

14 February 2011

The General Manager
Wollongong City Council
41 Burelli Street
WOLLONGONG NSW 2500

FAO: NIGEL LAMB, DEVELOPMENT PROJECT OFFICER

Dear Sir,

DA-2010/1503 134-140 Keira Street, Wollongong

This letter has been prepared by Urbis on behalf of Jerrara Investments Pty Ltd in support of development application DA2010-1503 for a proposed commercial building at 134-148 Keira Street, Wollongong. It seeks to specifically address the proposed height of the building, which exceeds the maximum height limit specified by the *Wollongong Local Environmental Plan 2009* (LEP). The content of this letter should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Urbis dated November 2010.

OVERVIEW

The purpose of the information provided is to demonstrate that strict compliance with the height standard under Wollongong Local Environmental Plan is unreasonable or unnecessary in the circumstances of this particular case. Further to the reasons provided in the SEE submitted with the application, this letter formalises those reasons into an appropriate format.

PROPOSED VARIATION

Pursuant to Clause 4.3 of the LEP, and the accompany Height of Buildings map, a maximum height limit of 16m (measured from natural ground level) applies to the site.

As a result of the sloping topography of the site, the building varies in height from 16m along its eastern elevation (Keira Street) to a maximum height of 18m along its western elevation (Keira Lane) and therefore exceeds the maximum permitted building height.

OBJECTIVES

The objective of the site's zoning and the purpose of the relevant development standards are relevant considerations in determining whether compliance with those provisions would be unreasonable or unnecessary.

Zoning and Zone Objectives

The site is situated within the City Core Precinct and is within the B3 Commercial Core zone. An assessment of the proposed development's consistency with the objectives of the B3 zone is provided below.

TABLE 1 – B3 ZONE OBJECTIVES

OBJECTIVES	PROPOSED DEVELOPMENT
<ul style="list-style-type: none"> To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. 	The proposed development will provide a good quality commercial and retail development which will contribute to the existing diverse range of facilities and services within Wollongong City Centre.
<ul style="list-style-type: none"> To encourage appropriate employment opportunities in accessible locations. 	The proposal will result in the development of high quality commercial floorspace in a city centre location which benefits from excellent access to public transport.
<ul style="list-style-type: none"> To maximise public transport patronage and encourage walking and cycling. 	Occupation of the development will contribute to the demand for local public transport. Suitable facilities including cycle storage and changing facilities are provided to help encourage more sustainable modes of transport.
<ul style="list-style-type: none"> To strengthen the role of the Wollongong City Centre as the regional business, retail and cultural centre of the Illawarra region. 	The proposed development will provide a strong contribution towards helping Wollongong to fulfil its role as a Regional City through the provision of high quality commercial floorspace.
<ul style="list-style-type: none"> To provide for high density residential development within a mixed use development if it: <ul style="list-style-type: none"> (a) Is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and (b) Contributes to the vitality of the Wollongong city centre. 	N/A - Residential development is not permissible within the B3 zone.

Clause 4.3 identifies a number of objectives in relation to building height.

TABLE 2 – CLAUSE 4.3 BUILDING HEIGHT OBJECTIVES

OBJECTIVES	PROPOSED DEVELOPMENT
<ul style="list-style-type: none"> To establish the maximum height limit in which buildings can be designed and floor space can be achieved, 	The proposed floorspace falls well below the maximum permissible FSR. A lower building height, consistent with the maximum permissible building height of 16m would result in a further reduction in floorspace and would not realise the full development potential of this valuable city centre site.
<ul style="list-style-type: none"> To permit building heights that 	The proposed building form provides a site specific response to

OBJECTIVES	PROPOSED DEVELOPMENT
encourage high quality urban form,	the development of the site with regard to the visual and amenity impacts of the proposal on the site and surrounding area. The proposed building is of a height consistent with the buildings adjoining the site.
<ul style="list-style-type: none"> To ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight. 	The proposed building form is appropriate to this prominent corner site. A Visual Impact Assessment was undertaken to determine potential impacts on views. This assessment confirmed that the proposed development will not result in negative impacts on the visual amenity of the area.

JUSTIFICATION FOR THE VARIATION

Compliance with the development standard is unreasonable and unnecessary

In view of the site's context, strict compliance with the height standard specified by the LEP is considered to be both unnecessary and unreasonable for the following reasons:

- The site is located within the Wollongong City Centre. It is significantly under-developed in the context of this valuable strategic position and is an appropriate location for more significant building forms.
- The height of the proposed building is consistent with the heights of neighbouring buildings.
- The exceedence in height is a direct result of the sloping topography of the site and is minor in nature.

Environmental planning grounds for variation

The proposed development is justified on the following environmental planning grounds:

- It maximises the use of the land, through the logical and co-ordinated development of the site for commercial use.
- The proposed floorspace ratio is well under the maximum permissible in this location (3.2:1 compared to a permissible FSR of 5.3:1). A reduction in the height of the building will result in a further reduction in floorspace.
- The results in the introduction of new commercial floorspace in close proximity to transport infrastructure, a major aim and consideration of current planning policy at state, regional local levels.
- It will result in improvements to the physical appearance of the site through the demolition of existing site buildings and the introduction of architecturally design buildings which respond to site context and local plan policy.

- The architectural form of new development is sympathetic to heritage buildings in the vicinity of the site.

Public benefit

The proposed variation does not result in the loss of amenity to the adjoining properties and the proposed height is therefore considered to be acceptable particularly when balanced against the substantial benefits of the project which are:

- Development of the site for commercial/office use is appropriate given its city centre location.
- The proposal will contribute to the provision of high quality commercial centre within the city centre and provide opportunities for local employment.
- The economic impacts of the development of the proposal are positive, especially given the current economic climate. Development of this city centre site will act as a signal of investor confidence in the area and as such has the potential to stimulate further investment in the town centre.

Other relevant matters

There are a number of heritage items in the vicinity of the development site. The potential impact of the proposed development on the setting of these buildings has been assessed. A Heritage Impact Statement has been prepared and accompanies the SEE. With reference to the proposed height of the building the statement states that:

“the scale of the proposed new building is appropriate in the Keira Street streetscape and the proposal does not detrimentally impact on heritage items in the vicinity.”

CONCLUSION

The proposed development does not fully comply with the height development standard specified by Clause 4.3 of the LEP; it does however meet the objectives of the development standard and the planning objectives applicable to the B3 zone. The proposed variation to the height standard is considered to be appropriate:

- It provides a high quality built form outcome which reflects the heights of surrounding development.
- Allows for greater floorspace to be accommodated, consistent with the expectations for the site as specified by the LEP.

Strict compliance with the development standard is therefore considered to be unnecessary and unreasonable in this case.

Yours faithfully,

A handwritten signature in black ink, which appears to read 'Paul Atree-Williams'. The signature is fluid and cursive, with the first name 'Paul' being more prominent.

Paul Atree-Williams
Associate Director

CC Peter Taranto - Jerrara Investments Pty Ltd