

SRPP No	PPSSTH-178
DA Number	DA-2022/938
LGA	Wollongong City Council
Proposed Development	Demolition of existing structures and construction of a 20 storey mixed use building consisting of commercial and retail space with 93 residential apartments and parking for 384 cars.
Street Address	4-8 Parkinson Street and 377-383 Crown Street, Wollongong
Applicant/Owner	Blaq Projects Pty Ltd
Lodgement date	29/08/2022
Recommendation	Deferred
Number of Submissions	First notification: 3 submissions Second notification (amended plans): 1 submission
Regional Development Criteria (State Environmental Planning Policy (Planning Systems) 2021 – Schedule 6 Regionally significant development)	Schedule 6 Clause 2 General development over \$30 million Under Schedule 6, general development over with a capital investment value (CIV) of more than \$30 million is identified as regionally significant development.
List of All Relevant s 4.15(1)(a) Matters	<p>s4.15 (1)(a)(i) Any environmental planning instruments:</p> <p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> • State Environmental Planning Policy Planning Systems 2021 • State Environmental Planning Policy No. Resilience and Hazards 2021 • State Environmental Planning Policy Transport and Infrastructure 2021 • State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (Saved) • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - (Saved) <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 City-Wide Development Contributions Plan 2022 • Wollongong Community Participation Plan 2019 <p>s4.15(1)(a)(ii) 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:</p> <p>N/A</p> <p>s4.15 (1)(a)(iii) any development control plan:</p> <ul style="list-style-type: none"> • Wollongong Development Control Plan 2009 <p>s4.15 (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</p> <p>N/A</p> <p>s4.15 (1)(a)(iv) the regulations:</p> <ul style="list-style-type: none"> ○ Clause 61 (1) demolition

	s4.15(1)(a)(v) any coastal zone management plan: There is no Coastal Zone Management Plan currently applicable to the land
List all documents submitted with this report for the panel's consideration	Attachments 1 Full set of architectural plans 2 DRP comments from 17 August 2023 3 Clause 4.6 variation – Building separation 4 ADG assessment 5 WDCP 2009 assessment 6 Draft conditions of consent
Clause 4.6 request	Clause 4.6 Building Separation
Summary of key submissions	<ul style="list-style-type: none"> • Overlooking • Height • Development departure • Parking • Construction noise & vibration
Report prepared by	Vanessa Davis – Senior Development Project Officer
Report Date	30 April 2024

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

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? Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? N/A

Conditions

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

1 APPLICATION OVERVIEW

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal involves demolition of existing structures and construction of a 20 storey mixed use building consisting of commercial and retail space with 93 residential apartments and parking for 384 cars. Following are details of the proposal:

Site Preparation

- Demolition of all structures at 377 Crown Street.
- Tree removal proposed at 377 Crown Street.
- Earthworks and excavation of the construction of the remaining basement levels

Built Form

- Maximum building height RL 31.95m (Crown Street tower) and 59.45m (Parkinson Street tower)
- Gross Floor Area: 24,866sqm total floor area proposed comprising of 8,996sqm residential and 15,954sqm commercial floor area
- Number of units: 93 units are proposed comprising 19 x 1b/r units, 58 x 2b/r units, 16 x 3b/r units
- Landscaped Areas: Communal open spaces areas are located on levels 05, 08 and 10. Street trees are required to be installed.
- Access to the site is from a singular access point from Parkinson Street.
- Parking: A total of 384 car parking spaces are proposed inclusive of 93 residential spaces, 19 residential visitor spaces, 1 residential carwash bay and 271 commercial spaces.
- Drainage Arrangements: Stormwater concept plans show an OSD tank provided at the lower level 01 and a pump out system from the basement levels discharging towards Parkinson Street.

Building composition

- Basement Levels: There are six levels of basement overall. Partial demolition of the basement has been occurring under DA-2021/1070/A. Under this approval, four levels of basement were approved. The subject application seeks approval for a further two levels of basement parking to form a six level basement. Basement configurations include provision for retail, commercial, resident and residential visitor parking spaces. Servicing and storage is also proposed.
- Ground Floor: Due to the slope of the site, the ground floor covers different levels along both the Crown Street and Parkinson Street being level 04 for Parkinson Street and level 05 for Crown Street. Retail is provided at both of these levels.
- The Parkinson Street tower comprises retail over four levels with a further four levels of commercial on top of this component. Communal open space for the residential units is provided on the rooftop of this tower.
- With regard to the Crown Street tower, this building proposes retail at ground floor and part first floor including an 'eat street' with a number of cafes, restaurants proposed. Above the retail is four levels of commercial. Eight levels of residential units are located above this to form a 21-storey tower. A communal room and communal open space are located on level 10 of this tower.

A full set of architectural plans is found in Attachment 1.

Key Assessment Issues

- Basement Design

The basement design remains unresolved. Numerous attempts have been made by Council's Traffic Engineer for the resolution of swept path design within the basement levels.

A pre-lodgement meeting was held to discuss this application and the design requirements. The Traffic Section provided advice in relation to swept paths within the car parking areas. Following lodgement of the application three additional information requests were issued in relation to the required swept paths. Essentially the swept paths shown in the Traffic Report show that two-way travel is not possible when entering and leaving the ramps between the levels. Given the scale of the development, the considerable number of car parking spaces proposed and predicted traffic flows, this is a significant non-compliance with AS2890.1. There would be significant unacceptable manoeuvring impacts without two-way travel being provided-for in these areas which would result in congestion and loss of amenity for residents and staff as well as internal traffic safety issues.

A deferred commencement condition to comply with the swept path requirements of AS2890.1 is recommended prior to the activation of any consent.

- Building separation

A Clause 4.6 has been submitted with the application in relation to building separation. Due to the location of the development within an established city block, there are existing buildings adjoining the site both developed and underdeveloped. The main variation requests relate to the lower Parkinson Street tower and its relationship with the recently constructed Crown view apartments at 373 Crown Street (located to the east of the site). The other building separation variation relates to the existing ROW and underdeveloped residential properties at 32-36 Osborne Street located to the west of the site. A detailed description of the proposed building separation variations from all nearby existing buildings is provided in the Clause 4.6 submission found in attachment 3.

- Communal Open Space (COS) requirements

A variation to the ADG requirement for communal open space is proposed. The justification argues that a large proportion of the gross floor area is allocated to commercial (64%) with the remaining allocated to residential (36%). This has been considered and the amount and location of COS is deemed to be satisfactory.

- Site Context

The application originally anticipated a cross-through site link with the intention of linking this development to Gladstone Avenue and Wollongong Train Station. However, access arrangements through other properties could not be obtained.

There are a number of constraints applying to this site such as the existing easement to the east which is to be retained as part of this application as it provides access to the neighbouring health consulting rooms to the east. Further to the east, on the corner of Crown Street and Osborne Street, is an existing commercial/retail building which has approval for an eight-storey hotel by the NSW LEC. However, it is unknown if this approval has physically commenced, if not it has lapsed.

To the west is a recently completed shop top housing development of a similar size and scale to this DA known as Crownview. Access to this development is also from Parkinson Street.

During the assessment of this DA, the applicant included an additional property directly to the east at 377 Crown Street to this DA which currently accommodates a preschool. The DRP raised concerns over the inclusion of this property and the implications it had for 375 Crown Street (located to the east of the preschool) which currently accommodates a 3 storey shop top housing development. In response to this, further modelling of the future development potential of this site has taken place.

1.2 BACKGROUND

Following is a list of previous applications applying to this property:

- 4-8 Parkinson Street, Wollongong

DA-2020/535- Demolition of existing structures and construction of an eleven (11) storey mixed use development comprising basement parking, ground floor business premises, 54 residential units and 69 parking spaces was approved on 19/08/2021 by the Southern Regional Planning Panel.

- 4-8 Parkinson Street, 379-383 Crown Street, Wollongong

DA-2021/1070 - Commercial - demolition of existing structure and construction of a two (2) storey building and four (4) levels of basement parking, was approved under delegation on 28/03/2022.

DA-2021/1070/A - Commercial - demolition of existing structure and construction of a two (2) storey building and four (4) levels of basement parking Modification A - provision of plant room for basement levels approved under delegation on 20/08/2022.

- 4-8 Parkinson Street, 379-383 Crown Street, Wollongong

A pre-lodgement meeting (PL-2021/165) was held on 21 August 2021. Some of the main issues discussed at this meeting included:

- *The existing easement along Lot 7 should be identified on the plans.*
- *Commercial floor plates are large with excessive depth and the DRP questioned the ability to comply with controls such as access to light.*

- *Heights and FSR should be within permitted limits.*
- *More detail is required about how the Parkinson Street frontage will present and the conflicts this may have with the adjacent residential zone.*
- *Clarification on building separation was requested from the applicant. Council advised that this requires section plans in order to determine separation requirements as per the LEP.*
- *The DRP suggested that the arcade should lead to a destination and there is opportunity to provide a break in the two built forms by having a centralised landscaped plaza area.*
- *The need for the pedestrian links was questioned. In particular, the number of residents on Parkinson Street who will be utilising this link as Parkinson Street is a dead-end street. There is concern that the through site links might become links to “nowhere” without appropriate anchor tenants or uses to Parkinson St. Additionally, while the through site link is generally a good concept, the change in levels (up to 10m difference between Crown and Parkinson St) has potential to make this link illegible and inaccessible. Proposed linkages with other existing or new links were discussed with the Applicant to explore future expansion with nearby existing linkages.*
- *The applicant must provide swept paths which show a B99 vehicle passing a B85 vehicle on all car parking aisles and critical corners.*

Design Review Panel

The application was reviewed by the Design Review Panel (DRP) at a pre-DA meeting on 18 October 2021. Following lodgement, the proposal was reviewed on 14 November 2022 and again on 17 August 2023. The notes from this meeting are found in Attachment 2.

