

JRPP No.	2014STH024
DA No.	DA-2014/1262
Proposal	Demolition of existing commercial building and construction of 25 storey shop top housing development
Property	9-15 Railway Parade Wollongong 9 Railway Parade: Lot 1 DP 1134554 11 Railway Parade: Lot 2 Sec 2 DP 4201 13 Railway Parade: Lot 3 Sec 2 DP 4201 15 Railway Parade: Lot 1 DP 1134542
Applicant	PRD Architects
Responsible Team	City Planning City Centre Team (AS)

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The proposed development must be considered by the Joint Regional Planning Panel (JRPP) as it has a capital investment value exceeding \$20 million [Clause 3 Schedule 4A of the Environmental Planning and Assessment Act 1979 and clause 21 of State Environmental Planning Policy (State and Regional Development) 2011].

Proposal

The proposal is for demolition of the existing retail building and associated car park and construction of a shop top housing development. The total number of apartments is 80 (24 x 3 bedroom, 39 x 2 bedroom and 17 x 1 bedroom). Eight adaptable apartments are proposed. On-site parking is provided for 126 cars. Waste storage and collection would occur via a garbage chute depositing to the garbage store on Level 2. From the store, a caretaker would transport bins to the loading dock on Level 2. Vehicle access is via Waters Place. The residential and retail areas are segregated, with separate foyers on Level 1. The maximum building height is 79.59m. The proposed gross floor area is 10105m², with a floor space ratio of 3.79:1.

The application was lodged on 13 October 2014. As lodged, the building was located in the southern part of the site, with the footprint running east-west. This orientation was not considered compatible with the existing streetscape pattern and the applicant substantially revised the concept in 2015. Council's Design Review Panel have provided comment on the revised proposal and are satisfied that the proposal achieves design excellence and meets the design principles of SEPP65. Their comments form attachment 5.

Permissibility

The 2662m² site is zoned B3 Commercial Core pursuant to Wollongong Local Environmental Plan 2009. The proposal is defined 'shop top housing' and is permissible with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy on two occasions. Three submissions have been received which are discussed at section 2.9 of this report.

Main issues

The main issues revolved around Design Review.

The application does not propose any development standard departure.

RECOMMENDATION

It is recommended that the application be approval for the reasons contained in Attachment 4 to this report.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP No. 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index : BASIX) 2004
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2015

Other comments / matters to be addressed

Design Review Panel

1.2 PROPOSAL

The plans submitted to the Joint Regional Panel were prepared by the applicant in December 2015. They follow a series of revisions responding to comments of Council and the Design Review Panel. The final revised proposal was publicly exhibited in 2016.

The application proposes:

- Demolition of all existing structures
- Construction of a 25 storey/79.59m metres 'shop top housing' building comprising retail areas and residential apartments. On-site parking is provided in basement and upper levels.
- Proposed gross floor area = 10105m²
- Proposed floor space ratio = 3.79:1 (2662m² site)
- Total residential units = 80 (24 x 3 bedroom, 39 x 2 bedroom and 17 x 1 bedroom). Eight adaptable apartments are proposed and located throughout the building.
- Five retail spaces located on Level 1. These have been indicated as general shops and possible café/restaurant.
- Total car parking spaces = 126
- Vehicle entry and exit to basement car park on Waters Place (east)

The development comprises a four level podium with a tower located in the north-west corner of the site. The site slopes down from Waters Place (east) towards Railway Parade. Because of this slope, the driveway on Waters Place occurs on Level 2.

The building operates with two separate functions: retail on Level 1 and residential apartments on Levels 2-25. Retail areas are accessed by pedestrians on Level 1 with retail parking for staff and visitors provided on Level 3. A retail foyer is located on Level 1 via Railway Parade. The residential areas are accessed by a residential lobby on Level 1, via Rawson Street. Residential parking is provided on Level 2 (visitors) and the two basement levels. Lift access connects all residential areas. Residential communal open space in the form of a pool, deck area and gym is situated on Level 4 (the upper podium level).

A garbage store is located on Level 2. Residential and retail waste would be sent to the store via a garbage chute located near the southern stair on all levels. The separate waste and recycling would be compacted within the store and a building caretaker would transport the bins to the loading dock on Level 2 for

collection by a private contractor. The loading area is located diagonally across the south-east corner of the building, accessed directly via Waters Place with trucks moving forward to exit and avoiding reversing manoeuvres.

1.3 BACKGROUND

The land contains a retail building and car park approved in 1979. The building is unoccupied and all structures are proposed to be demolished.

More recent proposals relate to commercial or commercial/residential development. Two pre-lodgement meetings have been held since 2011 however no development consent has been issued since 2005.

Customer service actions

The property has does not have any outstanding customer service actions.

1.4 SITE DESCRIPTION

The 2662m² rectangular corner site is located at 9-15 Railway Parade Wollongong and is comprised of four allotments; Lot 1 DP 1134554, Lots 2 & 3 Sec 2 DP 4201 and Lot 1 DP 1134542. The land is bordered by roads with Railway Parade (east), Rawson Street (north) and Waters Place (east and south). The overall dimensions are approximately 60m x 40m. Traffic movement in Waters Lane is one way, with vehicle access from Rawson Street only. At present, a taxi rank is located on Railway Parade adjacent the site and therefore on street parking is not permitted. Two hour parking is permitted on Rawson Street.

