

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 28 May 2011, I determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2, the modifications in Schedule 3 and the Statement of Commitments in Schedule 4; and
- (b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the Stages 2 and 3 as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that approval to carry out Stages 2 and 3 of the Concept Plan is to be subject to Part 4 as set out in Schedule 3.

MEMBER OF THE COMMISSION MEMBER OF THE COMMISSION MEMBER OF THE COMMISSION

Sydney

2011

SCHEDULE 1

Application No.:	MP06_0257
Proponent:	Wollongong City Plaza Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 1 DP1078311, Lot 5 DP32538, and Lot 6 DP32538 (Dwyer's Site, also known as 31 Crown Street); Lot B DP396278; and Lot 10 DP848550 (Oxford Tavern site)
Project:	Crown Street – Dwyer's and Oxford Tavern sites redevelopment, including: Stage 1 Development of the Dwyer's site comprising an entertainment and leisure retail centre and associated basement parking; Stage 2 Development of the Dwyer's site comprising a hotel, conference and restaurant facility above; and Stage 3 Development of the Oxford Tavern site comprising a podium with mixed use tavern, retail offices, an office tower and residential tower above and associated basement parking.

NOTES RELATING TO THE DETERMINATION OF MP06_0257

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

DEFINITIONS

Act, the	Environmental Planning and Assessment Act, 1979
Council	Wollongong City Council
Department, the	Department of Planning and Infrastructure
Director-General, the	Director-General of the Department of Planning and Infrastructure (or delegate).
EA	Environmental Assessment for the Dwyer's Site and Oxford Tavern Redevelopment dated September 2007
Minister, the	Minister for Planning
Modifications of Approval	The Minister's modifications of approval for the Concept Plan.
Preferred Project Report	Preferred Project Report for the Dwyer's Site and Oxford Tavern redevelopment
(PPR)	dated September 2010.
Proponent	Wollongong City Plaza Pty Ltd
GFA	Gross Floor Area - as defined by the Wollongong City Centre LEP 2007

SCHEDULE 2

PART A - TERMS OF APPROVAL

1. Development Description

Concept approval is granted to the development as described below:

- (a) Use of the sites for retail, entertainment, commercial, residential, hotel, conference centre, tavern and restaurant purposes and associated car parking;
- (b) Indicative building envelopes for 2 separate buildings with heights ranging from 3 to 14 storeys;
- (c) Basement level car parking; and
- (d) Internal and external road works.

2. Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP 06_0257 and with the Environmental Assessment, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings prepared by DBI Architecture, Parsons Brinkerhoff and Taylor Brammer.

Concept Plan Drawings prepared by DBI Architecture			
Drawing No.	Revision	Name of Plan	Date
A-CD-2.201	C	Basement Level 4 Floor Plan	01/06/10
A-CD-2.202	C	Basement Level 3 Floor Plan	01/06/10
A-CD-2.203	C	Basement Level 2 Floor Plan	01/06/10
A-CD-2.204	C	Basement Level 1 Floor Plan	01/06/10
A-CD-2.205	C	Level 1 Floor Plan	01/06/10
A-CD-2.206	C	Level 2 Floor Plan	01/06/10
A-CD-2.207	C	Level 3 Floor Plan	01/06/10
A-CD-2.208	C	Level 4 Floor Plan	01/06/10
A-CD-2.208-Mezz	B	Level 4 - Mezzanine Floor Plan	05/08/09
A-CD-2.209	C	Level 5 Floor Plan	01/06/10
A-CD-2.210	C	Level 6 to 11 Floor Plan	01/06/10
A-CD-2.211	C	Level 12 Floor Plan	01/06/10
A-CD-2.212	C	Level 13 Floor Plan	01/06/10
A-CD-2.213	C	Level 14 Floor Plan	01/06/10
A-CD-4.201	A	Section 1	21/09/07
A-CD-4.202	B	Section 2	18/11/10
A-CD-4.203	A	Section 3	21/09/07

Infrastructure and Road Works Drawings prepared by Parsons Brinkerhoff			
Drawing No.	Revision	Name of Plan	Date
0000	A	Oxford Tavern and Dwyer's Site Re-Development Sheet Layout Plan	07.08.09