SRPP briefing

On 11 October 2023 and 21 Feb 2024 the SRPP was briefed on the proposal and the records of briefing can be viewed on the [Sydney and Regional Planning Panels website](#). The Panel visited the site on Tuesday, 21 February 2023.

Planning History

DA-2020/535 as originally submitted to Council proposed the demolition of structures and construction of a mixed use development at both 4-8 Parkinson Street and 381-383 Crown Street. Due to concerns raised by Council over the commercial tower in relation to site isolation and amalgamation, the DA was revised to remove the Crown Street tower and the DA modified to a mixed use development at 4-8 Parkinson Street only. This DA provided access to the development off Parkinson Street with a future basement connection to Crown Street to allow future development to occur along the Crown Street properties. This DA was approved by the SRPP on 19 August 2021.

Since that time, 377 Crown Street (property to the east) had been purchased by the developer. There have also been negotiations with the isolated lot to the west (385 Crown Street) with unsuccessful attempts to acquire this site.

It is unknown at this stage whether the owner of 385A has acted upon the approval for the hotel which was issued by the NSW LEC. Should this consent have lapsed, there is opportunity for the amalgamation of both properties to be developed together in the future with access provided from Osborne Street.

DA-2021/1070 was approved under delegation on 28 March 2022 and proposed the construction of a two storey building with four levels of basement parking at 379-383 Crown Street and 4-8 Parkinson Street. This DA sought access from Parkinson Street. Demolition works and excavation works are underway on this DA and will cater for the current DA by expanding the basement levels to form 5-6 levels of basement parking below the Crown Street frontage.

1.3 SITE DESCRIPTION

The site comprises a number of lots along both the Crown Street and Parkinson Street frontage. To the north, along Crown Street, the proposed lots are Lots 3 to 7 in DP 10704 along with Lot 10 in DP 309092 known as 377-383 Crown Street, Wollongong.

To the south, along Parkinson Street site frontage, the sites comprise of three individual lots being described as Lot 81, 82 and 83 DP 10704, known as 4-8 Parkinson Street, Wollongong. The sites have a combined width

of 41.28m to Parkinson Street. The site has a fall of approximately 10m from the Crown Street frontage towards Parkinson Street. The site is not identified as accommodating any heritage listed items.

Directly to the east of the site at 373 Crown Street is a mixed-use development recently completed and approved under DA-2006/1698/J. This development comprises two tower buildings comprised of Building A - 20 storeys consisting of ground floor retail/commercial and parking, three storeys of commercial area and 16 storeys of residential units comprised of 104 units and Building B - 10 storeys consisting of ground floor parking and 8 storeys of residential units comprised of 40 units over three (3) levels of basement parking. Access to this development is also from Parkinson Street.

Directly to the west of the development is an existing 1-3 storey building accommodating health consulting rooms which has recently undergone refurbishment. Further to the west on the corner of Crown and Osborne Street is a 1-2 storey commercial premises which has been recently used as a café.

An easement providing access to 385 Crown Street is located along the western boundary of the site. This easement is currently used for vehicle access to 385 Crown Street. The existing easement falls significantly away from Crown Street to provide access to the neighbour's carparking spaces.

The site is near public transport and Wollongong Hospital. Land uses surrounding the site include medical, commercial, retail, and low to high density residential development. The site is situated between two different land uses being commercial zone to the north, east and west and a residential zone located south of the site.

The sites directly to the north have a height limit of 60m along the Crown Street frontage. The maximum height is 32m for the Parkinson Street sites. The land directly to the south is situated in a R1 General Residential Zone with a height limit of 16m and comprises of existing residential development. Adjoining the site to the west is two storey building containing units fronting Osborne Street.



Figure 1: Existing site context

Property constraints

Council records identify the land as being impacted by the following constraints:

- **Flooding:** The site is located within an Uncategorised flood risk precinct. Council's Stormwater Officer has reviewed the application in this regard and provided a satisfactory referral.

- Easement: A Right of Carriageway easement is located adjacent to the western boundary of the subject the subject site (along the western boundary of Lot 7 DP 10704). The Right of Way is to assist the neighbour (Lot 8 DP 10704) with accessing their rear carpark.

1.4 SUBMISSIONS

The proposal was notified in accordance with Council's Community Participation Plan 2019. Three submissions were received including a submission from Neighbourhood Forum 5. Amended plans were placed on notification and a further one submission was received. The following is a summary of the key concerns raised in the submissions.



Figure 2: Notification Map

The issues raised in the submissions from both notification periods are discussed below.

Table 1: Submissions

Concern	Comment
The Forum (Neighbourhood Forum 5) offers no objection to this proposal subject to resolution of overlooking from the south-west corner of the residential tower.	The proposed Level 5 plaza level creates a podium arrangement to Parkinson Street to the south, with this podium level also being elevated above neighbouring low-density residential buildings to the west on Osbourne Street. A densely planted edge with an integrated solid barrier wall has been provided to the plaza area to ensure overlooking is minimised to neighbours, the change in levels between developments does not allow for direct overlooking. However, overlooking of POS/outdoor areas is likely from the southern retail/commercial tower to some extent, and this results from the change between existing low-

	density developments to the proposed high-density mixed-use typology.
The height of the building may be above the natural sight line from the escarpment to the foreshore, it will mean a "Tunnel" effect when entering the C.B.D. from the west. If equally tall buildings were to be built on the northern side of Crown Street, the tunnel effect would be even much greater and reduce sunlight on the footpaths in the area.	The proposed height of the towers complies with the relevant height controls of Wollongong LEP 2009. The height limit for Crown Street properties is 60m and the height limit along Parkinson Street is 32m.
There is a clause 4.6 variation request. This seem to be in almost all cases for high rise developments in the city centre. The development standard should apply to this D.A. including setbacks and distance between buildings.	A Clause 4.6 submission has been received in relation to building separation. An assessment against Clause 4.6 is provided in section 2.1.6 of this report.
Off street parking provision would meet "the real needs" and not just Council or R.M.S requirements	The proposed development provides parking for 384 car spaces which complies with Council's DCP requirements.
All the calculations, including height, floor space ratio, setbacks and parking spaces should be checked for accuracy.	The calculations have been verified during the assessment process.
<p>Concern over noise and vibration impact that the development will have on the running of our practice and the associated medical procedures. We request that any DA consent include conditions regarding minimising and monitoring ongoing excavation and construction noise and vibration.</p> <p>The building is making extreme noise early every morning from 6:30am.</p>	Conditions of consent with regard to hours of construction work are proposed including respite hours for rock breaking. Refer to draft conditions for hours of construction work.

1.4.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council's Geotechnical Officer has reviewed the application, including the Geotechnical Report. It was noted that the ground conditions are expected to be quite variable including some hard bedrock to be excavated for the construction of basements. Geotechnical advice will be required to support the design and construction of site preparation earthworks. Conditions of consent were recommended and are included in the draft conditions.

Stormwater Engineer

Council's Stormwater Engineer has reviewed the application including the submitted Stormwater Concept Plans. The plans are satisfactory and conditions of consent are provided.

Traffic Engineer

Concerns remain over the basement design, in particular the design of swept paths. At pre-lodgement stage it was requested that the *applicant must provide swept paths which show a B99 vehicle passing a B85 vehicle on all car parking aisles and critical corners. Following lodgement of the DA, there have been 3 traffic referrals with the following comments on the most recent referral:*

- 20 February 2024 – Unsatisfactory. *The proposed car parking and manoeuvring configuration is not supported as it does not comply with AS2890.1. The submitted swept paths show that vehicle swept paths take up the whole circulation aisle when entering and leaving the basement ramps (effectively one way) which will result in conflict, congestion and associated internal manoeuvring impacts. For a basement of this size with the number of levels and car parking spaces proposed, two-way passing must be provided. This will require the removal of some car parking spaces on the corners to allow vehicles to swing out simultaneously. The applicant must amend the car parking and manoeuvring plans accordingly.*



Figure 3: Current basement design

Environment Officer

The following reports were considered:

During the assessment of this application, 377 Crown Street was added to the DA as an additional site. Restrictions on site investigations are in place at 377 Crown Street due to the operation of the preschool on site. Further site investigations are required to be carried out following demolition of the preschool as discussed under SEPP Resilience and Hazards in section 2.1.2 of this report.

Council's Landscape Officer has reviewed the application and given a satisfactory referral. Conditions have been recommended including the provision of street trees and upgrading of the footpath in accordance with Council's public domain technical manual.

1.4.2 EXTERNAL CONSULTATION

Transport for NSW

Council sought advice from TfNSW to assist with the assessment under Section 138 of the Roads Act 1993 and Section 2.119 and 2.122 of SEPP Transport and Infrastructure 2021.

Conditions were received on 15 March 2024 and included in the draft consent.

Endeavour Energy

Endeavour Energy have no objection to the Development Application. Conditions have been provided.