The site currently contains a single storey retail building with undercroft and at-grade car parking. The building was formerly operated as 'Sam's Warehouse' and is currently unoccupied.

The land slopes down from the southern boundary (Waters Place south) to Railway Parade, with a crossfall to the north. The survey plan shows existing levels of RL31.5 in the south-east to RL25.5 in the north-west.

The site is located within the Wollongong City Centre central business district and approximately 60m north of Crown Street. The Illawarra railway line is located on the eastern side of Railway Parade opposite the site and Wollongong Station is within 170m.

Existing adjoining development is predominantly commercial:

- Southern side of Waters Place - six storey office building, two storey building with upper level office suites and ground level retail premises, vacant site
- Northern side of Rawson Street – at-grade Council carpark
- Southern side Rawson Street/Eastern side Waters Place – residential apartment buildings 2-3 storeys high, 4 storey office building

Property constraints

Council records list the site as being affected by the following constraints:

- Acid sulfate soils Class 5
- NSW coastal zone

There are no restrictions on the title.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

The following Council officers advise they have no objection, subject to conditions of consent:

- Civil works
- Environment
- Geotechnical
- Landscape
- Stormwater
- Traffic

1.5.2 EXTERNAL CONSULTATION

Design Review Panel

The Design Review Panel (DRP) provided comment on three occasions; 10 February 2015, 11 May 2015 and 21 July 2015. The final comment forms Attachment 5.

Following the first DRP meeting, the applicant substantially redesigned the development. Principal changes were the repositioning of the building on the site. The two later DRP meetings each recommended the applicant further refine the proposal. Recommendations were principally in relation to the layout of the podium levels, separation of retail and residential functions, relationship to the street context and architectural presentation of the exterior.

It is considered the final redesign submitted in December 2015 satisfactorily addresses matters raised by the DRP.

Roads and Maritime Services(RMS)

State Environmental Planning Policy (Infrastructure) 2007 (clause 104) required the application be referred to RMS. On 22 January 2016, RMS advised Council that they do not object to the application. No conditions of consent were recommended.

Sydney Trains

SEPP (Infrastructure) 2007 (clause 86.) required the application be referred to Sydney Trains. Council notified Sydney Trains on three occasions, 11 & 21 December 2014, and 2 February 2016 in relation to the revised plans. No response has been received.

In accordance with clause 86 (5) the consent authority may grant consent to development without the concurrence of the chief executive officer of the rail authority for the rail corridor if:

- (a) the consent authority has given the chief executive officer notice of the development application, and
- (b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SECTION 79C ASSESSMENT

(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:

<i>(a) the provisions of:</i>	
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(i) <i>any environmental planning instrument, and</i>	See section 2.1
(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 section 2.2
(iii) <i>any development control plan, and</i>	See section 2.3
(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 section 2.4
(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 section 2.5
(v) <i>any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i>	See section 2.6
<i>that apply to the land to which the development application relates,</i>	
(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 section 2.7
(c) <i>the suitability of the site for the development,</i>	See section 2.8
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
(e) <i>the public interest.</i>	See section 2.10

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

7 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
 - (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A preliminary investigation of the land has not been carried out in accordance with SEPP55. However, Council has considered whether the land is contaminated based on a desktop audit of previous land uses. There is no indication of any historic use that would contribute to the contamination of the site. Council's Environmental Officer recommended that the proponent engage the services of qualified and experienced occupational health hygienist to assess the hazardous material such as asbestos, lead paint material in proposed demolition work. This has been provided and is satisfactory.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The application is subject to the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). Amendments to the SEPP came into effect on 17 July 2015. Savings provisions in Clause 31 mean the development application is subject to the historical version in place 1 October 2011-16 July 2015. This version sets out ten design quality principles, which the application is required to embody. As the historical version applies, the description 'residential flat development' is adopted in this report.

Residential flat buildings are defined:

'residential flat building' means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),*

The Policy came into effect on 26 July 2002.

Savings provisions in *Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015* retain the former clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 which relates to lodgement requirements for SEPP 65 development applications. In these circumstances, Clause 50(1A) states:

(1A) A development application that relates to a residential flat development, and that is made on or after 1 December 2003, must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:

- (a) that he or she designed, or directed the design, of the residential flat development, and*
- (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.*

The application was accompanied by a design verification statement in accordance with Clause 50(1A). The proposal must be evaluated in accordance with the SEPP 65 design quality principles of the historical version. Clauses 9-18 of the SEPP set out the ten design quality principles. These are:

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The applicant has provided a contextual analysis (Attachment 3). The analysis identifies existing buildings, development consents and potential building envelopes in the vicinity. This analysis has been developed after the application was lodged, at the recommendation of the Design Review Panel. The proposed building complies with the height and floor space ratio set for the site. The revised building footprint is an appropriate fit for the existing streetscape pattern.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The Design Review Panel comments dated 21 July 2015 (Attachment 5) recommended the contextual analysis be revisited for Rawson Street, where the scale of the projected adjoining development was considered unlikely. Revisions to the northern elevation of the building have reinforced the north-eastern corner of the building and strengthened this scale. Changes to the layout of units at Level 4 in this area successfully resolve matters raised by the DRP. In that way, the expected streetscape outcome of the proposed building and potential adjoining development is compatible.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The Design Review Panel provided detailed comments in relation to building form at each meeting. Broadly, the final DRP comments recommended the applicant:

