

SOUTHERN REGIONAL PLANNING PANEL (SRPP)

SRPP No	2018STH001 DA
DA Number	DA-2017/1729
Local Government Area	Wollongong City
Proposed Development	Commercial - demolition of existing structures and construction of a seven (7) storey commercial building over three (3) levels of basement parking
Street Address	25 – 27 Denison Street, WOLLONGONG Lot 1 DP 720015 and Lots 20-24 Sec 4 DP 1258
Applicant/Owner	Applicant – ADM Architects; Owner – Defono Pty Ltd and Pagibu Pty Ltd
Number of Submissions	Two (2)
Regional Development Criteria (Schedule 4A of the Act)	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 \$37,434,545.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s4.15(1)(a)(i) – <u>State Environmental Planning Policies (SEPPs):</u> <ul style="list-style-type: none"> ▪ SEPP No. 55 – Remediation of Land ▪ SEPP (Infrastructure) 2007 ▪ SEPP (State and Regional Development) 2011 • <u>Local Environmental Planning Policies:</u> <ul style="list-style-type: none"> ▪ Wollongong Local Environmental Plan 2009 • <u>Other policies</u> <ul style="list-style-type: none"> ▪ Wollongong Section 94A Development Contributions Plan 2017 • List 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) <ul style="list-style-type: none"> ▪ Nil • List any relevant development control plan: s4.15(1)(a)(iii) Wollongong Development Control Plan 2009 • List 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) Nil • List any coastal zone management plan: s4.15(1)(a)(v) Nil • List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 Clause 92 - AS 2601 in respect of any demolition.
List all documents submitted with this report	Architectural plans by ADM Architects

for the panel's consideration	Landscaping plans by Ochre Landscape Architects Stormwater plans by Jones Nicholson Consulting Engineers Planning documents by SET Consultants Traffic report by Jones Nicholson Consulting Engineers
Recommendation	It is recommended that DA-2017/1729 be granted deferred commencement consent subject to the conditions contained within Attachment 6.
Report by	Theresa Whittaker, Senior Development Project Officer

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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? **Not applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Assessment Report and Recommendation Cover Sheet

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to Southern 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 the demolition of existing structures and construction of a seven (7) storey commercial building over three (3) levels of basement parking.

Permissibility

The site is zoned B4 Mixed Use pursuant to Wollongong Local Environmental Plan (LEP) 2009. The proposal is categorised as a **commercial premises** which is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Advertising & Notification Procedures. There was one submission of support received from Neighbourhood Forum 5 and one submission of objection received in relation to parking and traffic impacts during the construction period.

Main Issues

The main issues are:-

- design quality
- part road construction to Hercules Street road reserve
- State Rail concurrence matters

RECOMMENDATION

It is recommended that DA-2017/1729 be issued deferred commencement consent.

1.1 PROPOSAL

The proposal comprises the following:

1. Demolition of all existing buildings and structures;
2. Construction of a seven (7) storey commercial building with three (3) basement carparking levels;
3. Consolidation of the subject allotments;
4. Construction of road within the currently unformed Hercules Street road reserve to the immediate south of the subject site.

The proposed building comprises three basement levels housing parking for 187 cars, 8 motorcycles and 58 bicycles. End of trip (amenities) for employees are located within Basement Level 1. Vehicular access to the site is obtained via a driveway accessed from Hercules Street, the extension of which is to be constructed as part of this application. Vehicular access is obtained only via the rear of the building, providing access also to the ground level service area housing the loading bay, loading dock and waste storage rooms along with plant rooms. A substation kiosk will be located in the south-eastern corner of the site adjacent to the Hercules Street frontage, while further westward of this is at-grade car parking for 7 cars. An additional bank of bike racks for visitors is located adjacent to the south-western corner of the building.

The primary pedestrian entrance is sited on the Denison Street frontage of the site via a grand entry foyer located centrally on the building. This will provide access to a reception area and foyer and the lift core. Two commercial tenancies are provided at ground level, with nett areas of 531sqm and 325sqm respectively. A central lift lobby will provide for vertical circulation throughout the building. Levels 2 – 6 will also house large floor plate commercial spaces. A screened plant area is to be provided on the roof, while landscaped terraces are provided on the northern and southern ends of Level 6.

The applicant indicates that the building has been designed to achieve the targeted 5 star Base Building NABERS Energy Rating. A report was provided with the development application indicating how the building will achieve this Energy Rating along with compliance with Section J of the BCA.