Design Review Panel

The application was reviewed by the Design Review Panel (DRP) in accordance with clause 7.18 5 (a) of WLEP2009 as a pre-DA meeting on 18 October 2021. Following lodgement, the proposal was reviewed on 14 November 2022 and again on 17 August 2023. The latest DRP notes are found in Attachment 2 and a summary of the key concerns are outlined below.

Table 2: DRP comments

DRP Comments	Council Comments
<p><u>375 Crown Street, neighbouring site to the east.</u></p> <p>There are several fundamental issues with the building form depicted in the study that will ultimately reduce the GFA of the proposal / significantly impact its amenity:</p> <ul style="list-style-type: none">- The building form would have a deep footprint that receives very little natural light- The building has not been setback to respond the lightwell on the neighbouring building to the east.- The building has not been setback to respond to the colonnade on the subject property.- Vehicular access is via Crown Street, this reduces the active frontage of the property and may also not be supported by the RTA.- The Basement shown in the built form is extremely inefficient, due to the constraints of the site. To accommodate the required 48 parking spaces (as outlined in the study) five levels of basement would be required.- The best-case scenario for this site if developed in isolation would be a four-storey building, serviced by a five-storey basement with a GFA significantly below the maximum permissible GFA for this site.	<p><u>375 Crown Street, neighbouring site to the east</u></p> <p>The applicant has recently acquired 377 Crown Street and the DRP were concerned that this has significantly reduced the development potential of the adjoining site at 375 Crown Street.</p> <p>The 375 Crown St site is 804sqm in area and positioned between a recently constructed development to the east (373 Crown Street, a recently constructed development known as Crown view) and the subject site. The Panel were concerned that this site is isolated and unlikely to be redeveloped as its height and potential GFA are restricted.</p> <p>The future built form study provided for this site shows a four-storey street wall building infilling the entire footprint of the site.</p> <p>The DRP recommended the following:</p> <ul style="list-style-type: none">- Vehicular access to this site should be provided from the subject site to assist in providing a more efficient basement and eliminate the need for a vehicular access point on Crown Street.- The western edge podium (Proposed building on subject site) will be exposed for a significant amount of time. Consideration must be given to how the exposed nil setback wall will be expressed / articulated with high quality materials. <p>This has been considered by the applicant and future redevelopment plans of this site lodged.</p> <p>The proposed eastern and western boundary wall treatment is fibre-cement panelised cladding</p>

<p><u>385, 385A, Crown Street, adjoining sites to the west</u></p> <ul style="list-style-type: none"> - An easement, which currently provides vehicular access to 385 Crown Street is located adjacent to the western boundary of the subject the subject site. - The easement requires the proposal to be setback from its western boundary, preventing a continuation of the street wall fronting Crown Street. This will in turn require 385 and 385A Crown Street to provide a setback from its eastern site boundary to respond to the subject site. The Panel are concerned breaking the street wall so close to the street corner will create a poor urban form and significantly reduce the development potential of 385 and 385A Crown Street, effectively isolating this site by reducing its development potential. <p><u>2 Parkinson Street, adjoining site to the east (southern end)</u></p> <ul style="list-style-type: none"> - Detail sections showing the interface between podiums demonstrate that the proposed podium will sit approximately 2m above the podium of its neighbour. Careful detailed resolution of the interfaces between podiums must ensure the privacy and security of both podiums. Ideally, the podium on the subject site would be lowered to better relate to its neighbour. - It is noted that the current survey excludes key information on existing utility services, bus stop, and detail of current adjacent development. - Site and Context Analysis summary constraints and opportunities plans should be included in the DA architectural drawings. 	<p>which is not appropriate on fire proofing, maintenance, and durability grounds. This is as maintenance access would need to occur over the boundary line of adjacent premises, as a level of maintenance is required for serviceability and upkeep of panel systems over time and given that in correspondence the Applicant's architect provided contrary advice on the suitability of the proposed system for use as a boundary wall treatment. It is recommended that a condition be imposed changing this material to face brickwork.</p> <p>Updated plans show a future basement connection point on level 4. The retention of this connection point is also included as a draft condition to ensure future basement access to 375 Crown Street is provided without hinderance.</p> <p><u>385, 385A, Crown Street, adjoining sites to the west</u></p> <p>The site to the west is restricted due to the existing easement. The applicant envisages that any redevelopment of this site will encompass both 385 and 385A Crown Street with access from Osborne Street as this is the logical development pattern for the site.</p> <p>385A Crown Street contains an approved DA for an eight storey hotel. The hotel has a nil setback to its eastern boundary, which would suggest that a future building form on 385 Crown Street would abut it, to form a street corner building.</p> <p>The applicant has chosen for a setback to the easement to create an 'eat street' precinct with proposed activated retail activities. This has led to design issues regarding the provision of a continuous podium level treatment to 385A Crown Street. Any future redevelopment of the adjoining sites to the west will have to consider the western façade treatment of this building to achieve an appropriate design outcome.</p> <p><u>2 Parkinson Street, adjoining site to the east (southern end)</u></p> <p>Updated drawings and sections have been provided for the Parkinson Street interface with the adjoining property to the neighbouring development to the east at 373 Crown Street (Crownview).</p>
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<p><u>32-36 Osborne Street</u> neighbouring site to the west adjoins the southern portion of the subject site. The built form study for this site depicts a mixed-use building with a three-storey street wall to Parkinson Street and a residential tower. The study demonstrates the potential to provide an amenable ADG compliant building on this site. The study also demonstrates that a reasonable relationship can be achieved between the future built form and the subject site.</p>	<p><u>32-36 Osborne Street</u></p> <p>Noted, no further investigations for these sites are required.</p>
<p><u>Built Form and Scale</u></p> <p><u>Basement</u></p> <p>The current proposal does not provide basement parking below the recently acquired site (377 Crown Street). By extending the basement into 377 Crown Street opportunities to improve the efficiency of the carpark and potentially reduce the number of parking levels that will be created.</p> <p><u>Crown Street Interface</u></p> <p>The entrance to the retail mall is clearly defined within the street wall. However, all retail units fronting Crown Street sit on a flat slab at a consistent RL which results in a mall entrance that sits approximately 1m above the street and a series of steps that separate the retail tenancies from the street. An accessible path of travel is only available at the far western end of the street.</p> <p>Consideration should be given to stepping the level of each retail tenancy to provide an accessible point of entry from the street. The retail mall could also be lowered to allow a step free point of access from the street. Pedestrian circulation behind the colonnade should ideally be continuous (not broken by planters).</p> <p>A retail tenancy has been introduced at level 4. The tenancy is largely recessed below street level and has a floor-to-floor height of only 3m. The tenancy will not provide a functional / quality retail space. If the entry to the retail mall is lowered by approximately 1m, the eastern tenancy at level 5 can be developed to better relate to / activate the street.</p> <p>The residential entry is extremely hard to discern within the Crown Street façade. A more clearly defined entry should be provided to the residential building.</p> <p><u>Retail</u></p> <p>The level 5 retail space has been developed to provide improved circulation and eliminate dead</p>	<p><u>Basement</u></p> <p>The applicant states that all basement levels based on the formerly approved DA for the 379-383 Crown St site have already been excavated so there is no need for parking to extend to the 377 Crown St site. Notwithstanding this, minor additional excavation is required to the 377 Crown St site to include Level 4 of the development.</p> <p><u>Crown Street Interface</u></p> <p>Level access is provided at the North-East and North-West entry points. An accessible access is incorporated into the design via the colonnade which avoids ramps with handrails taking up street space and its visual impact. Stair access is provided to the main entry however, accessible access is also provided without the need for ramps.</p> <p>Crown Street contains a slope along the frontage, 3m in total from east to west. However clear sight lines to the retail shopfronts are not hindered.</p> <p>The current plans have considered the gradients of the site appropriately and responded to the DRP comments in relation to site access arrangements. There is not envisaged to be any access issues with the Crown Street frontage.</p> <p>Planter boxes and other pedestrian obstructions are no longer proposed.</p> <p>The Level 4 retail tenancy ceiling has been increased in height (and a statement provided for providing open ceilings) and the tenancy has significantly reduced in depth. This mitigates the noted design concerns for this space.</p> <p><u>Retail</u></p> <p>The main concern is over the sub-terranean retail spaces on level 4 and 3 of the southern tower.</p>

