

# ASSESSMENT REPORT AND RECOMMENDATION

JRPP No.	2011STH012
DA No.	DA-2011/437
Proposal	Upgrade works to Crown Street Mall
Property	Crown Street and Church Street, WOLLONGONG NSW 2500
Applicant	Wollongong City Council
Responsible Team	City Planning - City Centre Team

## Executive Summary

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### Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to the Joint Regional Planning Panel pursuant to clause 13B(2)(c) of SEPP (Major Projects) 2005 as Council is the applicant and will be carrying out works in relation to the proposed development which has a capital investment value of more than \$5 million.

As discussed below under the description of the proposal, the proposed works involved with the overall Mall upgrade can be broken into works that do not require consent (exempt development) and works that require development consent. Whilst assessment of this application is limited to the works that require development consent, there are essential links to the works that do not require consent and therefore these relationships have been considered throughout the assessment report in order to understand the overall project.

The proposed works that require development consent do not in isolation reach a capital investment value of \$5 million. To this end legal advice has been sought by Council's General Counsel to determine the assessment path for this project and whether the project is required to be referred to the JRPP.

In summary, it has been confirmed that a referral to the JRPP is necessary as the definition of development under SEPP (Major Projects) 2005 does not confine "development" to the subject of a development application in isolation but rather relates to an overall project. Further, the definition of "capital investment value" in the SEPP (as now set out in the EP&A Regulation) includes "all costs necessary to establish and operate the project", a wider definition than merely the costs of carrying out the development the subject of the DA. This approach was established in *Calardu Penrith Pty Limited v Penrith City Council & Anor* [2010] NSWCA 189.

Given Council is the Applicant and will be carrying out the proposed works, independent planning consultants, Planning Ingenuity Pty Ltd have been appointed to carry out assessment of the application.

### Proposal

The subject proposal relates to the upgrade of Crown Street Mall within Wollongong CBD. These works form part of an integrated public domain strategy to enhance the City Centre.

## Permissibility

The site is zoned B3 – Commercial Core pursuant to WLEP 2009. The proposal involves a range of works and activities that are categorised under the LEP as a *community facility and recreation area* which are permissible with development consent. It is noted that the subject site is a designated road under the Roads Act 1993, having never been legally closed when closed to traffic in 1986.

## Consultation

The proposal was notified in accordance with Appendix 1 of Council's Development Control Plan 2009 "Public Notification and Advertising Procedures". In this regard written notice was given to adjoining landowners (Neighbouring Land in Proximity to the Site) and other interested parties, along with a Newspaper Advertisement from 5 May 2011 until 3 June 2011. In all 135 owners and occupiers were directly notified in writing and 39 individual written submissions were received which are discussed at section 3.9 of the assessment report. In addition, an extensive community consultation program was undertaken during development of the Concept Plan for the Mall. This included presentations to stakeholders, an information kiosk within the Mall and a neighbourhood forum.

The proposal did not require any referral to or concurrence from external government agencies.

## Main Issues

The main issues for consideration are as follows:

- Consistency with strategic direction for City Centre;
- Economic impacts;
- Construction Management (short term interruptions to retailers and general public); and
- Appropriateness of proposed works in terms of design – type, size, location.

## RECOMMENDATION

It is recommended that the application be approved subject to the conditions included in Attachment 4.

# 1. APPLICATION OVERVIEW

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## 1.1 PLANNING CONTROLS

The following planning controls apply to the development:

- State Environmental Planning Policies:
  - SEPP (Major Projects) 2005
  - SEPP (Infrastructure) 2007
- Local Environmental Planning Policies:
  - Wollongong Local Environmental Plan (WLEP) 2009
- Development Control Plans:
  - Wollongong Development Control Plan 2009

## 1.2 PROPOSAL

The subject proposal relates to the redevelopment of the Crown Street Mall within Wollongong CBD between Keira and Kembla Streets (including part of Church Street). The proposed development incorporates works that form part of a wider revitalisation scheme designed by the Government Architect's Office. These works form part of an integrated public domain strategy to enhance the City Centre. The overall redevelopment incorporates a range of works, some of which require development consent under Part 4 of the EP&A Act, 1979, and some that do not require consent (exempt development).

More specifically, the Mall is classified under the Roads Act 1993 as a 'road', and therefore State Environmental Planning Policy (Infrastructure) 2007 is applicable to the proposal. Some of the proposed works are identified as being 'exempt development' under the SEPP. A Review of Environmental Factors (REF) has been prepared by the applicant in relation to these works and this assessment report undertakes no further assessment of those components of the overall development. Whilst acknowledging the critical relationship between the exempt works and those that require consent, this report focuses on the works that require development consent.

The works that require development consent (as listed in Table 1 below) include the following:

### Landscaping/stormwater treatment

The proposed predominant landscape feature is the uniformed planting of 84x 800L Spotted Gums within the centre of the mall which will be supplemented with 14 x 800L Illawarra Flame trees to be located within Church Street (north and south portions) and within the location of the proposed water feature. These trees will reach a clear trunk height of 6m and be planted in structural trenches approximately 9m wide and 1m deep. The trenches will perform like large planters and incorporate overland conveyance of flood flows and filtering and harvesting of runoff from small rain events. Water will be collected within the network of grated trenches and delivered to the street trees. As such the system will provide a sustainable dual purpose with both stormwater and landscape functions.

### Water Feature

A shallow water feature is proposed within the eastern section of the Mall in front of Wesley Uniting Church. The water feature is an interactive play area that incorporates sequenced jets will be activated at key periods throughout the day. The water feature will include a 10,000L rainwater tank, water wise controller, control centre wall mount, treated chlorinated water, filter pump, non slip paving, and overspray areas to ensure passing pedestrians are not disturbed.

### Chess Board and Children's Music Play Area

A stepping stone music play feature is proposed just west of Church Street and a chess board is proposed within the southern portion of Church Street.

#### Stage and seating

The proposed new stage will be located within the northern end of the Mall) at the Church Street and Crown Street intersection. The stage will have an area of 45m<sup>2</sup> including a terraced seating area. Operationally, the stage will include a temporary roof canopy that can be erected prior to any performances to provide weather protection.

#### Lighting/CCTV

A range of lighting is proposed to provide for a variety of lighting requirements; this includes flood, street and decorative lighting. Typically street lighting, flood lighting and security cameras will be attached to 8m high columns located within the grid of the tree planting at the centre of the Mall. A series of decorative lantern lighting is proposed between the each column as well as under awning lighting.

The Statement of Environmental Effects originally submitted with the development application included a distinction of works that required consent and those that did not, however the architectural plans for the proposal included the overall development scheme without distinguishing the works subject to each approval path. These plans showing the overall concept are valuable and in fact essential in understanding the overall scheme. However, to identify the works for which development consent is sought, and for which the JRPP must undertake their assessment, the applicant has provided additional architectural plans that isolate the works that require development consent. Plan reference SU26777 (Sheets 1-4) dated 4 July 2011 relate to DA related works ie column (a) works in the table below and Plan reference DAL1-3 dated 19 April 2011 relate to the overall project (these are included as Attachment 3)

The following table further assists by identifying works that require consent and those that do not:

<b>TABLE 1: SCOPE OF OVERALL PROJECT</b> <b>Crown Street Mall Redevelopment</b>	
<b>(a) Development Consent Required (Part 4 Assessment)</b>	<b>(b) Exempt Development under Clause 97 of ISEPP 2007 (Part 5 Consideration)</b>
Lighting (column, flood and decorative)	Demolition works and removal of obstructions (including the birdcage structure, fountains, amphitheatre and existing pavement)
	Stone paving works
Tree planting (trunk height of 6m) and landscaping (tree pit, structural soil, suspended slab tree trench)	Sub surface drainage works
Installation of water feature (eastern end of Mall)	Installation of street furniture (benches, tables etc)
Stage and terraced seating	Upgrade utilities (Telstra, Sydney Water, Integral Energy, gas etc)
Chess board/Music play area	Installation of CCTV

#### ***Note:***

The original development application included the provision of power supply and structure supports for temporary markets (up to 79 stalls) within the Mall. These have now been removed from the proposed development and will form part of a separate future development application.

### 1.3 BACKGROUND

Crown Street Mall is historically significant, providing the primary connection from the surrounding area to the Wollongong Town Centre. It is a key pedestrian connection from retail areas nearby and along the street to the bus interchange on Burelli Street and Wollongong Railway Station. The Mall in the Wollongong CBD was originally opened in 1986 as a pedestrian only Mall to service the high pedestrian traffic around this retail precinct.

Wollongong City Council commissioned the Government Architect's Office in December 2009 to develop concept plans for the redevelopment of Crown Street Mall as part of an integrated public domain strategy to enhance the City Centre and contribute to the realisation of Wollongong as a major regional centre. The key objective of the upgrade is to ensure that Crown Street Mall fulfils its role as the key public space within Wollongong CBD with a clear and unique identity to providing a positive link between the City Centre and the Blue Mile.

In May 2010, Council exhibited a landscape concept design for the Mall and encouraged submissions from the public. Council undertook extensive community consultation in relation to this project. Details of the consultation process are discussed in Section 2.4 of this report.

