

3.5 The Site

The site comprises of two parcels of land; the 'Dwyers' parcel and the 'Oxford' parcel. Each parcel is located within a different zone under Wollongong City Centre Local Environmental 2007. As identified in **Figure 5** below, the sites sit opposite each other and are separated by Corrimal Street. The timing, proximity and magnitude of both developments all factor in the decision to consider both sites as a combined Major Project and deal with the sites as one project.



Figure 5 – Aerial of the Site

The 'Dwyer' Site is located on the east side of Corrimal Street, bounded by Crown Street to the north and Burelli Street to the south. The Dwyer's site street address is 12 and 26 Burelli Street, and 23-37 Crown Street and is otherwise recorded as 31 Crown Street, Wollongong by the Wollongong City Council. The site is positioned to the east of the 'City Core' zone within the B4 – City Edge Zone in the eastern precinct of the Wollongong City Centre.

The 'Oxford' Site is located on the western side of Corrimal Street directly opposite the 'Dwyer' site. The 'Oxford' site is bounded by Crown Street to the north and Burelli Street to the south, with a street address of 47 Crown Street, Wollongong. The site is situated in the B3 – City Core Zone in the eastern precinct of the Wollongong City Centre.

3.5.1 Existing development on the Dwyer's site

The legal description of the property includes 3 allotments, as follows:

- Lot 1 DP 1078311;
- Lot 5 DP 32538; and
- Lot 6 DP 32538.

The site is currently zoned B4 Mixed Use under the Wollongong City Centre Local Environmental Plan 2007.

The principal features of the site are described as follows:

- Total site area 11,795m²;
- The site has multiple street frontages, with direct frontage to Crown Street to the north, Corrimal Street to the west and Burelli Street to the south; and

The site is rectangular in shape, (refer to **Figure 5**).

All buildings with exception to an existing Salvation Army building have been demolished on site and remediation works undertaken, in accordance with existing approval No. DA2006/1100 granted on 28 July 2006.

The site was formerly used for:

- A 'Dwyer's' Holden/Mazda car dealership;
- Two car showrooms and office;
- Outdoor car yard;
- Three car service buildings and associated parking areas; and
- Three storey Salvation Army building.

There are no heritage items listed on the site.

Vehicle access to the site is currently available via both Crown and Burelli Streets.

3.5.2 Existing development on the Oxford Hotel site

The legal description of the property includes 2 allotments:

- Lot B DP 396278; and
- Lot 10 DP 848550

The site is currently zoned B3 Commercial Core under the Wollongong City Centre Local Environmental Plan 2007.

The principal features of the site are described as follows:

- Total site area 4120m².
- The site has multiple street frontages, with direct frontage to Crown Street to the north, Corrimal Street to the west and Burelli Street to the south. Part of the western boundary fronts a laneway known as Town Hall Place.
- The site is rectangular in shape, (refer to Figure 5)

The general features of the current site usage can be described as including:

- The Oxford Tavern and associated open car parking area.
- Unused vehicle repair workshop and canopy.
- Other retail uses (including an ice creamery).

The site will require remediation works prior to redevelopment. For further details refer to **Section 4.2.2** of this report.

There are no heritage items listed on the site.

Vehicle access to the site is currently available via Corrimal Street and Burelli Street.

3.5.3 Existing approvals

Deferred commencement consent was granted on the Dwyer’s site on 21 August 2006, for:

‘demolition of existing buildings and the subsequent erection of a seven (7) storey (plus basement carpark) leisure, entertainment, commercial office and retail centre complex upon the subject site. The main components of the development include (but are not limited to) the following:

- *Retail (major, mini-major, DDS, supermarket and speciality shops);*
- *Commercial offices;*
- *Restaurants;*
- *Cinema complex; and*
- *Ancillary car parking (approximately 1,112 car parking spaces with three (3) basement car park levels and two (2) above ground car park levels), loading and unloading facilities and associated road and drainage works.’*

Schedule A outlined a deferred commencement condition that requires the submission of amended plans:

‘In order to ensure Stage 1 of the total development addresses the provisions of the draft City Centre Local Environmental Plan and Development Control Plan, currently on exhibition, the Development consent shall not operate for six (6) months or until the following matters have been complied with to the satisfaction of the Council and the Director General of the Department of Planning, which ever is the latter:

- *The amendment of the proposal to comply with the setback provisions contained within the draft City Centre Development Control Plan.*
- *The proposal shall be amended to ensure that all required onsite car parking is located within the basements below street level.*
- *The podium shall be redesigned so that:*
 - *It complies with all relevant provision of the draft City Centre Development Control Plan.*
 - *All design features associated with Stage 2 (towers) be deleted.*
 - *The cinemas / commercial office component is redesigned to accommodate the deletion of the elevated car parks surrounding them.’*

Workshops have been held with the Department of Planning and Council to finalise the Stage 1 design. A submission including amended plans were submitted to the Department of Planning and Council on 9 August 2007. The Department and Council at the time of writing this report were dealing with the matter.

