



Department of Planning
Department of Planning

Wollongong Central Redevelopment
*Concept Plan and Project Application for Mixed
Retail, Commercial and Residential Development*

Proposed by The GPT Group

Modification MP 06_0209 & MP 06_0335 Mod 1



Modification of Minister's Approval under Section 75W
of the *Environmental Planning and Assessment Act*
1979

November 2008

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1. EXECUTIVE SUMMARY

This report considers a request from The GPT Group (the Proponent) to modify an approved Major Project for a mixed retail, commercial and residential redevelopment at Wollongong Central in the Wollongong CBD. The Proponent is seeking permission to make a series of minor changes to conditions within the Schedules to the approvals for both the concept plan and the project application.

1.1 ORIGINAL APPLICATION

On 28 April 2008, the Minister for Planning approved a concept plan and project application for the redevelopment of Wollongong Central shopping centre.

The project application approval provided for the redevelopment and expansion of the Wollongong Central shopping centre. This comprised:

- A new 6 level retail centre on the western side of Keira Street;
- The redevelopment of the existing 'Wollongong Central' shopping centre; and
- A pedestrian bridge over Keira Street linking the two centres.

The concept plan approval for the entire development also included an 18 storey residential tower and a 10 storey commercial tower above the West Keira retail podium (subject to a future project application). The estimated capital investment value (CIV) for the originally approved development was \$311.6 million.

1.2 PROPOSAL

The proponent (The GPT Group) is seeking approval to modify the conditions of the approvals to correct minor misdescriptions, request amended timing of certain actions to reflect the staged construction and occupation of the project, and clarify how certain items are interpreted. All modifications relate to the wording of the approvals including conditions and the determination itself.

Generally the modifications requested result in minimal environmental impact and do not introduce additional matters for consideration nor alter the scope of the development.

The main issues covered in the requested modifications were:

- (i) Typographical Errors and Clarification of Terms
- (ii) Timing and Staging of Project
- (iii) Car Parking and Traffic Management
- (iv) Materials, Landscaping and Public Domain works

1.3 PUBLIC BENEFITS

The project will provide important, social and economic benefits to the Wollongong region. The proposal will maximise the use of existing facilities and infrastructure and satisfy sustainability objectives and will have positive economic impacts on the economy of Wollongong during both construction and operation. The project is also consistent with the objectives of the Illawarra Regional Strategy and the new Wollongong City Centre LEP 2007, particularly those which support Wollongong CBD as a strategic centre for economic growth and employment.

1.4 CONCLUSION

The majority of the modifications to conditions that are requested are minor and about half were considered reasonable in clarifying intent and correcting misdescriptions. Those amendments that are not considered reasonable generally relate to standard condition requirements and issues of timing that are not acceptable to the Department. A total of 24 of the 51 requested modifications were supported.

The proposal achieves the same objectives as assessed for the originally approved development under Major Project 06_0209 and Major Project 06_0335 and does not alter the overall nature, need or justification of the approved project.

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2. THE SITE

The site to which the Concept Plan and Project Application relates lies within the centre of Wollongong CBD at the intersection of Crown and Keira Street. The site comprises the following 2 parts;

1. **West Keira site** – Situated on the north-western corner of Keira Street and Crown Lane, extending through to Richardson Lane and Richardson Street to the North and Regent Street (via an access handle 9m wide) to the West.
2. **Wollongong Central site** – located on the north-eastern side of the intersection of Crown Street and Keira Street, extending along the northern side of the Crown Street Pedestrian mall, through to Market Street to the north and Church Street to the east.

The two sites will be linked by a proposed stratum lot (pedestrian bridge and tunnel) across Keira Street. The location of the project site can be seen below in **Figure 1 and 2**.