The building is primarily orientated to Denison Street, however each elevation will comprise primarily glazing allowing for the building occupants to enjoy outlook in each direction. The building materials comprise primarily a mixture of glazing, with brick columns at the base. A variety of vertical fins are proposed to the building facades, largely to add visual interest but in part also for shading. The building will feature a large forecourt on its western façade as depicted in the artists' impressions included within Attachment 1, and the footpath/ forecourt area will be paved.

The building has been setback from the northern boundary at Levels 1 and 2 to allow for a north-facing undercroft/ terrace area at the recommendation of the Design Review Panel to provide for an improved relationship to the northern neighbouring property.

A cycleway in the form of a shared path is proposed to be provided in the short term on the eastern side of Denison Street. No street tree planting will be required to this frontage to ensure it remains clear of obstructions for the future cyclepath.

1.2 BACKGROUND

Development History

DE-2016/58 – temporary relocation of the Wollongong Fire Station and Zone Office facility to 25-27 Denison Street, Wollongong (consent not required).

DA-2007/603 - Demolition of existing buildings and the construction of two 10 storey commercial towers with 3 levels of basement parking - 21 - 27 Denison Street, WOLLONGONG - approved 28 July 2009.

Pre-lodgement meetings

There were no formal pre-lodgement meetings held for the proposal.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.3 SITE DESCRIPTION

The site is located at 25-27 Denison Street, Wollongong. The site comprises six (6) allotments legally identified as Lot 1 DP 720015 and Lots 20-24 Sec 4 DP 1258. The site has a combined total area of 3306sqm with frontages to Denison Street and the currently unformed Hercules Street (which is proposed to be constructed as part of this development).

The site is irregular in shape and occupies the north-eastern corner of the intersection of Hercules and Denison Streets. The South Coast Railway line abuts the rear (eastern) boundary of the site. The site is located on the western fringe of the Wollongong city centre within a mixed-use area where a variety of land uses, building types and scales are evident. There is a number of smaller scale, lower height commercial and light industrial uses on the eastern side of Denison Street, while buildings to the west are generally lower scale residential type buildings.

The site has a frontage to Denison Street of approximately 74m, a northern (side) boundary of approximately 45m, a southern frontage to Hercules Street of approximately 45m and an eastern frontage to the railway line of approximately 70m. The site has a slight fall from the eastern boundary towards the western boundary fronting Denison Street.

The site is currently occupied by an existing industrial building.

To the north of the site are a medical centre/ medical imaging centre occupying a recently renovated building with open, at-grade car park within its front setback. To the rear/ east of the site is the South Coast railway line, while to the south, on the opposite side of Hercules Street is a vacant parcel of land currently fenced off for use as employee car parking for Southern IML Pathology. Land to the west of the site, on the opposite side of Denison Street, are occupied by a range of uses including a single dwelling and meeting hall for the Order of the Eastern Star.

Property constraints

- Council records identify the land as being contaminated;
- Council records identify the land as being impacted by Class 5 acid sulphate soils;
- The site is immediately adjacent to the South Coast railway line; consideration is therefore required to be given to the applicable provisions of Division 15 of SEPP (Infrastructure) 2007.

Reference to the deposited plans indicates that there are no restrictions on the title.

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, one in support of the application from Neighbourhood Forum 5 and one in objection to the development. The concerns identified in the objection are discussed below:-

1. The history of development applications for the site was not included in the applicant's Statement of Environmental Effects.

Comment:- the development history of the site is summarised above. Each of the development application files for the site are available for perusal at Council.

2. Disruption to traffic and car parking in the vicinity of the site during construction; where will construction workers park, how will Council look to manage this?

Comment: it is expected that there will be a reasonably lengthy construction period and disruptions to traffic and local parking is inevitable during this period. It is recommended that conditions be imposed requiring the submission and implementation of a construction management plan which deals with a raft of construction related impacts including car parking for workers, delivery and storage of materials and the like. Such conditions are included in those listed in **Attachment 6**.

No concerns with built form or other impacts were raised in the submission, with it noting that the proposal appears to meet LEP and DCP requirements.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Council's Geotechnical, Traffic and Stormwater Engineers, Community Safety Officer, Landscape Architect and heritage officer reviewed the application and provided satisfactory referrals subject to conditions. These are included in those listed in **Attachment 6**.

