

SOUTHERN REGIONAL PLANNING PANEL (SRPP)

SRPP No	TBC
DA Number	DA-2017/992
Local Government Area	Wollongong
Proposed Development	Demolition of existing structures and construction of a 19 level shop top housing development containing 105 residential units ,3 commercial tenancies and car parking for 125 vehicles
Street Address	9 Railway Parade, WOLLONGONG Lot 1 DP 1134554, Lot 2 Sec 2 DP 4201, Lot 1 DP 1134542, Lot 3 Sec 2 DP 4201
Applicant/Owner	Eddy Haddad – Wollongong Investments No. 1 Pty Ltd
Number of Submissions	Two (2)
Regional Development Criteria	Section 4.5(b) of the Environmental Planning & Assessment Act 1979. Clause 2, Schedule 7 of State Environmental Planning Policy (State & Regional Development) 2011 - general development over \$30 million. The applicant's CIV estimate for the project is \$30,765,000
List of All Relevant s4.15(1)(a) Matters	<p><u>State Environmental Planning Policies</u></p> <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: Basix) 2004 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development <p><u>Local Environmental Planning Policies</u></p> <ul style="list-style-type: none"> Wollongong Local Environmental Plan 2009 <p><u>Other policies</u></p> <ul style="list-style-type: none"> Wollongong Section 94A Contributions Plan 2017 <p>Any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii):</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Coastal Management) 2018 (2016 draft at time application was lodged) <p>Any relevant development control plan:</p> <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 <p>Any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iv):</p> <ul style="list-style-type: none"> None <p>Any relevant regulations: s4.15(1)(iv) e.g. Regs 92, 93, 94, 94A:</p> <ul style="list-style-type: none"> Clause 92 matters for consideration being AS 2601-1991 in respect of any demolition works

List all documents submitted with this report for the panel's consideration	Statement of Environmental Effects Architectural plans Acoustic report Preliminary Site Investigation Shadow diagrams Solar Access and Ventilation Report Photo montage/street perspectives
Recommendation	It is recommended that DA-2017/992 be determined by way of approval subject to the conditions contained within Attachment 8.
Report by	Nigel Lamb – Development Project Officer

Summary of s4.15 matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Assessment Report and Recommendation Cover Sheet

Executive Summary

Reason for consideration by Regional Planning Panel

The proposal has been referred to Regional Planning Panel pursuant to Section 4.5 of the Environmental Planning & Assessment Act 1979 and Clause 2 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 as it involves general development with a capital investment value of more than \$30 million.

Proposal

The proposal is for Demolition of existing structures and construction of a 19 level shop top housing development containing 105 residential units, 3 commercial tenancies and car parking for 125 vehicles

Permissibility

The site is zoned B3 Commercial Core pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as **shop top housing** and is permissible in the zone with development consent.

Consultation

The proposal received two submissions following public exhibition in relation to views towards the escarpment and collection of s7.14 contributions.

Main Issues

There are no outstanding issues.

RECOMMENDATION

It is recommended that the proposal be approved subject to the draft conditions contained at Attachment 8.

1.1 PROPOSAL

The proposal involves demolition of a warehouse building and construction of an 19 storey shop top housing development with 105 units, 3 commercial tenancies and parking for 125 cars.

The development can be described in detail as follows:

Site preparation

- Demolition of existing warehouse building
- Removal of 4 trees
- Excavation for one level of basement car parking

Construction detail

- Basement level 1: residential car parking
- Ground floor: Three commercial tenancies identified as “retail” with commercial and visitor parking to the rear.
- Level 1: 6 units, vehicular access and servicing, residential and visitor car parking
- Level 2: 6 units and residential car parking
- Level 3: 6 units, residential storage and landscaped communal open space.
- Level 4-10: floor plate repeated with 8 units on each floor
- Level 11: 3 units with landscaped communal open space
- Level 12-18 floor plate repeated with 4 units per floor

Parking

- 125 car parking spaces including 11 commercial, 21 visitor, and 11 accessible spaces.
- 46 bicycle spaces
- 9 motorbike spaces

Access and servicing

- Vehicular access provided from Waters Lane on level 1
- Waste servicing to occur on-site

1.2 BACKGROUND

The application was lodged on 14 August 2017.

The application was considered by the Design Review Panel on three separate occasions, 19 September 2017, 16 February 2018 and 15 June 2018. Changes made to the scheme following the latest DRP meeting were also reviewed by the Panel chair who was satisfied the concerns raised at the latest DRP meeting had been addressed.