- Ensure the Waters Place elevation (podium levels) is enhanced by street art or further developed palette of external finishes
- Ensure window location appropriately corresponds with internal layout of units
- Provide separate residential lobby/secure access for residential tenants
- Remove impediments to level access to residential lobby from Rawson Street

All these matters have been resolved in the final plans.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The density of the development complies with the maximum floor space ratio permitted for the site. The building contains a mix of 1,2 and 3 bedroom units and separate retail floor space. Existing surrounding development is primarily commercial, however recent consents would provide for mixed use buildings.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The proposal is considered acceptable with regard to sustainable design as follows:

- BASIX Certificate has been provided indicating minimum requirements are met.
- A Site Waste Management and Minimisation Plan has been provided
- The proposal is an efficient use of land in a location that is close to services and public open space.
- Units achieve minimum solar access and ventilation requirements
- The landscape concept provides for a mix of vegetation.
- Communal open space includes shaded areas to maximise resident comfort.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The proposal provides suitable landscaped areas and communal open space that will improve the amenity of the occupants. The main areas of landscaping are on Level 4 (upper podium). Green wall niches are incorporated in the Level 1 elevations.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Amenity of residential tenants is generally good, with minimum standards of solar access and ventilation achieved. Changes to layouts of some podium level units improve functional amenity for future residents.

Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposal is satisfactory with regard to safety and security. Secure access is provided to parking areas associated with each of the retail and residential uses. Separate residential and retail lobbies have been provided as recommended by the Design Review Panel.

Principle 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The proposal provides 1, 2 and 3 bedroom units. Adaptable units are provided at Council's minimum 10% rate.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Details of external finishes have been provided. The finishes include an appropriate mix of materials.

30 Determination of development applications

(2) In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

(a) the advice (if any) obtained in accordance with subclause (1), and

(b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and

I the publication Residential Flat Design Code (a publication of the Department of Planning September 2002).

An assessment of the application against the Residential Flat Design Code is contained in Attachment 6.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – COASTAL PROTECTION

State Environmental Planning Policy No. 71 – Coastal Protection does not apply to land within the Wollongong City Centre pursuant to Clause 1.9(2A) of WLEP 2009

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The residential apartments are subject to the SEPP. A revised BASIX certificate 568782M_5 dated 6 November 2015 has been submitted and is satisfactory. Development application commitments are shown on the proposed plans.

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 104 refers to traffic generating development identified in Schedule 3 of the SEPP. The development is located within 90m of a classified road and contains more than 75 dwellings and therefore referral to Roads and Maritime Services is required. In correspondence dated 22 January 2016, the RMS advised they have no objection. No conditions of consent were recommended.

The land is also located within 30m of the Illawarra rail corridor and therefore rail noise and vibration must be considered. Clause 87 requires Council to be satisfied sensitive residential uses will experience recommended noise levels as set out in *'Development Near Rail Corridors and Busy Roads – Interim Guideline'* 2008. The relevant noise levels are 35dB(A) in any bedroom 10pm-7am and 40dB(A) anywhere else in the building (excluding a garage, kitchen, bathroom or hallway). The acoustic assessment prepared by Blackett Acoustics dated December 2015 addresses impacts of rail-related noise and vibration. The report concludes that in order to meet the maximum noise levels recommended, external windows and doors in all units would need to be closed and mechanical ventilation used. A condition of consent is recommended requiring glazing specified in the Blackett report. In this way, Council's responsibility under clause 87 of the SEPP is exercised.

2.1.6 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The development is required to be referred to the Joint Regional Planning Panel pursuant to clause 21 of the SEPP.

2.1.7 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Wollongong Local Environmental Plan 2009 was gazetted on 26 February 2010. The relevant provisions are addressed below.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B3 Commercial Core.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *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.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling*
- *To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.*
- *To provide for high density residential development within a mixed use development if it:*
 - (a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and*
 - (b) contributes to the vitality of the Wollongong city centre*

The proposal is satisfactory with regard to the above objectives. The proposed mixed use development has the potential to contribute to the vitality of the city centre. Public transport would be readily accessible to the development.

The land use table permits the following uses in the zone.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertising structures; Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Helipads; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

The proposal is categorised as a mixed use building comprising two separate land uses; retail ('commercial premises'), and residential apartments ('residential flat building'). Residential flat buildings are prohibited in the zone, however where they are provided above retail floor space, together they are defined 'shop top housing'.

Shop top housing is described below and is permissible in the B3 Commercial Core zone with development consent.

Clause 1.4 Definitions

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of residential accommodation—see the definition of that term in this Dictionary.

The plans show 80 dwellings located above ground floor (i.e. Level 1) 'retail' floor space.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The maximum permitted height for the land is 80 metres. The maximum building height is 79.59m.

Clause 4.4A Floor space ratio – Wollongong city centre

The maximum FSR permitted on the land for a building only used for residential purposes is 3.5:1 and 6:1 where it is used only for non-residential purposes. Where a proposed building incorporates a mixture of residential and non-residential floor space, the formula detailed in subclause 4 applies.

The proportion of land use mix is 87.9% residential and 12.1% commercial.

The formula for devising the maximum permitted FSR for the site is as follows:

$$(6 \times 12.1/100) + (3.5 \times 87.9/100) = 0.726 + 3.0765 = 3.80 = \text{FSR } 3.80:1$$

A FSR of 3.80:1 allows for gross floor area of 10115.6m². The proposed gross floor area is 10105m², which does not exceed the maximum.