<p>end spaces. However, the Panel continue to question the viability of much of the retail space that is spread over several levels and has no direct connection to the street. The retail levels fronting Parkinson Street at levels 3 and 4 are of particular concern as these tenancies have no direct connection to either street frontage, they appear to be more suited to use as commercial suits rather than traditional retail.</p> <p>The floor-to-floor height of the retail units fronting Parkinson Street is 3.4m. This is less than the 4m floor to ceiling dimension encouraged by the ADG.</p> <p>Confining 'Eat Street' to the north-western edge of the development seems like an odd decision when it appears that the entire floor is designed similarly – with linear spaces besides retail - to allow for F+B functions.</p> <p><u>Parkinson Street interface</u></p> <p>Exploration of how the substation could be integrated into the development should continue to be explored, as should how the development abuts its neighbours the east and west along this street.</p> <p><u>Cross site link</u></p> <p>The current proposal should be considered as facilitating access between both streets, but only for the limited convenience of residents and tenants.</p> <p><u>Residential tower</u></p> <p>The north south orientation of the tower in the northern portion of the site, fronting Crown Street assists in mitigating the impact (overshadowing) of the proposal upon the lower scale residential neighbours to the south. However, if the Panel are to accept the design rational established in the potential future built form studies (that 375 Crown Street will not accommodate a tower). The rationale behind the location of the residential tower must be questioned. Does the current strategy to provide minimal setback (ADG part 3F) from the future tower to the west whilst providing separation in excess of 40m from the tower to the east provide the best spatial relationship between towers with regards to urban form, amenity and over shadowing of the low-density residential neighbourhood to the south?</p>	<p>These are hidden from Crown Street and have poor accessibility and wayfinding. The viability of these spaces remains questionable.</p> <p>It is envisaged that any future use of these spaces would be restricted (e.g., supermarkets) due to poor servicing arrangement for bulky goods and goods handling, and the lack of a dedicated loading dock or storage spaces serving retail tenancies. Nb. it is noted that the loading bay at Level 1 stated in the waste services report and documentation is solely for waste collection purposes and that all retail servicing is to utilise B99 vehicles.</p> <p>The ceiling heights for Parkinson Street retail component are clarified in the RFI response by providing unenclosed ceilings.</p> <p><u>Parkinson Street interface</u></p> <p>The integration of substations has not been addressed, however noting that this is a similar arrangement to adjoining premises, and that incorporating a chamber-style substation creates a more limited interface to the south-western retail tenancy with other associated streetscape impacts. This is an acceptable arrangement, with aesthetic concern noted.</p> <p><u>Cross site link</u></p> <p>The Panel were informed that it was unlikely that the potential connection from the eastern end of Parkinson Street with Gladstone Avenue would be realised. Lift access remains available.</p> <p><u>Residential tower</u></p> <p>The applicant has chosen to retain the tower in the current position for the following reasons:</p> <ul style="list-style-type: none"> • The current position of the tower reduces overshadowing of the COS at 373 Crown St (Crownview). • By locating the northern tower further to the west, the southern tower of 373 Crown St then achieves all ADG controls, including solar access. • The tower is positioned to balance neighbours overshadowing and impact on the southern tower. <p>Council has considered both the DRP comments and the applicant's response and find the proposed design response satisfactory. The position of the tower is primarily aesthetic and will</p>
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	<p>minimise overshadowing impacts. Repositioning the tower may increase building separation issues and overshadowing concerns with the existing development at 373 Crown Street.</p>
<p><u>Density</u></p> <p>Further contextual analysis is required to demonstrate how the proposal relates to the immediate / future context of the site to establish if the proposal presents an over development of the site.</p>	<p>The applicant has provided analysis regarding the future built form of surrounding sites.</p>
<p><u>Sustainability</u></p> <ul style="list-style-type: none"> - The use of solar power and solar water heating, as well as general electrification, is strongly encouraged, particularly to service communal circulation and parking areas. - Low embodied energy should be a consideration in material and finish selections. - Landscape plantings should address aims for biodiversity protection, weed minimisation and low water use. - electric vehicle charging stations be provided in the different carpark levels - A gas-free energy provision is encouraged - Opportunities to harvest rainwater for use 	<p>The following items are proposed:</p> <ul style="list-style-type: none"> • Solar panels on roof for communal areas • Rainwater re-use tank incorporated into stormwater OSD for reuse in landscape areas and communal toilets flush. • Landscape design incorporates a good percentage of low water use plants and is biodiverse. • Common EV chargers provided in both residential and commercial parking levels.
<p><u>Landscape</u></p> <p><u>Crown Street</u></p> <p>Concerns were raised regarding level changes across the Crown Street frontage and this may not be the best outcome for the site.</p> <p>The stairs between columns will require a lot of handrails and perhaps more of these opening should be a flush transition to the footpath. This would mean stepping the floor plate.</p> <p><u>Level 5</u></p> <p>As noted above there is a linear design to the outdoor spaces on this level which suggest a circulation-focussed approach rather than one that is trying to carve out usable space for tenants and visitors. The wider central opening has potential for more but with the addition of 2 planters and a deck it takes on very similar proportions to all other spaces.</p>	<p><u>Crown Street</u></p> <p>Due to the slope of the Crown Street frontage, stepping is proposed to provide access along to retail tenancies along Crown Street.</p> <p>The proposed two-level stepping along Crown Street results in ramps not being required along the street frontage thereby minimising the need for excessive number of access ramps, step-ramps, and handrails. The proposed treatment is satisfactory.</p> <p><u>Level 5</u></p> <p>The proposed circulation is not ideal however, there are constraints applying to the site regarding building separation, setbacks and privacy. By not extending the retail to the boundary edges this allows for landscaped areas and some relief for neighbouring properties.</p> <p><u>Level 8</u></p>

<p><u>Level 8</u></p> <p>The terrace to the east is of a size that may be too large to benefit just a single tenant and would therefore be better accessible by all commercial tenants.</p> <p><u>Level 10</u></p> <p>This level is the only level dedicated to COS for the residents of this development. As such it appears inadequate in achieving the 25% site area minimum. Given the number of residents this development will house, more COS must be provided. The upper rooftop may be too windy and exposed to provide meaningful COS but could be investigated.</p>	<p>Plans have been updated to reflect this.</p> <p><u>Level 10</u></p> <p>COS provided on the Parkinson Street tower and is acceptable for the number of units and the gross floor area of residential relative to commercial. Refer to commentary in the ADG.</p>
<p><u>Amenity</u></p> <p>Facades of commercial buildings orientated towards side boundaries must be developed to mitigate potential visual privacy issues, appropriate screening must be incorporated.</p> <p>The lowered floor-to-floor height of retail/commercial uses below level 5 should be reconsidered.</p> <p>The impractical, unsafe lowered headroom to the dock area nominated 'ambulance' should be re-considered.</p> <p><u>Residential</u></p> <p>Recommended larger scale unit plans, clearly labelled and dimensioned, particularly before/after adaptable plans, form part of any consent documents.</p>	<p>An appropriate setback to adjoining neighbours has been provided along with landscape planting and raised planter walls.</p> <p>Acceptable ceiling heights proposed as per previous comments regarding open ceilings.</p> <p>Ambulance bay has been removed.</p> <p>Study rooms have been amended to include study/media nooks instead. This is satisfactory.</p> <p>Kitchen layout has been amended and is acceptable.</p> <p>There are of mix of layouts provided but generally satisfactory.</p> <p><u>Residential</u></p> <p>Larger scale plans for the residential units have been provided.</p>
<p><u>Safety</u></p> <p>Consideration should also be given as to how the mall is secured after hours.</p> <p>The traffic capacity of the Parkinson Street cul-de-sac and safety of single vehicular entry/exit must be established.</p> <p>The BCA consultant's report should confirm compliance particularly in relation to egress and fire services. Any reliance on 'engineered solutions' should be clearly described, and DA drawings should incorporate any implications to planning.</p>	<p>A BCA report has been submitted along with an updated traffic report.</p> <p><u>DA Condition recommended:</u></p> <p>Security gates and shutters (with integrated fire exit gates as required) as shown on Drawing DA-0107-L are to be installed to control access to Level 5 after retail trading hours and maintained in perpetuity.</p>
<p><u>Housing Diversity and Social Interaction</u></p>	

<p>The proposed mix of uses could potentially provide an appropriate contribution to the neighbourhood. However, the Panel remain concerned as to the viability of the retail as currently configured.</p>	<p>The proposed housing mix is acceptable. The applicant advises that the retail component remains viable following their research into market demand.</p>
<p><u>Aesthetics</u></p> <p>The residential tower façade appears to have an imposed verticality with no clearly discernible relationship to orientation, structure, internal function, or materiality. Further detail is required to clearly establish the how the façade treatment relates to each unit.</p> <p>It is noted a simple office module façade is proposed for the southern offices and a different façade treatment reflecting that of the residential tower above is proposed for the Crown St offices.</p>	<p>The use of a face-brick podium street-wall and Crown St colonnade is appropriate.</p> <p>With the exception of the brick colonnade, the majority of external finishes were painted finishes. The Panel was concerned that reliance upon applied finishes will result in a high maintenance building that will age rapidly.</p> <p>The application now proposes through-coloured pre-finished fibre cement panelling to the tower walls, and this will form part of the conditions.</p> <p>The location of services has been shown on the plans.</p>

Following the DRP meeting, Council's Architect with the author reviewed the amended plans and supporting documentation and considered the DRP commentary and recommendations. Re-referral to the DRP was not deemed necessary.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

2.1.1 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

No native vegetation is proposed to be cleared for the development. The site is not identified as being of high biodiversity value on the [Biodiversity Values Map](#).

The development will not result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY RESILIENCE AND HAZARDS 2021

Land Contamination- Chapter 4 of the SEPP

The entire site is to be excavated to facilitate basement parking and footings as per approved Development Application DA-2020/1070/A where site contamination reports were considered.

An addendum to Detailed Site Investigation report was prepared by Aargus Pty Ltd, 23 July 2021. This report considered the previous DSI dated March 2020. Council requested that the contamination report be further updated following the addition of the site to the east at 377 Crown Street. The property is currently occupied by a childcare centre with buildings and sealed surfaces dominating the site. At this stage, intrusive investigations are not feasible, therefore it is recommended that following demolition of the buildings and sealed surfaces within 377 Crown Street, that additional soil sampling followed by laboratory analysis and preparation of an addendum report takes place and results submitted to Council.