The subject application was lodged on 27 April 2011 and registered as DA2011-437. Given Council is the Applicant and will be carrying out the proposed works, independent planning consultants, Planning Ingenuity Pty Ltd have been appointed to carry out assessment of the application.

Neighbour notification of the proposed development was carried out from 28 April to 3 June 2011.

### 1.4 SITE DESCRIPTION

The area subject to the proposal is within the Crown Street Mall, on Crown Street between Keira Street and Kembla Street, including part of Church Street.

The Mall features extensive paving, brick retaining walls, landscaping features, trees and interactive equipment such as chess boards and children's play equipment. Key features such as the "bird-cage", a multi-purpose shade and event structure and the stage and amphitheatre are well known within the area and highly utilised by the community. There have been relatively few design changes or works carried out within the Mall since its initial construction.

There is a variety of building styles and treatments which have developed along the Mall since the 1960s, particularly within the upper (western) portion. At this end of the Mall, at the intersection of Crown and Keira Streets, the Mall is anchored by the Gateway Shopping Centre on the southern side and the Crown Central Shopping Complex on the northern side, which both feature extensive retailing. The "bird-cage" is located at this end of the Mall between these two shopping centres.

The centre point of the Mall at the intersection of Church Street features a large amphitheatre and multi-purpose stage which is utilised by local school and community groups and other entertainers.

Within the lower (eastern) sections of the Mall, the built form is generally of a lower scale and features a variety of retail stores, food outlets, banks and institutions including several original buildings. In this section a number of buildings are of heritage significance dating between 1880 and 1920 including The Wesley Church, Kwarra Chambers and Lang's building.

The street has steeply graded sections in the eastern section from Church Street to Keira Street. Mid-block pedestrian access is provided from both Church Street and Globe Lane. The extent of works relating to this application include works within the Crown Street and Church Street portions of the Mall between Kembla and Keira Streets and does not include the Globe Lane Mall connection.

Existing street furniture, lighting, steel poles and columns and raised planter beds, obstruct sight lines and currently impede access for emergency vehicles. Over time the quality and mismatched variety of furniture, hard and soft landscaping and lighting within the Mall has resulted in a public domain that is cluttered and devoid of any uniformity or theme.

In terms of site constraints, Council records identify the site as being potentially affected by Class 5 acid sulphate soils. There are adjacent heritage items (6239 – Royal bank, 6232 – Shop and 6371 – Wesley Uniting Church). Services such as water, electricity, sewage and telecommunications all traverse the site.

## 1.4.1 INTERNAL CONSULTATION

### Landscaping

Council's landscape architect has reviewed the proposal and raises no objections subject to conditions of consent.

### Traffic

Council's Traffic Engineer has reviewed the proposal and raises no objections subject to conditions of consent.

### Safer Community Action Team (SCAT)

Council's Community Safety Officer has reviewed the proposal and raises no objections to the upgrades in general. As advised, the works represent an improvement towards enhancing safety with the design incorporating Crime Prevention through Environmental Design (CPTED) principles in both layout and lighting. Some concerns were raised over falling leaves and branches and the safety of pedestrians and a suggestion for an increased provision for toilet facilities has been provided. It has also been raised that it would be beneficial to investigate opportunities to activate the Mall and involving the community through the creation of art places.

The applicant has provided feedback in relation to species choice for new vegetation, indicating that tree types in several urban centres have been investigated in developing the concept and that the species choices are considered the most appropriate. Whilst the lack of toilet facilities is acknowledged as a matter that should be the subject of future investigation, this issue is not directly related to the matters for consideration under the current development application but is rather a general policy issue for Council to consider. Issues related to Mall activation and the creation of art opportunities are discussed elsewhere in this Report.

### Stormwater

Council's Stormwater Engineer has reviewed the application and raises no objections subject to conditions of consent. .

### Community Development

Council's Community Development officer has reviewed the application and raises no objections to the proposed upgrades in general subject to conditions of consent. Comments were noted regarding pedestrian accessibility, shade, materials and signage. These matters are discussed throughout this report. Conditions are recommended with respect to the creation of a Public Art Plan, incorporating the recommendations provided within the submitted Access Report, provision of way finding and tactile indicators within the Mall to assist vision impaired persons and ensuring decorative stormwater grates are wheelchair accessible. With respect to a recommendation to incorporate a shade structure over the proposed chess board area, it is appropriate that this be presented to Council as a consideration for future works but unreasonable to enforce under this Development Application.

### Regulation and Enforcement

Council's Regulation and Enforcement Officer has reviewed the application and raises no objections subject to conditions of consent.

### Strategic, Heritage & Section 94

#### *Strategic/ Section 94*

A submission in accordance with Clause 12 of the Wollongong Section 94A Development Contributions Plan (2010) regarding exemption from S94A contributions has been provided by the applicant. The submission provides that the proposed works are in accordance with Clause 12(h) being works by Council for community infrastructure. This submission has been reviewed by Council's Strategic Project Officer who is satisfied that the development meets the specified criteria and will provide an enhancement to existing community infrastructure. As such full exemption in accordance with Clause 12 of the Plan is recommended and therefore S94A contributions will not be imposed on the applicant by conditions of consent.

### *Heritage*

The proposal has been reviewed by Council's Consultant Heritage Adviser. In considering the extent of works it has been concluded that the proposal will have some positive impacts on the presentation of the nearby items by removal of elements that currently block visibility of the items.

Some recommendations have also been provided, these include:

1. Pursuing an investigation and subsequent removal of unauthorised above awning signage;
2. An Interpretation Plan that illustrates the significance of nearby heritage items;
3. Liaison with Wesley Uniting Church with regards to any social impacts of the location of the water feature in front of the Church;
4. Works should stop in the event of any historic materials (stone, paving etc) found during construction.

Council's Heritage Officer also provided comments in relation to the above recommendations and supported points 2, 3 and 4 above, however acknowledged that point 1 above was not directly related to the proposed development. More appropriately, an investigation of unauthorised signage is a separate matter for Council.

It is considered that points 2 and 4 can be addressed through conditions of consent. However, in relation to the appropriateness of the water feature adjacent to the frontage of Wesley Uniting Church, the concept scheme was presented to various stakeholders including Wesley Church representatives in May 2010 as part of a series of community consultations. The location of the water feature was not raised as a concern and no objection to this has been raised by the Church. It is considered appropriate that a condition be imposed that requires the creation of a formal agreement between the managing agents of the Mall and Wesley Uniting Church in terms of an operation management plan for the water feature. This would provide the Church an opportunity to earmark specific periods (ie during services and events) when operation of the water feature should cease.

Accordingly, points 2, 4 and a variation of 3 above will be incorporated into conditions of consent.

## 1.4.2 EXTERNAL CONSULTATION

The proposal does not require statutory referral or concurrence from external government agencies.

The following public consultation was undertaken during development of the concept plan for the Mall:

- 14 May 2010, Government Architect's Office consultation with Stakeholders (CBD retailers, Tourism Wollongong, Access reference group);
- 21 May 2010, Government Architect's Office consultation with Stakeholders (Police crime prevention officers, Friday market organisers, Fire chief, Wesley Church representatives, and city centre advisory committee);
- Plans of the concept design exhibited within Council Customer Service Centre;
- Neighbourhood Forum 5 (Wollongong Area) was informed of the concept design at their June meeting; and
- The proposal was exhibited on Council's Webpage during the notification period.

## 2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### SECTION 79C ASSESSMENT

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#### **(1) Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

TABLE 2: SECTION 79C MATTERS FOR CONSIDERATION	
(a) <i>the provisions of:</i>	
(i) <i>any environmental planning instrument, and</i>	See below
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	See below
(iii) <i>any development control plan, and</i>	See below
(iiia) <i>any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</i>	See below
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	See below
(v) <i>any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)</i>	See below
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	See below
(c) <i>the suitability of the site for the development,</i>	See below
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	See below
(e) <i>the public interest.</i>	See below

## 2.1 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (MAJOR DEVELOPMENT) 2005

The application is Major Development to be determined by the Joint Regional Planning Panel as Council is the applicant and will be carrying out works in relation to the proposed development which has a capital investment value of more than \$5 million. As discussed earlier in this report, whilst the actual value of work requiring development consent is less than \$5 million, the overall project is in excess of this.

Based on advice from Council's General Counsel, the capital investment value of a development is not confined to the costs identified in a development application itself, but has to be determined more widely by reference to the proposed "development" which encompasses both works requiring consent and exempt development, providing for a capital investment value of \$13.5 million.

### 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 was gazetted on 21 December 2007 and commenced on 1 January 2008. The SEPP applies to the whole State and seeks to facilitate the effective delivery of infrastructure across the State.

Part 3 Division 17 relates to 'Roads and Traffic' and as Crown Street Mall is classified as a "road" under the Roads Act 1993, the provisions of this division are relevant to the proposed exempt component of the project. Specifically, Clause 97 details those works which are exempt development under the SEPP.