3.5.4 Relationship of existing approval and Part 3A proposal

A question arises as to the status of the existing consent issued pursuant to Part 4 of the Act now that the site and the overall development, in its entirety, has been declared a Major Project pursuant to the provisions of Part 3A of the Act. Legal advice has been sort in this regard. In short this advice confirms that the Part 4 consent remains valid until the time that the Part 3A consent is issued. The Part 3A consent will then take the place of the Part 4 consent.

The applicant has sought ‘operation’ of the existing Part 4 deferred commencement consent to allow the development construction process to continue prior to the granting of the Part 3A consent.

Crown Street

Environmental Assessment | Concept Plan and Stage 1 Project Application

Photographs of the Site and Adjoining Properties





4 Part 3A of the EP&A Act 1979 and Environmental Planning Instruments

4.1 Part 3A of the Environmental Planning & Assessment Act 1979

Part 3A of the EP&A Act 1979 provides an assessment and approval regime specifically tailored for major infrastructure and other projects of state significance, for which the Minister for Planning is the consent authority. The provisions of Part 3A apply to major projects where the Minister has made a declaration relating to the specific development or a class of developments to which that project belongs.

Part 3A of the Act came into force on 1 August 2005. It established new assessment procedures for various forms of 'major development' of state or regional significance. Such significance can be established in a number of ways, including various types of listing under State Environmental Planning Policy (Major Projects). Part 3A establishes a separate statutory regime for the assessment of Major Projects, for which The Minister is the consent authority, and which includes the provision of 'Concept Plan' approval, whereby the broad planning parameters of a project can be approved prior to separate application for the detailed aspects of a project.

4.2 State Environmental Planning Policies

4.2.1 State Environmental Planning Policy (Major Projects)

State Environmental Planning Policy (Major Projects) 2005 came into affect on 25 May 2005 and was subsequently amended on 31 October 2005. This SEPP defines what development is a major project as determined by the Minister for Planning. A submission has been made to the Minister on 12 September 2006 requesting the proposal be declared a Major Project pursuant to Clause 6 of the SEPP.

The Department in a letter dated 4 December 2006 (**refer to Appendix B**) reported that:

'the Minister formed the opinion on 2 November 2006 that your proposal is a Project and that Part 3A of the Act applies, and authorised a submission of a concept plan pursuant to section 75M of the Act. Please note that the Concept Plan declaration also included reference to the retail podium. Therefore the Concept Plan submission must include both the towers and the podium of the 'Dwyers' site and the Oxford Tavern site'

A Preliminary Environmental Assessment outlining the details of the proposal application was submitted to the Department on 2 February 2007.

The Director General issued Requirements for the Environmental Assessment of a Concept Plan and Project Application on 20 March 2007, **refer to Appendix C**. This Environmental Assessment report responds to these Requirements.

4.2.2 State Environmental Planning Policy 55 – Remediation of Land

SEPP 55 states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.

Contamination and remediation of the Dwyer's site has been assessed and approved in the context of a separate demolition application DA 2006/1100. The works have been carried out and the site is now suitable for redevelopment.

A Preliminary Environmental Assessment and Geotechnical Investigation has been prepared for the Oxford Tavern portion of the site and is included at **Appendix D**. This report indicates that:

'Former Service Station Site

...The former service station has significant levels of petroleum hydrocarbon contamination and requires remediation. Remediation of the contaminated soil would be required prior to the removal of overburden and rock for the basement construction. The general steps in the remediation would be similar to those previously described in the Remediation and Validation Plan (RVP) for the site (Report Ref: E14497/1-AB, Dated 24 November 2003). It is recommended that the RVP be revised to include the Stage 2 assessment information and be expanded to include other areas of the site assessed to have contamination, not only the ESTs.