Part 5 Miscellaneous provisions

Clause 5.5 Development within the coastal zone

The land is located within the NSW Coastal zone, however is not identified in Council's hazard mapping as being impacted by coastal hazards. The proposal is considered to comply with matters noted in subclause 3(d), namely.

(3)(d) the proposed development will not:

- (i) be significantly affected by coastal hazards, or
- (ii) have a significant impact on coastal hazards, or
- (iii) increase the risk of coastal hazards in relation to any other land.

Clause 5.9 Preservation of trees or vegetation

Perimeter street tree removal is proposed and is shown on the landscape plan. Council's landscape officer has no objection to the removal. An 'Arboricultural Impact Assessment' prepared by Allied Tree Consultancy reviews the potential impacts on a Moreton Bay Fig located on 7 Rawson Street (east of Waters Lane). The tree is not located on the subject site. The report concludes that the tree protection zone extends into the subject site, however the proposed excavation would present little detriment to the tree.

Clause 5.10 Heritage conservation

There are no heritage items in the immediate vicinity of the site.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The existing building was connected to utilities and it is expected that the proposed development would be able to be serviced. Conditions regarding connection to utility providers are recommended.

Clause 7.5 Acid Sulfate Soils

The Acid Sulfate Soils Map indicates the site as being affected by acid sulfate soils Class 5. Council's environment officer has reviewed the application and recommended conditions of consent relating to soil quality, water and sediment management.

Clause 7.6 Earthworks

The proposal involves excavation of approximately 7.5 metres and construction of a two-level basement. The excavation would extend to the allotment boundaries. Council's geotechnical engineer has advised

'There is no known slope instability in the general area and the risk is considered low. However, I also note from the architectural plans that site preparation earthworks include excavations up to 8m in depth. These excavations will require geotechnical design and supervision to ensure adjoining property is not adversely affected by these works particularly utility services in the road reserves from the nearby telephone exchange. Some excavation in hard bedrock should be expected and selection of earthmoving equipment should consider minimising noise and vibration nuisance.'

Conditions of consent are recommended to address these matters.

Clause 7.13 Ground floor development on land within business zones

As the site is located within the B3 Commercial Core zone, Council is required to ensure active uses are provided at the street level to encourage pedestrian movements between the development and the public streets. Council must be satisfied that the ground floor of the building:

- (a) will not be used for the purpose of residential accommodation, and*
- (b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.*

The ground floor facing both Rawson Street and Railway Parade (refer Attachment 3) satisfies both requirements.

Part 8 Local provisions – Wollongong City Centre

Clause 8.1 Objectives for development in Wollongong City Centre

The objectives of this Part are as follows:

- (a) to promote the economic revitalisation of the Wollongong city centre,*
- (b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,*
- (c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,*
- (d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,*
- (e) to facilitate the development of building design excellence appropriate to a regional city,*

- (f) to promote housing choice and housing affordability,*
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,*
- (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.*

The application meets these objectives. The proposal is for a permissible commercial and residential building in a business zone. The site is well located in relation to public transport options. The Design Review Panel has assessed the application and recommended changes, which have been made. The building contains a mix of 1, 2 and 3 bedroom dwellings including adaptable dwellings. A BASIX certificate has been provided and is satisfactory. Impacts on nearby vegetation have been considered.

Clause 8.2 Wollongong City Centre – land to which Part applies

The land is located within the Wollongong City Centre

Clause 8.4 Minimum building street frontage

The land has a street frontage exceeding 20m as required by this clause.

Clause 8.5 Design excellence

The objective of this clause is ‘*to deliver the highest standard of architectural and urban design*’ and applies to the development. Clause 8.5.4 sets out specific design matters.

- (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.*
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

The proposed building is the result of incremental changes as recommended by Council staff and Council’s Design Review Panel. A schedule of finishes has been provided. The mixed use building adequately provides retail floor space at ground level, and addresses the corner location through plaza areas adjacent to retail space. These tenancies are ideally suited to food and drink premises. Level access is provided into the building for pedestrians on both Railway Parade and Rawson Street. Separate residential and retail lobbies allow for security access control for tenants and residents.

- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*

The contextual analysis has examined the existing and potential streetscape. The scale of the upper podium level in the north-eastern corner has been revisited to better relate to potential future development on the nearby property. The landscape concept proposes street tree planting on Rawson and Regent Streets and perimeter planting on the podium level. Residential apartments are located on the periphery of the building and all present balconies to the street.

- (c) whether the proposed development detrimentally impacts on view corridors,*

Views have been analysed in the contextual analysis. The site lies within the view corridor of the lighthouse/Belmore Basin and the escarpment, however recent approved high-rise projects in Rawson and Regent Streets, if constructed, are likely to interrupt these views. The building footprint has been remodelled more appropriately locate the tower within the site. The tower itself has a maximum width when viewed from the east or west of approximately 30m. This is not considered to significantly dominate the skyline.

- (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map.*

Not applicable

- (e) how the proposed development addresses the following matters:*

(i) the suitability of the land for development,

The site is zoned to allow mixed commercial and residential development. The land is not flood affected or known to be at risk of geotechnical instability. The land is located in close proximity to public transport.

(ii) existing and proposed uses and use mix,

The proposed retail and residential mix satisfies the zone objectives and floor space ratio controls set out in WLEP 2009. Apartments include 1, 2 and 3 bedroom dwellings. Eight adaptable dwellings are proposed.