Environment Officer

Council's Environment Officer has reviewed the application and given a satisfactory referral subject to conditions of consent. It is noted that particular consideration was given to potential site contamination and other environmental matters and a number of conditions of consent are recommended for imposition. These include conditions in relation to remediation and site validation, construction management, demolition and site management, and water sensitive urban design. Further discussion on land suitability is provided below in relation to SEPP 55.

Design Review Panel (DRP)

The proposal was formally reviewed by the Panel on 16 February 2018; a copy of the notes of this review form **Attachment 3**. The DRP were generally supportive of the proposed development and pending the resolution of the summarised issues below, the proposal did not require further review by the Panel:-

1. *The building entrance on Hercules Street (as required by WLEP 2009) is considered unnecessary by the Panel. Providing one clearly defined entrance from Denison Street provides a far clearer entry process to the building.*

Comment:- a secondary building entrance is required on the Hercules Street frontage of the site to satisfy the requirements of Clause 7.13 of WLEP 2009. It is considered that this secondary entry does not compromise the design quality of the development and will offer some activation of the Hercules Street frontage of the site and for this reason should be retained.

2. *The building's interface with its northern neighbour is constrained and a greater setback is considered necessary to counter potential impacts arising from any future development of the site to the north. Two different approaches to address this issue were discussed at the meeting and the applicant has amended the plans in accordance with the second of those options, being to setback the first two levels (only) 6m from the northern boundary. This will provide a covered terrace to the north at street level. Landscape should be included in the amended design.*

Comment: amended plans were provided which include a setback of 7.68m from the northern boundary to the first two levels of the building. Additional landscape planting has been provided inside the boundary as required.

3. *The building's environmental performance will be largely dependent upon the quality and typology of the screening system applied to each façade. Further detail required in this regard.*

Comment: the applicant has provided additional detailed drawings of the sun-shading elements proposed. These are included in the plans at Attachment 1.

4. *Opportunities to harvest rainwater for use in maintaining any plantings established on the building or the site should be explored. Other water minimization measures should be considered and reuse of rainwater for toilet flushing and washing machines should also be implemented for a site of this size.*

Comment: conditions are recommended in regards to rainwater harvesting and reuse on site as well as the use of water efficient appliances.

5. *The use of photovoltaics (solar panels) is encouraged to contribute to some of the energy use of the building.*

Comment: the applicant indicates that PV cells on the roof of the building are proposed; these and the recommendations for energy efficiency are outlined in the Energy report provided with the application which indicate that the building will achieve a 5 star NABERS Base Building Energy Rating.

6. *Suggestions around landscaping and plant species selection were provided including the selection of appropriate street trees. This issue has been considered by Council's Landscape Architect who has provided conditions reflecting the requirements of the Wollongong City Centre Public Domain Technical Manual. Recommendations were also provided in relation to*

the treatment of planter boxes/ planting on structure and the like which have been addressed in the plans and by recommended conditions.

7. *Consideration should be given to how the northern street level terrace can be secured after hours to limit the potential for antisocial behaviour. The rear service area should also be capable of being secured after hours.*

Comment: the applicant has provided amended plans which provide for security gates precluding access to the rear service area and northern terrace after business hours.

Based on the above assessment, the issues raised by the DRP are considered to be resolved.

1.5.2 EXTERNAL CONSULTATION

Endeavour Energy

The proposal was referred to Endeavour Energy for comment pursuant to Clause 45 of SEPP (Infrastructure) 2007; refer to discussion below at Section 2.1.2.

Roads and Maritime Services

The RMS advised that it had no objection to the proposed development:-

Sydney Trains

The proposal was referred to Sydney Trains for concurrence under the provisions of Clause 87 of SEPP (Infrastructure) 2007; refer to discussion below at Section 2.1.2. 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 – S4.15 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 has provided a Preliminary Site Investigation report prepared by a suitably qualified consultant. The investigation included a compilation of site history comprising land title search and examination of aerial photographs; limited drilling and sampling;

The report concludes that, based on test results for this preliminary investigation, it is considered unlikely that there would be significant heavy metal, hydrocarbon, pesticide, PAH, PCB, cyanide and phenol contamination resulting from the previous land usage. However, a detailed Stage II investigation based on sufficient sampling points as required under EPA guidelines would be required in order to declare the site free of contamination. It is assessed that any soil contamination likely to be found could be managed with normal remediation methods.

