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| JRPP No. | 2011STH016 |
| DA No. | DA-2011/718 |
| Proposal | Demolition of existing structures and construction of proposed residential apartment building above basement parking and storage |
| Property | Lots A & B DP 415263 and Lot 2 DP 331687; 32-34 Church Street, Wollongong |
| Applicant | ADM Architects |
| Responsible Team | City Centre & Major Development |

ADDENDUM REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The JRPP is the determining authority pursuant to State Environmental Planning Policy (Major Development) 2005 as the proposed development has a capital investment value of more than \$10 million.

Background

The matter was previously considered by the JRPP on 2 December 2011 and 1 March 2012. At both meetings approval of the application was recommended subject to conditions however the JRPP resolved to defer determination of the application to enable further consideration of heritage matters.

The applicant has submitted additional information and the proposal is now ready for determination. This report provides an outline of the additional information submitted by the applicant, along with details of further assessment undertaken by Council's Heritage Officer. Determination of the application is now recommended.

Proposal

This development application seeks consent for the demolition of existing buildings on the site and the construction of a nine (9) storey residential flat building housing 34 units over two (2) levels of basement car parking accommodating a total of 56 car spaces. A further 7 visitor car spaces are provided at ground level at the rear of the building. The site is to be accessed from a single point located at the southern end of the Church Street frontage.

The site comprises 3 allotments with a combined site area of 2872.43m². The site has a frontage length of 51.89m to Church Street. The allotments are occupied by existing buildings (a dwelling on No.34 and a single storey building occupied as three separate residential units at No.32 Church Street) which are proposed to be demolished.

Permissibility

The site is zoned R1 General Residential pursuant to Wollongong Local Environmental Plan 2009. The proposed development is defined as a 'residential flat building' which is permissible with consent.

Consultation

Neighbour notification and advertising has been carried out in accordance with the requirements of the Council's Public Notification & Advertising Procedures. The proposal has been referred to the NSW Heritage Branch for comment and consultation with a number of internal divisions of Council has also occurred.

As outlined in previous reports to the JRPP, the proposal has been exhibited and notified to neighbours on 2 occasions, the second following the submission of amended plans. Following the first notification period, there were 28 submissions received from nearby residents. The primary areas of concern raised in the submissions were:

- Heritage issues relating to archaeological remains of Bustle Hall
- Scale of the development is at odds with the character of the area
- Wind effects
- Traffic generation, traffic safety impacts and car parking impacts
- Overshadowing impacts
- Noise impacts
- Insufficient garbage bin storage
- Impacts on the gardens surrounding the existing cottages including significant trees
- View impacts
- Discolouration (by dust) of the neighbouring residential flat building to the south which has been recently re-painted, along with other construction impacts
- Privacy impacts

Following the second notification period, there were a total of 23 submissions received which mainly advised that prior concerns raised in relation to the proposal remained unresolved.

Main Issues

The main issues arising from the assessment of the proposal include the following:-

- The concerns raised in neighbour submissions in relation to heritage and streetscape matters, neighbourhood character, building bulk and height, overshadowing, construction and amenity impacts;
- Overshadowing impacts – a variation to Wollongong Development Control Plan 2009 is sought in relation to solar access to some of the neighbouring units located to the south of the subject site;
- Residential Flat Design Code and Development Control Plan variations sought in relation to street setbacks to the planter retaining walls, side setback to the northern boundary and overshadowing; and
- Protection of the archaeological remains within the site.

RECOMMENDATION

It is recommended that DA-2011/718 be approved pursuant to Section 80(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions outlined in Attachment 8.

1. BACKGROUND

This proposal was reported to the Southern Region Planning Panel (JRPP) on 2 December 2011 and 1 March 2012 where the Panel resolved that DA-2011/718 be deferred.

At the December meeting, the matter was deferred to enable a comprehensive assessment of heritage significance to be carried out of the buildings proposed to be demolished, and further investigation be carried out on archaeological items. The outcomes of this assessment were reported to the March 2012 meeting where the JRPP again resolved to defer the application to enable a further independent comprehensive assessment to assess the heritage significance of No. 34 Church Street and its gardens.

Two other items were included in the recommendation. These are:

- “2 The archaeological remains of Bustle Hall be listed in the Wollongong Local Environmental Plan.
- 3 Council pursue grant funding to update the 1991 community heritage study that considers nominations for assessment of additional buildings and places.”