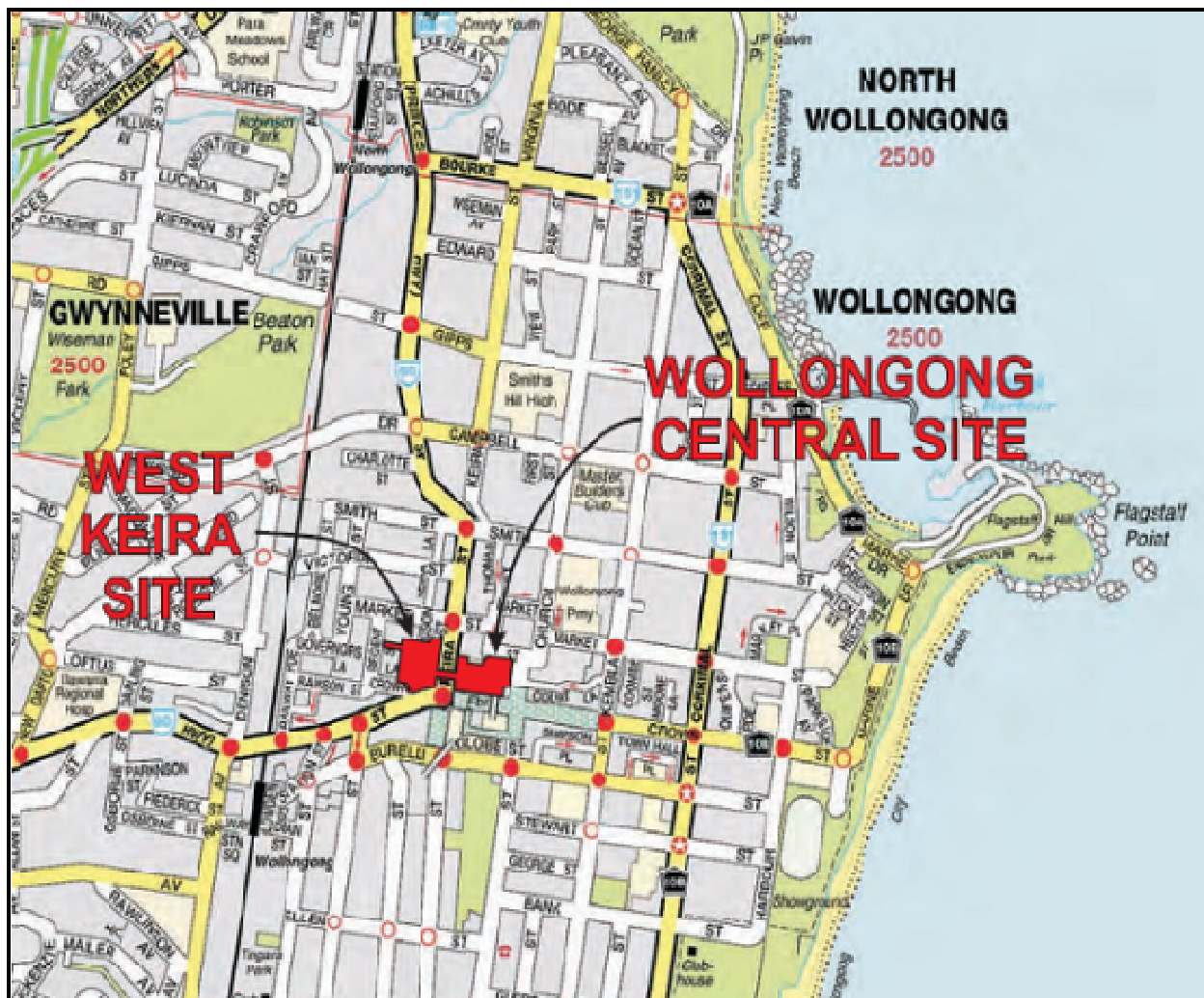


Figure 1: The subject site



Figure 2: Aerial photo of subject site

3. MAJOR PROJECT APPROVAL

On 28 April 2008, the Minister for Planning approved a concept plan MP 06_0335 and project application MP 06_0209 for the redevelopment of Wollongong Central shopping centre. The project application approval provided for the redevelopment and expansion of the Wollongong Central shopping centre. This comprised:

- a new 6 level retail centre on the western side of Keira Street;
- the redevelopment of the existing 'Wollongong Central' shopping centre; and
- a pedestrian bridge over Keira Street linking the two centres.