A number of conditions of consent were recommended for imposition, including the requirement for a detailed site assessment report (Stage 2 report) which in this case 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 consent, 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

The development application was referred to Endeavour Energy for comment in accordance with Clause 45 as it may involve works within proximity of electricity infrastructure.

Endeavour Energy has advised that it has no objection to the proposed development subject to the imposition of recommended conditions, which include the requirement to obtain approval from the relevant authorities for the connection of electricity and confirmation of the suitability of the substation design. The plans make provision for a padmount substation.

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

Pursuant to this clause, the matter was referred to Sydney Trains for its concurrence. After the receipt of further information, Sydney Trains has provided its concurrence to the development subject to Council imposing deferred commencement conditions and operational conditions outlined in Sydney Trains' correspondence (**Attachment 5**). These conditions are included in the draft conditions at **Attachment 6**.

The deferred commencement condition relates to the:

- approval and certification with relevant ASA Standards;
- geotechnical and Structural report/drawings,
- construction methodology with construction details pertaining to structural support during excavation,
- comprehensive cross sectional drawings,
- survey Plan in relation to the Sydney Trains easement and rail corridor land,
- an FE analysis which assesses the different stages of loading-unloading of the site.

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

The proposed development is none of the above land uses identified in the clause, and accordingly consideration is not required to be given to the relevant matters prescribed by Clause 87.

Clause 104

The proposed development is traffic generating development for the purposes of the SEPP. As per Clause 104(3), Council advised the NSW Roads & Maritime Service (RMS) of the application and received a response on 19 January 2018 advising that it had no objection to the development in principle.

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 (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 Joint Regional Planning Panel pursuant to Clause 2 of Schedule 7 to the SEPP.

2.1.4 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 B4 Mixed Use.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

The proposal is generally 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; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Wholesale supplies

The proposal is categorised as **commercial premises** as described below and is permissible in the zone with development consent.

Clause 1.4 Definitions

The following definitions are relevant to the proposed development:-

Commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

Business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Clause 2.7 Demolition requires development consent

Consent is sought for the demolition of all existing buildings and structures on the site to facilitate the construction of the proposed development under the provisions of this Clause.

Part 4 Principal development standards

Clause 4.3 Height of buildings

This clause prescribes a maximum height of 60 metres for the Site, as shown on the Height of Buildings Map. The proposal has a maximum overall height of approximately 31m which is compliant.

Clause 4.4 Floor space ratio

Clause 4.4A applies to the site as the site is located within the B4 Mixed Use zone within the Wollongong City Centre. Clause 4.4A is considered below.

Clause 4.4A Floor space ratio – Wollongong city centre

Clause 4.4A of Wollongong LEP “Floor space ratio—Wollongong city centre” applies to land within the Wollongong city centre and provides formulae for determining the allowable maximum floor space ratio for sites depending on the site area, site frontage width, zoning and proportion of non-residential and residential gross floor area.

In the case of the subject site and the proposal, the maximum permissible floor space ratio is 3.5:1.

The proposed FSR is 3.5:1 which is compliant with Clause 4.4A.

Part 5 Miscellaneous provisions

Clause 5.5 Development within the coastal zone

At the time of lodgement of this application, draft SEPP (Coastal Management) 2016 was an exhibited draft SEPP. On its gazettal on 3 April 2018, Clause 5.5 was repealed. However as it was in effect at the time of lodgement of the application, its provisions have been considered in the assessment of this application.

Consideration has been given to matters prescribed by Clause 5.5 and no concerns are raised in relation to impacts of the proposed development on the coastal zone values. The site is some distance from the foreshore and is not identified as being impacted by coastal hazards. There are not expected to be any adverse impacts on the coastal environment or public access to the foreshore as a result of the application.

Council can be satisfied that the development will not impede or diminish access to the coastal foreshore; will be serviced by reticulated water and sewerage services; will appropriately manage stormwater and will not significantly be affected by coastal hazards, or either have a significant impact on coastal hazards, or increase the risk of coastal hazards in relation to any other land.

Clause 5.10 Heritage Conservation

The site is not heritage listed nor is it located within a heritage conservation area. There are a number of listed items of environmental heritage within the vicinity of the site. These include the Row of Worker’s Cottages, Row of Canary Island Date Palms and Row of Californian Bungalows located on Robinson Street.

The proposed development has been considered by Council’s Heritage Officer with regard to potential heritage impacts in accordance with Clause 5.10 of the Wollongong LEP 2009 and Chapter E11: Heritage Conservation of the Wollongong DCP 2009.