The most recent Panel commentary is contained at Attachment 6.

Previous development approval has been granted by the Southern Regional Planning Panel for the site for mixed use development under DA-2014/1262.

1.3 SITE DESCRIPTION

The site is located at 9-15 Railway Parade, Wollongong (Lot 1 DP 1134554, Lot 2 Sec 2 DP 4201, Lot 1 DP 1134542, Lot 3 Sec 2 DP 4201). It is regular in shape with an approximately 61m width (north south) and 44m depth (east west) with a fall of approximately 5m from rear (east) to front (west). Waters Lane runs along the eastern and southern side of the site with Rawson Street located to the north and Railway Parade and the railway line located to the west.

Adjoining development to the north is an at grade Council car park. To the east is a 3-4 storey residential building. To the south a 6 storey commercial building on the corner of Railway and Crown

Streets and a 2 storey commercial building fronting Crown Street with a vacant block adjoining also in same ownership. That site has been the subject of a pre-lodgement meeting for a multi-storey mixed use development.

The site is within the commercial core in close proximity to Wollongong Train Station. The locality is characterised by mixture of commercial and shop top housing developments. The site is undergoing transition with a number of other large scale multi-storey buildings being either proposed or approved in close proximity to the site.

Property constraints

Council records identify the land as being affected Class 5 acid sulfate soils.

There is a large fig tree located on the adjoining land to the east of Waters Lane. Concern was raised in the initial submission as to the potential impacts of the development on the roots of that tree. An arborist report was subsequently provided and excavation works setback further from that tree.

There are no restrictions on the title of relevance to the proposal.

1.4 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising Procedures. This involved notification letters being sent to nearby and adjacent property owners and the placement of an advertisement in the local newspaper 'The Advertiser'. There were two submissions received, including one in support from Neighbourhood Forum 5 and one objection.

The concerns identified in the objection are discussed below:-

1. The building will obscure views towards the escarpment and the proposal is contrary to a Regional Planning document that states no building should be above the natural sightlines to the escarpment from the foreshore.

Comment - The building is within the maximum permitted building height for the site. The bulk and scale of the building is also consistent with the applicable planning controls.

The site is not in a location which is considered to obstruct views towards the escarpment from key public areas as outlined in figure 3.12 of Chapter D13 of Wollongong Development Control Plan 2009.

- 2 How are section 94 funds to be allocated towards open space?

Comment - This is not considered to be a matter of concern for the assessment of the application. Council's Contributions Plan contains detail of how s94A contributions are applied and the appropriate condition is recommended.

2 CONSULTATION

2.1.1 INTERNAL CONSULTATION

Council's Environment, Geotechnical, Traffic and Storm water Engineers, Community Safety Officer, and Landscape Architect reviewed the application and provided satisfactory referrals subject to conditions. These are included in those listed in **Attachment 8**.

1.1.1 EXTERNAL CONSULTATION

Design Review Panel (DRP)

The application was considered by the Design Review Panel on three separate occasions, 19 September 2017, 16 February 2018 and 15 June 2018. Changes made to the scheme following the latest DRP meeting and subsequently reviewed by the Panel chair who was broadly satisfied that the major issues raised by the panel had been addressed in a satisfactory manner. However there are some matters requiring further detail as outlined below:

- *All room sizes should comply with the minimum requirements of the ADG (refer to detail comments above, amenity). Dimensions are provided to most habitable rooms, from the information provided it appears that some rooms remain marginally below minimum ADAG requirements. For example, room 4.03 is a 2 bed unit with a living room which appears to be less than 4m wide, bed 1 of unit 4.07 is less than 3m wide.*

- Units appear to be largely compliant with minimum area requirements. With the exception of unit 4.02, which is a two bed, two bath room unit slightly less than the minimum required 75sqm.

Comment: This has been brought to the attention of the applicant who has advised that this matter can be addressed through minor changes to the plan.

- No adaptation plans were provided. Adaptable units depicted on floor plans appear to provide adequate space for a compliant bath room, bed room and entrance. However, circulation in accordance with the requirements of AS4299 and AS1428.1 must be demonstrated in living areas (whilst furnished).

Comment: This matter has also been raised with the applicant and is considered to be possible to address through conditions of consent.

- Further development of building materials (refer to detail comments above, aesthetics).

Comment: The choice of materials and colour palette is considered to be acceptable with regard to the applicable controls.