002	C	Oxford Tavern and Dwyer's Site Re-Development Town Hall Place Loading Dock Layout Plan Sheet 1	25.02.10
0002	A	Oxford Tavern and Dwyer's Site Re-Development Burelli Street West Layout Plan Sheet 2	07.08.09
004	C	Oxford Tavern and Dwyer's Site Re-Development Burelli Street West Layout Plan Sheet 3	25.02.10
0004	A	Oxford Tavern and Dwyer's Site Re-Development Corrimal Street / Burelli Street Intersection Layout Plan Sheet 4	07.08.09
0005	A	Oxford Tavern and Dwyer's Site Re-Development Burelli Street East – Porte Cochere Layout plan Sheet 5	07.08.09
0006	A	Oxford Tavern and Dwyer's Site Re-Development Corrimal Street Layout Plan Sheet 6	07.08.09
0007	A	Oxford Tavern and Dwyer's Site Re-Development Corrimal Street / Crown Street Intersection Layout Plan Sheet 7	07.08.09
0008	A	Oxford Tavern and Dwyer's Site Re-Development Crown Street East Layout Plan Sheet 8	07.08.09

Landscape Concept Plans prepared by Taylor Brammer			
Drawing No.	Revision	Name of Plan	Date
LC00	B	Landscape Cover Sheet	26.09.07
LC01	B	Landscape Concept Plan Dwyer's Site: Streetscape	26.09.07
LC02	A	Landscape Concept Plan Dwyer's Site: Rooftop Garden	26.09.07
LC03	C	Landscape Concept Plan Oxford Tavern	26.09.07
LC04	A	Landscape Sections	26.09.07

3. Inconsistencies between Documentation

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

4. Lapsing of Approval

Approval of the Concept Plan shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

PART B – MODIFICATIONS

1. Maximum Gross Floor Area (GFA)

- a. The maximum GFA for the **Dwyer's site** (Stages 1 and 2) shall not exceed 45,267m², equating to an FSR of 3.84:1.
- b. The maximum GFA on the **Oxford Tavern site** (Stage 3) shall not exceed 22,519m² equating to an FSR of 5.46:1, (with land use composition of 8,271m² for residential GFA and 14,248m² for commercial GFA)

2. Maximum Height

- a. The maximum height for development on the **Dwyer's site** (Stages 1 and 2) development shall not exceed RL 57.62 (AHD)
- b. The maximum height of the development on the **Oxford Tavern site** (Stage 3) development shall not exceed:
 - i) RL 55.65 (AHD) for the residential tower
 - ii) RL 57.15 (AHD) for the commercial tower

4. Car Parking

The number of car spaces to be provided for the entire development shall be a minimum of 1,421 (1,052 spaces for the **Dwyer's site** and 369 spaces for the **Oxford Tavern site**).

5. Number of Hotel Rooms on Dwyer's Site

The hotel forming part of the Stage 2 works on the **Dwyer's site** shall have a maximum of 200 hotel rooms.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. Architectural Design Competition

Future applications under Part 4 of the Act, for the Stage 2 and Stage 3 works as described in Schedule 1, will be subject to a formal design excellence competition in accordance with Clause 22B (4) (a) of the WCC LEP 2007.

2. Building Separation

Future applications for the residential and commercial towers forming part of the Stage 3 works on the Oxford Tavern site shall ensure a minimum separation distance between each tower of no less than 16 metres measured at any one point.

3. Active Street Frontage

Future applications for the Oxford Tavern Site should ensure that the three (3) street frontages that bound the site are to have an activated use at ground level and demonstrate sufficient articulation to the satisfaction of the consent authority.

4. Australian Building Greenhouse Rating (ABGR)

Future applications for the commercial tower on the Dwyer's site and Oxford Tavern site shall be required to enter into an ABGR Commitment Agreement to design, build and commission the premises for a minimum 5, star rating (or contemporary equivalent) at the time of lodgement.

5. Vehicular Access

Future applications for the Stages 2 and 3 works shall provide:

- a. no direct vehicular access to Cormial Street;
- b. no access for articulated service vehicle access into Town Hall Place;
- c. light vehicle access only to the porte cochere on Burelli Street; and
- d. provision for a bus standing area in association with the hotel and conference centre uses.

6. Burelli Street / Town Hall Place Intersection

The intersection of Burelli Street and Town Hall Place shall be designed to the satisfaction of Council. It shall include a pedestrian refuge to the RTA's standard and accommodate turning movements of the largest vehicle likely to enter the site. Also A pedestrian footpath shall be provided along the eastern side of Town Hall Place shown above described plans prepared by Parsons Brinkerhoff, as otherwise agreed by Council and the RTA.