Given the visual and physical separation between the proposed development and these items it is not likely to have any major heritage impacts.

The site is not known to have significant archaeological potential and due to past disturbances it is also unlikely to have any Aboriginal archaeological potential.

The proposed development is therefore considered to be satisfactory from a Heritage Perspective, and no specific conditions were recommended for imposition

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

This clause seeks to ensure that sufficient infrastructure is available to service development and requires that consent not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

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.

If approved, conditions should be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewerage to service the site.

The applicant has made provision for a substation to be sited to the side of the development (south-eastern corner) adjacent to the Hercules Street frontage of the site. Endeavour Energy has recommended conditions for imposition in the event consent is granted to the development.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by Class 5 acid sulphate soils. Excavation to facilitate the provision of the basement car park is expected to be at depths of between 10-12m. An acid sulfate soils management plan is not required to be provided in support of the application.

Clause 7.6 Earthworks

The proposal involves excavation to facilitate the provision of the building's three levels of basement car parking. The earthworks have been considered in relation to the matters for consideration outlined in Clause 7.6 and are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land. Council's Geotechnical Engineer has considered the application and has provided a satisfactory referral subject to conditions. The geotechnical report supplied with the application provides recommendations for measures which should be employed during excavation and construction.

Clause 7.13 Ground floor development on land within business zones

The objective of Clause 7.13 is to ensure active uses are provided at the street level to encourage the presence and movement of people. The clause requires that development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is 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 proposal provides active uses at ground floor level in accordance with this control. There is at least one entrance and one other door or window on the front of each of the two street elevations of the building in compliance with this clause.

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

As the site is positioned within the Wollongong city centre, it is subject to this clause, the objective of which is to deliver the highest standard of architectural and urban design.

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. 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 design, materials and detailing are considered to be of high quality and are appropriate to the building type and location.

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

The development is considered to positively contribute to the public domain through an aesthetically pleasing façade, appropriate bulk, scale and form, appropriate forecourt treatment, good resolution of levels between the site and the pedestrian footpath, appropriate landscaping and provision of upgraded footpaths to the two street frontages of the site. The building is setback from the street edge and is of an appropriate scale. No adverse amenity impacts on the public domain are anticipated.

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

The site is located inside the nominated distant panoramic view corridor identified in Figure 3.12 (Clause 3.10) of Chapter D13 of Wollongong DCP 2009 however there are no concerns raised in relation to potential impact on view corridors as the proposed overall height of the building is well below the maximum permissible building height of 60m. The proposed floor space ratio is compliant and the building appropriately responds to applicable setbacks and bulk controls.

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

The proposal will not overshadow an area identified on the Sun Plane Protection Map.

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

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

The land is zoned for the type of development proposed and the development complies with the relevant planning controls with the exception of some minor variations which are supported. There are no site constraints that would prevent the proposal.

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

The development is considered to be consistent with current and desired future development in the locality. The proposed use is consistent with the B4 zone objectives.

(iii) *heritage issues and streetscape constraints,*

The development has been appropriately designed with regard to heritage issues and streetscape constraints. The proposal will not have an unreasonably adverse impact on the heritage significance of any nearby heritage items.

(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,*

Setbacks, amenity and urban form matters have been satisfactorily addressed as discussed elsewhere in this report. The proposal provides for an appropriate relationship with neighbouring buildings and is satisfactory to the Design Review Panel.

The proposed building is considered to also have been satisfactorily designed with regard to possible future redevelopment of neighbouring sites to the north as detailed in the contextual analysis provided with the application (see **Attachment 1**).

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

The bulk and scale of the development is considered to be acceptable when measured in terms of building height, floor space ratio and setbacks. The Design Review Panel advised that the development is acceptable with regard to bulk, massing and modulation of buildings; see **Attachment 3**.

(vi) *street frontage heights,*

There is not an applicable street frontage height for the site or B4 zone.

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

The development incorporates sustainable design measures as outlined below. The proposal will not give rise to unreasonable overshadowing impacts in the locality and is not expected to result in uncomfortable wind conditions for pedestrians. Conditions have been recommended in relation to limitations on material reflectivity.