As outlined in the report, the scope of works are to include:

- Four test pit locations across the property located at 377 Crown Street.
- Laboratory analysis and results from sample analysis – findings and comparison to
- regulatory guidelines.

- Field and laboratory Quality Assurance/Quality Control (QA/QC).
- Letter report.

Based on the results of this addendum report, a suitability statement for the proposed commercial development is required to be provided to Council. As per the advice from Aargus, any soils requiring removal from the site, should be classified in accordance with the “Waste Classification Guidelines, Part 1: Classifying Waste” NSW EPA (2014).

There are no historical records that there have been any contaminating uses over 377 Crown Street. The site is not known to be contaminated or potentially contaminated and the land is not registered under the Contaminated Land Management Act 1997.

Council is satisfied that this approach for testing is adequate given the constraints of testing and the known ground condition over the remainder of the site. Conditions for further testing are included in the draft consent with the result of the testing to be forwarded to Council. No concerns are raised regarding contamination as relates to the intended use of the land and the requirements of clause 4.6. Council and the panel can be satisfied that the requirements of this clause can be met, and the land can be made suitable for the development.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY TRANSPORT AND INFRASTRUCTURE 2021

The application was referred to the Transport for NSW under the requirements of this SEPP and a satisfactory response was received in response to the additional information provided. Conditions of approval were provided and form part of the draft consent.

The proposal was also referred to Endeavour Energy and no concerns with the proposal were raised. Conditions have been recommended with respect to Endeavour energy.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY PLANNING SYSTEMS 2021

Part 4 Regionally significant development

The Southern Sydney Regional Planning Panel is the determining authority for the development pursuant to Part 4 of the SEPP as the development has a estimated development cost of more than \$30 million.

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

The development meets the definition of a ‘residential flat building’ as it is more than 3 storeys in height and comprises more than 4 dwellings. As such, the provisions of SEPP 65 apply. The proposal has been considered by Council’s DRP in accordance with Clause 28 and Schedule 1, as reflected above.

A statement has been prepared by a Registered Architect addressing the requirements of SEPP 65 and was submitted with the application at lodgement accordance with the Environmental Planning and Environment Regulation.

Schedule 1 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to clause 30(2)(a) of the Policy and are discussed below

Principle 1: Context and neighbourhood character

The site is located within a B3 Commercial Core Zone, the objectives of this zone are primarily business and employment zones. The B3 Zone along Crown Street is undergoing a transition into emerging shop top housing development. A similar development of a similar height and scale to this DA has been completed at 373 Crown Street. This has been facilitated by planning controls permitting shop top housing within this zone.

The site is also located within close proximity to Wollongong Hospital and it is envisaged that a number of the commercial tenancies will be used for health services.

- Existing easement and site redevelopment to the west of the site

The existing easement and vehicle access located to the west of the development at 385 Crown Street is to be maintained. No part of the proposed development will encroach into this existing right of carriageway easement, and it is intended that this easement. Access to this easement is required during the construction stage.

Through previous applications, attempts were made to acquire 385 crown street through DA-2021-1070.

The applicant claims that the design response considered lot isolation for 385 Crown Street, with both physical and visual relief provided through building separation at this western interface. The proposed development maintains vehicle access arrangements for the adjoining site.

The applicant's design response to the street wall gap is the creation of a new site link/plaza (eat street) west of the ground floor and opening up view lines and land use activity opportunities between sites.

It is envisaged that any redevelopment of 385 and 385A Crown Street will provide vehicle access arrangements of Osborne Street at the lower end of the site. This would be a more practical design outcome should the two properties to the west redevelop over time.

- Response from the applicant regarding neighbouring site to the east (375 Crown Street)

As a result of the adding 377 Crown Street to the DA, the DRP requested further information regarding the development potential of the site the east.

The adjoining site to the east accommodates a 3 storey mixed use building with a site area of 804sqm. Access to this site is currently from Crown Street. Adjoining this site to the east is the recently completed Crown View at 373 Crown Street which is of a similar size and scale to this proposal. The DRP were concerned about the limited development potential of 375 Crown Street.

The applicant has submitted the following information for the remaining site to the east:

1. **Existing Strata Title Arrangements:** *It's essential to acknowledge that the adjacent site is burdened by existing Strata title arrangements, comprising nine individual units. This complex ownership structure inherently limits the likelihood of redevelopment, irrespective of the proposed development. The practical challenges associated with acquiring consensus among multiple landowners for redevelopment purposes significantly diminish the potential for any future development on this site.*
2. **Realistic Development Outcome:** *Contrary to the notion of isolation, the proposed development offers a realistic and viable development outcome for the adjacent site. The concept redesign prepared by Urban Link architects demonstrates the potential for the adjacent site to accommodate approximately 2795 m² of commercial floorspace, complemented by multiple levels of basement parking. This proposed development aligns with the existing urban fabric and contributes positively to the streetscape character of the high-density city center environment.*
3. **Urban Design Integration:** *The proposed development incorporates a built-to-boundary street wall edge adjacent to the eastern property, ensuring continuity and coherence in the streetscape. By aligning with the adjoining development further to the east, the contextual future character design facilitates a seamless transition in the built form, enhancing the overall urban context. Additionally, provisions have been made for a street wall podium consistent with the desired streetscape character, promoting visual harmony and architectural continuity.*
4. **Mitigation of Isolation Concerns:** *To mitigate concerns regarding isolation, the proponent has proactively designed the proposed development to allow for potential future vehicle access integration with the adjacent site. The provision for basement car parking abutting the common boundary facilitates the possibility of future vehicular access through our development, subject to commercial market arrangements. This strategic design consideration not only enhances the functionality of the proposed development, but also provides a pathway for connectivity and accessibility to the adjacent site if it is ever redeveloped in future.*
5. **Addressing Design Considerations:** *Urban Link architects have incorporated several design enhancements to address the concerns raised by the Council: The site, although subject to its own constraints, has been optimised to achieve the maximum Gross Floor Area (GFA) over four storeys. A lightwell has been integrated into the design to improve natural light within the floor plate, enhancing the amenity of the development. Vehicle access has been provided on Level 4 of the proposed development, ensuring efficient circulation and minimising impact on the streetscape. The perimeter wall has been designed to allow for future demolition without impacting the structure, ensuring adaptability for potential future changes. Durable and non-porous materials have been selected for the cladding to ensure longevity and ease of maintenance, considering the party wall context. A colonnade-like pattern has been incorporated into the design to enhance the architectural expression and contribute to the overall aesthetic quality of the development.*

Comment: The site is located within a commercial core zone and achieves a 20m building frontage to Crown Street as required under Clause 8.4 of the LEP. Therefore, the site is capable of being developed under current

local planning controls. The DRP recommended modelling to take place for the future redevelopment of this site. This is shown on the Potential Future Massing Plans prepared by Urban Link. The modelling shows that the site is able to accommodate 2795sqm of commercial floor space over 3- 4 levels with basement parking as shown in Figure 4 below. As recommended by the DRP, future basement access has been provided to facilitate the future redevelopment of this site through the basement levels of this development. Whilst consolidation of 377 Crown Street with this DA would be beneficial, the future redevelopment potential of this site is acceptable in relation to the existing and proposed nearby towers.



Figure 4 Potential Future Massing of 375 Crown Street, source: UrbanLink

- Relationship with nearby tower at 373 Crown Street (Crown view)

A recently constructed mixed use building adjoins the eastern boundary in the southern portion of the site. The subject proposal provides a direct connection to the podium of the neighbour, providing a continuous 3 storey street wall fronting Parkinson Street. The DRP stated in previous notes that adequate separation between tower forms to mitigate potential privacy issues appears to have been provided. Additional information has been submitted including sections showing the neighbouring podium, a contextual street elevation and confirmation of building separation dimension.

Principle 2: Built form and scale

The built form is consistent with some of the key elements of setbacks however a variation to building separation has been submitted. The floor plates are appropriate and generally in compliance with the Apartment Design Guide (ADG).

Solar access diagrams are compliant. The development proposes active street frontages and is of a scale compatible with recently approved nearby developments.

Principle 3: Density

The density of the development complies with the maximum FSR permitted for the land as outlined in Clause 4.4A of the Wollongong LEP.

Principle 4: Sustainability

The proposal is considered acceptable regarding sustainable design as follows:

- The building achieves the minimum cross ventilation and solar access requirements.
- The landscape 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 material.
- The proposal will not have an unreasonable impact on any heritage items or environmentally sensitive areas.

Principle 5: Landscape

The proposal provides suitable landscaped areas and communal open space that will provide for appropriate amenity to the occupants. The landscape plans have been reviewed by Council's Landscape Division and found to be satisfactory.

Principle 6: Amenity

The proposal meets the minimum requirements for solar access, private and communal open space, storage, acoustic privacy, access, and the like. Cross ventilation has been achieved and room layouts are acceptable and comply with the ADG. There are no significant visual or acoustic impacts anticipated.

The following condition is recommended with regard to cross ventilation:

- Horizontal plenum ducts to allow natural ventilation must be provided to Units L11.8, L12.8 and L13.7 and as detailed on Drawing DA-0302-H and Windtech Natural Ventilation statement dated 23.6.2023.

Reason: to ensure minimum natural ventilation requirements are achieved for the development.

Principle 7: Safety

The proposal is satisfactory with regard to safety and security. A clear definition between public and private space has been provided within the design. The design provides for minimal areas of concealment and entrapment with natural surveillance of common spaces. Residential and commercial lobby spaces and car parking spaces have been separated.