TABLE 3: SEPP (INFRASTRUCTURE) 2007 COMPLIANCE TABLE		
Clause	Provision	Comment & Compliance
<b><i>Division 17 Roads &amp; traffic</i></b>		
97 Exempt Development	... (1) Development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority in connection with a road or road infrastructure	The proposed "exempt works" identified within Column (b) in Table 1 of this report will be carried out in



	<p>facilities and complies with clause 20:</p> <p>...</p> <p>(c) erection, installation, maintenance, reconstruction, repair or replacement of any of the following, and any associated landscaping works:</p> <p>...</p> <p>(iv) pedestrian and cyclist facilities (such as footpaths, street lighting, kerb adjustments and ramps, pedestrian fences, refuges, holding rails, and bollards),</p> <p>(v) slope stability works that are required for safety reasons and minor road safety improvements,</p> <p>(vi) minor road pavement or shoulder work (such as patching, grading, re-sheeting, sealing and re-sealing),</p> <p>(vii) street furniture (such as seats, bins and directional signs) and any associated kerb construction, access paths and ramps, lighting and signage that complies with AS:1428.2 and the Disability Standards,</p> <p>...</p> <p>(x) street lighting, if any replacement involves the replacement of existing materials with similar materials only and if the lighting minimises light spill and artificial sky glow in accordance with AS/NZS 1158:2007, Lighting for Roads and Public Spaces,</p> <p>(xi) pavement and road surface markings (such as bus lane markings), lane delineators, electric pavement lights, detection loops and traffic counters,</p> <p>(xii) kerb and guttering,</p> <p>(xiii) culverts, drains and other works to improve the quality or control of stormwater runoff,</p> <p>(d) repair or replacement of lighting, mechanical systems, electrical equipment or air monitoring equipment, replacement of screening of overhead bridges and removal of graffiti or debris,</p> <p>(f) upgrading or maintenance of landscaping, or vegetation management (such as weed spraying, slashing and pruning), that:</p> <p>(i) does not involve construction works, and</p> <p>(ii) involves the replacement (if any) of existing materials with similar materials only,</p>	<p>accordance with the relevant provisions of Clause 97 and Clause 20 which relate to the General exempt provisions of the SEPP.</p>
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As indicated, the works that do not require development consent are the subject of a Review of Environmental Factors prepared on behalf of the proponent to address matters for consideration under Clause 228 of the EP&A Regulation 2000. This assessment report is not required to and does not further consider that assessment.

## 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

The relevant clauses as applicable to the subject application are discussed in the following table:

TABLE 4: WOLLONGONG LEP 2009 COMPLIANCE TABLE		
Clause	Provision	Comment & Compliance
<b>Part 1 Preliminary</b>		
<b>Land Use Table – Zone B3 Commercial Core</b>		
1 Objectives of Zone	<ul style="list-style-type: none"> <li>• 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.</li> <li>• To encourage appropriate employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.</li> </ul>	The proposal is consistent with the zoning objectives as it will enhance and modernise the public domain which will have a positive social and economic impact for the locality. The proposal will also contribute to strengthening the role of the City Centre as a regional centre through improving aesthetic and functional characteristics of the Mall.
2 Permitted without consent	Building identification signs; Business identification signs	No signage proposed.
3 Permitted with consent	<p>Includes (but is not limited to) the following:</p> <p>Community Facility, Entertainment Facility Recreation Areas.</p> <p><b>community facility</b> means a building or place:</p> <p>(a) owned or controlled by a public authority or non-profit community organisation, and</p> <p>(b) used for the physical, social, cultural or intellectual development or welfare of the community,</p> <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p> <p><b>recreation area</b> means a place used for outdoor recreation that is normally open to the public, and includes:</p> <p>(a) a children's playground, or</p> <p>(b) an area used for community sporting activities, or</p> <p>(c) a public park, reserve or garden or the like,</p> <p>and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).</p>	The proposed works identified in Column (a) of Table 1 to this report meet the definitions of community facility and recreation area and are therefore permissible with consent from Council.
<b>Part 5 Miscellaneous provisions</b>		
5.5 Development within the coastal zone	<p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</p> <p>(b) to implement the principles in the NSW Coastal Policy</p>	Crown Street Mall is located within the NSW Coastal Zone as defined by the Coastal Zone Maps. The subject site is not readily visible from any vantage points on the coastline, and is not considered to have any negative impacts on the

		<p>cumulative scenic quality of the coastline or its environmental attributes</p> <p>Given the Mall is approximately 500m from the seaward coastal boundary, the proposal will not impact on the coastal zone, nor will the proposal contravene the aims and objectives of the Coastal Policy or SEPP 71. In particular, the proposal will in fact enhance the existing connectivity between the City Centre and the Coast and will not restrict public access</p>
5.9 Preservation of trees or vegetation	<p>3) A person must not ring bark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:</p> <p>(a) development consent, or</p> <p>(b) a permit granted by the Council.</p>	The proposal does not involve removal of any significant vegetation.
5.10 Heritage conservation	<p>(1) (a) to conserve the environmental heritage of Wollongong, and</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</p> <p>(c) to conserve archaeological sites, and</p> <p>(d) to conserve places of Aboriginal heritage significance.</p>	<p>Part of the proposed works are located adjacent to the following items of Local heritage significance:</p> <p><i>6239 – Royal Bank</i>  <i>6232 – Shop</i>  <i>6371 – Wesley Uniting Group</i></p> <p>The proposed works will not impact on these local items.</p> <p>Refer to detailed Heritage discussions within Section 3 of this Report.</p>
<b>Part 7 Local provisions – general</b>		
7.1 Public utility infrastructure	<p>(2) Development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</p>	Upgrade works to existing utilities (Telstra, Sydney Water, Integral Energy, gas etc) will be carried out in accordance with the exempt development provisions of SEPP (Infrastructure) 2007.
7.5 Acid sulphate soils	<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the</p>	The eastern portion of the site (Church Street to Kembla Street) is identified as being potentially affected by Class 5 acid sulfate soils.

	<p>carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>...(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:</p> <p>(a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or</p> <p>(b) the works are not likely to lower the watertable.</p>	<p>Within this area the proposed works will not be likely to lower the water table.</p>
7.6 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material or the destination of any excavated material,</p> <p>(f) the likelihood of disturbing Aboriginal objects or other relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>The maximum excavation is 9m wide by 1m deep to accommodate trenching for new trees located at 20m intervals. The proposed trenches will serve as large planters and therefore the areas outside the trenching will be adequately protected from root spread to ensure damage will not occur.</p>
<b><i>Part 8 Local provisions – Wollongong city centre</i></b>		
8.1 Objectives for development in the Wollongong city centre	<p>(a) to promote the economic revitalisation of the Wollongong city centre,</p> <p>(b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,</p> <p>(c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,</p> <p>(d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,</p> <p>(e) to facilitate the development of building design excellence appropriate to a regional city,</p> <p>(f) to promote housing choice and housing</p>	<p>The proposed development is considered to be entirely consistent with the objectives for development within the City Centre as it will contribute greatly to the revitalisation of the Centre through enhancing the retail, aesthetic, functional and cultural qualities of the main retail spine of the City Centre.</p> <p>The works will contribute to</p>

	<p>affordability,</p> <p>(g) to encourage responsible management, development and conservation of natural and manmade resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,</p> <p>(h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.</p>	<p>developing Crown Street Mall as the key public space within Wollongong CBD developing a clear and unique identity through urban design.</p> <p>The proposal will improve pedestrian connectivity through the centre and provide a positive link between the City Centre and the Blue Mile.</p> <p>The works will introduce and/or enhance a range of active and passive spaces within the public domain which will assist in boosting both the economic and social characteristics of the Mall through likely increased patronage and pride of place.</p> <p>These attributes will contribute to strengthening the capacity of Wollongong as a regional centre.</p>
8.5 Design excellence	<p>(1) The objective of this clause is to deliver the highest standard of architectural and urban design.</p> <p>(2) This clause applies to development involving the construction of a new building or external alterations to an existing building.</p> <p>(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</p> <p>(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</p> <p>(c) whether the proposed development detrimentally impacts on view corridors,</p> <p>...(e) how the proposed development addresses the following matters:</p> <p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p>	<p>The proposed scheme overall will enhance and improve the public domain through introducing a uniform design theme throughout. This includes replacing a large variety of mismatched street furniture and lighting, landscaping and paving and creating a functional and pleasant public environment through quality hardscape design of the space.</p> <p>The permeability of the Mall will be improved through the removal of various obstructions that restrict both views and pedestrian movement. This will allow for clear sightlines and provide improved circulation through the retail spine of the CBD.</p> <p>The proposed landscape design incorporates a stand of trees along the southern</p>

	<p>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</p> <p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) impact on, and any proposed improvements to, the public domain.</p>	<p>length of the Mall providing a pattern of shaded zones and open spaces. The native tree species selected are typically tall and have straight trunks which will adequately shade whilst maintaining good visibility through the Mall.</p> <p>The design allows for flexibility in the usage of space to allow a range of formal and informal activities to be carried out. The proposal encourages expansion in the capacity of those activities that have proven to be successful within the Mall such as markets, busking, temporary art displays etc.</p> <p>The proposal will achieve appropriate sustainable design through incorporating Water Sensitive Urban Design Principles and energy efficient lighting.</p> <p>As such the proposed design of the Mall upgrades is considered to exhibit an acceptable level of design excellence.</p>
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## 2.2 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT

No draft environmental planning instruments.

## 2.3 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

### 2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. Table 5 below details the relevant controls contained within the DCP and how the proposal responds to those requirements.

