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| 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 11:03am and closed at 12:05pm.

MATTER DETERMINED

PPSSTH-5 – Wollongong City Council – DA-2019/748 at 264-268 Keira Street, Wollongong – Mixed use development (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

The panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- Proposed Building setbacks are not compliant with Clause 8.6 of WLEP 2009.
- The Panel was of the view that the requested Clause 4.6 variation to the setback development standard was not in the public interest nor was it consistent with the objectives of cl. 8.6 of WLEP 2009.
- The proposed setbacks are not consistent with State Environmental Planning Policy No. 65 – Design Quality of Residential Development and the NSW Apartment Design Guide resulting in inadequate separation between existing and future development on adjoining lots and potential overshadowing.
- The proposed development would establish an unacceptable precedent for built form in the locality.
- The proposed development does not demonstrate design excellence as required by Clause 7.18 of the WLEP.
- The proposed through site link at ground level is inconsistent with Chapter D13 cl 3.2 of Wollongong Development Control Plan.
- Having considered public submissions the Panel's view is that the development is unsuitable with respect to off-site and streetscape impacts.






CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and representations made at the panel meeting. The panel notes that issues of concern included:

- The proposed through site link and consistency with the terms of existing easements
- Overdevelopment and non-compliances with WLEP 2009, SEPP 65 and the Apartment Design Guide
- Impact on and from future development on adjoining land

- Impacts during construction

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.

| PANEL MEMBERS | |
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|  Gordon Kirkby (Chair) |  Renata Brooks |
|  Tim Fletcher |  Michael Mantei |
|  David Brown | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSTH-5 – Wollongong City Council – DA-2019/748 |
| 2 | PROPOSED DEVELOPMENT | Demolition of existing structures and construction of a shop top housing development containing 109 residential apartments with ground floor commercial/retail premises and three levels of basement parking |
| 3 | STREET ADDRESS | 264 Keira Street Wollongong - Lot 101 DP 709651 266 Keira Street Wollongong - Lot 1 DP 800021 268 Keira Street Wollongong - Lot 100 DP 1130021 23 Kenny Street Wollongong - Lot 4 DP 522288 |
| 4 | APPLICANT/OWNER | Applicant: Brewster Murray Pty Ltd Owner: Mr William Montgomery |
| 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"> SEPP No. 55 (Remediation of Land) SEPP No. 65 Design Quality of Residential Development SEPP (Building Sustainability Index: BASIX) 2004 SEPP (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>: <ul style="list-style-type: none"> Clause 92 (1)(b) demolition 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: 14 August 2020 Clause 4.6 Request – Exception to development standard variation statement Written submissions during public exhibition: 12 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Simon Truong and Bradley Rolls Council assessment officer – Anne Starr On behalf of the applicant – Luke Rollinson and Hong Huang Total number of unique submissions received by way of objection: 12 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: 4 June 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Michael Mantei and David Brown <u>Council assessment staff</u>: Anne Starr |

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| | | <ul style="list-style-type: none"> • Site Inspection: Wednesday, 12 August 2020: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby • Final briefing to discuss council's recommendation: Wednesday, 26 August 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Michael Mantei and David Brown ○ <u>Council assessment staff</u>: Anne Starr, Rebecca Welsh, Pier Panozzo and Lauren Wilson |
| 9 | COUNCIL RECOMMENDATION | Refusal |
| 10 | DRAFT CONDITIONS | N/A |