(iii) heritage issues and streetscape constraints,

No heritage items are located in close proximity to the site. The existing and proposed streetscape has been considered and explored in the contextual analysis.

(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

Existing and proposed towers have been modelled in the contextual analysis. The tower has been relocated within the site to more appropriately reflect the existing streetscape pattern. Adequate separation is provided, assisted by the location of the footprint and surrounding road network.

(v) bulk, massing and modulation of buildings,

These aspects have been refined over successive Design Review Panels and in response to Council comments. The building consists of a four-level podium with tower located in the northeast of the site. The two prominent corners have been emphasised through lower podium placement of retail spaces and building entries. The roof line has been refined in response to Design Review Panel comments.

(vi) street frontage heights,

A street frontage height of approximately 12-15m is proposed. This adequately grounds the tower atop a four-storey podium.

(vii) environmental impacts such as sustainable design, overshadowing wind and reflectivity,

These impacts have been adequately addressed in sub consultant reports and architectural plans.

(viii) the achievement of the principles of ecologically sustainable development,

A thermal comfort and BASIX assessment has been submitted. This demonstrates that efficiency goals are able to be achieved through construction materials and internal fixtures.

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

Pedestrian access is available on both Rawson Street and Railway Parade. It is anticipated that residents may prefer to access the building via the residential lobby on Rawson Street and general public/retail customers via Railway Parade. Vehicular access is provided via Waters Place and visitor and tenant parking areas are designated. A loading dock is provided in Waters Place on Level 2.

(x) impact on, and any proposed improvements to, the public domain.

Public domain improvements are detailed on the landscape concept plan.

Clause 8.5.5 specifies that a Design Review Panel must consider applications for buildings exceeding 35 metres. Council's Design Review Panel provided comments on 10 February 2015, 11 May 2015 and 21 July 2015. The July 2015 comments forms Attachment 5. Improvements suggested by the Panel have been implemented in the final plans submitted to Council in December 2015.

Clause 8.6 Building separation within Zone B3 Commercial Core or B4 Mixed Use

Setbacks have been addressed in the December 2015 Statement of Environmental Effects.

The proposed building is built to the Rawson Street boundary at levels 1-4 and Railway Parade boundary at levels 1-3. At upper levels the setbacks are 5.7m (north) and 5.5m (west). Due to the site topography, the separation to buildings at equivalent height is approximately 70m (west) and 140m (north).

In relation to Waters Place, the building is built to the boundary at levels 1-4. Levels 5-25 have minimum setbacks of 23.3m (south) and 16.2m (east). The nearest buildings are located on the eastern side of Waters Place and would have a separation of approximately 29m at levels 2-5. The southern neighbour would have separation of approximately 26m.

(1) The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.

(2) Buildings on land within Zone B3 Commercial Core or B4 Mixed Use must be erected so that:

(a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser; and

There is no separation up to street frontage height on both Railway and Rawson Street. The street frontage height varies with the slope and is approximately 12-15m. There are no buildings directly adjoining the property as it is surrounded by roads.

(b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and

For the purpose of this clause, 'above street frontage height and less than 45 metres' refers to Levels 5-15. The buildings nearest the eastern elevation (5 & 7 Rawson Street) and southern elevation (302 & 304 Crown Street) are separated further than 12 metres from the proposed building.

(c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.

Not applicable

(3) Despite subclause (2), if a building contains a dwelling all habitable parts of the dwelling including any balcony must not be less than:

(a) 20 metres from any habitable part of a dwelling contained in any other building and

(b) 16 metres from any other part of any other building

The nearest dwellings are located minimum 29m from habitable parts of the proposed building. The nearest non-habitable building would be at a distance of approximately 26m.

2.2 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT

Nil.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

Several chapters of WDCP 2009 apply to the development. Chapter D13: Wollongong City Centre provides the majority of specific design guidelines for the development. Attachment 6 details compliance with these provisions. No significant variations are proposed.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

Whilst 'shop top housing' is a form of residential accommodation it is not required to be assessed against the controls contained within this chapter as identified in the introduction

This chapter contains residential development controls for dwelling-house, secondary dwelling, semidetached dwelling, dual occupancy, attached dwelling, multi-dwelling housing (villas and townhouses), residential flat building developments in standard residential zones.

This chapter of the DCP applies to all residential zoned land within the City of Wollongong Local Government Area (LGA.) including E4 Environmental Living

The requirements for the subject development, being a 'shop top housing' within the city centre are contained within Chapter D13.

CHAPTER B3: MIXED USE DEVELOPMENT

Whilst 'shop top housing' is a mixed use development it is not required to be assessed against the controls contained within this chapter as identified in the introduction

This chapter of the DCP outlines the development standards which specifically apply to mixed use development. This chapter relates to mixed use development to lands outside the Wollongong City Centre. Where mixed use development is proposed within the Wollongong City Centre reference should be made to the Part D of the DCP which provides the specific controls for mixed use development within the Wollongong City Centre.

The requirements for the subject development, being a 'shop top housing' within the Wollongong City Centre are contained within Chapter D13.

CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES

Whilst Chapter B4 applies to development within business zones Clause 5.1 states that *the specific planning requirements for development upon any land within the Wollongong City Centre are contained in Part D (Locality Based/ Precinct Plan) of this DCP.* In this regard the controls contained within Chapter B4 do not apply to the city centre and only Chapter D13 applies.

CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency.