TABLE 5: WOLLONGONG DCP 2009		
Clause	Provision	Comment & Compliance
<b>Part D – Locality Based DCPs / Precinct Plans</b>		
<b>Chapter D1 Character Statements</b>		
3.32 Wollongong City Centre	<p><i>Desired Future Character</i></p> <p>...increase the appeal of the centre as a destination for shopping, business, entertainment and cultural activities,</p> <ul style="list-style-type: none"> <li>• Encourage diverse precincts around the city centre;</li> <li>• Develop a distinct role and character for the</li> </ul>	<p>The proposed upgrade to Crown Street Mall is directly consistent with the desired future character for the Wollongong City Centre for the reasons discussed above in Table 4 (responses to</p>

	<p>centre;</p> <ul style="list-style-type: none"> <li>• Ensure high quality design of buildings and public areas;</li> <li>• Improve the natural environment...</li> </ul> <p>...Special attention will be given to...Crown Street Mall to enliven these areas and improve safety... An emphasis will be to enhance public spaces and ensure good amenity and solar access...</p>	<p>Clauses 8.1 and 8.5).</p> <p>Further, the proposal will upgrade security through removal of physical barriers, improvement of CCTV surveillance and revitalisation of elements that will generate activity such as the chess board, stage now with spectators seating and new children's interactive play elements.</p>
<b>Chapter D13 Wollongong City Centre</b>		
1.1 City Centre Character Areas	<p>4. The commercial core is the 'heart of the city', where the focus is on high quality buildings, streetscapes, public art, outdoor eating and a collection of attractive public spaces such as a rejuvenated...Crown Street Mall, new civic square on Crown Street and an attractive collection of laneways and arcades.</p>	<p>The site is located within the commercial core of Wollongong CBD and forms the primary retail spine which provides a range of commercial, cultural and recreational opportunities to the community. As such the proposed upgrade works that seek to improve the function, appearance and enjoyment of to this prominent public domain space is appropriate and essential in contributing to strengthening the social and economic role of Wollongong as desired by Council's strategic directions.</p> <p>The proposal will facilitate better use of the Mall for outdoor eating and civic activity through the removal of physical obstructions. A condition of consent is recommended requiring the preparation of a Public Art Strategy for the Mall. Whilst the proposal does not extend into adjoining laneways beyond Church Street, the proposal will not preclude such extensions in the future.</p>
8 Work in Public Domain	<p>Any development requiring works to be carried out within the public domain in the Wollongong City Centre will be subject to compliance with the requirements of the Wollongong City Centre Public Domain Technical Manual at Appendix 2 to this DCP and any other specific Council requirements.</p>	<p>Discussed below.</p>

#### Part E – General (City Wide) Controls

Clause	Provision	Comment & Compliance
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***Chapter E1 Access for People with a Disability***

Design Requirements	Access and facilities for people with a disability must be provided in accordance with the requirements of the DDA, BCA and the relevant Australian Standards stated in Section 2.4.	<p>An Access Report prepared by Accessibility Solutions (NSW) Pty Ltd dated August 2010 has been submitted with the application.</p> <p>The report confirms a number of existing issues within the Mall that would currently impede persons with a disability.</p> <p>The report concludes that redevelopment of the Mall would provide the basis for equitable and inclusive areas for people with disabilities which could be confirmed at the construction documentation stage in accordance the relevant Australian Standards, the Disability Discrimination Act (DDA) and related accessibility standards. Conditions of consent are recommended in this regard.</p>
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***Chapter E2 Crime Prevention through Environmental Design***

5.1 Lighting	<p>1(a) Lighting should be treated in a comprehensive manner.</p> <p>(b) For areas intended to be used at night, ensure that lighting supports visibility. Where lighting is located at a lower height to support visibility for pedestrians, ensure that the lighting is vandal resistant.</p> <p>(c) Light heavily used spaces such as car parks, major pedestrian routes, entries to buildings and entries to public toilets at a higher level than other areas to cater for the increased potential safety risks.</p> <p>(d) Ensure security lighting is consistent with AS4282 (1997) The Control of the Obtrusive Effect of Outdoor Lighting.</p> <p>(e) Consideration should be given to light pollution effects and energy use of any lighting strategy.</p>	<p>Light columns are to be uniformly located at 8m intervals in alignment with tree planting throughout the Mall.</p> <p>Column lighting is to be located within the grid of tree planting to ensure unimpeded access. This will include decorative, street and flood lighting to provide for a range of lighting functions depending on the location and type of activities.</p> <p>Lighting will meet the relevant Australian Standards and use energy efficient technology. A condition of consent in this regard is recommended.</p>
5.2 Natural surveillance and sightlines	<p>5.2.1 general</p> <p>(a) Avoid blind, sharp corners especially on pathways, stairs or corridors</p> <p>(b) Avoid or ameliorate sudden changes of grade on pathways which may reduce sightlines.</p>	<p>The proposed works will improve surveillance through the Mall by removing clutter and structures currently obstructing sightlines. The overall proposal will provide</p>



	<p>(c) Take particular care for visibility in areas where risk to personal safety is perceived to be high or where crime reports indicate that there are problems, such as stairwells, entrances, corridors toilets etc.</p> <p>(d) Ensure that pedestrians can easily see what is at the end of tunnels/overpasses</p> <p>(e) Seating should be located in areas of active use</p> <p>(f) Avoid medium height vegetation with concentrated top to bottom foliage. Plants such as low hedges and shrubs (1 - 1.2m high), creepers, ground covers or high canopied vegetation are good for natural surveillance.</p>	<p>different modes of lighting that have been identified as social mode and secure mode.</p> <p>It is also considered likely that greater patronage within the Mall as a result of improved amenity and public recreation facilities will achieve a greater level of natural surveillance. The proposal also involves upgrade of CCTV facilities in the Mall.</p>
5.6 Landscaping	<p>5.6.1 General</p> <p>2. Landscaping should not detract from pedestrian's visibility or create secluded areas. Care should be undertaken in the selection of plants, bearing in mind their shape and size as they mature. Landscaping can be used to direct pedestrian movement.</p>	<p>The landscape design incorporates a stand of Spotted Gum trees along the southern length of the Mall providing a pattern of shaded zones and open spaces. The native tree species selected are typically tall and have straight trunks. In terms of safety, the advantages of this species is its large size to minimise damage from vandalism and clear stem height allowing for the provision of unobstructed lighting under the 6m high canopy.</p>
5.7 Spaces safe from entrapment	<p>(a) Avoid creating entrapment spaces adjacent to main pedestrian routes, a predictable/unchangeable path or a private dead-end alleyway.</p> <p>(b) Consider adding activities, such as food kiosks or vendors, to make the space safer.</p> <p>(c) Provide dead-locks for storage areas off pedestrian routes.</p> <p>(d) Avoid creating entrapment spaces through identification in fencing.</p>	<p>The proposal will open up the Mall by removing clutter and structures currently obstructing sightlines. Improved visibility and permeability through the upgraded Mall will not lend itself to the creation of entrapment spaces that may pose a security risk. The proposal also involves upgrade of CCTV facilities throughout the Mall.</p>
5.8 Management & Maintenance	<p>5.8.3.1 Maintenance</p> <p>(a) Place signage indicating contact details for emergency maintenance, in a prominent location.</p> <p>(b) Promptly repair damage to public spaces to ensure safety for all users and to reduce the risk of crime. The use of innovative solutions to overcome vandalism problems is encouraged, such as wall murals painted by local street artists.</p> <p>(c) In construction situations, delay installing equipment until the site is</p>	<p>Upkeep and maintenance of Crown Street Mall is currently included within Councils general public works program. There will be not change to Council's responsibilities in this regard.</p> <p>In addition, Council will put a tree maintenance regime in place to ensure that trees maintain and develop</p>

	<p>ready and require the prompt removal of rubbish.</p> <p>(d) Develop a planned system of ‘preventative’ maintenance.</p> <p>5.8.3.1 Robust Materials</p> <p>(a) Specify materials that can withstand normal use and can easily be replaced.</p> <p>(b) Used standard sized panels, panes and fittings to facilitate replacement.</p> <p>(c) Avoid the use of highly vulnerable materials such as ‘flimsy’ encourage, fragile light fittings and external fixtures which can be easily removed.</p> <p>(d) Avoid extensive use of problem materials such as heavy duty mesh, cyclone fencing and grilles, which may encourage damage.</p>	<p>an appropriate shape for the Mall environment.</p> <p>A key design principle has been to utilise robust materials that will be easy to maintain and encourage simple achievable asset management. The standardisation of lighting and street furniture will resolve current issues with asset replacement.</p>
5.9 Public open space and parks	<p>5.9.3.1 Design</p> <p>(a) The design of the public open space should foster legibility so that people can easily identify entrances and exits, find their way around and locate public amenities.</p> <p>(b) Avoid creating unused or unusable spaces or isolated pockets.</p> <p>(c) The design should cater for easy maintenance of well used areas.</p> <p>(d) Open space should be located where it can easily be surrounded by a mix of land uses that generate activity both during and after hours.</p> <p>(e) Locate children’s play areas so that they are visible from adjoining properties.</p> <p>(f) Do not locate conflicting uses adjacent to each other.</p> <p>(g) Provide adequate and appropriate equipment for all ages and both sexes so that one group does not dominate or damage recreation equipment intended for others.</p> <p>(h) Provide shaded seating areas with good sightlines to children’s play equipment for adults supervising children’s play.</p>	<p>The key objective of the proposed Mall upgrade is to ensure that Crown Street Mall fulfils its role as the key public space within Wollongong CBD with a clear and unique identity to providing a positive link between the City Centre and the Blue Mile.</p> <p>As discussed throughout this report the overall upgrades will provide improved pedestrian access, visual improvements (through removal of clutter) and the provision of co-ordinated urban design treatment. This will be achieved through uniformed paving, lighting, street furniture and a permeable and clearly defined retail spine interspersed with active and passive spaces for all ages.</p> <p>Children’s play areas are in areas that can be easily supervised and incorporate a mix of play opportunities.</p>
<b>Chapter E6 Landscaping</b>		
4.2 Landscaping Concept Plan	<p>1. The lodgement of a Landscape Concept Plan is required for certain development types as outlined in Table 1.</p> <p>2. The Landscape Concept Plan should outline the overall landscape objectives and the context of the surrounding urban and landscape setting.</p> <p>3. The minimum information requirements for</p>	<p>A Landscape Concept Plan has been prepared in accordance with the DCP and has been reviewed by Council’s Landscape Architect.</p> <p>The plan includes native</p>