The remedial steps would include:

1. *Removal of remaining underground infrastructure such as the hoist, oil/water interceptor and fuel lines;*
2. *Removal of contaminated soil around these structures including the area where the former USTs were located and downslope of these locations;*
3. *Validation sampling and analysis including the preparation of a validation report; and*
4. *classification and offsite disposal of contaminated soils and other spoil generated from the site activities.*

Oxford Tavern/Hotel and Car Park

The site history study indicates that a hotel has occupied the northeastern portion of the site since 1870. Lot 2 (west of the service station and hotel) was generally vacant throughout the years except for the hotel expansions and other minor structures.

The investigation identified two main AECs, namely:

- *AEC 1 – the former carwash; and*
- *AEC 2 – fill of unknown quality and origin.*

Field and laboratory results indicate that there is a low likelihood for significant contamination to exist within two AECs identified in the Oxford Tavern/Hotel portion of the site. Should evidence of contamination such as odours or staining be encountered within other areas of the site during earthworks, a suitably qualified consultant should be contacted.

It is recommended that when the Oxford Tavern/Hotel is demolished further sampling of the fill soils be carried out to complete the characterization of the site in accordance with the NSW EPA Sampling Design Guidelines.'

It is proposed that a phase 2 report accompany the Project Application for the Stage 3 development, refer to Draft Statement of Commitments at **Section 11** of this report.

4.2.3 State Environmental Planning Policy 11
– Traffic Generating Developments

State Environmental Planning Policy No.11 (SEPP 11) aims to ensure that the Roads and Traffic Authority (RTA) is made aware of and is given an opportunity to make representations in respect of certain types of development referred to in Schedule 1 or 2 of the SEPP. The proposed development appears to fall within several categories under Schedule 2, including:

Schedule 2

- (a) the erection of, or the conversion of a building into, a residential flat building comprising 75 or more dwellings or the enlargement or extension of a residential flat building by the addition of 75 or more dwellings,
- (b) the erection of a building for the purposes of shops where the gross floor area of the building is or exceeds 500 square metres or the enlargement or extension of a building used for the purposes of shops where the gross floor area of that enlargement or extension is or exceeds 500 square metres,
- (c) the erection of a building for the purposes of shops and commercial premises where the gross floor area of the building is or exceeds 1 000 square metres or the enlargement or extension of a building used for the purposes of shops and commercial premises where the gross floor area of that enlargement or extension is or exceeds 1,000 square metres'

Comments of the RTA will be sought in the context of assessment of the proposal. We note also that initial contact has been made with the RTA to ensure that their specific information requirements are satisfied.

4.2.4 Draft State Environmental Planning Policy 66
– Integration of Land Use and Transport

The Draft State Environmental Planning Policy No.66 (Draft SEPP 66) states that the consent authority must consider whether the future development of the site helps integrate land use and transport, and minimises the need to travel by private car.

Being located in the City Centre, within 1 kilometre of the Wollongong train station and on the regional bus route, the site is well serviced by public transport. The centrally located site is therefore considered suitable for development of a wide range of uses to the maximum density to maximise the access to facilities and services for people located within and travelling to the City Centre.

In relation to the objective to encourage the reduction of car usage, the proposal provides for a range of transport modes including car, bicycle and public transport. The basement car parking has been designed to comply with the requirements of the Wollongong City Centre LEP and DCP, noting that a minimum number of spaces to be provided on site is prescribed by the LEP. The Dwyers and Oxford Tavern components would both equate to the guideline rate.

4.2.5 State Environmental Planning Policy No.65
– Design Quality of Residential Flat Development

SEPP 65 establishes a consistent policy direction for residential flat development in NSW and provides a uniform state-wide framework for more detailed planning. Clause 29(5) of SEPP 65 states that if a development application relates to residential flat development the following provisions are required to be addressed in the Environmental Assessment. The table below lists the provisions and where these have been addressed. Assessment against the Residential Flat Code is provided at **Appendix E**.