The following condition is recommended with regard to safety:

- Security gates and shutters in locations shown on Drawing DA-0107-L are to be installed to control access to Level 5 after retail trading hours, and operated and maintained in perpetuity.

Reason: Level 5 is hidden from Crown Street and is a significant CPTED concern when retail shops are closed, encouraging anti-social behaviour or rough sleeping.

Principle 8: Housing diversity and social interaction

The proposal provides a good mix of housing diversity with a total of 93 units are proposed comprising 19 x 1b/r units, 58 x 2b/r units and 16 x 3b/r units.

Principle 9: Aesthetics

The proposal is considered to be of a high quality with regard to its appearance. A mixture of natural materials colours and finishes is provided and the bulk of the development is suitably articulated.

The following conditions are recommended with regard to materials and finishes:

- Each side of the vehicle entrance ramp to Parkinson Street shall be clad in material type BWK1 face brickwork, extending to Grid 4.

Reason: to provide a high-quality material visible from the street and neighbouring properties

- Material Type PF3 on Drawing DA-910-F and Elevation drawings is to be Face Brick, similar in colour to Austral Brick "Bowral 76 Bowral Blue."

Reason: dark-coloured panelised systems are generally difficult to maintain and increases ongoing management costs; to ensure a suitable quality of finish is achieved over time (e.g. to avoid panel fading); to provide greater material surface variation with upper tower levels.

- Material Type PF1 and PF2 on Drawing DA-910-F is to be prefinished through-coloured fibre-cement boards, equal or similar to Equitone Natura.

Reason: to reduce maintenance burden on future occupants; to minimise environmental demand from applied painted surfaces; to minimise WHS concerns such as for repainting activities.

Apartment Design Guide

An assessment of the application against the Apartment Design Guide (ADG) is provided at **Attachment 4**, the variation is discussed below:

Objective 3D-1 Communal and public open space

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

Design criteria

- 1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)*
- 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)*

The application has provided the following justification for the departure:

Residential only takes up 36.30% of the total GFA, with the remaining as Commercial/Retail which both do not require COS under the ADG. Likewise a much larger hypothetical site that has a mixture of residential, commercial, and retail standalone buildings would logically not require the COS for the residential buildings to be based on the total site area.

The COS has been calculated on the basis of the GFA. The site area is 5,080m² and 25% of this is 1,270m². Applying 36.30% Residential to this area equals 461sqm. The proposed design provides well above this at 802m² or 41.6%.

Comment:

The proposed communal open space is provided on the rooftop of the Parkinson Street tower at a height of approximately 32m rather than the Crown Street Tower which reaches a height of 60m. The amount of COS is acceptable given the total area of residential in relation to commercial for the sites. This development is unique in that there is more commercial floor space than residential. Notwithstanding this, the amount of COS of 461sqm is suitable for 93 units which averages 5sqm per unit approximately. This is consistent with Council's DCP controls. Chapter D13 of Wollongong DCP requires 5sqm of COS to be provided for residential units within the Wollongong City Centre. Accordingly, no concerns are raised regarding varying the ADG COS requirements for this DA.

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

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.

2.1.7 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identified the land as being zoned B3 Commercial Core upon lodgement of the DA.

As part of a State Government amendment to land use zones, on 26 April 2023, five new employment zones and four new supporting zones took effect in local environmental plans (LEPs) across NSW, replacing the former Business (B) and Industrial (IN) zones.

The zoning map identifies the land as being zoned E2 Commercial Centre. As the DA was lodged prior to these amendments, the DA continues to be assessed under the provisions of B3 Commercial Core Zone. However as outlined above the proposed development remains permissible under the new zone as the reform did not alter the permissibility of the land use in this specific area.

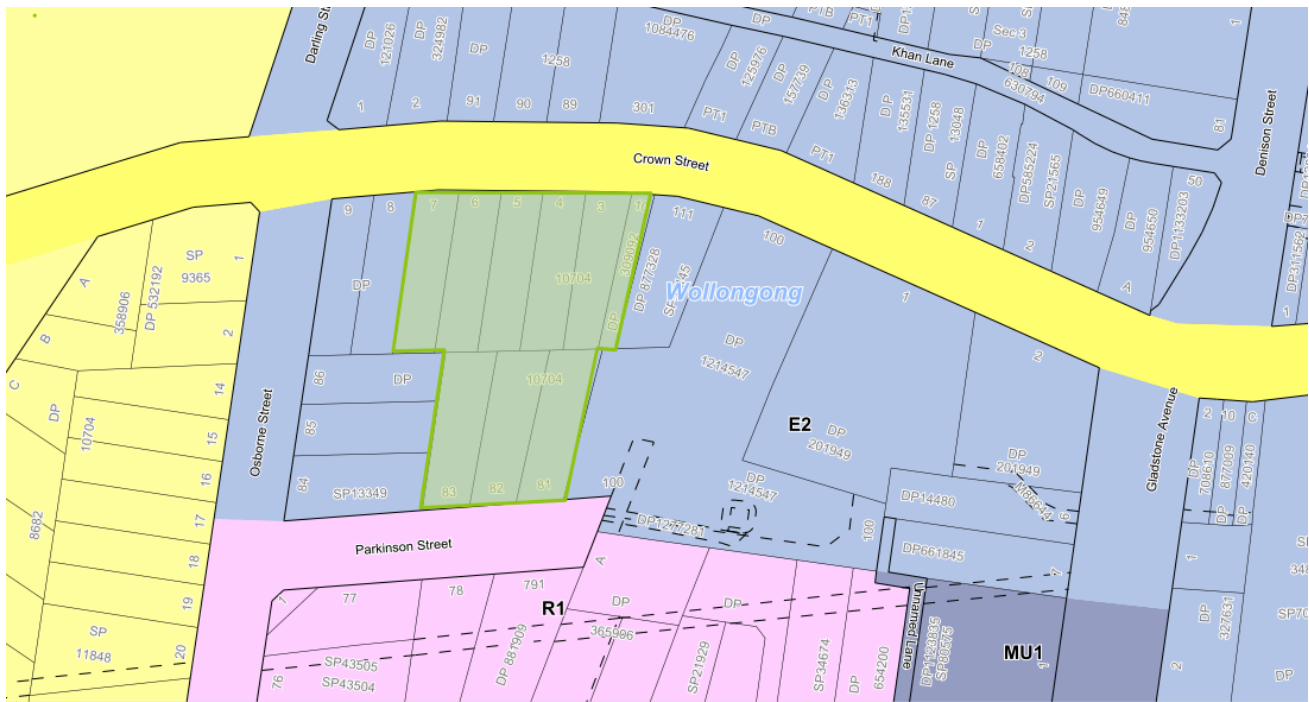


Figure 5: Zoning Map

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 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; Exhibition homes; Function centres; Helipads; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; 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**; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies*

The proposal as submitted is categorised as **Shop top housing** and is permissible in the zone with development consent.

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

Clause 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent. The development entails the demolition of childcare centre located at 377 Crown Street which was added to this application as an additional site. A demolition plan has been submitted with the application.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

In response to Council's request for further investigation under the previous DA for the site (DA-2021/1070/A), the applicant provided a Heritage Assessment of 4-8 Parkinson Street, Wollongong (prepared by Gasparini Luk Architects dated 11 November 2020). The Report details the potential construction dates of the three houses in the 1920's and notes they do not meet the criteria for a local listing. This report was reviewed by Council's Heritage Officer and conditions imposed in regard to Unexpected Archaeological Finds and Unanticipated finds of Aboriginal cultural heritage.

Demolition has been undertaken on the site under an earlier approval (DA-2021/1070/A) and all structures have been removed. Council's Heritage Officer has advised that the proposal is satisfactory from a heritage perspective. Unexpected finds conditions have been included into the draft consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

Tower 1- Maximum building height permitted (60m) proposed – 59.45m

Tower 2- Maximum building height permitted (32m) proposed – 31.95m

Clause 4.4A Floor space ratio – Wollongong city centre

Total site area of 5080m²

Gross floor area (commercial): 8,996m²

Gross floor area (residential): 15,95m²

Gross floor area total: 24,866m²

Maximum floor space ratio: 5:1

Floor space ratio proposed: 4.89:1

Calculation of maximum FSR permitted:

(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—

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

where—

NR is the percentage of the floor space of the building used for purposes other than residential purposes. (15,954m²/24,866m² = 64%)

NRFSR is 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)**

R is the percentage of the floor space of the building used for residential purposes. (8,996m²/24,866m² = 36%)

RFSR is 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 purposes, in relation to the use of a building, means using the building for the purposes of residential accommodation or serviced apartments or a combination of such uses.

$$\text{Max FSR} = (6 \times 64/100) + (3.5 \times 36/100) = 3.84 + 1.26 = \mathbf{5.1:1} \text{ (equates to 25,928.3m}^2\text{)}$$

$$\text{FSR proposed: } 24,866\text{m}^2/5080\text{m}^2 = 4.89:1$$

Clause 4.6 Exceptions to development standards

(Note: Changes were made to clause 4.6 on 1 November 2023 however savings applied and the previous wording of clause 4.6 applies to applications lodged prior to this date.)

A development departure is sought to building separation under Clause 8.6 of the LEP. The applicant's Clause 4.6 Statement forms Attachment 3.