An assessment of the application in relation to WDCP 2009 is contained within the compliance table at Attachment 6.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

This application has been considered against the requirements of this chapter and found to be acceptable. A total of 8 of the 80 residential units are nominated as adaptable (10%). Level access is provided for pedestrians into both the retail and residential lobbies. Lifts service all parking levels and provide access to the residential and commercial areas.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Crime prevention has been addressed in the Statement of Environmental Effects. Measures implemented to reduce crime and provide personal safety include separation of car parking, building access control, signage in public areas, elimination of blind spots and places of entrapment and lighting and CCTV. Waters Place is not likely to be an area of high pedestrian activity and therefore passive surveillance by the dock manger on Level 2 is crucial. The communal open space area on Level 4 would also offer surveillance opportunities.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

A *Traffic Impact Assessment Report* prepared by McLaren Traffic Engineering dated 7 December has been submitted. As noted earlier, the RMS has no objection to the development.

Car parking is provided in the two basement levels and on Levels 2 and 3. Ingress and egress for general cars is via the driveway on Waters Pace (east). An undercroft loading dock is located on the southeast corner of the building and allows drive through truck access.

Number of car spaces

The total number of parking spaces is 126 (55 on Basement 2, 31 on Basement 1, 16 on Level 2 and 24 on Level 3). Chapter E3 requires parking at the following rate:

Category	Rate	Quantity	Requirement
<u>Car</u>			

Category	Rate	Quantity	Requirement
Retail	1 space per 60m ²	992.8m ²	16.54 spaces
Food and drink premises	1 space per 25m ²	229.9 m ²	9.19 spaces
Residential > 110m ²	1.25 spaces per unit	23 units	28.7 spaces
Residential 70-110m ²	1 space per unit	49 units	49 spaces
Residential < 70m ²	0.75 spaces per unit	8 units	6 spaces
Residential (visitors)	0.2 spaces per unit	80 units	16 spaces
Total car required			125.43
Total car provided			126 spaces
Motorcycle:			
Retail and food & drink	1 space per 25 car spaces	25.73 car spaces	1.02
Residential	1 space per 15 dwellings	80 dwellings	5.33
Total motorcycle required			6.35
Total motorcycle provided			8 spaces
Bicycle			
Retail	1 space per 750m ² GFA for staff plus 1 space per 1000m ² GFA for shoppers	992.8m ² GFA	1.32 staff 0.99 visitors
Food & drink	1 space per 200m ² GFA for staff plus 1 space per 750m ² for visitors	229.9 m ²	1.14 staff 0.30 visitors
Residential	1 space per 3 dwellings for residents plus 1 space per 12 dwellings for visitors	80 dwellings	26.66 residents 6.66 visitors
Total bicycle required			37.07
Total bicycle provided			38

CHAPTER E5: BASIX (BUILDING SUSTAINABILITY INDEX)

A BASIX Certificate has been provided.

CHAPTER E6: LANDSCAPING

A revised landscape plan has been submitted. Landscaping is provided on Level 4 (upper podium) and ground level. The landscaped areas contain a mix of lawn, shrubs and vegetable garden areas and larger

trees are proposed on the perimeter of the podium. Street tree planting is in accordance with Council's Public Domain Technical Manual. The landscaping plan is consistent with the requirements of WDCP, and is considered satisfactory by Council's landscape officer.

CHAPTER E7: WASTE MANAGEMENT

A waste storage room is located on Level 2. Both residential and commercial tenants would direct their waste and recycling to the storage room via a chute located on all levels. The waste and recycling would remain separate and be compacted within the storage room. From there, a caretaker would then transport the bins to the loading dock on Level 2 for collection by a private contractor. These arrangements are satisfactory.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's geotechnical engineer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended and no objection is raised.

CHAPTER E14 STORMWATER MANAGEMENT

A stormwater drainage plan has been provided. The stormwater plan has been considered by Council's Stormwater Division and is satisfactory. Conditions of consent are recommended.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Perimeter tree removal is proposed as shown on the landscape plan. Council's landscape officer has no objection to the removal.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Earthworks proposed to facilitate construction of the basement car park have been considered with regard to the objectives and provisions of Chapter E19 and are acceptable.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

The proposal involves demolition of the existing building. A Certificate of Analysis prepared by Clearsafe Environmental Solutions confirms the presence of asbestos in the building. Conditions of consent regarding demolition and disposal of asbestos are recommended.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Methods to mitigate erosion and sedimentation dispersal are required to be implemented. Conditions of consent are recommended.

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2015)

Contributions are payable in accordance with Council's section 94A development contributions plan, which came into effect on 26 October 2015. Clause 1 specifies that all development exceeding \$200,000 shall pay a 1% levy. An additional 1% is payable as the development is located in the B3 Commercial Core zone, increases gross floor area and is valued over \$250,000. Therefore, a total 2% levy applies to the development.

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)

Clause 92 applies as the application involves demolition. Standard demolition conditions are recommended.

Clauses 93 and 94 do not apply to the development.

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

The land is located within the NSW Coastal Zone, however is not identified in Council's hazard mapping as being impacted by potential coastal hazards.

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

Context and Setting

The proposed development is considerably higher than existing development in the vicinity, however the current planning controls permit development up to 80 metres in height. Recent development consents on nearby sites authorised heights up to 80m, indicating the take up of new development in line with the LEP.