Requirement	Where requirement has been addressed
Application must be accompanied by a design verification statement that verifies that: (a) that he or she designed, or directed the design, of the residential flat development, and (b) that the design quality principles set out in Part 2 of <u>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</u> are achieved for the residential flat development.	A Design Verification Statement by Architect Raith Anderson of DBI Design is attached at Appendix F which responds to the requirements.
(a) an explanation of the design in terms of the design quality principles set out in Part 2 of <u>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</u>	In addition to the Design Verification Statement, the principles are addressed below.
(b) drawings of the proposed development in the context of surrounding development, including the streetscape	Provided in Section 9.5 .
(c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations	Refer to Section 9.5 of this report.
(d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context	Refer to Landscape Plan and Report prepared by Taylor Brammer at Appendix G .
(e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts	Refer to Section 3 – the Receiving Environment
(f) photomontages of the proposed development in the context of surrounding development,	Photomontages of the proposed flat building are provided in Section 9.5 .
(g) a sample board of the proposed materials and colours of the facade,	As the proposal is conceptual only the provision of a sample board is not considered necessary. However, a suite of architectural reference images have been provided at Appendix AI to demonstrate the proposed character.
(h) detailed sections of proposed facades	As the proposal is conceptual only the provision of detailed sections is not considered necessary
(i) if appropriate, a model that includes the context.	The proposal has been computer modelled, refer to images in Section 9.5 .

Design Quality Principles

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The future character of the Wollongong City Centre has been clearly articulated in the context of the recently gazetted Wollongong City Centre Plan. The character of the City Centre is earmarked for significant change which includes a substantial increase in density and heights throughout. The site is located on the main shopping strip of Crown Street and straddles two zones which represent a transition from Commercial Core to Mixed Use (or City Edge), noting that the zoning changes to Tourism as it draws closer to the Beach further to the east.

The proposal includes a broad range of uses that would fit comfortably within the context of the Commercial Core and Mixed Use zoning. Uses such as the cinema complex, tavern, conference centre and 4 star hotel have a synergy with the tourist and entertainment related uses of the precinct to the east and the commercial office and retail components would complement the retail strip and commercial heart further to the east. Residential is encouraged (by the prescribed FSR formula) within the Commercial Core but only with a substantial proportion of non-residential: which also ensures active frontages at ground level.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The proposed scale of buildings will accord with the guidelines for overall height, street frontage heights and setbacks. It is noted that the proposed podium will align with the street boundary to form a strong street edge which will be of a scale consistent with the surrounding streetscape, including the two storey scale of the adjacent Crown Street Special Character Area. All tower forms above will be set back the required distance (with exception only to the upper level 14), to ensure that they are read separately to the parapet of the podium. The height of the towers will comply with the prescribed maximum and will be generally consistent with the nearby Council administration building.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposed built form accords with the above principle through:

- Ensuring a strong built form at the lower levels which aligns with the street boundary and caters for uses that ensure activity around the majority of the perimeter.
- Use of high quality materials and finishes that will enhance the public domain.
- Ensuring each street elevation responds to its context, with the vertical articulation along Crown and Burelli Streets being consistent with the shopfront widths adjacent and the Corrimal Street frontage featuring larger components to respond to the busy road context that passing motorist will read the facades.
- Ensuring that the street alignments to Crown Street and Burelli Street frame the existing vistas to the east toward the beach.
- Inclusion of a paving and planting schedule that enhances the pedestrian environment and the comfort of designated outdoor dining areas.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The proposed density would accord with that prescribed by the Wollongong City Centre Local Environmental Plan. Maximising the available density on this City Centre site is considered appropriate as it will assist in enhancing the vitality of the City Centre.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The proposal includes a range of ecological sustainable measures as outlined in the ESD Report **attached at Appendix H**. In general, the proposal would comply with the City Centre DCP guideline requiring construction is 4 star ABGR and Part 7 of the BCA.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The proposed development includes two landscape zones: the public domain at street level and the internal landscape areas at podium level. The development has been designed so as to have a smooth transition between indoor and outdoors including openable facades at ground level associated with all retail spaces particularly those along the northern frontage associated with restaurants to set an alfresco dining experience. Paving, planting and shelter will be coordinated accordingly.

In relation to the internal landscape areas, the podium levels are comprehensively landscaped. The podium to the Dwyer's site features an area that can be utilised by the hotel and conference centre and includes a combination of hard and soft landscaped space and a pool. The Oxford Tavern podium serves as the communal open space for the residential apartments and will also include hard and soft landscape areas and a pool. Both landscape areas are substantial area with good access to northern light.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The location of the residential component of the development has been chosen to ensure internal amenity is maximised and impact upon the amenity of adjoining properties has been minimised. The residential tower is located toward the northern end of the site with all units having north and or eastern aspects and taking advantage of the prevailing views toward and along the coastline. The north and east orientation will ensure that natural heating and cooling will be optimal. The building design includes ventilated access corridors, therefore ensuring that each unit has cross-flow ventilation. Acoustic impact and comfort has been addressed by an acoustic expert in their report attached at **Appendix I2**.