Roads and Maritime Services (RMS)

The proposal is traffic generating development which is to be referred to the RMS for comment under the provisions of State Environmental Planning Policy (Infrastructure) 2007. They did not raise any objections to the proposal. A number of points were raised for Council consideration and those matters have now been satisfactorily addressed.

Endeavour Energy

Endeavour Energy were notified of the proposal in respect of clause 45(2)(a) of State Environmental Planning Policy (Infrastructure) 2007. No response had been received at the time of writing this report. A condition of consent is proposed that the final plans are provided to Endeavour Energy for approval prior to the issue of the Construction Certificate.

NSW Port Authority

The Port Authority were contacted by phone and email in regard to any concerns they may have had with regard to implications of the development on freight movements along the rail corridor given their previous concerns under DA-2014/1262. No response was received at the time of writing this report.

Sydney Trains

Sydney Trains were referred the application for concurrence under Clause 86(1)(b) of State Environmental Planning Policy (Infrastructure) 2007, that being excavation within 25m (measured horizontally) of the ground directly below a rail corridor. Sydney Trains has granted its concurrence to the proposal subject to the development being granted deferred commencement consent.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

2.1 SECTION 4.15 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

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

The applicant provided a Preliminary Site Investigation (PSI) prepared by a suitably qualified consultant. The PSI recommends a detailed site investigation (stage 2 report) to allow the site to be made suitable for the proposed development. It also recommends a hazardous materials survey prior to demolition. In this case the stage 2 investigation can only be undertaken once the existing buildings and structures on the site have been demolished and removed. Once the Stage II assessment has been completed, a remediation action plan (RAP) must be prepared to render the site suitable for the proposed development. Any required remediation works will be required to be undertaken prior to the issue of an Occupation Certificate, though logistically this work will occur as part of the basement excavation.

Validation of the remediation works will be required prior to the commencement of occupation of the development. The land will be therefore be remediated before occupation and thus, in accordance with (c), will be rendered suitable for the proposed purpose before the land is used for that purpose.

Council's Environmental officer considers the above to be adequate. A Phase 2 assessment will be required to be undertaken once the existing structures on the site have been removed.

Subject to the imposition of appropriate conditions of deferred commencement, it is considered the site can be made suitable for the purpose for which the development is proposed under clause 7.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 45

Endeavour Energy were notified of the proposal in respect of clause 45(2)(a) of State Environmental Planning Policy (Infrastructure) 2007. That clause requires the following:

Endeavour Energy were referred the application however did not provide a response. It is a condition of consent that the plans are provided to Endeavour Energy prior to the issue of the Construction Certificate to allow comment.

Clause 85 Development immediately adjacent to rail corridors

Council has referred the proposal to Sydney Trains for comment as required by Clause 85; refer to discussion below in relation to Clauses 86 and 87 of the SEPP.

Clause 86 Excavation in, above or adjacent to rail corridors

The development was also required to be notified to the rail authority under clause 86 of this policy as it involves excavation at least 2m below ground level and is within 25m of a rail corridor. Sydney Trains provided its concurrence subject to deferred commencement conditions.

Clause 87 Impact of rail noise or vibration on non-rail development

The impact of rail noise or vibration on non-rail development is also required to be assessed under Clause 87 of this policy. An acoustic report was provided with the application which addressed the requirements of the applicable guidelines issued by the Secretary for the purposes of this clause and published in the Gazette. That report made recommendations to achieve the minimum acoustic requirements and are either addressed on the plans or through conditions of consent

Clause 104

The proposed development is traffic generating development for the purposes of the SEPP. As per Clause 104(3). The RMS reviewed the application and did not raise any in principle objections. There were matters raised for Council consideration which have been addressed in the amended documentation

Additionally, Council must take into account the accessibility of the site concerned, including (a) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (b) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail. Council must also consider any potential traffic safety, road congestion or parking implications of the development. These matters have been considered in detail by Council's Traffic Section and the proposal is satisfactory.

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

SEPP BASIX applies to the development. In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

The development has a capital investment value of more than \$30 million and accordingly the application is required to be determined by the Southern Regional Planning Panel pursuant to Clause 2 of Schedule 7 to the SEPP.

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The development meets the definition of a 'RFB' as it is more than 3 storeys and comprises more than 4 dwellings and accordingly the provisions of SEPP 65 apply. The application is accompanied by a statement by a qualified designer in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000.

The proposal has been considered by Council's Design Review Panel in accordance with Clause 28 and Schedule 1.

Schedule 1 is discussed below pursuant to clause 28(2)(a) of the Policy.