The following comments are provided in response to the last two items of the recommendation:-

2. The archaeological remains of Bustle Hall are on the list to be added to the Heritage Schedule at the earliest available opportunity - as linked with the present review of the Heritage Schedule.
3. Council has already commenced the completion of a review of the Heritage Schedules, and is preparing updated State Heritage Inventory documentation for all currently listed items as part of this review. Council has already been allocated the very limited funding available from the State Government for the completion of this task (a total of \$14,000) and will continue to apply for funding if and when the opportunity arises.

The full assessment report presented to the JRPP on 2 December 2011 forms Attachment 1. The addendum report presented to the JRPP on 1 March 2012 forms Attachment 2.

The aerial photograph of the site and surrounds, locality plan and zoning map form Attachments 3, 4 and 5. The development plans form Attachment 6.

2. OUTLINE OF ADDITIONAL INFORMATION SUBMITTED

The applicant has submitted to Council an Interpretation Strategy which includes a historic timeline for the sites along with further information regarding the association between No.34 Church Street, Wollongong and Rowena Milgrove, a former prominent resident of Wollongong who was identified in several of the public submissions received in relation to the development. Rowena Milgrove resided at 34 Church Street, Wollongong until her death in 2004. Rowena was the manageress of the Regent Theatre in Keira Street, Wollongong and daughter of its founder Herbert Jones.

The Interpretation Strategy was prepared by Rappoport Pty Ltd Conservation Architects and Heritage Consultants and is attached in full to this report (Attachment 7).

The report outlines Rowena Milgrove's history and association with the Regent Theatre and 34 Church Street, Wollongong. On the basis of the history provided within the Interpretation Strategy, Rappoport Pty Ltd considered it appropriate to review the Statement of Significance they had prepared for the subject site, which reads:-

The building at 34 Church Street is not considered to demonstrate significant heritage value. The building was constructed after the demolition and subdivision of Bustle Hall. However, there is no evidence, in terms of re-use of fabric or architectural detailing to provide a tangible connection between the demolition of Bustle Hall and the construction of 34 Church Street.

Rappoport re-examined the Heritage Value Assessment specifically in relation to Criterion B – Associated Significance:-

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (state significance); OR it has strong or special association with the life or

works of a person, or group of persons, of importance in the cultural or natural history of the local area (local significance).

Rappoport provided the following comments in this regard:-

“Rowena Milgrove was dedicated to the continuation of the theatre, she worked tirelessly to realise her father’s dream of building and running a Picture Theatre in Keira Street, Wollongong. She sold assets to personally finance the venture and is reported to have been working at the theatre two weeks prior to her death.

Milgrove is of special importance to the history of Wollongong and during her lifetime made a substantial contribution to the area’s public entertainment and while it is true that Rowena Milgrove resided at 34 Church Street from 1949- 2004, it is not considered that the building represents a special or strong association with her life or works that cannot be better demonstrated by the Regent Theatre in Wollongong.

Rappoport finds that the above Statement of Significance should remain unaltered.”

The Interpretation Strategy has been prepared using methodology consistent with the Heritage Interpretation Policy contained in the NSW Department of Planning Heritage Information Series, as endorsed by the Heritage Council of NSW in August 2005. It has been prepared in accordance with the principles contained in the most recent edition of the *Burra Charter* (ICOMOS Australia).

Rappoport Pty Ltd states that the Interpretation Strategy is intended to demonstrate that the history of the site can be demonstrated through an interpretation strategy and integrated into the proposed residential flat building and also into the wider Wollongong area. Interpretative information could be incorporated into the lobby, lift cars or exterior of the building and a wider audience can be reached by making information available to Council, at the local Library and Local Historical Society.

The Interpretation Strategy outlines the following general measures to convey interpretative historical information regarding the sites’ history:-

- **Interpretive Signage** – “Interpretive boards containing photographs and text about the key stories identified in Section 4.1 could be appropriately placed in common areas of the proposed development such as lobby areas, and within the grounds of the development”;
- **Photographic Recording** – “The information collated by Elizabeth Dilevski, about Rowena Milgrove, the Regent Theatre and pictures of 34 Church Street taken during Milgrove’s life and immediately after her death could be reproduced in a photographic archival recording to be stored at the library/ local historical society and Council for future reference and as a lasting historical document. These could be added to by an Archival Recording of the building prior to its demolition.”