Table 3: Clause 4.6 assessment

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 8.6 Building separation.
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	A satisfactory clause 4.6 variation has been submitted.
that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes, the applicant's Clause 4.6 Statement identifies the environmental planning grounds that are considered sufficient to support the development departure to building separation with regard to the specifics of the proposed development and unique site circumstances.
4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The applicant's Clause 4.6 Statement forms Attachment 3.</p> <p>The main variation requests relate to the lower Parkinson Street tower and its relationship with the recently constructed Crown view apartments at 373 Crown Street (located to the east of the site). The other building separation variation relates to the existing ROW and underdeveloped residential properties at 32-36 Osborne Street located to the west of the site.</p> <p>The applicant's written request justifying why compliance with the building separation control is unreasonable and unnecessary is based on the First and Fourth way under <i>Wehbe v Pittwater Council</i> [2007] NSWLEC827 (<i>Wehbe</i>) which are:</p> <ul style="list-style-type: none"> - that the objectives are achieved notwithstanding noncompliance with the standard (the First way); and - that the development standard has virtually been abandoned (the Forth way) <p><u>Objectives of Clause 8.6</u></p> <p>The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</p> <p>The applicant's written request seeks to justify that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case based on the following rationale:</p> <p><u>Visual appearance</u></p> <ul style="list-style-type: none"> - Well considered architectural design, materials and details with the use of modern durable materials have been used. - The design responds to the existing and future context. - The majority of the variations relate to the lower street levels/podiums with existing underdeveloped sites . - The design considers the future desired streetscape outcome of the area. - Constraints of the site have been considered in the design process. - There is appropriate articulation to mitigate blank walls - There is a positive visual presentation of the development.

	<p><u>Privacy</u></p> <ul style="list-style-type: none"> - Privacy has been considered with regard to side boundaries and the treatment of the western and southwestern boundaries. - Internal room layout attempts to minimise overlooking with the careful location of window and door openings. - The proposed building separation largely complies with separation distances within the ADG to achieve visual privacy. This is achieved through good design. <p><u>Solar access</u></p> <ul style="list-style-type: none"> - Apartment aspects for living spaces are primarily orientated to the north east and west to maximise solar access - The northern edge is treated with a high level and pop out windows to gain advantage of solar access whilst maintaining privacy. - 84% of the units receive 2hrs of sunlight to living area and private open space. - Roof top COS will receive required solar access. <p>The applicant's statement also outlines the following means of the development satisfying the objectives of the B3 Commercial Core zone and E2 Zone (summarised):</p> <ul style="list-style-type: none"> • The land uses are conducive to the commercial environment and will revitalise the city centre. • The proposal is a significant investment and will generate employment. • The proposal is in a highly accessible location. • The proposal is consistent with strategic planning for high density residential in the area. • The proposal will upgrade the public domain and enhance the vibrancy of the place. • The proposal is ideally situated within a hospital and medical precinct. <p>The Clause 4.6 Statement contends that there are no substantial impacts from the departure to building separation and that there are unique circumstances which warrant a reduced building separation.</p>
<p>the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>The proposed development will be in the public interest because it is consistent with the objectives of the building separation standard and the objectives for development within the B3 zone will be achieved.</p> <ul style="list-style-type: none"> • <u>Clause 8.6 Building separation objective:</u> (1) <i>The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</i> <p><u>Comment:</u></p> <p>These objectives have been discussed above. The development is considered to respond to the objectives of this clause despite the variations.</p> <ul style="list-style-type: none"> • <u>Objectives of the B3 Commercial Core zone</u> <p>The objectives for development within the B3 Commercial Core zone are:</p> <ul style="list-style-type: none"> - <i>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.</i>

	<ul style="list-style-type: none"> - <i>To encourage appropriate employment opportunities in accessible locations.</i> - <i>To maximise public transport patronage and encourage walking and cycling.</i> - <i>To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.</i> - <i>To provide for high density residential development within a mixed use development if it—</i> <ul style="list-style-type: none"> <i>(a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and</i> <i>(b) contributes to the vitality of the Wollongong city centre.</i> <p>The proposed building provides commercial uses on ground level which is consistent with the above objectives.</p> <p>During the lodgement of this application, the site has been rezoned to E2 Commercial Centre and the previous objectives have been updated as shown below and also referenced in the updated Clause 4.6 submission:</p> <ul style="list-style-type: none"> - <i>To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.</i> - <i>To encourage investment in commercial development that generates employment opportunities and economic growth.</i> - <i>To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.</i> - <i>To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.</i> - <i>To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</i> - <i>To encourage development that is consistent with the centre's position in the centres hierarchy.</i> - <i>To strengthen the role of the Wollongong city centre as the business, retail and cultural centre of the Illawarra region.</i> <p>The non-compliance with the building separation standard is not considered to be inconsistent with the objectives of the zone and the development standard. The proposed development incorporates 15,954sqm of commercial floor space to be utilised by for a range of uses within the Wollongong city centre and achieves FSR controls, and the massing and modulation of the building will not result in unreasonable loss of amenity to adjoining properties. The building is not expected to compromise the development potential of neighbouring sites. The visual appearance is consistent with the desired urban form.</p> <p>The proposal provides a mixture of residential and commercial development in close proximity to public transport and services is compatible with surrounding development.</p> <p>The Design Review Panel supports the proposed setbacks.</p> <p>There are sufficient environmental planning grounds that are specific to the redevelopment of the site to justify contravening the development standard, namely that the bulk of the departures arise from the existing ROW and setbacks from adjoining existing buildings.</p>
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	There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard
the concurrence of the Secretary has been obtained.	The SRPP can exercise assumed concurrence in this instance.

Clause 5.21 Flood Planning Area

This Clause has been considered with Stormwater Plans reviewed by Council's Stormwater Engineer. There are no concerns raised in relation to this Clause. Refer to comments under Chapter E14 of WDCP 2009 with regarding to stormwater arrangements.

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. Consultation has been carried out with Endeavour Energy who raise no objection to the development.

Clause 7.5 Acid Sulfate Soils

The site is identified as being affected by Class 5 acid sulfate soils. Conditions are proposed.

Clause 7.6 Earthworks

The proposal involves excavation to facilitate the provision of the building's 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. Council's Geotechnical Engineer has considered the application and has provided a satisfactory referral subject to conditions.

Clause 7.13 Certain land within business zones

This Clause applies to the site as it is located within a Commercial Zone. 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 prevents development consent from being granted 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 for street activation as retail or commercial uses are proposed at ground level.

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

The site is located within the Wollongong city centre and is subject to this clause, the objective of which is to deliver the high standards of architecture and urban design. The proposal is considered to be consistent with the provisions for design excellence as follows:

(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

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

The Design Review Panel and Council's architect have reviewed the proposal and found the design, materials and detailing acceptable. The proposal is satisfactory regarding the ADG and Council's development controls.

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

The proposed building form is compatible with the likely future streetscape.

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

No adverse impacts on the identified views are anticipated.

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

The development does not overshadow any sun plane protection areas.

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

(i) the suitability of the land for development,

The site is considered suitable for the development.

(ii) existing and proposed uses and use mix,

The proposal is consistent with the desired future character of the area reflected in the applicable planning controls.

(iii) heritage issues and streetscape constraints,

There are no constraints that would preclude the development.

(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 proposed tower has an acceptable relationship with existing towers. The DRP notes that the relationship with existing towers on neighbouring sites is acceptable.

(v) bulk, massing and modulation of buildings,

The bulk and mass of the building is considered acceptable.

(vi) street frontage heights,

The proposal has a suitable street frontage height, consistent with the emerging character of the area.

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

The proposal meets BASIX targets. Overshadowing impacts are considered acceptable in the context of the applicable planning controls that anticipate a building of this height and scale.

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

The proposal is broadly acceptable with the principles of ecologically sustainable development. The proposal is an efficient use of land in an accessible location. The proposal will not directly impact on environmentally sensitive areas. The proposal satisfies the minimum energy and water efficiency requirements.

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

The proposal is unsatisfactory regarding access, servicing and parking as discussed in this report. A deferred commencement condition is recommended for the basement to be redesigned to comply with swept path requirements as requested from Council's Traffic Engineer.

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

The proposal will upgrade the footpath along the street frontage in accordance with Council's public domain policy.

Clause 7.19 Active street frontages

The proposal activates the street frontages (Crown Street and Parkinson Street) by providing commercial/retail spaces fronting the public domain.

Part 8 Local provisions—Wollongong city centre

The site is located within the area defined as the Wollongong city centre by WLEP2009 and accordingly the provisions within this part of the LEP are of relevance to the proposal.

Clause 8.1 Objectives for development in Wollongong city centre

The proposal is satisfactory with regard to this clause.

Clause 8.4 Minimum building street frontage

The land exceeds the minimum 20m frontage requirements for both Parkinson Street and Crown Street.