The concept plan granted approval generally for the entire development which also included an 18 storey residential tower and a 10 storey commercial tower above the West Keira retail podium (subject to a future project application). The estimated Capital Investment Value for the originally approved development was \$311.6 million.

A copy of the original approval is at **Tag C** and a copy of the original report is at **Tag D**.

4. DESCRIPTION OF PROPOSED MODIFICATIONS

The application seeks approval to amend modifications to the approved concept plan and conditions of the approved project application for the Wollongong Central Redevelopment. These amendments refer to the correction of minor misdescriptions, requests for amended timing of certain actions to reflect the staged construction and occupation of the project, and clarification of how certain items are interpreted.

The proposed amendments seek to:

- Correct minor misdescriptions;
- Reflect the staged construction and occupation of the project; and
- Clarify how certain terms are interpreted

They include reference to Gross Floor Area (GFA) and Floor Space Ratio (FSR) calculations, car parking specifications, payment of levies, traffic management works, definitions, covenants, landscaping, noise control and further approvals.

The proposed amendments are discussed further in **section 8** of this report and a detailed assessment can be found in **Appendix A**.

A copy of the report from BBC Consulting Planners is attached at **Tag B**.

5. STATUTORY CONTEXT

5.1 MODIFICATION OF A MINISTER'S APPROVAL

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including *revoking or varying a condition of the approval or imposing an additional condition of the approval*.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part. In this instance, the proposed modification is consistent with the existing approval granted under Part 3A, however, the modification requires changes to a condition of the Minister's approval, and accordingly requires formal approval.

5.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

It is considered unnecessary to notify the proponent of environmental assessment requirements, pursuant to Section 75W (3) with respect to the proposed modification as sufficient information was provided to the Department to consider the application.

6. CONSULTATION AND EXHIBITION

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition. However, under Section 75X (2) (f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

The modification application was not referred to public agencies due to the minor nature of the modifications.

7. CONSIDERATION OF PROPOSED MODIFICATIONS.

The proponent has provided justification for the proposed modifications and submits that they will not result in any discernable change to the approved development and will result in minor environmental impacts and that the modifications do not alter the original findings made in relation to the two applications, regarding reasonableness and appropriateness of the proposal.

The Department's detailed assessment and response to each of the proposed modifications is in **Appendix A: Table 1 (Concept) and Table 2 (Project)**.

Below is a summary of the main issues raised outlining what has been supported and what has not.

(i) **Typographical Errors, Clarification of Terms and Deletion of Conditions**

*Affecting: Concept Plan Approval: Schedule 1- Parts A + B, Schedule 2 – Item 3
Project Application Approval: Schedule 1 – Parts A + C, Schedule 2 – Sections A1, B5, B19, C9, D7, D10, E11, F1, F2, G4, Advisory Notes – Sections AN1, AN2, AN12*

Several of the requested modifications relate to correcting typographical errors and minor misdescriptions or clarifying the meaning of terms and reference to documents within the approvals for the concept plan and project application.

Modifications supported:

Concept Plan Approval (MP06_0335)

- Amending a Lot number referred to in a table to Part A of Schedule 1;
- Adding definitions in Part B of Schedule 1 for building height and the Wollongong City Centre LEP 2007;
- Amending a Lot number referred to in the first dot point and adding a missing parcel of land to the end of the paragraph in Schedule 2 – Modifications, Item 3.