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The character of development in the locality comprises a variety of building types including commercial and mixed use buildings. The current proposal is of similar scale to those recently approved and constructed and is consistent with the development standards and controls applicable to the land. The building is considered to improve the streetscape and will contribute towards revitalising a key part of the Wollongong CBD.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation 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 building envelope is considered to be of suitable bulk and scale and is appropriately located on the site in order to mitigate impacts on both existing and future development on adjoining land.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The density of the development complies with the maximum FSR and building height permitted for the land. The development is not of a scale that is expected to place unreasonable strain on local infrastructure. Contributions applicable to the development will go towards local infrastructure and facilities. The site is ideally located for higher density development, being centrally located and close to transport and other services.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

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

- The building achieves the minimum cross ventilation and solar access requirements.
- The landscaped areas are to be watered from rainwater harvesting.
- BASIX targets are met.
- A Site Waste Management and Minimisation Plan has been provided indicating appropriate management and disposal of any excavated materials.
- The proposal will not have an unreasonable impact on any heritage items or environmentally sensitive areas.
- The proposal is an efficient use of land in a location that is close to services and public open space.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

The proposal provides a large landscaped podium area on level 3 as well as a secondary one on level 11. The size of the communal open space meets exceeds the minimum requirements and the design is considered to provide a high level of amenity to residents. The design further includes an upgrade to the footpath for the full frontage of the site as well as street tree planting.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

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

The development provides for compliant building setbacks to boundaries as required by the ADG in order to provide for equitable sharing of building separation distances with neighbouring sites when subject to future redevelopment - refer to the ADG compliance table at Attachment 4 in this regard.

The proposal satisfies the requirements for solar access, private and communal open space, storage, visual and acoustic privacy, access and the like for future occupants of the development. Future occupants of the development are expected to enjoy reasonable amenity and the development will enjoy views of the ocean and coast to the east and escarpment views to the west.

In terms of off-site impacts, no nearby residences will be unreasonably impacted by the proposed development in terms of privacy or view loss. The development provides for compliant building setbacks to boundaries as required by the ADG in order to provide for equitable sharing of building separation distances with neighbouring sites when subject to future redevelopment.

In terms of solar access and overshadowing impacts, the shadow diagrams submitted with the application indicate acceptable solar access will be preserved for existing and potential future development on nearby land given the permissible height and FSR.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

The proposal is satisfactory with regard to safety and security and is generally consistent with the principles of crime prevention through environmental design.

Principle 8: Housing diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

The proposal provides a mix of unit sizes and layouts appropriate to the locality. Provision has also been made for adaptable units as per the requirements of the ADG and Wollongong DCP 2009. There are opportunities for informal social interaction within common areas including the communal open space, community gardens, lobbies and the like.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The proposal is considered to be of a high quality with regard to its appearance. The bulk, scale and form of the development is acceptable for the locality and a mixture of materials and finishes is provided. The development is well resolved across the site and the buildings are suitably articulated and fenestrated. Appropriate treatment of the streetscape is proposed having regard to the desired future character of development in the locality. The proposal has been amended in response to the suggestions provided by the Design Review Panel and now demonstrates design excellence.

2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

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 land use table permits the following uses in the zone.

*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*

The proposal is categorised as a *shop top housing* as described below and is permissible in the 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.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 68m does not exceed the maximum of 80m permitted for the site.

Clause 4.4A Floor space ratio – Wollongong city centre

- (1) This clause applies to land within the Wollongong city centre.
- (4) The maximum floor space ratio for a building on land within a business zone under this Plan, that is to be used for a mixture of residential purposes and other purposes, is:

$$(NRFSR \times NR/100) + (RFSR \times R/100):1$$

NR – the percentage of the floor space of the building used for purposes other than residential purposes.	8
NRFSR – the maximum floor space ratio determined in accordance with this clause if the building was to be used only for purposes other than residential purposes.	6:1
R – the percentage of the floor space of the building used for residential purposes.	92
RFSR – the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes.	3.5

Residential GFA: 9,079.25m² (%)

Commercial GFA: 787m² (%)

Total GFA: 9,866.25m²

Maximum FSR permitted:

$$(NRFSR \times NR/100) + (RFSR \times R/100):1$$

$$(6 \times 8/100) + (3.5 \times 92/100):1$$

$$= 0.48 + 3.22 = 3.7$$

Site area: 2,662m²

$$\text{Proposed FSR: } 9,866.25/2662 = 3.7:1$$

Part 5 Miscellaneous provisions

Clause 5.5 Development within the coastal zone

The land is not identified as being impacted by coastal hazards and there are not expected to be any adverse impacts on the coastal environment as a result of the application.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The site is already serviced by electricity, water and sewerage services. It is expected that the existing utility services can be augmented to support the proposed development.