	<p>a Landscape Concept Plan shall take into account a range of landscape design issues / aspects as listed in the Landscape Plan Checklist:</p>	<p>species that have been selected on the following basis:</p> <ul style="list-style-type: none"> <li>• Light canopy cover to allow for appropriate microclimate and shade during summer and solar access during winter;</li> <li>• A locally native species to reflect local character.</li> <li>• Availability in large size to minimise damage from vandalism;</li> <li>• Quick establishment;</li> <li>• Clear trunk height</li> <li>• Clear stem height allowing for the provision of lighting under the 6m high canopy.</li> <li>• Proven track record as urban street tree</li> </ul> <p>No objections have been raised by Council's landscape officer with regard to the proposed landscape design, subject to conditions of consent.</p>
<b>Chapter E7 Waste Management</b>		
4.2 Site Waste Minimisation and Management Plan	<p>1. A Site Waste Minimisation and Management Plan (SWMMP) outlines measures to minimise and manage waste generated during:</p> <ul style="list-style-type: none"> <li>• Demolition</li> <li>• Construction</li> <li>• Ongoing use of the site/premises.</li> </ul>	To be required by condition of consent.
<b>Chapter E11 Heritage Conservation</b>		
14.2 Development Controls	<p>1. Development on land adjacent to or within the vicinity of a heritage item or a heritage conservation area should not detract from the identified significance or setting of the heritage building or the heritage conservation area.</p> <p>2. Where development is proposed adjacent to or within the vicinity of a heritage site or heritage conservation area, the following matters must be taken into consideration:-</p> <p>(a) The character, siting, bulk, scale, height and external appearance of the development;</p> <p>(b) The visual relationship between the proposed development and the heritage item or heritage conservation area;</p> <p>(c) The potential for overshadowing of the adjoining heritage item or any building within a heritage conservation area;</p> <p>(d) The colours and textures of materials proposed to be used in the development;</p>	<p>Part of the proposed works are located adjacent to the following items of Local heritage significance:</p> <p><i>6239 – Royal Bank</i>  <i>6232 – Shop</i>  <i>6371 – Wesley Uniting Group</i></p> <p>The proposed works will not impact on these local items.</p> <p>Refer to detailed Heritage discussion within Section 3 of this Report.</p>

	<p>(e) The landscaping and fencing of the proposed development;</p> <p>(f) The location of car parking spaces and access ways into the development;</p> <p>(g) The impact of any proposed advertising signs or structures;</p> <p>(h) the maintenance of the existing streetscape, where the particular streetscape has significance to the heritage site;</p> <p>(i) The impact the proposed use would have on the amenity of the heritage site; and</p> <p>(j) The effect the construction phase will have on the well being of a heritage building.</p> <p>3. Development in the vicinity of a heritage item should give strong regard to any significant views to and from the heritage item or heritage conservation area and any public domain area...</p>	
<b>Chapter E14 Stormwater Management</b>		
2 Objectives	<p>1. The main objectives of this chapter are to:</p> <p>(a) Achieve a uniform standard of stormwater drainage design for all developments;</p> <p>(b) Reduce peak flows from sites into Council's stormwater drainage system;</p> <p>(c) Reduce the probability of downstream flooding;</p> <p>(d) Minimise the potential impacts of new development and redevelopment in areas affected by local overland stormwater run-off or flooding, such that no increase in stormwater peak flows occurs downstream;</p> <p>(e) Minimise stormwater run-off volumes;</p> <p>(f) Reduce peak run-off flows from urban developments by local detention basins and minimizing impervious areas, wherever practicable;</p> <p>(g) Minimise the drainage infrastructure cost of development; and</p> <p>(h) Increase public convenience and public safety as well as protection of property.</p>	<p>Upgrades to Crown Street Mall will provide Council the opportunity to inspect and confirm the integrity of the existing drainage system.</p> <p>Introduced new stormwater treatment will be an improvement on the existing system as it will incorporate a dual purpose sustainable system. Runoff will be reduced through the provision of grated trenches that will divert water to street trees. Further, treated stormwater collected from the street trees can be tanked and reused locally in drought periods. Essentially, the system provides a dual Stormwater management and landscape function.</p> <p>The proposal was referred to Council's Stormwater Engineer and no objections have been raised subject to conditions.</p>
<b>Chapter E15 Water Sensitive Urban Design</b>		
2 Objectives	<p>1. The main objectives of water sensitive urban design are:</p> <p>(a) To sustainably integrate natural systems with urban development.</p> <p>(b) To integrate stormwater drainage treatments into the landscape.</p> <p>(c) To ensure water sensitive urban design treatment measures are</p>	<p>Various Water Sensitive Urban Design and Stormwater Harvesting initiatives have been incorporated into the design and are detailed in a report prepared by Equatic dated August 2010 submitted with</p>

	<p>incorporated in new developments taking into account stormwater management and floodplain management issues.</p> <p>(d) To improve the potential for urban run-off reuse...</p>	<p>the application.</p> <p>Refer to discussion within Section 3 of this report.</p>
<b>Chapter E22 Soil Erosion and Sediment Control</b>		
2 Objectives	<p>a) Minimise the amount of sediment and contaminated water which leaves construction sites;</p> <p>b) Minimise the disturbance of sites during land use development activities and preserve, wherever possible, existing vegetation on development sites from either damage or removal as a result of the construction works; and</p> <p>c) Encourage prompt rehabilitation of construction sites by appropriate revegetation strategies.</p>	<p>Construction works will be subject to Council's Standard Soil and Erosion control requirements as imposed by conditions of consent.</p> <p>In terms of on-going pollution, grate lids will prevent litter entering and accumulating inside the drains. The channels below the drains are designed to be self-cleaning. Water flows will have sufficient speed to flush away any particles/ fine material that may enter the drains. This will ensure that no materials such as organic matter build up inside the channels. If required, grate lids will be able to be removed to allow periodic inspection by Council.</p>

## Appendices

Clause	Provision	Comment & Compliance
<b>Appendix 2 Wollongong City Centre Public Domain Technical Manual</b>		
1.2 Purpose	<p>1. The Public Domain Technical Manual will assist in fulfilling the objectives set out in the RWCCP by specifying and coordinating the design and construction of the public domain in the Wollongong City Centre. The details and elements contained in the PDTM will provide continuity in design language, and a standardisation of materials and construction practices throughout Wollongong City Centre. The choice of materials and furniture reflect the modern urban lifestyle that is becoming associated with the city.</p>	<p>The Crown Street Mall is listed as a city core street within the manual. The manual identifies specific design requirements in relation to furniture, pavements, service lids, underground services, and tree planting/species.</p> <p>The proposal has been designed in accordance with this technical manual which will result in a coordinated design approach of the public domain. However the selected trees species will differ to those species listed as appropriate within the manual.</p> <p>The selected species is the Spotted Gum which through research is concluded to lend</p>

		<p>itself to public domain areas such as Crown Street Mall.</p> <p>The appropriateness of this native species is discussed in detail within Section 3 of this report.</p>
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## 2.4 SECTION 79C 1(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

## 2.5 SECTION 79C 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

- (1) *For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*
- (a) *in the case of a development application for the carrying out of development:*
    - (i) *in a local government area referred to in the Table to this clause, and*
    - (ii) *on land to which the Government Coastal Policy applies, the provisions of that Policy,*
  - (b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

The subject site is located approximately 500m from the coast and is identified as being located within the NSW Coastal Zone, however, the NSW Coastal Policy only applies to the seaward portion of the LGA. Notwithstanding and as previously discussed, the subject site is not readily visible from any vantage points on the coastline, and is not considered to have any negative impacts on the cumulative scenic quality of the coastline or its environmental attribute. In particular, the proposal will in fact enhance access and connectivity between the City Centre and the Coast. In any case, the Wollongong LGA is affected only by the provisions for land seaward of the Mean High water Mark under the Coastal Policy in accordance with Clause 92 of the EP&A Regulation 2000.

