



DATE OF DETERMINATION	24 October 2022
DATE OF PANEL DECISION	11 October 2022
DATE OF PANEL MEETING	5 October 2022
PANEL MEMBERS	Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Michael Mantei, Mark Carlon
APOLOGIES	None
DECLARATIONS OF INTEREST	Cr. David Brown – DA applies to land owned by Wollongong City Council

Papers circulated electronically on 28 September 2022.

MATTER DETERMINED

PPSSTH-131 – DA-2021/1279 – 7-9 Greene Street and 54-68 King Street Warrawong - Warrawong District Community Centre and Library (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:

- a) compliance with cl. 7.13 (standard regarding ground floor entrance, door, and windows on street frontage) 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. 7.13 of the LEP and the objectives for development in the B3 zone; and
- c) 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 the standard requiring the ground floor of the building to have one entrance and one other door or window on the front of the building facing the street other than the service lane and approve the application for the reasons outlined in the Council Assessment Report.

The Panel was generally satisfied that matters raised at its deferral meeting of 30 August 2022 had been adequately addressed in the addendum report and recommended conditions apart from the need for several administrative amendments to the Instrument of Consent, an amendment to Condition 10 relating to ensuring adequate accessible parking and passenger drop-off facilities near the entrance of the facility, and an additional condition to ensure unfettered public access through the realigned section of the laneway.

These matters were addressed as described below.

CONDITIONS

The Development Application was approved subject to the conditions in the Council’s Addendum Assessment report with the following amendments.

- Condition 1 was updated to include a reference to relevant stamped reports including reference to the Statement of Environmental Effects (SEE) submitted in support of the development application.
- Condition 10 was amended to provide more certainty in relation to the delivery of accessible parking and passenger drop-off facilities near the entrance and reads as follows:

“A passenger drop-off area and two accessible parking spaces are to be provided on Greene Street adjacent to the building generally in accordance with Traffic Committee Plan (issue 1 dated September 2022 prepared by Wollongong Design and Technical Services) and endorsed by the Traffic Committee.”






- Condition 66 was included to address the need to ensure public pedestrian and vehicular access through the realigned laneway and reads as follows:

“Unfettered pedestrian and vehicle access for the public through the realigned section of the laneway is to be maintained at all times for the life of the development”.

To clearly identify ongoing obligations regarding contamination, the Panel also require Condition 34 to be amended to delete “should” and replace with “must” where this appears throughout the condition.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one (1) written submission made during the public exhibition of the DA and accompanying documentation. The Panel considers that concerns raised in this submission have been adequately addressed in the Assessment and Addendum Assessment Reports and final conditions, and that are no new issues requiring assessment.

PANEL MEMBERS	
 Chris Wilson (Acting Chair)	 Renata Brooks
 Tim Fletcher	 Michael Mantei
 Mark Carlon	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-131 - Wollongong – DA-2021/1279
2	PROPOSED DEVELOPMENT	Warrawong District Community Centre and Library
3	STREET ADDRESS	54-68 King Street & 7-9 Greene Street Warrawong Lot 1 DP 394881, Lot 1 DP 515419, Lot 37 DP 18875, Lot 38 DP 18875, Lot 39 DP 18875, Lot 40 DP 18875, Lot 41 DP 18875, Lot 42 DP 18875
4	APPLICANT/OWNER	Joseph Arnott – Urbis for Wollongong City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP (Resilience & Hazards) 2021 ○ SEPP (Transport & Infrastructure) 2021 ○ SEPP (Koala Habitat Protection) 2021 ○ SEPP (Planning Systems) 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 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92(1)(1) demolition • Coastal zone management plan: There is no Coastal Zone Management Plan currently applicable to the land • 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 August 2022 • Supplementary assessment report: 27 September 2022 • Updated draft conditions of consent received: 27 September 2022 • Clause 4.6 variation: Clause 7.13 (standard regarding requirements for ground floor entrance, door and windows on street frontage) • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Applicant Briefing: 10 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Michael Mantei ○ <u>Council assessment staff</u>: Nigel Lamb, Pier Panozzo, Mark Adamson ○ <u>Applicant representatives</u>: Annie Hensley, Michell Ho, April Wilkinson, Nathan Mcinerney, Joseph Arnott, Kate Rintoul ○ <u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues.

		<ul style="list-style-type: none"> • Site inspection: 1 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, and Tim Fletcher. ○ <u>Council assessment staff</u>: Pier Panozzo, Mark Adamson, Nigel Lamb • Deferral: 30 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Michael Mantei, Mark Carlon ○ <u>Council assessment staff</u>: Nigel Lamb, Pier Panozzo, Mark Adamson, Andrew Heaven ○ <u>Applicant representatives</u>: Joseph Arnott (Urbis), Michelle Ho (FJMT), Adrian Hall (TTW), Annie Hensley (FJMT), April Wilkinson (Wollongong City Council) ○ <u>Note</u>: Applicant briefing was held to provide the Panel with clarification and respond to the recommendations and draft conditions in the council assessment report • Final briefing to discuss council's recommendation: 5 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Michael Mantei, Mark Carlon ○ <u>Council assessment staff</u>: Nigel Lamb, Pier Panozzo, Mark Adamson, Andrew Heaven ○ <u>Applicant representatives</u>: Joseph Arnott (Urbis), Michell Ho (FJMT), Annie Hensley (FJMT), Adrian Hall (FJMT), Jon Griffiths (FJMT), Grace Carp (TTW)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council supplementary assessment report