SCHEDULE 4

STATEMENT OF COMMITMENTS

MP 06_0257

CONCEPT PLAN FOR A MIXED RETAIL, COMMERCIAL & RESIDENTIAL DEVELOPMENT 31 CROWN STREET (DWYER'S SITE) AND 47 CROWN STREET (OXFORD TAVERN SITE) WOLLONGONG

(Source: Preferred Project Report Dated September 2010)

No	Subject / Commitment
1	Public Domain Improvements
A	A S94A levy of 1% of the cost of the development be paid for the purpose of contributing to public domain improvements. In addition a levy of 1% of the cost of the portion of the development located with the Commercial Core Zone (the Oxford Site Stage 3) also to be paid. This payment to be made prior to release of the construction certificate for the various stages of each development. Payment may also be made through payment in lieu for public domain works to be undertaken by the proponent.
B	Public domain improvements will be undertaken in accordance with the landscape plans by Taylor Brammer drawing No.s LC01 and LC02.
2	Public Art
A	Public will be provided on the south-eastern corner of Crown and Corrimal Street. Details of the public art shall be provided and construction completed prior to the release of the occupation certificate.
3	Water services
A	A Section 73 Certificate shall be obtained from Sydney Water and sewer main relocation and amplification works are to be undertaken in accordance with Sydney Water requirements.
4	Accessibility
A	The applicant will ensure that the following commitments are implemented throughout the design process. (i) Ensure retail, restaurant, office, cinema doorways have appropriate clear widths of 850mm in accordance with AS1428.2. (ii) A direct clear pathway (1200mm from front of cars) needs to be made available from the level 1 basement accessible car bays to the entrance of the Mini Major (iii) Retail entry stair from Crown Street needs handrails in accordance with AS1428.1 and tactile ground indicators in accordance with AS1428.4. Signage to be provided to other main entrance within Mall. (iv) Emergency warning systems should include audible and visual warnings and signals to assist people with sensory disabilities. (v) Ensure all fire doors have a clear width of 850mm (920mm door leaf) to allow wheelchair access into fire rated corridors (vi) The access corridors leading to the accessible WCs on levels 1 & 2 should

	have a width of 1800mm. (vii) Ramps on level 1 need to have handrails and TGSi that comply with AS1428.1 and AS1428.4. (viii) The area in front of the door of level 1 accessible WC is required to be level. (ix) In the 4 restaurants with mezzanines, widen stairs to 1500mm to allow future installation of stair platform lift. (x) The BCA requires that 8 hotel rooms are accessible. The draft DDA Premises Standards requires 9 accessible guest rooms. (xi) The numbers of wheelchair seating areas within each cinema should be provided according to the draft DDA Premises Standards. Cinema 2 will need larger seating platform to accommodate wheelchair users. (xii) Provide Tactile Ground Indicators (TGSi) at all travelators on all levels, as specified in AS1428.4 (xiii) All lift cars require appropriate height control panels and internal handrails to comply with AS1735.12 (xiv) All lift lobbies require audio/visual lift arrival indicators and suitable call buttons as specified in AS1735.12 (xv) Provide an accessible toilet on level 3 retail. The accessible toilet needs to comply with AS1428.2. (xvi) Provide an accessible toilet within the cinema area of level 4. The accessible toilet needs to comply with AS1428.2. (xvii) Provide a minimum clear width of 850mm (920mm door leaf) at accessible toilet doors. (xviii) Provide a mixture of left hand and right hand transfer toilet pans (e.g. level 1 WC to have pan on right hand wall, level 2 WC to have pan on left hand wall etc...) (xix) Provide vertical clearance of 2.5 metres at all accessible car bays and a clearance of 2.3 metres leading to the accessible car bays. (xx) Ensure the illumination levels comply with AS1428.2 (i) Provide way finding signage to direct people to facility entrances, accessible toilets, lifts, accessible car parks (ii) Signage to comply with BCA part D3.6. The signs to male, female and accessible toilet should have raised pictogram, text have braille included. (iii) Provide appropriate vertical signage indicating terms of parking in a bay for people with disabilities (reference AS 2890.6)
B	A further accessibility review will be submitted in conjunction with the Project Applications for the subsequent Stages 2 and 3.
5	Acoustic impact
A	In relation to the Stage 1 component, a further acoustic assessment shall be undertaken to ensure the mitigation measures in relation to mechanical plant, equipment operation and the loading dock as outlined in the Heggies Report, are implemented. This further report shall be submitted with the Construction Certificate.
B	In relation to Stages 2 and 3 a further acoustic assessment shall be undertaken to ensure the mitigation measures in relation to mechanical plant, road traffic intrusion and sound insulation as outlined in the Heggie Reports, are implemented. This report shall be submitted with the Construction Certificate for those stages.
6	Road Widening Land Dedication
A	Land will be dedicated along the eastern side of Corrimal Street to effect widening of the road in accordance with the recommendations of the traffic report by Parsons Brinkerhoff and site works plan by TTW C1000 P2. The dedication of land and road works shall be