The applicant has made provision for a substation in the south eastern corner of the site away from the primary frontages.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the proposal does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Clause 7.6 Earthworks

The proposal comprises excavation for one level of basement car parking. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or features of surrounding land. Council's geotechnical engineer has reviewed the proposal and provided a satisfactory referral. The proposal is satisfactory with regard to this clause.

Clause 7.13 Ground floor development on land within business zones

The proposal provides active uses at the ground floor via three commercial tenancies along with the main building entry.

Clause 7.18 Design excellence in Wollongong city centre and at key sites

In respect of design excellence, it is noted the proposal has been considered on three separate occasions by the Design Review Panel and the scheme now recommended for approval is informed by their commentary and recommendations.

In considering any development within the City Centre Council is required to consider whether the proposed development exhibits design excellence. In determining the design excellence of the development the following matters must be considered:

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

The proposal has been reviewed by the Design Review Panel on four separate occasions. It was generally found that the proposal now addressed the primary concerns raised at previous panel meetings however there were some minor issues raised in the final review. These are discussed above. The proposal is now considered to be satisfactory with regard to this clause.

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

As noted above, the proposal has received DRP sign off in regard to design excellence subject to minor amendment. The proposal incorporates upgrades to the footpath for the full frontage and addition of street trees. The building design incorporates awnings and active uses on the primary street frontage. The building is considered to be of a bulk and scale consistent with the applicable planning controls. The appearance of the building is considered to positively contribute to the aesthetic of the streetscape.

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

The site is not identified in Council plans as being along a key view corridor. The bulk of the building reduces as it gets higher which will help provide visual separation between buildings and views from potential future buildings towards key landmarks such as the escarpment.

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

N/A

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

(i) *the suitability of the land for development,*

The development is considered to respond to the particular characteristics of the site and locality.

(ii) *existing and proposed uses and use mix,*

The proposed land use is consistent with the zoning and anticipated future development in the locality.

(iii) *heritage issues and streetscape constraints,*

N/A

(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,*

The building provides separation from existing and potential future built form in excess of that required and is not expected to have unreasonable impacts on amenity of current or future development. The urban form is considered to positively contribute to the cityscape.

(v) *bulk, massing and modulation of buildings,*

The building becomes a more slender form at the upper levels and the bulk at the lower levels is broken up with suitable building articulation.

(vi) *street frontage heights,*

Complies

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

Measures to address sustainability are as follows:

- § Passive and active elements to manage daylight penetration to reduce artificial lighting requirements.
- § The lift lobbies on all levels are naturally lit and naturally ventilated, thereby reducing artificial lighting and mechanical ventilation
- § 74.3 % of units will be naturally cross ventilated.
- § 89.5% of units receive a minimum of 2 hours of direct sunlight in the main living spaces.
- § Operable glazing to allow natural ventilation to reduce heating and cooling requirements.
- § Screened elements and recessed balconies to reduce solar gains and increase control of the internal environment.
- § Purpose glazing to the east and west facades to reduce solar gains and increase the control of the internal spaces

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

The proposal complies with the parking rates applicable to this type of development.

Suitable access and servicing arrangements have been provided.

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

The footpath for the full frontage of the site will be upgraded by the developer, including street trees, in accordance with Council's Public Domain Technical Manual.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The proposal is considered satisfactory with regard to the objectives of this Part and (in so far as it relates to the Wollongong city centre) clause 7.18 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 proposed building meets the above objectives particularly objectives d), e) and f) by providing a high quality residential development which contributes to the housing choice available within the city centre.

Clause 8.4 Minimum building street frontage

The site has a frontage exceeding 20m.

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

The proposal complies with these requirements.

2.2 SECTION 4.15 1(A)(II) ANY PROPOSED INSTRUMENT

SEPP (Coastal Management) 2018

The SEPP commenced on 3 April 2018 and applies to development lodged but not yet determined. The SEPP was in an exhibited draft form at date of lodgement of the development application.

The policy largely replaces SEPP 71 Coastal Protection which has been repealed.

- (1) The policy applies to the coastal zone. The Maps published with the SEPP indicate that the land is not located within the coastal zone.

