

Our Ref 82014006-01/Letter 002
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Attention: David Farmer

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RE: DA-2013/1419 – REGENCY TOWER DEVELOPMENT
Response to Additional Information Request, 10 April 2014 and Design Review
Panel Comments, 24 April 2014

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Dear David,

This letter has been prepared in response to Council's Officer Report prepared to inform the JRPP (Southern Region) Business Paper – 21 October 2014 – JRPP2014STH032. The Report identified the application for refusal with seven reasons identified in Attachment 4 of the Report.

DA-2013/1419 was lodged with Council in November 2013, informed by a prelodgement meeting and meeting with the Lord Mayor in August 2013. Since DA lodgement we have actively engaged with Council to address any issues raised both by Council and the Design Review Panel (DRP), as illustrated by attendance at two DRP sessions and the provision of modified plans and supporting information in response to DRP comments and two requests for information from Council. Consequently, we were shocked and disappointed to learn late last week that Council were looking to recommend refusal of the DA when previously we had been of the understanding that the DA was progressing well through Council, with a positive determination likely.

We believe that there are a number of deficiencies associated both with the process and rationale behind the recommendation. The items below provide a brief summary of some of the key concerns associated with the Council Officer Report.

Correspondence

We were not made aware of the recommendation for refusal until we pushed Council for a response last week. Nor were we provided with an opportunity to review and respond to the DRP comments dated 11 September 2014, when previously we have been willing to address the items raised by the DRP.

To date the DRP process has comprised a meeting and formal comments from the DRP dated 31 January 2014, with a response provided in February 2014. A subsequent

DRP meeting and formal comments dated 1 April 2014 was provided with a response in May and early June 2014.

A third round of formal DRP comments was provided to Council on 11 September 2014. However, this was not passed onto us until after the refusal was issued, with no potential for discussion and/or modification. Given the subjective nature of architectural merit/design excellence it is essential that this discussion takes place to inform potential changes, which to date we have been willing to make as a part of the iterative design process. However, we were not able to participate in this process prior to the refusal as we were not aware of the comments received.

Building Separation

Inconsistency with Clause 8.6 of the *Wollongong Local Environmental Plan 2009* (WLEP) in relation to building setbacks and the lack of concurrence from the Department of Planning and Environment (DP&E) is identified as a reason for refusal. It is acknowledged that a variation statement was not provided justifying the non-compliant setback. Although we did not consider this to be an issue as it was not raised in the two information requests issued by Council or at any of our meetings throughout the process.

We believe that the lack of concurrence could be resolved via a deferred commencement condition, as the setback non-compliance is not deemed a significant impediment to the development, which is likely to impact on the viability of the scheme. This view is supported by the Officer Report, which states that the non-compliance is "*not considered significant*" given the extent of the current building on site.

Furthermore, DP&E have reviewed the application on two occasions to date and provided concurrence. At no point did they raise concerns in relation to non-compliant setbacks. The lack of concurrence is considered a minor oversight that can easily be resolved.

Inadequate parking provision

A number of iterations to the parking provision have been made over the course of the application to respond to the comments received from Council and RMS. These iterative changes have resulted in RMS and Council traffic engineers being satisfied that the proposed traffic and transport provision is satisfactory, as illustrated by the responses included in Sections 1.5.1 and 1.5.2 of the Officer Report.

The Report states that Council's Traffic Engineer has reviewed the application and that while "*they had concerns with several aspects of the proposal, including the number of on-site parking spaces. These matters can be addressed via conditions of consent*". The Report states that "*the RMS advised they have no objection*" in relation to the revised scheme, with no conditions recommended. Consequently, it is considered that the parking issues as stated by State Government and Council's own specialists are of a minor nature that can be resolved via conditions of determination, rather than requiring the application to be refused as they are unresolvable.

Furthermore, it is noted that the parking rate identified in the Officer Report's review of Chapter E3 quotes a rate of 1 space per unit. It is considered that a more appropriate rate is 0.5 spaces per hotel / apartment unit as identified by Schedule 1 of Chapter E3. The revised parking rate would substantially reduce the parking required ensuring that the proposed parking provision satisfies the Chapter E3 requirements.

Design Excellence

The development not achieving high quality design is identified as a reason for refusal. The project architect has worked extensively with the DRP to provide a design that addresses the matters identified by the DRP during both the DRP sessions and subsequently to respond to written comments. As stated in the DRP response dated 11 September 2014 "*Some significant improvements have been made during the design review process, it can be said that the proposal now has the potential to meet the design excellence criteria*", subject to addressing four issues being:

- Provision of a Contextual Study
- Connection to the public domain
- Built form – bulk and massing
- Breaking up the massing of the eastern elevation

Contextual Analysis

The *Urban Design – Contextual Analysis* (May 2014) was updated to respond to DRP comments from the DRP sessions on 31 January 2013 and on the 11 April 2014. The Contextual Analysis provided on 26 May 2014 provided strong additional justification for the revised scheme to address the matters raised by the DRP. However, it does not appear that this key component justifying the proposal was provided to the DRP during their consideration of the updated design, as the 11 September 2014 DRP comments still requested a Contextual Analysis.