	completed in conjunction with the Stage 1 construction works and prior to the issuing of an occupation certificate for Stage 1. Works associated with the Stage 3 component at the intersection of Burelli Street and Town Hall Lane will be completed prior to the completion of the Stage 3 component.
7	Remediation and Validation Plan
A	A revised and expanded Remediation and Validation Plan relating to the Oxford site will be prepared and submitted with the Project Application for the Stage 3 works. The Plan will include a risk assessment in accordance with the Department of Environment and Conservation's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW; Workcover's Occupational Health and Safety Requirements; SEPP 55 and Managing Land Contamination Planning Guidelines (Department of Planning and EPA).
8	Construction Management Plan
A	Construction will take place in accordance with the Construction Management Plan dated 6 September 2007 by Belmorgan Property Development.
9	Waste Management
A	Waste management will take place in accordance with the Waste Management Plan dated September 2007 by JD Macdonald. In particular the following will occur: • dedicated compactors be used for general and recyclable waste for retail and commercial tenants. • A dedicated refrigerated garbage room for food putrescibles waste will be provided. • Major tenancies to implement and manage their own waste management systems, equipment and collections. • It is proposed that 1100L mobile garbage bins be used as a recommended size but tenants may nominate a more appropriate size for their particular use. • Daily collection cycle is recommended for putrescibles waste generated but can be modified to suit the tenant's particular needs. • A waste caretaker to be employed to manage the waste management system for the Stage 1 development.
10	Wind Impact Mitigation
A	Wind amelioration measures for Stages 2 and 3 will be included into the design of the future Project Application for these stages in accordance with that detailed in Section 10.6.3 of the PPR and the Wind Impact Assessment by Heggies.
11	Unit Mix
A	The final residential unit mix will be detailed in the Stage 3 Project Application. This mix will feature a minimum of 10% one bedroom units and 10% three bedroom units.
12	Vehicle Access
A	The recommendations of the Parsons Brinkerhoff Traffic and Parking Assessment and letter from Urbis dated 14 August and Parsons Brinkerhoff Turning Path report dated 3 August 2009 and attached plans in relation to the stage 3 development be incorporated into the Project Application for that component. The recommendations relate to • Car parking management

	• Road widening • Relocation of bus stop on Burelli Street.
B	All road works associated with the Stage 1 development as detailed in the Site Works Plan C1000 P2 will be completed in conjunction with the Stage 1 construction works and prior to the issuing of an occupation certificate for Stage 1.
13	Safety and Security
A	Recommendations of the CPTED assessment by Urbis dated September 2007 are to be implemented and a safety and security report detailing such will be submitted prior to release of the construction certificate. This report will detail the process of the recommended further consultation.
14	Awnings
A	Awnings to be a minimum of 3.3m soffit height, low profile eaves (less than 300mm), setback 1.2m from kerb and approximately 2.4m deep.
B	Awnings to be under-lit to encourage night use.
15	ESD
A	A further ESD report will be prepared by an ESD expert to ensure the compliance of the development with the relevant BASIX Residential targets (in relation to the Stage 3 component) and ABGR Commercial targets (in relation to all other stages) mandated in the City Centre DCP 2007. The report will be submitted prior to the release of the Construction Certificate for each stage.
16	Public Transport
	A new eastbound bus stop will be located on Burelli Street to the west of Corrimal Street located outside the Burelli Street pedestrian access point. Street furniture and signage required for the bus stop shall be detailed in accordance with the Civic Improvement Plan and other Council requirements. Details of the works shall be submitted for approval prior to the release of the construction certificate for the Stage 1 development.