The site is located in primarily a commercial precinct, near to Crown Street with its mix of two storey retail, some first floor residential and the occasional taller office building. Existing three storey residential flat buildings are located in Rawson Street to the east of the site and some taller residential flat buildings have been erected further north towards Victoria Street.

Newer consents allow for high density mixed use buildings which if built, would introduce a substantial residential population in this area. Shadowing impacts as a result of these existing consents and the proposed development have been considered.

The contextual study demonstrates the development is of a scale and form compatible with existing and potential development in the vicinity.

The land is located with good access to Wollongong train station, buses operating along Crown Street and the local road network.

Access, Transport and Traffic:

Roads and Maritime Services has advised they have no objection to the development. Council's traffic engineer has also advised the proposal is satisfactory and recommended conditions of consent.

Public Domain:

Landscaping works are proposed on Council's footpath, and satisfy the requirements of Council's Public Domain Technical Manual. Awnings are proposed over the Rawson Street and Railway Parade frontages, and are satisfactory.

Utilities:

The existing building received all utilities and conditions of consent are recommended regarding utility connection. A substation location has not been identified.

Heritage:

No heritage items are located within the immediate vicinity.

Other land resources:

Geotechnical conditions have been addressed and Council's geotechnical engineer has no objection to the proposed development. No adverse impact upon land resources is anticipated.

Water:

The site has previously been serviced by Sydney Water. It is expected that services can be extended and augmented to meet the requirements of the proposed development. Sydney Water approval would be required prior to construction. Conditions of consent are recommended.

Methods of reducing water consumption are addressed in the BASIX Certificate.

Soils:

The site contains Class 5 acid sulfate soils and is not known to be contaminated. The proposed development involves excavation of soils to a depth to accommodate two basement levels. Impacts on soil resources through erosion and sedimentation during construction would be mitigated through appropriate action. Conditions of consent are recommended.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate. Wind effects have been considered by the applicant and are satisfactory. Street tree planting is proposed on the footpath on Rawson Street and Railway Parade. This vegetation is expected to increase pedestrian comfort at ground and lower podium levels.

Flora and Fauna:

Perimeter tree removal is proposed and is shown on the landscape plan. Impacts of the development on an existing Moreton Bay Fig at 7 Rawson Street have been considered and are expected to be negligible. Public domain and on-site landscaping has been proposed and is satisfactory.

Waste:

A waste and recycling disposal chute would direct all residential and retail waste to the waste storage room on Level 2. Collection would occur in the loading dock on Level 2 by via private contractor.

Energy:

The proposal is not expected to result unreasonable energy consumption. Methods to reduce energy consumption are detailed in the BASIX certificate.

Noise and vibration:

The impacts of rail-related noise and vibration have been considered. The Blackett acoustic report concludes that implementation of specific glazing and seals would result in the building meeting noise standards specified in SEPP (Infrastructure). The proposal itself would result in noise and vibration impacts during construction, which could be mitigated through consent conditions. Following occupation, there is a potential for noise impacts on nearby residential development emanating from private open space areas and the communal outdoor terraces, however this is not considered significant. Perimeter landscaping and balustrades would be provided to these areas.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposed development. The land is not located within a known flood risk precinct.

Technological hazards:

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

Safety, Security and Crime Prevention:

Council's Safe Community Action Team officer reviewed the application and recommended conditions of consent. Residential and retail functions are separated and it is expected that security access controls would be implemented in all pedestrian and vehicular areas. Passive surveillance of the surrounding street network is provided on the podium levels.

Social Impact:

The proposal is not expected to result in adverse social impact. Council's minimum standards for housing diversity/unit mix and adaptable dwellings have been achieved. All dwellings exceed minimum sizes recommended in the Apartment Design Guide. Treatment of the Waters Lane lower levels offers an opportunity for installation of public artwork.

Economic Impact:

The proposal is not expected to result in adverse economic impact. The proposed building incorporates retail and residential floor space in the Wollongong City Centre, which is permitted in the B3 zone.

Site Design and Internal Design:

Council's Design Review Panel identified several areas requiring refinement and these have been resolved. The original proposed building footprint was not considered appropriate with regard to the existing streetscape pattern and the building has been relocated within the site. A contextual analysis has been provided which satisfactorily demonstrates the 'fit' of the building within the existing and potential streetscape. The application does not propose departures to development standards. No easements are required and vehicle and pedestrian access to the site is readily available. Impacts on nearby vegetation have been considered and are satisfactory. All required on-site parking has been provided. Waste collection would occur in a loading dock. Residential and retail functions have been separated to allow for reduced conflict between residents and retail tenants. Impacts of rail-related noise and vibration have been considered and materials required to achieve mandatory noise levels are specified in conditions of consent. A BASIX certificate has been provided and is satisfactory.

Construction:

Construction impacts are likely to be considerable given the location of the site and scale of the development. These impacts can be adequately managed by conditions of consent relating to hours of work, protection of adjoining properties during excavation, impacts on public roads and sediment and erosion controls.

Cumulative Impacts:

The proposed shop top housing development is permissible in the B3 Commercial Core zone and meets the zone objectives. Impacts on nearby development have been considered and the proposal is not expected to unreasonably constrain future development. Improvements to the public domain are proposed. All required on-site parking is provided and the RMS have not identified concerns regarding the capacity of the local road network. Proximity to Wollongong train station has the potential to increase public transport use.

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

Does the proposal fit in the locality?