All units will be comfortable in terms of area with large balconies and adequate storage space. Access to the podium level communal open space is convenient via lifts. This area being separated from the public domain at street level and screened from the adjacent development where appropriate.

In terms of its relationship with adjacent development, the residential tower is generously separated and orientated away to ensure adequate privacy is ensured.

Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposal is accompanied by a comprehensive assessment of safety and security, refer to **Section 10.14.1**. The proposal employs all of the above methods suggested in the above design principle.

Principle 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

A preliminary community consultation exercise has been undertaken to introduce the scheme to the local community and identify potential community issues early in the process. The results of the exercise are discussed in **Section 6** of this report.

The proposal will include a number of services and facilities that will improve the existing range available to the region. The proposed DDS, cinemas, 4 star hotel, conference centre will be much anticipated additions to the City Centre. The retention of the existing Oxford Tavern and improvement of its live entertainment capacity is also considered an important community benefit.

The residential units will be of a mix and character that suit the prevailing market and DCP requirements and will include the required proportion of adaptable housing.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The proposed concept plan features the principles of good urban design and will feature the use of high quality materials and finishes. The details of which will be subject of further development at the time a Project Application is lodged for the Stage 3 development that includes the residential component.

4.2.6 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development of the Oxford Tavern portion of the site (Stage 3), which contains a residential component would require the consideration of BASIX. However, where the Stage 3 proposal is subject of a concept plan only, it is considered that a BASIX assessment is unnecessary at this stage. A BASIX assessment will accompany the future Project Application.

4.3 Local Environmental Plans

4.3.1 Wollongong City Centre Local Environmental Plan 2007

The Cities Taskforce project was announced in February 2006, as part of the NSW Government's Economic and Financial Statement. The project is intended to invigorate employment, housing and lifestyle opportunities in regional cities across NSW. The Cities Taskforce project is focusing on delivering 'Strategic City Centre Plans' incorporating visions and detailed planning civic improvement strategies for six regional cities of Wollongong, Gosford, Parramatta, Penrith, Liverpool and Newcastle.

The Wollongong City Centre Plan (including a Vision, a Local Environmental Plan, Development Control Plan, Civic Improvement Plan) is the first of the six City Plans to be made. The requirements of the Wollongong City Centre Local Environmental Plan 2007 are addressed in the table attached at **Appendix J**.

In summary, the proposal meets with all requirements with exception to certain aspects discussed further below:

Retail greater than 400m²

The Mixed Use or City Edge Zone prohibits development of 'retail premises (*but only if the total floor area of the premises exceeds 400m²*)'. The proposal includes a number of retail premises that would exceed the 400m² floor area including a supermarket at ground floor (level 1), a DDS at level 2 and a mini-major at Basement Level and Level 3.

All of the prohibited uses are included in the Stage 1 component which is subject of an existing Part 4 approval, refer to deferred commencement consent at **Appendix A**. In this instance, it is not considered appropriate or necessary to change the fundamental uses of the existing Part 4 approved Stage 1 component. A full assessment of the suitability of the uses was considered in the context of the existing consent.

It is understood that the Stage 1 component was included within the overall development, at the behest of the Minister, so as to ensure all stages are appropriately coordinated in a design sense. At no time was there an indication that the assessment of the overall concept would revisit the already approved uses in Stage 1.

It is important to note that a submission was made to the Council and to the Minister in relation to the newly created prohibition. A response was received from the Department on behalf of the Minister, refer to all correspondence in **Appendix L**.

Notwithstanding the existing Part 4 approval, the Stage 1 retail uses greater than 400m², (of which there are four), are considered appropriate in this instance where they are necessary to anchor the remainder of the speciality shops within the centre. Quite simply, the removal of any one of the anchors would see the failure of the centre in an economic sense. This is on the advice of an expert retail consultant and relates to circulation between the street, car parking and anchor uses (or magnets).

Although the 'higher order' uses are not specifically encouraged in the City Edge Zone it is argued that they are appropriately located on this site which will compliment, not detract, from the existing retail core (located 600m away to the west), for the following reasons:

- The overall Major Project Site includes a portion zoned commercial core (the Oxford component) that permits retail premises greater than 400m². This portion of the Site proposes limited retail due to the location of retail (already approved under Part 4) on the remaining portion of the site (the Dwyer's component).