Project Application Approval (MP06_0209)

- Adding a missing parcel of land to the description in the table to Part A of Schedule 1;
- Amending a typographical error in the distance that the retail façade is to be extended in the table to Part A of Schedule 1;
- Adding a definition in Part C – Definitions of Schedule 1 for Wollongong City Centre LEP 2007;
- Amending a typographical error in the distance that the retail façade is to be extended in section A1 in Schedule 2;
- Amending the title and wording of section B5 in Schedule 2 to clarify that it relates to passenger vehicle entries;
- Amending the title and correcting a typographical error in section B19 in Schedule 2 to clarify that the condition relates to the bridge and the tunnel over Keira Street;
- Adding the word 'authority' before 'services' in the condition at section C9 of Schedule 2 clarifies which services are subject to the condition;
- Adding words to the condition at section D7 of Schedule 2 is supported, however the suggested wording of 'the affected part' is to be replaced with 'the West Keira site' so that work can continue on the Wollongong Central site should archaeological objects be found on the West Keira site;
- Adding a dot point '5' in section D10 of Schedule 2 to clarify that works within the centre are permitted outside construction hours subject to amenity being maintained.

Modifications not supported:

Concept Plan Approval (MP06_0335)

- The request to add wording to the Determination to itemise actions for further approval is not considered necessary within the concept plan approval;
- Amending the date of the Determination cannot be supported as it has been signed by the former Minister for Planning;
- In section 3 of Schedule 2, the request to change the wording of covenants on title in relation to the FSR for the development is not supported. Placing an FSR covenant on each site will ensure that the future desired character envisaged by the current FSR controls will be maintained into the future, across the aggregate of the two sites and the condition will remain to ensure this;
- The request to add wording to section 7 in Schedule 2 to itemise actions for further approval is not considered necessary within the concept plan approval.

Project Application Approval (MP06_0209)

- Amending the stated hours of construction in section D10 in Schedule 2 is not considered reasonable. Standard hours are to be adhered to;
- Deleting the condition in section E11 in Schedule 2 in relation to gross floor area certification is not supported. Reference to Clause 22C of the Wollongong City Centre LEP 2007 to clarify calculations of GFA in relation to car parking will be made;
- Deleting the condition in section F1 of Schedule 2 is not supported, however the title of the condition will be amended to reflect the Stratum Subdivision;
- Deleting the condition in section F2 of Schedule 2 is not supported, public access is required;
- Amending the location of measurement in section G4 of Schedule 2 is not supported, noise levels should be measured at the boundary of the site as per the standard condition;
- Replacing the third dot point in section AN1 of Advisory Notes is not supported, the use of each tenancy should be approved by Council to ensure compliance with relevant LEP and DCP statutes;
- Deleting the condition in section AN2 of Advisory Notes is not considered necessary, however a change to the wording will reflect the newer relevant legislation;
- Deleting the condition in section AN12 of Advisory Notes is not considered necessary, however a change to the wording will reflect the newer relevant legislation.

(ii) Timing and Staging of Project

There were several requested modifications regarding the timing of certain actions that the proponent must undertake and how they fit in to the staging of the project overall.

*Affecting: Concept Plan Approval: Schedule 2 – Item 3
Project Application Approval: Schedule 2 – Sections B4, B8, B24, C2, C3, C10, E1 E6, E10, E12, Advisory Notes – Sections AN6, AN9, AN20*

Modifications supported:

Project Application Approval (MP06_0209)

- Adding the words 'for each stage' after Occupation Certificate in section B8 of Schedule 2 to clarify when the GFA shall be validated by a registered surveyor;
- Adding the word 'realignment' before 'works' in section C10 in Schedule 2 to clarify when approval of detailed plans for Crown Lane realignment is required;

- The suggested amendment of section E6 in Schedule 2, is partly supported in order to defer some of the costs of repair, however the condition will be reworded to reflect staged construction;
- Amending the condition in section E10 of Schedule 2 to defer the approval of the waste management plan to a more appropriate time, prior to occupation;
- Adding words in section AN6 of Advisory Notes in order to clarify when details of compliance are to be submitted;
- Amending the second dot point (under no.1) in the condition in section AN9 to clarify number of days notice for road closures;
- Adding words in section AN20 of Advisory Notes to clarify the timing for consolidation of lots and registration of Plan of Consolidation.