Demolition works fall under the exempt provisions of SEPP (Infrastructure) 2007 and as such do not form part of this assessment.

## 2.6 SECTION 79C(1)(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT 1979)

None Applicable.

## 2.7 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

The proposed works involve upgrades to the existing public domain within the Crown Street Mall. It is an existing pedestrian Mall which is essentially the primary retail, commercial and community hub of the

Wollongong CBD. The proposed works will retain this important civic setting and seeks to elevate and enhance the regional context of the area through improving the amenity, function, and appearance of the Mall. This is proposed through removing outdated and cluttered structures that present poorly and restrict views and access, and implementing a uniformed and well resolved layout of street furniture, lighting, landscaping, recreation and passive spaces. The context and setting can only be improved by the proposed development which will encourage a heightened level of community pride within the commercial core of Wollongong. Whilst concern has been raised in some submissions that the proposal may not integrate with overall urban strategies for Wollongong, it is considered that the proposal responds to the short term priority for Crown Street Mall as detailed in the Wollongong CBD Action Plan and in no way precludes further works. In fact, the proposal may encourage a systematic roll out of further upgrades to the wider area.

#### Access, Transport and Traffic:

Permeability through the Mall will be greatly improved as a result of the proposed works. Currently a variety of structures and narrow spaces prohibit the safe access by emergency and service vehicles within the Mall. Upgrade works include removal of obstructions and placement of furniture, lighting, play and water features to enable clear passage of vehicles when necessary.

In terms of pedestrian access, the variety of works involved will result in improved pedestrian movement through the Mall incorporating unimpeded access along shop frontages and informal circulation through seating areas. There will be a hierarchy of circulation movements, the primary circulation along Crown Street providing clear sightlines and improved connectivity to the east towards the coast.

An Access Report accompanies the Development Application and concludes that the proposed works will bring the Mall into conformance with relevant standards.

#### Public Domain:

For the reasons discussed throughout this report, the proposal will provide significant benefits within the public domain as works will improve the general amenity (access, safety, provision of services etc) of the Mall and incorporate design changes that will facilitate a large variety of activities within the public domain. The proposal will also greatly enhance the visual appearance of the Mall through with a consistent theme of rationally located furniture, lighting, play and entertainment spaces, and landscaping.

#### Utilities:

Upgrade of various utilities (Telstra, Sydney Water, Integral Energy, gas etc) will be carried out under the exempt provisions of SEPP (Infrastructure) 2007.

#### Heritage:

Part of the proposed works are located adjacent to the following items of Local heritage significance:

*6239 – Royal Bank*

*6232 – Shop*

*6371 – Wesley Uniting Group*

As previously discussed, the proposal has been reviewed by Council's Consultant Heritage Adviser. In considering the extent of works it has been concluded that the proposal will have some positive impacts on the presentation of the nearby items by removal of elements that currently block visibility of the items (refer to Section 3 of this report for detailed heritage discussion).

#### Other land resources:

The proposal is considered to contribute to orderly development of the public domain areas and is not envisaged to impact upon any valuable land resources.

#### Water:

The proposal incorporates Water Sensitive Urban Design and Stormwater Harvesting initiatives which are discussed in detail in a report prepared by Equatic dated August 2010 which was submitted with the application.

The design incorporates safe overland conveyance of flood flows and filtering and harvesting of runoff from small rain events. Water will be collected within a network of grated trenches and delivered to the street trees during each rain event. Storage and reuse capabilities have also been incorporated into the design.

The proposed works will enable Council to investigate the integrity of the existing stormwater drainage system as well as incorporate an improved sustainable dual system with both stormwater and landscape functions. Runoff will be reduced through the provision of the abovementioned grated trenches that will divert water to street trees. Further, treated stormwater collected from the street trees can be tanked and reused locally in drought periods. The proposal was referred to Council's Stormwater Engineer and no objections have been raised subject to conditions.

#### Soils:

The eastern portion of the site (Church Street to Kembla Street) is identified as being potential affected by Class 5 acid sulfate soils. Within this area the proposed works are unlikely likely to lower the water table. The extent of excavation will include 9m wide by 1m deep trenches to accommodate drainage and landscaping infrastructure.

#### Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

#### Flora and Fauna:

The proposed development will incorporate extensive planting of Spotted Gum trees along the southern side of the Mall as well as feature planting of other species. The Gum trees will reach a clear trunk height of 6m and will be planted in trenches that will have the function of large planter boxes. The refurbished stormwater management system is designed to convey water to the tree trench. The rainfall from each of these events will be directly harvested and fed to the trees, ensuring that trees are consistently well watered throughout the year. Excess water from larger rain events will be stored in underground tanks near Wesley Church. This will be used to irrigate trees during periods of limited rainfall. As advised by the applicant, this will remove the need for trees to "forage" for water outside the designated tree trench. Further, the top soil in the tree trench will be specifically formulated and complemented by slow-release fertilisers to provide optimum ongoing nutrition for the trees.

The provision of an optimum growing environment for the trees in the tree trench will minimise the potential for root invasion of other properties. The tree trench will also be lined with a root barrier to prevent tree roots from damaging services or building foundations.

The plan includes native species that have been selected on the following basis:

- Light canopy cover to allow for appropriate microclimate and shade during summer and solar access during winter;
- A locally native species to reflect local character;
- Availability in large size to minimise damage from vandalism;
- Quick establishment;
- Clear trunk height;
- Clear stem height allowing for the provision of lighting under the 6m high canopy; and
- Proven track record as urban street tree.

No objections have been raised with regard to the proposed landscape design and provision of trees, subject to conditions of consent.

#### Waste:

The preparation of a Waste Management Plan will be required by a condition of consent to ensure adequate storage and disposal of waste during construction.

In terms of ongoing waste within the Mall, new garbage bins will be provided throughout the centre, the provision of which will be carried out under the exempt provisions of SEPP (Infrastructure) 2007.



### Energy:

The proposal is not considered likely to result in excessive energy consumption. The proposed works provide an opportunity for replacement of outdated and inefficient fixtures and fittings. Energy efficient lighting will be utilised where possible as well as sustainable materials.

### Noise and vibration:

There will be some disruption to nearby residences and commercial tenants during excavation and construction phases. Conditions are recommended in regards to mitigating these impacts. In particular, a detailed Construction Management Plan is to be submitted to the satisfaction of Council prior to issue of a Construction Certificate. This plan will be required to address all aspects of traffic impacts, noise, disruption to pedestrian movement and access to shop frontages, timelines for construction components and the notification process for advising the general public and retailers of upcoming work.

### Natural hazards:

Council records have not identified the site as being subject to any natural hazard that would prohibit development or be exacerbated as a result of the proposed works.

### Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

### Safety, Security and Crime Prevention:

The proposal will open up the Mall by removing clutter and structures that currently obstruct and restrict sightlines through the Mall. Improving safety and security within the Mall has been a key issue in the design development of the upgrade works. Improved lighting and an integrated CCTV system in addition to greater visibility throughout the space will play a critical role in improving both perceived and actual safety within the Mall.

It is also considered likely that greater patronage within the Mall as a result of improved amenity and public recreation will achieve a greater level of natural surveillance. Typically, rejuvenation of an area can also have positive impacts with respect to evoking territorial reinforcement and pride of place.

As previously discussed, the siting of fixtures and landscaping predominantly along the southern side of the Mall will enable access within the Mall for emergency vehicles which is currently not available.

The application has been reviewed in regards to the principles of CPTED and is not considered to result in any significant safety risks.

### Social Impact:

The proposal will have a positive social impact by way of improving the appearance, function and amenity of the public domain. In particular, the flexible design of the Mall will accommodate and encourage a range of cultural and social activities such as day to day use of the water and play features, chess boards and general congregation within a range of created spaces. More formal and organised activities may include exhibitions, festivals, markets, cinema and the like. It is considered that the success of organised activities and events will be highly dependent on a well organised and managed events program. This will be required as a condition of consent.

The applicant has advised that events within the Mall are currently managed by a third party (Wollongong City Centre Limited) which will cease in October 2011. Council recently approved the integration of the city centre marketing and events into Tourism Wollongong operations. Council is working with this organisation and key stakeholders to develop a new City Centre marketing strategy which will provide an integrated calendar of events for the city centre.

In the absence of a public art plan for the Mall, given the scope of work, the capital investment value and civic objectives, it is considered reasonable that a condition of consent be imposed requiring the preparation of a public art plan as well as a heritage interpretation plan which would contribute both social and cultural benefits as well as providing a further level of co-ordination and direction for the Mall with respect to integrating a local context and significance within the civic space. Such requirements are typical for large scale public domain works.

### Economic Impact:

A key purpose of the proposed upgrades is to revitalise the central business and commercial district of Wollongong to support and enhance local businesses. It is considered that the proposed upgrades will improve patronage within the Mall, particularly through increased cultural activities and events (subject to good management) that will potentially encourage more people to the area throughout various times of the day and therefore contribute to the local economy.

Whilst there may be short term disruptions during construction that may lead to some downturn in economic activity within the Mall, this period is not considered to be extensive and the economic benefits of the upgrades are considered to far outweigh any short term disruptions. A commitment has been made by Council that no works will be carried out during the core retail period of October to January and this will be enforced as a condition of consent.