- The retail centre includes a DDS and a cinema that currently do not exist in the City Centre: both being uses which are essential to the City's regional role.
- The retail centre in this location would coexist comfortably in an economic sense with Wollongong Central.
- The retail centre would assist in the revitalisation of the eastern end of Crown Street and would complement the existing outdoor café feel through the inclusion of alfresco dining and a widened footpath facing north.
- The retail centre would provide a much needed attractor that would link the City Centre with its best attribute: the beach.

In the circumstances, it is requested that the Minister use the provisions that allow the approval of development that is not wholly prohibited, provided under Part 3A.

Exceptions to development standards

Clause 24 of the City Centre LEP 2007 provides for exceptions to development standards on the following grounds:

'...the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.'*

In addition, concurrence of the Director General must be obtained for development consent to be granted. The Director must consider;

- Whether contravention raises any matter of state or regional significance.
- The public benefit.
- Other matters

Building Separation

Clause 22D(1)(a)

The proposal includes a residential tower that rises eleven storeys above a 3 storey podium with frontages to both Crown Street to the north and Corrimal Street to the east. This tower has a maximum height of 50.37, making the upper level (Level 14 from RL50.28) over 45m. The separation requirement for that part of the building over 45m is 28m from any other building at that height. This would result in a variation to this standard where this level would be setback 16m from the other proposed office tower on the same site.

The reasons that the variation is considered unreasonable or unnecessary based upon environmental planning grounds include:

- The portion subject to the variation relates to only the upper floor of an 11 storey tower which otherwise complies with the prescribed standard.
- To require an additional setback of 8m at Level 14 would have significant impact upon the architectural integrity of the building which aims to present a strong vertical façade and parapet to the south. Stepping of the upper floor in isolation would weaken the parapet line.
- There would be no advantage in an amenity sense to requiring the setback of the upper level.

For the above reasons it is considered unnecessary to require compliance with the relevant development standard and it is requested that an exception be made in this instance.

Clause 22D(2)

The proposed residential tower is located 12m from the adjacent building to the west, the 'Platinum' building. The separation requirement for any habitable part of a dwelling is a minimum of 16m from any building and 20m from any other habitable part of any other dwelling. This would result in a variation to this standard of up to 8m to the west.

The reasons that the variation is considered unreasonable or unnecessary based upon environmental planning grounds include:

- The residential building on the adjacent site is located on the common side boundary and therefore represents a unreasonable imposition to development of the subject site. If the adjacent building were to be assessed on the same terms as the proposal (i.e. the parameters of the City Centre LEP 2007 and DCP 2007), then this building would need to be a minimum of 6m for non-habitable rooms and 12m for habitable rooms. Compliance with this setback would ensure compliance on the subject site.
- The proposed side setback complies with the provisions of the City Centre DCP 2007 which requires a minimum of 12m for habitable residential.
- Combined with DCP setback compliance, the design of the building could include balconies and windows to habitable rooms that are orientated away from the adjacent building and therefore amenity impact is minimised.
- The width of the site does not allow for a significantly greater setback without compromising the width of the tower and the internal layout.
- The setback would ensure that a reasonable amount of natural light access to the adjacent communal open space area to the west.

For the above reasons it is considered both unreasonable and unnecessary to require compliance with the relevant development standard and it is requested that an exception be made in this instance.

5 Relevant Planning Guidelines

There are two comprehensive guideline documents that have been recently made as part of the Wollongong City Centre Plan: Wollongong City Centre DCP 2007 and the Wollongong City Centre Civic Improvement Program 2007. These two documents address below.

5.1 Wollongong City Centre Development Control Plan 2007

This DCP came into force with the City Centre LEP 2007 recently and formed part of the comprehensive package of plans to apply to each of six regional cities, of which Wollongong is one. The DCP includes the latest provisions in relation to all aspects of typical planning guideline assessment. The full assessment against these guidelines is made in the table at **Appendix K**.

In summary, the proposal meets with all requirements with exception to aspects discussed further below:

Side setback (Commercial Core)

The portion of the residential tower above 45m (i.e. level 14 only) on the Oxford Site (Stage 3 Concept) would be setback 2m less than the required 14m from the adjacent 'Platinum' building to the west. Where the variation relates to only 2m of one floor at the upper level, relative to the remainder of the façade (45m setback 12m) this small portion would have negligible adverse amenity or visual impact. It is considered more appropriate to maintain the integrity of the façade by ensuring a consistent setback from the podium to the parapet of Level 14.