Modifications not supported:

Concept Plan Approval (MP06_0335)

- The request to change the timing of the register of covenants in item 3 of Schedule 2 is not supported. These should be completed prior to the release of a construction certificate.

Project Application Approval (MP06_0209)

- It is not considered reasonable to amend the timing of landscape and public domain works outlined in section B4 in Schedule 2. These landscaping and public domain works should be undertaken as outlined prior to the issue of an Occupation Certificate;
- In section B24 of Schedule 2, the request to stage the payment of Section 94A and 94EE contributions is not considered reasonable. These contributions should be paid in full based on the full CIV of the project prior to the issue of the first occupation certificate with a bank guarantee verifying the CIV prior to the first construction certificate;
- The suggested amendment relating to delaying submission and approval of awning material details, in section C2 in Schedule 2, is not considered reasonable. The Department requires that all details of construction are submitted and approved as a total package prior to any construction works;
- It is not considered reasonable to amend the timing of the submission and approval of a colour palette for the louvre blades and vitrolite panelling in section C3 in Schedule 2. The Department requires that all details of construction are submitted and approved as a total package prior to any construction works;
- The suggested amendment of section E1 in Schedule 2 to clarify when an Air Space Lease Agreement is to be obtained is not considered reasonable. However, this condition will be re-worded as the lease should be in place prior to a construction certificate for the site being issued;
- Amending the condition in section E12 of Schedule 2 is not supported as traffic management works should be considered by the RTA prior to the issue of any occupation certificate;
- Amending point no. 3 in condition AN9 to allow delivery of mobile cranes earlier in the morning without approval by Council is not considered reasonable.

(iii) Car Parking and Traffic Management

Modifications were requested to amend the number of car parking spaces required, the inclusion of car parking in gross floor area (GFA) calculations, relocation of bus services, vehicle entry designs and the timing of traffic management works.

*Affecting: Concept Plan Approval: Schedule 2 – Items 2, 4
Project Application Approval: Schedule 2 – Sections B8, B16, B17, B21, C5,*

Modifications supported:

Concept Plan Approval (MP06_0335)

- Including a reference to Clause 22C of the Wollongong City Centre LEP 2007 to clarify how gross floor area (GFA) is calculated in relation to car parking, in Schedule 2 – Modifications, Item 2.

Project Application Approval (MP06_0209)

- Amending the condition in section B17 in Schedule 2 is considered reasonable as it clarifies that it relates to the West Keira car park layout only, as the Wollongong Central car park will not be rebuilt and compliance to the newer Australian Standard cannot be achieved;
- Amending the condition at section C5 in Schedule 2 is considered reasonable. It clarifies that approval of detailed plans for the relocation of bus and taxi zones and any signage changes is to occur prior to the relocation works rather than any works on site.

Modifications not supported:

Concept Plan Approval (MP06_0335)

- In Schedule 2 – Modifications, Item 2, the addition of the words “plus any above ground car parking for the commercial/residential tower” is not supported as this proposal effectively excludes such car parking from the calculation of GFA on the West Keira site;
- The request to amend the condition regarding car parking for each stage in item 4 of Schedule 2 is not supported. The car spaces identified in the approval are based on the information provided as part of the concept plan. When the final commercial GFA and residential apartment mix is confirmed in Stage 2 applications, a modification can be sought if necessary, to vary the car spaces required;

Project Application Approval (MP06_0209)

