



21 October 2010

Our ref: RJC:LR/07046

Mr Michael Woodland
Director – Urban Assessments
Department of Planning
23-33 Bridge St
SYDNEY NSW 2000

Email: Michael.woodland@planning.nsw.gov.au

Dear Sir,

**re: Major Project 06_0257
'Dwyer' and 'Oxford' sites, Wollongong
Proponent's Final Preferred Project Report**

We note that on 30 August 2010, Urbis Pty Ltd, on behalf of Wollongong City Plaza Pty Ltd ("the Proponent") submitted to the Department of Planning a Final Preferred Project Report in relation to the above project.

You will recall that, on behalf of our client, the GPT Group ("GPT"), we prepared a submission dated 31 January 2008, objecting to the project. The grounds of objection can be summarised as follows:-

1. The previous development consent should be disregarded, due to significant strategic and statutory planning breaches and to changed circumstances;
2. The site is inappropriately located having regard to the intensity of retail development proposed;
3. The site is predominantly situated outside the B3 Commercial Core zone;
4. The proposal is inconsistent with zone objectives;
5. The proposed large-scale retail uses on the Dwyer site are prohibited in the zone;
6. The proposal is inconsistent with the Wollongong City Centre DCP;
7. The Dwyer portion of the site should not be developed as if it was part of the retail core;
8. The proposal is inconsistent with key City Centre strategic planning initiatives;

9. The proposal is inconsistent with the City Centre Revitalisation Strategy;
10. The proposal is inconsistent with the City Centre Vision;
11. The proposal will undermine investment confidence and certainty in the zoned Commercial Core;
12. The proposal will jeopardise major investment decisions/commitments in and adjacent to the zoned Commercial Core;
13. The proposal is likely to result in the removal of cinemas from the zoned Commercial Core;
14. The proposal is inconsistent with key state and regional planning initiatives;
15. The proposal is inconsistent with state government initiatives towards integrating land use and transport planning and draft SEPP 66;
16. The proposal is inconsistent with the Illawarra Regional Strategy;
17. The proposal is inconsistent with the Illawarra Regional Environmental Plan;
18. The height and floor space ratio of the proposal is excessive;
19. The economic impacts of the proposal require further analysis and are unacceptable;
20. The car parking requirements appear to have been incorrectly calculated;
21. The car parking provision is inadequate;
22. The traffic impacts of the proposal have not been adequately assessed or addressed;
23. The floor space calculation should be carefully checked; and
24. The proposal is not in the public interest.

From the information relating to this project which has recently been posted on the Department's website, it appears that the Proponent has engaged in a series of discussions with the RTA on traffic matters, and has provided to the RTA a number of additional information packages. The letter to the Department from Urbis dated 30 August 2010 suggests that the RTA has agreed to issue its General Terms of Approval for the project which (according to Urbis) allows the assessment of the proposal to now proceed.

In their letter, Urbis state as follows:-

"We understand that there is a single issue at the heart of the proposal, retail premises larger than 400m² outside the Commercial Core."

As we have not been a party to the discussions between the Department and the Proponent, we cannot comment on whether, notwithstanding all of the matters raised in our submission,

the Department has, indeed, distilled all of these concerns down to one “single issue”. Nevertheless, that “single issue”, in our opinion, is a fatal flaw in the project and should be insurmountable for the Proponent. The project is clearly inconsistent with the City Centre Revitalisation Strategy and it would make a mockery of the City Centre LEP if the Department was now to approve this prohibited development.

We note that in the Executive Summary of the Preferred Project Report dated September 2010, the following statement appears:-

“The site straddles across the boundary of two different zones under the recently introduced Wollongong Local Environmental Plan 2009: the Oxford Tavern site being located within the B3 Commercial Core zone and the Dwyer site being located within the B4 Mixed Use (or City Edge as indicated on the LEP maps) zone. The proposal is largely permissible in the zones. The proposal under Part 3A of the Environmental Planning and Assessment Act 1979 includes a re-application of a previously approved and subsequently declared void the Stage 1 component. As agreed in a meeting with the Minister, the overall Concept Plan was to include the Stage 1 component to ensure this component is appropriately integrated with the remainder of the development.

The proposal otherwise complies with the provisions of both the Wollongong LEP 2009 (WLEP 2009) and the Wollongong DCP – City Centre Precinct, save for a number of minor variations which have been assessed as being appropriate in the circumstances.” (our emphasis)

One of these “minor variations” is the prohibition in the Mixed Use or City Edge zone of retail premises with a total floor area in excess of 400m². The proposal, in contrast, includes a supermarket, a DDS and a mini-major store. As we stated in our submission, the site is inappropriately located having regard to the intensity of retail development proposed. The large-scale retail uses are prohibited on the site, the proposal is inconsistent with the Wollongong City Centre DCP, the proposal is inconsistent with the City Centre Revitalisation Strategy, the City Centre Vision and City Centre Strategic Planning Initiatives, and will undermine investment confidence and certainty in the zoned commercial core.

With respect to the RTA, its focus is on roads, and not on transport, and in particular, not on public transport. The latter falls firmly within the role and responsibility of Transport NSW. We urge the Department of Planning to further consult with Transport NSW and ask that you provide to us any correspondence received from Transport NSW in relation to this project. We are concerned that Transport NSW may not have been adequately consulted to date, in part because of the protracted nature of the project. Given the distance of the project site from the station and separation from the retail core, it is essential that Transport NSW provides its views on this matter.



Finally, could you please also note that the appendices to the Preferred Project Report are not available on the Department's website? Without the appendices, it is not possible to properly review the PPR and the statements made therein.

Yours sincerely

BBC Consulting Planners

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Robert Chambers
Director

Email bob.chambers@bbcplanners.com.au

cc. Anthony Witherdin, Department of Planning Email Anthony.witherdin@planning.nsw.gov.au