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

The proposal is considered satisfactory with regard to objectives of ESD. The site is well placed with regard to access to key transport nodes, within ready walking distance of bus stops and Wollongong train station, the main retail/ commercial core. The development has been designed to provide for good internal amenity with appropriate provision for energy and water efficiency and thermal comfort. As noted elsewhere in this report, the building has been designed to achieve a 5 star NABERS Base Building Energy Rating and incorporates some sustainable building design initiatives including the use of solar power and water sensitive urban design.

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

The proposal provides the necessary car parking, motorcycle and bicycle parking and suitable manoeuvring areas. Satisfactory waste servicing arrangements have been provided, with all waste to be managed from within the site. Provision has also been made for appropriate

delivery/ loading facilities within the building along with adequate vehicular manoeuvring areas.

Appropriate arrangements have been made for safe, direct, practical and equitable pedestrian access to the building.

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

Footpath upgrades are to be provided to the two street frontages of the site in compliance with the requirements of the Public Domain Technical Manual. The development provides for a good resolution of site levels between the public footpath and the building. As noted elsewhere within this report, there are plans (in the short term) to provide a cycleway in the form of a shared path along the eastern side of Denison Street. Council's Traffic Engineer has advised that the future shared path would need to remain free from obstructions inclusive of any poles and trees adjacent to the proposed shared path. For this reason, street tree planting will not be required to the Denison Street frontage of the site.

While not required by Clause 7.18(5), a review of the design of the proposed development has been undertaken to assist Council and the SRPP in its assessment of the development. The DRP provided some recommendations which have been addressed by the applicant in the submission of amended plans and additional information, as discussed above in Section 1.5.2 of this report. The design is now appropriate and exhibits design excellence.

The DRP meeting notes and recommendations are provided at **Attachment 3**.

Part 8 Local provisions—Wollongong city centre

The site is located within the area defined as the Wollongong city centre by the LEP and accordingly the provisions within this part of the LEP are of relevance to the proposal.

Clause 8.4 Minimum building street frontage

This clause requires that consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone B4 Mixed Use. This site satisfies this standard, with a street frontage width of approximately 74m.

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

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

The site is subject to a 3m street setback and the building has been designed in compliance with this control. Consequently there is no **street frontage height** for the purposes of Clause 8.6 and therefore there is no minimum specified building separation distances applicable to the proposal. Accordingly it does not depart from Clause 8.6. Building setbacks are otherwise governed by Chapter D13 of Wollongong DCP 2009 which is addressed in the compliance tables at **Attachment 4** to this report.

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

Nil of relevance to the proposal.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. Compliance tables can be found at **Attachment 4** to this report. It is noted that the development departs from some of the design controls in Chapter D13. Variations are sought in relation to setbacks to awnings, the setback of Level 6 to the rear property boundary and the distance of some sections of the office floor from windows. The variations sought are dealt with in the compliance tables and are supported.

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN 2017

The estimated cost of works is \$41,178,000 and a Section 94A levy of 1% is applicable.

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)

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

(1) *For the purposes of section 4.15(1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

(a) *in the case of a development application for the carrying out of development:*

(i) *in a local government area referred to in the Table to this clause, and*

(ii) *on land to which the Government Coastal Policy applies,*

the provisions of that Policy,

(b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

In relation to (a), the site is located outside the Coastal Zone.

In relation to (b), if the development were to be approved, condition(s) of consent should be imposed in relation to demolition including compliance with AS 2601.

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

Context and Setting:

Context and setting has been addressed with reference to the design excellence matters prescribed by Clause 7.18 of Wollongong LEP 2009 (see Section 1.5.1). The proposed development is considered to be consistent with the desired future character of the area.

Vehicular Access, Transport and Traffic:

The proposal is satisfactory with regard to carparking, vehicular access, manoeuvring and servicing. Provision has been made for appropriate arrangements for on-site servicing and deliveries.

Traffic generation from the development can be absorbed into the existing street network. Pedestrians will be safely accommodated.

Public Domain:

The footpath paving to the street frontages will be required in accordance with the Wollongong City Centre Public Domain Technical Manual. Conditions of consent should be imposed in regards to this matter if the proposal is approved. As noted above, a cycleway in the form of a shared path will be provided (in the short term) on the eastern side of Denison Street; this will preclude any street tree planting in this location.

Utilities:

The proposal is not expected to place an unreasonable demand on utilities supply. Existing utilities are likely to be capable of augmentation to service the proposal. If approved, conditions could be imposed on the consent requiring the developer to make appropriate arrangements with the relevant servicing authorities prior to construction.