#### Site Design and Internal Design:

The final design has been developed through extensive community consultation and recognition of opportunities and constraints within the public domain. The proposal presents a co-ordinated urban design outcome that will provide a functional, high amenity and visually appealing public domain. The stand of trees along the southern length of the Mall provide shade during summer and allow solar access through winter, will contribute aesthetically and provide a sustainable stormwater and harvesting function. Various fixtures, furniture, play and water features have been designed within the context of a uniformed framework that will provide consistency and maintain a theme within the Mall which is presently lacking due to a mismatch of structures that have accumulated over time.

Overall the design will simplify the public domain, provide clear circulation routes, create a hierarchy of active and passive spaces and provide a flexible public space that will accommodate a range of activities.

#### Construction:

It is likely that construction works will create some short term disruption to retailers and the general public with respect to noise and restricted access. Council have advised that consultation with retailers and the general public have highlighted the importance of ensuring minimal impacts during the construction phase. In particular, it has been stressed that no works should be carried out from late October to the end of January. As discussed above a commitment has been made by Council that no works will be carried out during this period. A condition of consent will be imposed to ensure this commitment is maintained and that works will be undertaken in a manner to minimise the impact and disruption on retailers and the community. It is likely that this will require some works to be undertaken after trading hours and overnight. A condition of consent is recommended to require that a detailed Construction Management Plan is prepared to the satisfaction of Council prior to the issue of a Construction Certificate.

#### Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

## 2.8 SECTION 79C 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

### Does the proposal fit in the locality?

The proposal relates to upgrade works of an existing and prominent public Mall. The site is located within the commercial core of the CBD for which Council's Wollongong CBD Action Plan identifies 1 of 10 short term priority projects as being upgrade works to Crown Street Mall including “*new pavement, furniture, lighting and planting for the core retail area. It is further envisaged to ‘de-clutter’ the public domain and bring more light and air to the Mall*”.

The proposed development is considered to be entirely consistent with the Action Plan will form part of a wider public domain strategy to enhance the City Centre and contribute to the realisation of Wollongong as a major regional centre. As such the proposal addresses Council's short term strategic direction for the Mall specifically and would not be in conflict with or hinder a larger scale master plan for the CBD in the future. It is however unlikely that such a plan would be developed in the short or even medium term given the recent adoption of Council's consolidated LEP. Therefore, the proposed works are a unique and valuable contribution to the public domain with an immediate timeframe.

### Are the site attributes conducive to development?

The design has been developed to work with the existing site conditions. The site constraints have been considered to have been suitably addressed and are not expected to prevent the proposal from proceeding.

## 2.9 SECTION 79C 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The proposal was notified in accordance with Appendix 1 of Council's Development Control Plan 2009 “Public Notification and Advertising Procedures”. In this regard written notice was given to adjoining landowners (Neighbouring Land in Proximity to the Site) and other interested parties, along with a Newspaper Advertisement from 5 May 2011 until 3 June 2011. In all 135 owners and occupiers were directly notified in writing and 39 individual written submissions were received, the main issues identified are discussed below.

Concern	Comment
Concerns with the planting of Illawarra Flame Trees and Spotted Gums, that they are not suited to the conditions within the Mall. Additionally, they will reduce sight lines from first floor buildings to street level and may drop branches onto the Mall.	Tree selection has been discussed elsewhere within this report. Trees will be planted in a specially constructed tree trench approximately 9m wide and 1m deep. The trenches will perform like large planters and will provide a nutrient and moisture rich medium for trees. The refurbished stormwater management system will ensure trees are consistently well watered through the year to avoid trees extending their root system in search of water elsewhere. Further, the sides of the tree trench will be lined with a root barrier to prevent tree roots from damaging services or building foundations. The proposed tree is not known for being particularly attractive to pests, including borers or termites. Spotted Gums are known as a hardwood with inert/ natural termite resistance. Due to its hardness, it is not a timber of choice for termites.

<i>Concern</i>	<i>Comment</i>
Concerns over leeching, unpleasant odours and risks associated with the retention of leaves with the new drainage systems.	Drain grates will be accessible and heel-proof which will prevent litter entering and accumulating inside the drains. The channels below the drains are designed to be self-cleaning. This means that water flows will have sufficient velocity (speed) to flush away any particles/ fine material that may enter the drains. This will ensure that no materials such as organic matter build up inside the channels. If required, grate lids will be able to be removed to allow periodic inspection by Council.
Concerns over the removal over the existing water fountain systems.	The existing water fountains are considered to be an outdated design feature which hinders permeability in the Mall and present maintenance concerns to Council. Their removal is an integral part of the current proposal.
The development makes mention of a new shade structure spanning the length, however does not provide any additional detail with sizing. Unclear if it is included in this upgrade or if it is a future desire by Council.	The concept plan does not provide an accurate representation of the awning size or cover it provides. It was proposed to provide a continuous awning along the northern side of the Mall for protection against the rain. However, it has since been discovered that a continuous awning would not be possible or feasible due to a number of reasons and therefore this element no longer forms part of the Development Application. It is suggested that further development will need to be controlled by a DCP provision requiring awnings of a consistent design that contribute to the public domain. Cost and maintenance responsibilities also need to be further investigated.
The design does not include the implementation of a program to get landowners to upgrade their building facades and provide awnings where these are missing.	See above comment.
There is no justification of the cost of the project, and whether this project is the best return on investment for both economic and social outcomes.	<p>The project forms part of a larger strategic direction for strengthening the commercial context of Wollongong CBD. Council is seeking approximately 50% contribution towards the cost of the proposed works from the Federal Government and no increased Crown Street Mall levy is anticipated.</p> <p>Notwithstanding, cost-benefit analysis does not form part of assessment under the EP&amp;A Act, 1979.</p>
The development does not provide any free parking spaces, to enhance the attractiveness to shoppers.	The subject site is located within close proximity to public transport and adequate public parking is available within the general area. Whilst the proposed works seek to increase patronage to the Mall, the net increase is not measureable and the works won't actually intensify the existing Mall capacity (rather its attractiveness as a destination). .

<i>Concern</i>	<i>Comment</i>
Concerns with the movement of an existing alfresco area away from cafes and confusion over leasing costs and replacement street furniture to be provided.	<p>Current outdoor seating lease arrangements are provided upon consent being issued to a development application for an adjoining property. Council plan to develop a lease strategy for outdoor dining, which will be available to lease operators. Although the larger potential lease areas are located on the southern side of the Mall, some smaller lease areas will be available on the northern side of the Mall also.</p> <p>Whilst noted on the overall concept plan, the outdoor seating areas do not form part of the Development Application.</p>
Concern that the proposal will create a wind tunnel along the Mall.	The proposal is not considered to incorporate any elements that would significantly alter wind patterns within the Mall.
The size, location and design of the proposed replacement amphitheatre is not suitable.	<p>Many events held on the current stage are small scale (such as schools for performance and singing). These types of events can be accommodated on the proposed stage. The proposed stage area will include anchor points for a temporary shelter to be installed over the stage for weather protection for programmed events.</p> <p>The size and location of the proposed stage is considered acceptable in planning terms. Its location will allow good visibility (whereas the existing stage blocks views), provide formalised seating and is essentially a better urban design outcome in regards to its role within the overall Mall.</p>
The proposed light posts will obstruct vision within the Mall.	The light poles are designed to be slender at a diameter approximating 163mm, and staggered amongst the tree line. They are not anticipated to limit visibility/ views. The proposed light poles will be less than the diameter of the current columns supporting the 'birdcage' structure, and provide a vital role in the upkeep of a safer Mall through floodlighting and improved CCTV coverage.
Concerns that the proposed ground works will make the subsoil unstable and would interfere with existing underground services.	The concerns of unstable soils will be reviewed by geotechnical engineers in detailed design to ensure no impact on adjoining properties.

<i>Concern</i>	<i>Comment</i>
Concern over the removal of the children's play ground in favour of an interactive water feature.	<p>Whilst the existing play area will be removed it will be replaced with 2 new interactive play areas including a musical play space and a water feature. These are modern play spaces that are known to successfully operate within similar urban areas and form part of an integrated urban design theme for the Mall.</p> <p>The proposed modification of the children's play areas are considered acceptable in planning terms. Functionally, the water feature can be manually controlled to switch off the flow of water in the event of adverse weather and events such as markets or church functions. Whilst several design preferences for children's play areas has been stated in response to notification, it is noted that no planning controls guide these design choices and where objectives of the zone and public domain provisions are met planning assessment is not required to assess alternatives.</p> <p>It is noted that removal of the play area was not raised as a concern during the consultation process.</p>
Removal of the "birdcage" is removing some of Wollongong's most important history. The "birdcage" should be refurbished and used to hang plants and decorations.	The removal of the "birdcage" will assist in removing clutter from the western portion of the Mall and will improve sightlines and emergency vehicle access. The application has been considered by Council's Heritage Officer and has been found to be acceptable subject to conditions of consent.
The Keira Street entrance to the Mall should have received special attention as it attracts the most visitors.	The proposed design has chosen not to incorporate specific entrance statements. It is considered reasonable to take this approach to maintaining permeability.
Concerns that the community resident and business owner's consultation period has not been sufficient or conducted properly. Additionally, some of the plans and documentation has been difficult to obtain and view from Council.	Adequate consultation in accordance with Council's notification policy is considered to have been carried out.
Concerns that the proposed choice of paving materials will be susceptible to movement by tree roots and may not be able to withstand the clay subsoil movement and cause issues with cracking of the pavement and buildings	The stone pavers will be laid on top of a reinforced concrete slab that will remove the potential for differential settlement between pavers. The slab construction and installation will be prepared by a suitably qualified engineer taking into account the information on existing soil/ geotechnical conditions in the Mall. In any case, the pavement works do not form part of the Development Application.
The proposed tree plantings will encourage birds and associated bird droppings which are unsightly and may increase slip hazards.	The selected tree species is known to be an unfavoured environment for roosting birds. Furthermore, the proposed pavers have been tested by independent laboratories and conform to the highest slip rating category as per the Australian Standards.

