crown Street, Wollongong
4	APPLICANT/OWNER	Design Workshop Australia
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 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 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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 <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: 7 December 2020 Clause 4.3 height of buildings. Clause 8.6, building separation. Written submissions during public exhibition: 5 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Ron Knowles Council assessment officer – Nigel Lamb On behalf of the applicant – Robert Gizzi, Amanda Kostovski, Luke Rollinson Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 14 October 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, David Brown, Michael Mantei <u>Council assessment staff</u>: Nigel Lamb, John Wood, Linda Davies Final briefing to discuss council's recommendation: 15 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Mark Carlon, David Brown <u>Council assessment staff</u>: Nigel Lamb, John Wood, Linda Davies

		<ul style="list-style-type: none"> Public Determination: 15 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Mark Carlon, David Brown <u>Council assessment staff</u>: Nigel Lamb, John Wood, Linda Davies
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report as revised following determination meeting