The plans make provision for a substation within the building in an appropriate location. The design of the substation is considered to be acceptable subject to satisfying the design requirements of Endeavour Energy; conditions are recommended in this regard.

Heritage:

Heritage matters are discussed above.

Other land resources:

The proposal is not expected to impact upon any valuable land resources.

Water:

Supply & infrastructure - 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.

Consumption - The proposal is not envisaged to involve excessive water consumption having regard to the uses proposed within the building.

Water quality – the application was accompanied by a Water Sensitive Urban Design Strategy which demonstrates that the compliance with the water quality objectives outlined in Chapter E15 of WDCP 2009 – Water Sensitive Urban Design can be achieved.

Ground water management – the geotechnical report supplied with the application indicates that groundwater was encountered at depths of 2.4m while the basement excavation is expected to be around 10m. Groundwater management is likely to be required to be employed during excavation and construction; conditions of consent should be imposed in this regard.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse. Conditions should be imposed in this regard if the proposal were approved.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate. The height of the building is less than that required to be supported by a pedestrian wind effects study.

Flora and Fauna:

No adverse impacts on flora or fauna are expected as a result of the proposed development. There is no significant existing vegetation within the site. It is noted that Council's Landscape Officer was satisfied with the submitted landscape plan.

Waste:

Refer to WDCP compliance table at **Attachment 4**.

Waste management during construction can be managed through proper arrangements. A condition should be imposed if consent is granted requiring the use of an appropriate receptacle for any waste generated during the construction and compliance with the Site Waste Management and Minimisation Plan provided with the DA.

On-going waste management arrangements are satisfactory and comply with the relevant provisions of Wollongong DCP 2009 as detailed within this report.

Energy:

The proposed development is not expected to involve unreasonable energy consumption.

Noise and vibration:

Noise and vibration impacts during demolition, excavation and construction are unavoidable. If the development is approved, a suite of conditions are recommended for imposition to minimise nuisance during demolition and construction.

The only source of nuisance noise within the locality is the South Coast Railway line which is situated immediately adjacent to the subject site. The use of the building proposed is not one which is considered to be a sensitive noise receiver and accordingly there is no requirement to provide for appropriate internal amenity.

Natural hazards:

There are no natural hazards which will pose an impediment to the development as proposed.

Technological hazards:

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

Safety, Security and Crime Prevention:

Refer to WDCP compliance table at **Attachment 4**. The proposal is not expected to provide increased opportunities for criminal or antisocial behaviour and is considered to be reasonably well designed with regard to CPTED principles subject to some matters being dealt with via consent conditions.

Social Impact:

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

Economic Impact:

There are not expected to be any adverse economic impacts arising from approval of the proposed development.

Construction:

Construction impacts have the potential to impact on the amenity of the neighbourhood. If approved, it would be appropriate to impose a suite of conditions to reduce the impact of construction works including those relating to hours of work, erosion and sedimentation controls, dust mitigation, works in the road reserve, excavation, demolition management, waste management, and use of any crane, hoist, plant or scaffolding, amongst others.

Cumulative Impacts:

Approval of the proposal is not expected to give rise to any adverse 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 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

There were 2 submissions received including one submission in support of the project, the other raising concerns around construction impacts. These concerns are discussed in Section 1.5.

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 provisions of the relevant State Environmental Planning Policies discussed in this report, Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposed development is permissible with consent and is reflective of the objectives of the B4 Mixed use zone.

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.

The proposal is satisfactory to Endeavour Energy and Sydney Trains subject to a deferred commencement condition and operational conditions being imposed.

The development is consistent with the applicable provisions of the relevant planning instruments including except as outlined in this report. There are minor variations to Wollongong Development Control Plan 2009 with regard to street setbacks to awnings, the rear boundary setback to Level 6, and building depth (in terms of distance of office floor space from windows). These variations have been considered, and as they are not expected to lead to adverse impacts, have been found worthy of support in this instance.

It is considered that the proposed development has been designed appropriately given the characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

4 RECOMMENDATION

It is recommended that the Southern Regional Planning Panel determine DA-2017/1729 by deferred commencement consent pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at **Attachment 6**.

5 ATTACHMENTS

- 1 Plans
- 2 Aerial photograph, WLEP 2009 zoning map and site photographs
- 3 Most recent design review
- 4 Wollongong DCP 2009 compliance table
- 5 Sydney Trains concurrence letter
- 6 Recommended conditions