<i>Concern</i>	<i>Comment</i>
There is a lack of high-backed seating associated with this plan, needed for adequate and comfortable rest.	Approximately 30% of seating will provide backrests and armrests. However, street furniture does not form part of this Development Application.
The current bike rack positioning is effective.	The proposed design indicates the retention of the existing location of bike racks as well as additional racks located at the Keira Street entrance and the southern Church Street entrance to the Mall.
Objections to the location and proximity to the church and overall justification for the children's water feature considering safety issues, placement and local climate.	<p>The water play area will be run on a day to day basis. Manual control will allow the area to be switched off in cases of adverse weather and events such as the Friday markets or church functions. The paving allows for an over-spray area which will be delineated from the normal paving, indicating dry areas to pedestrians.</p> <p>In relation to the appropriateness of the water feature adjacent to the frontage of Wesley Uniting Church, the concept scheme was presented to various stakeholders including Wesley Church representatives in May 2010 as part of a series of community consultations and no concern was raised. As discussed elsewhere, the DCP does not include any provisions that guide design choices for the children's play equipment. The proposal is considered to meet the objectives of the zone and provides a point of interest in the Mall design. Further aspects of this design choice do not warrant planning assessment.</p>

<i>Concern</i>	<i>Comment</i>
Questions regarding the creation of a Construction Management Plan and works schedule and communication to the Mall users and business owners of any potential disruptions if the upgrading process is approved.	Council has undertaken considerable community and retailer engagement in the development of the proposal has expressed awareness of the importance of minimising disruption to retailers and the community. The applicant states that work will be undertaken in a manner to minimise the impact on retailers and the community. It is likely that this will require some works to be undertaken after trading hours and overnight. The applicant also states that, following receipt of development application approval and prior to tendering of the proposed works a detailed construction management program will be developed. The construction program will be included in the tender documents and will set minimum standards to be met by the contract. Tender submissions would be further required to define their preferred method of staging the construction works so as to minimise the impact on businesses and the community. Prior to commencing works the successful contractor would be required to submit and obtain approval of key documents such as pedestrian and traffic movement plans, site safety management plans and waste management plans. It is recommended that a condition of consent be imposed to require submissions of a Construction Management Plan prior to the issue of a Construction Certificate to meet these undertakings submitted by the applicant.
The Mall upgrade proposal does not include Globe Lane and this is an integral aspect of local pedestrian linkages.	The applicant states that a concept design for the upgrade of Globe Lane has been considered that is consistent with and will tie in with the design for Crown Street Mall. However, detailed design and refurbishment of Globe Lane is not currently included in the construction program for 2012/13. The applicant states that it would be Council's intention to retain the NSW Government Architect's to prepare the detailed design for Globe Lane to ensure consistency with Crown Street refurbishment.
The proposal should include a Tourist Kiosk as it is the centre of tourism for Wollongong.	This would be a matter for centre management to consider and is not a matter for consideration within the context of this report.
The design does not address current restrictions of rear loading access.	The proposal relates to public domain upgrade works and does not necessitate or warrant changes to loading arrangements in the Mall.
The proposal does not conform to LEP requirements in Sections 8.1 and 8.5	The proposal is considered to be acceptable in regards to Section 8.1 and 8.5 of the LEP as addressed within Section 3 of this report.
The upgrade is merely cosmetic and should be filled with overhead shops to open up the Mall for a bus interchange below.	This assessment is limited to considering the application before Council against the relevant planning controls. Alternative proposals do not necessitate or warrant comment.



<i>Concern</i>	<i>Comment</i>
There is a lack of “on the ground” greenery with this proposal and the removal of any grass should be replaced.	The proposal introduces significant additional vegetation to the Mall as discussed throughout this report.
Ambience would be improved with a curved design, rather than straight edge the entire length, creating more interest and the desire for pedestrians to remain in the Mall.	This assessment is limited to considering the application before Council against the relevant planning controls. Alternative proposals do not necessitate or warrant comment
Consideration should be given to installing two chess boards as a result of their popularity.	This may be a matter for future consideration by Council but does not necessitate comment or assessment under this assessment.
Suggestion given to instead conduct a “Main street program” which instead focuses on cosmetic upgrades to shops and installing lights etc.	The current proposal represents a valid approach to design of the public domain.
Concerns that the project does not constitute “minimal environmental impacts” under section 76 of the EP&A Act. Reliance on “Exempt Development” may be unsound.	Assessment of the exempt development works has been undertaken in a separate Review of Environmental Factors (REF) which concludes that the proposal will not have significant environmental impacts.
The approval system is complex and needs clarification and/or simplification.	This is a generalised question that cannot be addressed within the scope of assessment of this application.
A Crime Prevention Through Environmental Design (CPTED) report should be included with the development application.	Adequate consideration has been given with respect to safety and security.
Minimal consideration was given to pedestrian and vehicle connectivity around the Mall and nearby McCabe park and the bus interchange.	As indicated elsewhere, nothing in the proposal precludes future enhancement of adjoining areas or connectivity within the centre. It is considered that the current proposal may in fact be an impetus for such initiatives.
Greater consideration should be given to appropriate human scale and character within the Mall.	The proposal does not involve any works that are of a scale to alter the general character of the Mall. In fact removal of the ‘birdcage’ structure is considered to assist with encouraging a more human scale to the Mall.
Key strategic issues regarding council’s CBD strategy should be looked into with this project, including the possible re-introduction of limited car access into the Mall.	As previously discussed, Council’s Wollongong CBD Action Plan identifies 1 of 10 priority projects as being Crown Street Mall upgrades including “new pavement, furniture, lighting and planting for the core retail area. It is further envisaged to ‘de-clutter’ the public domain and bring more light and air to the Mall”.  The proposed development will do precisely these things and will form part of a wider public domain strategy to enhance the City Centre and contribute to the realisation of Wollongong as a major regional centre.

#### Submissions from public authorities

None received.

## 2.10 SECTION 79C 1(E) THE PUBLIC INTEREST

For the reasons discussed throughout this report, the proposal will provide significant benefits for the community as works will improve the general amenity of the Mall and incorporate design changes that will facilitate a large variety of activities within the public domain. The proposal will also greatly enhance the visual appearance and enjoyment of the Mall through with a consistent theme of rationally located furniture, lighting, play and entertainment spaces, and landscaping.

The application is not expected to result in any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the commercial and cultural character of the area and is therefore considered to be in the public interest.

## 3. CONCLUSION

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The subject development application has attracted a significant level of public interest and comment, which is to be expected for a public domain project of this scale in a commercial centre. The submissions have included several comments in relation to the proposed design of the works and some of the design choices made by the applicant have been criticised. The assessment of these comments is made more difficult by the fact that the applicable planning controls are based on objectives rather than specific directions on the actual design of public domain works within the centre. We note that the proposal is the result of a significant level of public consultation and several iterations of the plan have been advanced in relation to community input.

It is considered on the whole, that the proposal meets the planning objectives for the subject site and locality and that planning assessment under Section 79C of the EP&A Act, 1979 does not require or warrant assessment of various alternatives to a development scheme. Rather, assessment must be made of the submitted development application. In the current case, it is concluded that the proposal meets the relevant planning objectives and applicable controls. The proposed design elements represent a design solution that follows extensive site analysis. Notwithstanding, as with the current Mall layout, design trends and objectives change over time. In this regard, the proposal is considered to provide for robustness in that none of the design components will set in place an urban form that cannot be modified and enhanced in the future. Further, the proposal does not preclude expansion of the “improvement area” to include adjoining laneways and other public areas. Therefore, whilst the design choices made for the proposal are not without debate, the proposal is considered to be an appropriate design solution that meets the planning intent for the Mall and CBD.

## 4. RECOMMENDATION

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This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979. The proposal is permissible with consent in the B3 commercial Core zone under the provisions of Wollongong Local Environmental Plan 2009 and has regard to the applicable provisions of the LEP. It is also consistent with the requirements of Wollongong Development Control Plan 2009.

Any concerns initially raised by internal referrals have been resolved through the submission of additional information and amended plans or through conditions of consent.

The concerns raised in submissions have been addressed above.

There being no outstanding issues, it is recommended that DA-2011/437 be approved pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, subject to conditions at attachment 4.

**Attachments**

1. Aerial photograph
2. WLEP 2009 Zoning map
3. Plans
4. Draft conditions