2.3 SECTION 4.15 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

The development has been assessed against the relevant chapters of WDCP 2009. Compliance tables can be found at Attachment 5 to this report. It is noted that A desktop analysis has been submitted to address clause 5.5 of Chapter D13. However the conclusions of that analysis will need to be verified by the preparation of a wind tunnel assessment. It is recommended that this be prepared and submitted to Council prior to the issue of the Construction Certificate and conditioned accordingly.

In addition, the development proposes three car parking spaces

2.3.1 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is approximately \$30 million and the site is located in the B3 zone and a levy of 2% is therefore applicable under this plan.

2.4 SECTION 4.15 1(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under 7.4 which affect the development.

2.5 SECTION 4.15 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

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

In respect to 92(1)(a)(ii), the NSW Coastal Policy does not apply at this location.

In respect of 92(1)(b) conditions of consent are recommended in regard to demolition.

2.6 SECTION 4.15(1)(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

The site is located outside of the NSW Coastal Zone and there is no adopted Coastal Zone Management Plan for the Wollongong LGA.

2.7 SECTION 4.15 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

The proposal is considered acceptable in respect of the likely impacts as described in greater detailed below.

Context and Setting:

The proponent has undertaken a satisfactory context analysis and the proposals physical impacts on surrounding development are considered acceptable. The built form is considered to be compatible with existing adjoining buildings and likely future development. The built form is also considered appropriate to the desired future character of the locality as demonstrated by compliance with the relevant planning controls.

Access, Transport and Traffic:

The proposal provides parking in accordance with the applicable controls.

Access and servicing of the development is satisfactory.

The development is not expected to generate traffic volumes that would result in the road network function being compromised.

Public Domain:

The proposal will improve the public domain through the construction of a building that appropriately addresses the street, and through upgrades to the footpath including street tree plantings.

Utilities:

The plans make provision for utilities and a substation within the building in an appropriate location. The design and finish of the substation cupboard is considered to be acceptable.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

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

Water:

The site is presently serviced by Sydney Water's reticulated water and sewerage services. It is expected that these services can be extended/ augmented to meet the requirements of the proposed development.

The BASIX certificates provided in relation to the residential units demonstrate compliance with the water efficiency targets contained within the BASIX SEPP.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts can be appropriately mitigated.

Air and Microclimate:

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

Flora and Fauna:

No impacts are expected on significant flora or fauna.

Waste:

A condition is proposed that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. The BASIX certificates provided demonstrate compliance with the energy efficiency and thermal comfort targets of the BASIX SEPP.

Noise and vibration:

Noise and vibration impacts during demolition, excavation and construction are unavoidable. Conditions are recommended to minimise nuisance during demolition and construction.

The site is adjacent to the South Coast Railway line and an acoustic report was provided detailing appropriate measures to achieve the maximum noise levels for units within the development.

Natural hazards:

Geotechnical matters have been considered as part of the assessment and a number of conditions have been recommended.

Technological hazards:

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

Safety, Security and Crime Prevention:

The proposal is considered to result in improvements with respect to the principles of CPTED through passive surveillance and presence and movement of people to the locality.

Social Impact:

No adverse social impacts are expected to arise from approval of the proposed development.

Economic Impact:

The proposal is expected to create a positive economic impact through the construction phase of the development. It will further bring a greater density of residents to the locality which should help to invigorate the commercial activity in the locality.

Site Design and Internal Design:

The application does not result in any departures from development standards and is satisfactory with regard to Council's development control plans as outlined above.

A condition is proposed that all works are to be in compliance with the Building Code of Australia.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

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

2.8 SECTION 4.15 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any significant negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.9 SECTION 4.15 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Two submissions were received following notification and the matters raised are discussed at section 1.4 of this report.

2.10 SECTION 4.15 1(E) THE PUBLIC INTEREST

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

3 CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent and is satisfactory with regard to Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The development is consistent with the applicable provisions of the relevant state planning policies including SEPP 65 and the Apartment Design Guide.

All internal and external referrals are satisfactory. The proposal has been redesigned in part in response to the recommendations of the Design Review Panel and is now considered to exhibit design excellence as required by Clause 7.18 of Wollongong LEP 2009.

Submissions have been considered and there are no outstanding issues.

4 RECOMMENDATION

It is recommended that the Southern Regional Planning Panel determine DA-2017/992 by deferred commencement consent pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at Attachment 8.

5 ATTACHMENTS

1. Aerial photograph
2. Wollongong Local Environment Plan 2009 zoning map
3. Plans
4. ADG Compliance table
5. WDCP2009 compliance table
6. DRP commentary

7. Sydney Trains Concurrence

8. Draft conditions