Side Setback (City Edge)

The eastern elevation of the Stage 1 component is setback to the boundary at the ground level only where it relates to the loading dock; the DCP requires a minimum of 3m. A wall equivalent to 2 storeys in height will be built to the boundary, with the remainder of the wall being setback greater than the required 3m above (up to 5.2m). It is considered appropriate to build to the boundary where an unused 'gap' between the wall and the boundary will be avoided and in any case, the built form will not have any unreasonable impact upon the amenity of the adjoining properties in relation to overshadowing or visual impact.

Building Separation

The office and residential towers on the Oxford site are setback 16m and therefore 12m less than the 28m requirement for that part of the building above 45m. As discussed in relation to Clause 22D(1)(a) of the LEP above, this translates to a small portion of Level 14 of the residential building only. Setting this portion back the additional 8m would jeopardise the architectural integrity of the tower form and would not have any clear benefit in relation to reducing amenity impact or visual appearance.

Vehicle Footpath Crossing, Width and Location

Access point off Crown Street for Dwyers site to allow for one-way loading dock, however the DCP discourages access of this street. The access is essential to minimise vehicle conflict of large trucks (semi-trailers) that would service the uses within the Stage 1 component of the development. Where the vehicle crossing would represent a small proportion of an otherwise long and well activated frontage, the crossing is considered appropriate in the circumstances. It is important to note that the layout is identical to that already approved in the existing Part 4 consent and amendment would be prohibitive to the design and function of the already approved uses.

Noting a guideline maximum width of 5.8m, the proposed width of 17m to Burelli and 15m to Crown Street are considered essential to ensure the efficient flow of cars and trucks through the site. The driveway crossing of the footpath will be constructed of paving to suggest pedestrian domination so as to ensure impact upon pedestrian travel minimised.

The guideline also requires a driveway, that are adjacent to residential development to be set back 1.5m. Construction to the boundary is considered appropriate in the City Edge zone, noting that it is likely that the adjacent sites will undergo redevelopment at some stage in the future. The setback of 1.5m is considered to have an unnecessary impact upon the efficient use of the subject site and the 1.5m setback would not have any benefit to the adjacent property.

Summary

In summary, the variations relate to building form and vehicle crossing only. In relation to building form, the variation relates ostensibly to Level 14 of the residential tower and is considered to be minor and without amenity or visual impact. Variation to vehicle crossing and setback on the site boundary of the Dwyer's site to the east are considered necessary to ensure the efficient functioning of the loading facility to the shopping centre. The resultant 5.0m wall on the boundary would be of a scale and separation to the adjacent residential building's to ensure no adverse visual or amenity impact. Measures will be made to ensure impact upon the pedestrian environment are minimised: through use of appropriate paving materials.

5.2 Wollongong City Centre Civic Improvement Plan 2007

The site is located on Crown Street, regarded as the Wollongong City Centre 'High Street' and part of the cultural precinct. The Civic Improvement Plan (CIP) outlines a number of aspects that should be considered in the design of the public domain including: paving, seating, lighting, quality of finishes, tree planting etc. The proposal includes the public domain works as illustrated in the landscape drawings by Taylor Brammer Architects. As addressed in the landscape report at **Appendix G**.

The CIP requires that a levy be paid for development in the City Centre. The Plan requires payment of a special contributions levy equal to 1% of the cost of development and an additional 2% for development that is located within the Commercial Core zone. It is noted that the Plan provides for payment of part (or all) of that levy through construction of public domain works and payment in lieu.

The applicant agrees to the application of a condition of consent in accordance with this plan, refer to Statement of Commitments in **Section 11**.

6 Consultation

6.1 Overview

Community consultation was undertaken by Urbis between 11 and 25 October 2006. The timeframe to complete the consultation was limited and therefore a disciplined approach to consultation was required which focused on people within the immediate vicinity of the proposed development. The purpose of the community consultation was to:

- inform community members about the proposal
- provide an opportunity for the community to respond to the proposal
- assess the particular strengths and weaknesses of the proposal in the community's view
- gain preliminary insights into the potential impacts of the proposed development on people in its immediate vicinity.

The consultation comprised of the following components:

- intercept surveys of people in the area surrounding the development site (i.e Burelli, Crown and Market Streets to the east of Kembla Street; Crown Street Mall) to assess community attitudes to the local area and responses to the proposed development
- a group discussion and interviews with people operating businesses in the same catchment area, to assess their attitudes and responses as above and gain insights into the perceived impacts of the development on their business
- interviews with real estate agents operating in the local area to assess demand for the proposed development.