The Interpretation Strategy is attached in full at Attachment 7.

The Interpretation Strategy has been considered by Council’s Heritage Officer who has provided the following comments:-

“The proposed development has been considered on numerous past occasions in relation to heritage impacts and found to be satisfactory on heritage grounds. The details of these past assessments are contained in previous file notes relating to this development and will not be repeated in full to avoid duplication.

The basic points relevant to this conclusion are however detailed below:

1. The site is not heritage listed and is therefore not subject to the heritage clauses of the Wollongong Local Environmental Plan 2009.
2. The site contains a State significant archaeological site, which is subject to the archaeological provisions of the NSW Heritage Act 1977. This matter has been fully addressed through the preparation of an archaeological report by Edward Higginbotham and has been signed off by the NSW Heritage Council through the issue of an Excavation Permit. As the NSW Heritage Council is the primary consent authority in relation to archaeology, this matter is considered to be adequately addressed. The development is not considered likely to impact on the

archaeological site and the conditions on the Excavation Permit are designed to manage any unexpected finds – including requirements and procedures for professional archaeological monitoring of the excavation on site.

3. The Heritage Significance of the existing buildings on the site has been assessed by Council's Consultant Heritage Advisor Zoran Popovic, Council's Heritage Officer Joel Thompson, and the applicant's heritage Consultant Paul Rappoport and all have agreed that the two houses on the site do not meet any of the criteria for heritage listing.
4. The claims that No. 34 Church Street is of heritage significance have only been raised in response to proposed development. It is noted that these objections have largely been lodged by neighbouring residents to the site, and many of which speak to the 'character of the area' as opposed to referring to actual heritage significance. It is also noted that the submissions from the Illawarra Shoalhaven Branch of the National Trust and the Illawarra Historical Society, who are generally the two (2) key heritage advocacy groups in Wollongong have not indicated any objection to the demolition of either of the two residences on the site. There submissions largely focus on the significant archaeological site and the conservation of this in the redevelopment of the site.

It is noted that the Heritage Interpretation Strategy included in the revised Rappoport Heritage report has been reviewed. This document appears to provide a positive basis for the implementation of the conditions previously proposed to be placed on the consent. The strategy recommends the development and implementation of an Interpretation Plan – which is consistent with the recommended condition on the consent.”

If consent is to be granted to the development, a number of conditions are recommended for imposition in relation to the requirement for a heritage excavation permit; heritage archival recording (photographic archival recording of the existing buildings to be demolished, the site and existing landscaping) prior to the commencement of works; and the preparation and implementation of an interpretation plan. These are included within the set of draft conditions at Attachment 8.

3. CONCLUSION & RECOMMENDATION

Detailed assessments of the heritage significance of the buildings situated at 32 and 34 Church Street, Wollongong conducted by Rappoport Pty Ltd and Council's Heritage Officers have concluded that the existing elements on the site, including buildings and landscaping, are not considered to be of sufficient heritage interest to warrant protection. The archaeological site situated within the subject site is however of significance for the State of NSW for historical reasons, associative, social and scientific reasons and for this reason, Council's Heritage Officers have recommended that the site be listed as an archaeological item in the schedules of the Wollongong LEP.

The proposed footprint of the building has been established following detailed archaeological investigation and test excavations conducted by a suitably qualified archaeologist to the satisfaction of the NSW Heritage Branch in accordance with an Excavation Permit issued under the provisions of the Heritage Act 1977. No further archaeological testing is considered necessary and the proposal is satisfactory to the NSW Heritage Branch and Council's Heritage Officers subject to the imposition of a number of consent conditions. The Interpretation Strategy prepared by the applicant's Heritage Consultant provides a positive basis for the conveyance of information regarding the sites' history to users and visitors to the site and the general public.

It is recommended that the application now be determined.

It is recommended that the Joint Regional Planning Panel approve Development Application 2011/718 pursuant to Section 80(1) of the Environmental Planning & Assessment Act 1979, subject to the recommended conditions detailed in Attachment 8.

4. ATTACHMENTS

1. Report to Joint Regional Planning Panel 2 December 2011
2. Report to Joint Regional Planning Panel 1 March 2012

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3. Aerial Photograph
4. Locality Plan
5. Zoning Map
6. Plans
7. Interpretation Strategy, Rappoport Pty Ltd Conservation Architects and Heritage Consultants
8. Draft Conditions