- Adding words to the condition in section B8 in Schedule 2 in relation to inclusion of car parking in gross floor area calculations is not supported. The GFA outlined was calculated using the figures provided for Stage 1 for both sites and is to include above ground car parking as detailed in the Wollongong City Centre LEP 2007. Reference to Clause 22C of the Wollongong City Centre LEP 2007 to clarify calculations of GFA in relation to car parking will be made;
- The request to add words to the condition in section B16 in Schedule 2 regarding the number of car spaces in Stage 1 of the development is not considered necessary. Should the development not proceed in full as outlined in the project approval, the proponent may apply for a modification to this requirement based on actual floor space to be developed;
- The request to remove wording from the condition relating to traffic management in section B21 in Schedule 2 is not supported. The RTA approval shall be obtained before any above ground works relating to the proposal as outlined.

(iv) Materials, Landscaping and Public Domain works

Requested modifications included amending the required width of footpaths, using a more flexible colour palette, amending the landscape design report and kerb and gutter construction.

Affecting: Project Application Approval: Schedule 2 – Sections B4, C2, C3, E9

Modifications supported:

Project Application Approval (MP06_0209)

- Amending the condition in section C2 in Schedule 2 to allow for the fact that footpaths are not wide enough for the awnings to comply with the Wollongong City Centre DCP 2007 requirements;
- It is considered reasonable to amend the condition in section C3 in Schedule 2 to allow for some greater flexibility for the Department to approve a colour palette developed by the proponent's artist while still stating the Department's preference.

Modifications not supported:

Project Application Approval (MP06_0209)

- The amendment of wording to the condition in section B4 in Schedule 2, to insert a sentence regarding the approved Landscape Design Report and remove reference to street frontages and the extent of the property boundary is not supported. The original condition outlines what is required including a revised landscaping plan to be approved by Council;
- The suggested amendment to the condition in section E9 to limit the extent of kerb and gutter construction is not supported. The proponent shall undertake the work in accordance with Council's specifications as outlined;

8. PUBLIC BENEFIT

The project will provide important social and economic benefits to the Wollongong region. The proposal will maximise the use of existing facilities and infrastructure and satisfy sustainability objectives and will have positive economic impacts on the economy of Wollongong during both construction and operation.

The project is also consistent with the objectives of the Illawarra Regional Strategy and the new Wollongong City Centre LEP 2007, particularly those which support Wollongong CBD as a strategic centre for economic growth and employment.

9. MODIFICATIONS TO CONDITIONS OF APPROVAL

The Department recommends that Conditions of Approval apply to the proposed modifications. These are included at **Tag A**.

10. DELEGATION

Under the instrument of delegation dated 7 June 2007, the Minister has delegated his functions under Section 75W of the Act relating to modifying Part 3A approvals to the Executive Director Strategic Sites and Urban Renewals.

Having regard to the Urban Assessments Guidelines for Delegates, it is considered appropriate that the application be determined under delegation.

11. CONCLUSION

Under Section 75W (4) of the Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The preceding report describes the Department's assessment of the requested modifications and supporting documentation as provided by the Proponent, and recommends approving some of the proposed modifications, subject to the amendments as discussed.

The majority of the modifications to conditions that are requested are considered minor and reasonable in clarifying intent and correcting misdescriptions. Those amendments that are not considered reasonable generally relate to standard condition requirements and issues of timing that are not acceptable to the Department. A total of 51 modifications were requested, 24 were supported, 26 not supported and one was supported in principle but not possible to enact (changing the date of the approval signed by the Minister to reflect the correct date it was signed).

The proposal achieves the same objectives as assessed for the originally approved development under Major Project 06_0209 and Major Project 06_0335 and does not alter the overall nature, need or justification of the approved project.

12. RECOMMENDATION

It is recommended that the Executive Director, Strategic Sites and Urban Renewal, as delegate of the Minister for Planning:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **Sign** the attached Instrument of Modification (**Tag A**).

Prepared by:

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APPENDIX A. Detailed Assessment of Proposed Modifications