Consultation was not undertaken with shop tenants or shoppers at the Wollongong Central Shopping Centre, as consent from Centre Management had not been obtained.

A Community Consultation Report was prepared by Urbis and is attached at **Appendix M**.

6.2 Key Findings

The area to the east of the Wollongong CBD is generally perceived as having considerable potential that is not yet realised, and being in the early stages of a positive transformation.

The acceptance and support for development and revitalisation of the area among community members and local business operators consulted for this project suggests that developments with the potential to bring more people to the area, such as the Stage 2 proposal, will be well received by most.

The specific uses proposed as part of Stage 2 were met with an enthusiastic response by business operators, particularly due to their capacity to draw people into the vicinity of their businesses. The response from community members was also largely positive.

However, the findings suggest a degree of uncertainty among some community members about hotel and residential accommodation, conferencing facilities, and potentially office space being developed in the area. It is possible that this uncertainty results from difficulty imagining these uses coexisting with the entertainment and retail uses that are already emerging in the area.

Finally, downward price pressure on the residential market is likely to require particular care in finalising the features of the residential apartments to ensure that they meet with market expectations. However, the commercial market is currently strong in the area.

6.3 Strategy for further community consultation

The overall response to the proposed development was positive. However, the ambivalence of some community members towards some of the uses associated with the proposed development suggests that there is a need to provide more detailed information to the broader community about the proposal. Additionally, the more detailed information should highlight the proposed development's potential to revitalise the subject area both socially and economically.

There is also a need to ensure that the residential offering meets market expectations, for example via quality finishings and generous provision of space and features such as parking, balconies and ensuites. This may require research with potential buyers and further consultation with the local real estate sector.

It is recommended that further community consultation be undertaken which may comprise of the following

- Host a web site with:
 - Plans and documents;
 - Summary information;
 - FAQ's; and
 - Links to stakeholders web sites.
- Prepare an information flyer for community distribution (council, residents etc.);
- Public information sessions throughout the process;
- Briefings of stakeholders on-going; and
- Briefing of Councillors.

7 Director General's requirements

Following the submission of the Preliminary Environmental Assessment on 9 February 2007, the Director General issued formal requirements (DGR's) for the preparation of the Environmental Assessment for the Concept Plan and Project Application for Stage 1.

A copy of the DGR's is included at **Appendix C**. In summary, they include:

General Requirements

1. Executive summary – **see beginning of report.**
2. Description of the site – **see Section 3.5.**
3. Details of the proposal – **see Section 9.**
4. Details of the methodology used for the calculation of FSR – **see Appendix N**
5. Assessment of environmental impacts – **see Section 10.**
6. Description of measures to mitigate impacts – **see Section 10.**
7. Demonstrate achievement of objectives and provisions of EPI's – **see Section 4.**
8. A draft statement of commitments – **see Section 11.**
9. Conclusion justifying the project – **see Section 12.**
10. A signed statement from the author – **see Executive Summary.**
11. Landowners consent – **see Concept Plan Project Application.**
12. A Quantity Surveyors Certificate – **see Appendix O.**

Part A - Concept Plan and Project Application Requirements

1. Relevant EPI's and Guidelines to be addressed – **see Section 4.**
2. Retail Impact Assessment – **see Section 10.4 and Appendix P.**
3. Traffic Impacts – **see Section 10.3 and Appendix Q1 and Q2.**
4. Social and economic context – **see Section 10.4 and Appendix R.**
5. Remediation of the site – **see Section 10.5.**
6. Public domain – **see Section 10.6.**
7. Staging – **see Section 9.7.**
8. Statement of Commitments – **see Section 11.**

Part B – Requirements specific to the Concept Plan

9. Proposed building envelopes – **see Section 8 and 9.5.**
10. Public infrastructure – **see Section 5.2.**

Part C – Requirements specific to the Project Application

11. Consistency with the Concept Plan – **see Section 10.7.**
12. Architectural, Building and Urban Design Impacts – **see Section 10.8.**
13. Car Parking, Access and Servicing – **see Section 10.9.**
14. Construction Impacts – **see Section 10.10.**
15. Ecologically Sustainable Development – **see Section 10.11.**
16. Services, Infrastructure and Utilities – **see Section 10.12.**
17. Building Code of Australia Compliance Report – **see Section 10.13 and Appendix AD.**
18. Safety, Public Areas and Pedestrians – **see Section 10.14.**
19. Noise Impacts – **see Section 10.15.**