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

This Clause specifies the following controls:

(2) *Buildings on land within Zone E2 Commercial Centre or MU1 Mixed Use must be erected so that—*

- (a) *there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and*
- (b) *there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and*
- (c) *there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.*

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

- (a) *20 metres from any habitable part of a dwelling contained in any other building, and*
- (b) *16 metres from any other part of any other building.*

Comment: An exception to the building separation requirements under Clause 4.6 is sought. This has been discussed in Clause 4.6 above. The applicant has provided an overview of the development departure as highlighted by the four precinct areas for the development as listed below:

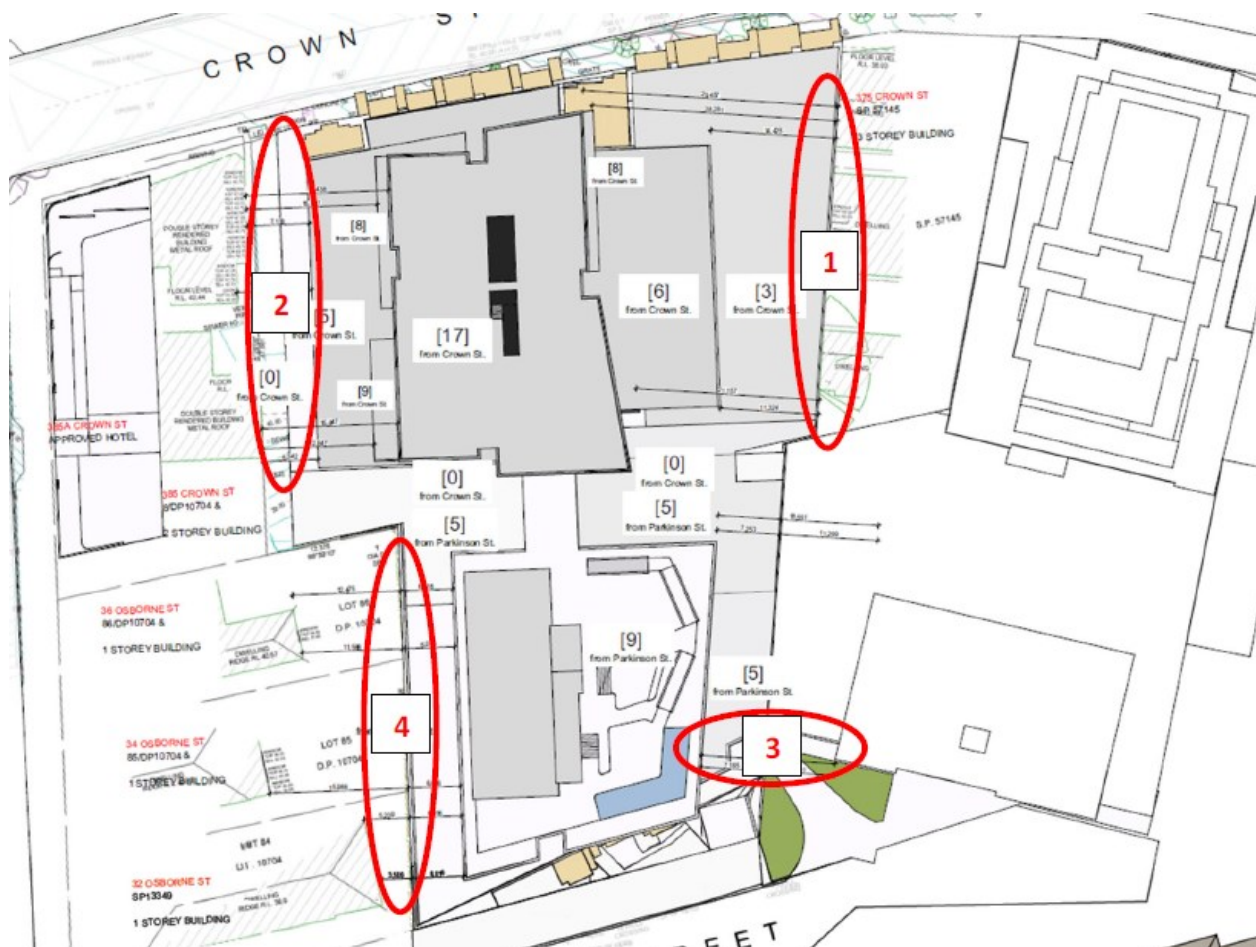


Figure 6: Building separation precinct areas

Table 4: Variations to building separation

Variation 1	This variation applies to the properties at 375 Crown Street which is located east to the site.					
	Boundary / Neighbouring Building	Corresponding Proposed Development Level(s)	Development Standard (interface)	Building Separation Proposed	Compliance	% Variation
	Crown Street Tower (podium = Level 8)					
	EAST					
	375 Crown St East (commercial ground level)	Level 4 (commercial)	0 metres (commercial to commercial)	0 metres	Yes	
	375 Crown St East (residential levels 1-2)	Level 5 (commercial)	16 metres (commercial to residential)	0 metres	No	% N/A
	375 Crown St	* No existing building above 3 storeys				
Variation 2	This variation relates to 385 Crown Street which is located to the west of the site.					
	WEST					
	385 Crown St West (commercial ground level)	Level 5 (commercial)	0 metres (commercial to commercial)	7.8 - 10 metres	No (strictly applied a zero setback is required)	% N/A
	385 Crown St West (commercial level 1)	Level 6 (commercial)	0 metres (commercial to commercial)	6.3 – 8.5 metres	No (strictly applied a zero setback is required)	% N/A
	385 Crown St	* No existing building above 2 storeys				
Variation 3	This variation applies to the 373 Crown Street and applies to the Parkinson Street Tower located to the lower southern portion of the site.					
	EAST					
	373 Crown St East (commercial levels 1-2)	Levels 1-3 (commercial)	0 metres (commercial to commercial)	0 metres	Yes	
	373 Crown St East (residential level)	Level 4 (commercial)	16 metres (commercial to residential)	8.2 metres	No	48.7%
	373 Crown St East (residential level)	Level 5 (commercial)	16 metres (commercial to residential)	16.4 metres	Yes	
	373 Crown St East (residential level)	Levels 5-9 (commercial)	16 metres (commercial to residential)	15.4 metres	No	3.75%
Variation 4	This variation applies to 32-36 Osborne Street which are properties located to the lower east.					
	WEST					
	32 Osborne St West (residential dwellings single storey)	Level 1 (commercial)	16 metres (commercial to residential)	3.5 – 5.2 metres	No	78.2%
	34 Osborne St West (residential dwelling single storey)	Level 3 (commercial)	16 metres (commercial to residential)	15.98 metres	No	0.13%
	36 Osborne St West (residential dwelling single storey)	Level 3 (commercial)	16 metres (commercial to residential)	11.5 – 12.4 metres	No	28.1%

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

Not applicable.

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

2.3.2 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. The full table of compliance can be found at Attachment 5 of this report.

2.3.3 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

Wollongong City-Wide Development Contributions Plan - City Centre

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development.

- The proposed cost of development* is over \$250,001 – a levy rate of 2% applies:

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

None applicable.

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

Environmental Planning and Assessment Regulation 2021

2 Savings

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation.

2000 Regulation means the Environmental Planning and Assessment Regulation 2000 as in force immediately before its repeal on 1 March 2022.

6 Determination of BASIX development

Basix Certificates lodged with development and conditions imposed.

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

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality. This is demonstrated through the following:

- The proposal is satisfactory regarding the applicable planning controls as detailed in the body of this report.
- Submissions have been considered and discussed in this report. It is considered that the submissions received would not preclude the development.
- The clause 4.6 variation is supported.
- A deferred commencement condition is recommended for the basement to be redesigned to comply with relevant Australian Standards.

The site is situated in a B3 Commercial Core Zone which is in a transition zone from to emerging land uses such as shop top housing. This is due to the location being within close proximity to the Wollongong Hospital. A large number of commercial floor area is proposed allowing employment and business uses. The site is within close proximity to approved similar shop top housing development located to the east of the site.

The context and setting are deemed suitable for the proposed development and the emerging character of Crown Street as prescribed by current planning controls.

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is consistent with the anticipated built form outcome for the site and locality.

Are the site attributes conducive to development?

The site can accommodate a new development and is appropriate regarding built form and site's context.

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

The proposal was notified in accordance with Council's Community Participation Plan 2019 and discussed in section 1.4 of this report,

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to result in significant adverse 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 is satisfactory with regard to the applicable planning controls. Resolution of basement parking is required to be undertaken.

3 CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009, relevant state policies, Council DCPs, Codes and Policies.

The proposal does not fully comply with the building separation development standards under WLEP 2009. The applicant has followed the process set out in clause 4.6 of WLEP 2009 and adequately justified the development standard departures. The proposal also involves a variation under the ADG. This variation request has likewise been assessed as reasonable. The character and form of the development is consistent with the zoning and reasonably responds to the surrounding context and the applicable controls.

The recommendations of the Design Review Panel have been adopted in the revised plans and matters raised by the Panel are satisfactorily resolved.

Submissions raised during public exhibition have been considered at section 1.4. The development is of a scale that will have some impacts from surrounding properties. However, these impacts arise from a built form outcome that is largely anticipated by the current controls and is consistent with existing surrounding development particularly to the east and west, refusal, or redesign of the development is not warranted on this basis. The proposal also maintains the existing ROW and makes provision for future vehicular access to adjoining sites.

Internal and external referrals are generally satisfactory subject to conditions of consent. The application is considered acceptable with regard to the likely impacts as discussed above. It is considered that the proposed development has been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area

RECOMMENDATION

It is recommended that the development application be deferred in accordance with the conditions provided in Attachment 6.

ATTACHMENTS

- 1 Architectural plans
- 2 DRP comments from 17 August 2023
- 3 Clause 4.6 variation – Building Separation
- 4 ADG assessment
- 5 WDCP 2009 assessment
- 6 Draft conditions of consent