The proposal has been substantially redesigned since lodgement in 2014. The final design submitted in December 2015 is satisfactory with regard to the building design, site layout, setbacks and connection with surrounding development. Refinements identified by Council's Design Review Panel have been implemented.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal. A comprehensive contextual analysis has been submitted which demonstrates the impact of the proposed building on the existing and potential streetscape.

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

The application was notified to neighbouring development and local newspaper in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. The original plans were notified 27 October 2014-28 November 2014 and the final revised set of plans notified 4 January 2016-9 February 2016.

In total, three submissions have been received (two objections and one statement of support). Matters raised are discussed in Table 1 below:

Table 1: Submissions

Submission period 2016	Comment
1. Building height	
Proposed height is too high. The	The maximum permitted building height is set by WLEP

Submission period 2016	Comment
<p>development would protrude above sightlines from the beachfront to the escarpment.</p> <p>Council's draft Wollongong CBD report '<i>A City for People – Wollongong Public Spaces Public Life 2015</i>' (PSPL) emphasises the significance of the escarpment. It recommends reduced building height.</p> <p>The Statement of Environmental Effects on different pages refers to the building as being 25, 26 & 27 levels.</p> <p>Is building height shown on plans 79.59m correct?</p>	<p>2009. The proposed height (79.59m) complies with the 80m height limit.</p> <p>The draft PSPL report was commissioned in 2014 and publicly exhibited for comment in January & February 2015. It is not an environmental planning instrument and does not set height limits for the site.</p> <p>The section plans show two basement levels and levels 1-25. In this report, the development is generally referred to as a 25 storey building.</p> <p>As defined in WLEP 2009, the building height is correctly shown.</p>
<p>2. Floor space ratio</p> <p>Is the floor space ratio correct?</p>	<p>As defined in WLEP 2009, the floor space ratio is correctly shown.</p>
<p>3. Car parking</p> <p>The required car parking is too low, especially 1 space for 2 bedroom units and 0.75 space for 1 bedroom units.</p>	<p>WDCP 2009 Chapter E7 sets the required car parking rate for the development: 0.75 space per dwelling <70m², 1 space per dwelling 70-110m² and 1.25 spaces per dwelling >110m². Plus, 0.2 spaces per dwelling for visitors. Parking for the retail spaces is also required.</p> <p>The total required amount of parking is 126 spaces. This has been provided.</p>
Submission period 2014	Comment
<p>4. Construction impacts</p> <p>Already experienced two years of construction in surrounding area and the disruption is upsetting and stressful. If [10-18] Regent Street is approved, there would be two major construction sites operating on the same street.</p> <p>The Regent Street excavation has involved long hours of drilling Monday-Saturday. This excavation was allowed to start before the GPT development was finished.</p> <p>The GPT project involved works outside of standard hours and notification to residents was not followed. Work occurred often to 12am, making it almost impossible to sleep. This impacted on our mental and physical health and employment.</p> <p>If this DA is approved, there will be three active construction sites within a 200m radius. This is excessive and unreasonable. Can Council consider the timing of this development?</p>	<p>DA-2013/1419 for 10-18 Regent Street was approved in 2015. A further application has been lodged on the site and is not yet determined. The timing of commencement of projects is outside Council's control, however the draft conditions of consent relate to hours of construction, safe demolition, traffic approvals for road occupation, on-site erosion and sediment controls and use of cranes etc.</p>
<p>5. Parking</p> <p>Parking is becoming exceedingly difficult for residents during the daytime, as well as</p>	<p>WDCP 2009 sets parking rates for the development. All required on-site parking has been provided. Council staff has considered options for a resident parking scheme, but</p>

Submission period 2016	Comment
on weekends, Thursday and Friday nights. Resident parking zones are not presently available.	this has not been implemented.

Submissions from public authorities

Roads and Maritime Authority provided a response which is discussed earlier in this report. Sydney Trains have not provided comment.

2.10 SECTION 79C 1(E) THE PUBLIC INTEREST

Having regard to matters discussed earlier in this report and as required by Section 79C of the Environmental Planning and Assessment Act, approval of the proposal in its current form is consistent with the public interest.

Council's Design Review Panel has assessed the development on three occasions, and suggested design changes to improve the function and appearance of the building. Their final comments form Attachment 5. Matters raised have been satisfactorily resolved in the revised proposal submitted to Council in December 2015. Fundamentally, the contextual analysis has been strengthened and the building now demonstrates its suitability in the streetscape context.

Community consultation has been undertaken in accordance with the legislation and matters raised in submissions have been thoroughly considered.

3. CONCLUSION

This application has been assessed having regard to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 (WLEP 2009), relevant State Environmental Planning Policies, and Council Development Control Plans and policies.

The proposed development has appropriate regard to the objectives of the B3 zone and is permissible with Council's consent. The proposal generally complies with the essential criteria and intent of the relevant controls. Council's Design Review Panel identified matters which in their opinion should be addressed in order to achieve design excellence, these matters have been resolved. The proposed development has been designed appropriately given the constraints and characteristics of the site, and is consistent with the existing and desired future character of the area. The submissions have been considered and the development is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

4. RECOMMENDATION

It is recommended that in its current form, the proposed development be approved subject to the draft conditions of consent detailed in Attachment 4.

ATTACHMENTS

1. Aerial Photograph
2. Zoning Map Wollongong Local Environmental Plan 2009
3. Plans
4. Draft conditions of consent
5. Design Review Panel comments
6. Compliance table