Public Domain

Connection to the public domain and particularly the development's presentation to the western end of Crown Lane is raised as an issue within the Report and associated reasons for refusal. The streetscape interaction, particularly with Crown Lane was raised by the DRP initially as an issue. However, the relationship has been addressed through the lowering of the landscaped border on the Regent/Rawson Street corner of the proposal.

Additionally, this area of the façade has been opened up to the informal dining space, with a clearly legible entry provided on the south east corner fronting Crown Lane. The ground floor recreational use, extensive fenestration and landscaped surrounds provide an inviting vista when looking westwards from Crown Lane.

The grades in the vicinity of this corner do not allow a direct path of travel from Crown Lane to this corner of the façade, unless the street is substantially regraded or steps added, which would result in streetscape issues further to the north on Regent Street. Furthermore, the development on the north western side of Crown Lane comprise extensive retaining walls fronting onto the Lane, which reduce amenity and limit views from the Lane to the development. The proposal has been designed to provide the optimum outcome for both the Regent/Rawson Street environment, while responding to the Crown Lane vista.

Built Form and Massing

The built form character of Regent Street & Rawson Street is undergoing change with the street currently accommodating a number of low scale residential styled buildings, which range from 1 level to 4 and commercial buildings which range from 2 levels to 8 in height. Future developments in proximity to the site vary in style and are generally high quality landmark developments, which are awaiting consideration, rationalization and approval.

Street Edge

The dynamic character of the street edge design and its repetition is achieved in several formats.

The modulated fin sun hoods offer texture and podium based to the building as a whole. Shaping the podium and the tower offers a sleek scalloped solution to the bulky rectilinear alternative. The fins are designed to format in continuous colours and grouping and to conceal the service ledges behind.

Tower

The building façade to the east is a simple unified solution with variation of the sweeping plane achieved by stepping the façade and changing the glazing colour on the sleeves. The glazing on the outer perimeters overshoots the façade with a vertical tapering to enhance the building height and architectural appearance.

The entire façade has been designed so that the glazing modules are formatted between the floor slabs, therefore every aspect of the building can be ventilated and the façade cleaned.

Roof Feature

The building tower is capped by a sweeping balustrade, which is part of the continuous façade system, with the columns are terminated at the balustrade height. A secondary column system is inset from the building perimeter which offers a simple progression for the roof feature. Roof awnings are designed to sit as secondary elements between the columns which will provide both weather protection for the roof and sculptural capital for the tower.

Design Excellence Summary

The latest design iterations prepared are based on comments from the DRP and the contextual analysis, which was prepared to illustrate that the improvements contribute to improved street scape amenity and legibility with the overall development providing a high quality urban form that is enhanced by the increased building height.

As identified by the DRP the matters above are required to be addressed. However, the proposal does have design excellence potential. It is not suggested by the DRP that the application is unworkable and should be refused.

It is also noted that the SEPP 65 review in the Officer Report considers both the residential and commercial components of the development, when this should only be applicable to the residential components. Comments are made in relation to density and amenity associated with the commercial components, which have informed the final determination and therefore should be retracted.

Economic Analysis

The Report does not include or make reference to the *Wollongong Regency Tower Economic Impact Assessment* (November 2013) and simply states that there would not be an adverse economic impact. The proposal would result in substantial direct job creation both during construction and operation, as well as acting as a significant employment multiplier. Furthermore, the proposal would generate tourism and increase capital brought into the area through both recreational and commercial activities.

Summary

The reoccurring theme throughout the Officer Report is that there are issues with the proposal, as you would anticipate with an application of this scale and ambition. However, the Report does not identify these matters as significant and definitely not as unresolvable.

Conversely, the internal and external specialists including State Government and the DRP have formed the opinion that the application is generally appropriate subject to insubstantial rework, which can be undertaken as a condition of consent. Consequently, we do not understand the basis and we contest the recommendation for refusal.

We believe that it is essential that the Report recommendation be revisited as it appears to be based on inconsistent assessment and decision making. We are happy to engage further with Council to help resolve the limited outstanding matters to allow a positive recommendation to the JRPP.

Please contact me if you wish to discuss this matter further.

Yours faithfully,



David Laing
Senior Principal

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Enc: Urban Design – Contextual Analysis (Cardno 2014)