



MMJ Town Planning & Advisory



8 Regent Street
Wollongong NSW 2500

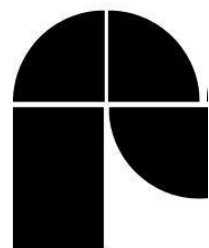


02 4229 5555



townplanning@mmj.com.au

ABN 35 000 367 699



5th September 2024

General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500
ATTENTION: ANNE STARR

RE: STATEMENT OF REPLY – COUNCIL ASSESSMENT REPORT (DA-2022/714)
Proposed Shop Top Housing Development
Lot 402 DP 715513
37-39 Burelli Street, Wollongong

Dear Anne,

This letter has been prepared to formally respond to issues raised in Council's Section 4.15 assessment report relating to DA-2022/714, and subsequent reasons for refusal and email from you dated 15 July 2024. Our clients and the project team have reviewed the matters in detail and this letter outlines each of the main issues raised, and responds to each of the matters by detailing how they have been adequately addressed in our opinion. The responses are provided in Appendix A to this letter.

For ease of reference, this response is provided in a table format, with the issues raised in Council's assessment report included in the first column, previous and relevant responses to those matters in the second column, and any other additional information are provided in the third column.

We trust this advice is suitable for your consideration. Should you require any additional information and/or discussion, please feel free to contact the undersigned at your convenience.

Yours faithfully,
MMJ TOWN PLANNING & ADVISORY

LUKE ROLLINSON BUrbRegPlan DipArchTech MPIA
DIRECTOR – TOWN PLANNER

Appendix A

Main issues raised by Council	Previous and relevant responses	Additional response
S4.55 Assessment Report – Summary of key issues		
1. Waste collection on the street may cause adverse amenity and traffic impacts	Additional Information, subsequent amended Architectural and Civil Design Plans were provided in June 2024. Refer to Ground Floor Plan (Drawing A-103) Issue E dated June 2024 by ADM Architects; and Refuse Vehicle Swept Path Analysis (Drawings C208 A) Waste Management Plan (Drawing C900 F) Amendment A and F respectively dated 25 June 2024 by JN. These plans demonstrate an increase to the waste servicing vehicle to a Medium Rigid Vehicle (MRV) and by Council's contractor, Remondis.	<p>The revised Architectural and Civil drawings from June 2024 demonstrate how the waste servicing for the proposed development has been modified to respond to Council's requests for information and the key issues raised during assessment and in the S4.15 Assessment Report. Council's waste collection vehicle is now able to be undertaken wholly on site, consistent with the obligations of WDCP2009.</p> <p>The ability for the site to be serviced by a rear loaded collection vehicle (MRV), with all waste collection completed on site, is considered to address Council's concern relating to impact on the amenity and traffic of the street. There will be no unacceptable streetscape impacts as a result of the changes made.</p> <p>This position is maintained.</p>
2. Non-compliance with Apartment Design Guide and SEPP 65, including the following principles: <ul style="list-style-type: none"> - <i>Principle 1: Context and neighbourhood character</i> - <i>Principle 6: Amenity</i> - <i>Principle 7: Safety</i> 	ADM's SEPP 65 Design Report dated 27/10/2023 responds to the SEPP 65 Design Quality Principles and the Apartment Design Guide demonstrating how the proposed development achieves and demonstrates the applicable principles and design criteria.	It is noted that the specifics related to the ADG and SEPP 65 principles have been elaborated separately. The report addresses in detail how Principles 1, 6, 7 and 8 and the design criteria have been addressed.

Main issues raised by Council	Previous and relevant responses	Additional response
<ul style="list-style-type: none"> - <i>Principle 8: Housing diversity and social interaction</i> <p><i>Design Criteria:</i></p> <ul style="list-style-type: none"> - <i>3D communal and open space</i> - <i>3F visual privacy southern setback</i> - <i>3G pedestrian access and entries</i> - <i>3J bicycle and car parking - above ground parking</i> - <i>4F common circulation and spaces</i> - <i>4J noise and pollution</i> - <i>4K apartment mix</i> - <i>4N roof design</i> - <i>4S mixed use</i> - <i>4T awnings and signage</i> - <i>4X building maintenance</i> 		<p>Tower Position:</p> <p>In relation to Principle 1, the proposal has been developed in relation to the desired future character of the area as set out in WDCP 2009 as well as the objectives of the land use zone and Wollongong City Centre established in WLEP 2009. The proposed tower is setback above the street wall to Burelli Street, and aligns with the street edge at Corrimal Street. The urban edge of the Burelli and Corrimal Street corner is brought forward as a result of the building envelope, and by doing so, establishes an improved streetscape appearance and activation opportunity whilst providing appropriate, and compliant setbacks to the large neighbouring building to the west. The podium façade comprises of highly detailed brickwork which enhances the pedestrian experience and reinforces the pedestrian scale of the podium.</p> <p>In a prominent corner location, the tower will serve as a visual landmark or gateway to the city centre. By being pushed to the Corrimal Street edge, the building will assert its presence more forcefully, making a stronger architectural statement and contributing to the identity of the area. Additionally, by aligning the tower with the street edge, the development reinforces the definition of the urban space, creating a clear and consistent streetwall that defines the public realm. This approach will likely</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>contribute to a sense of enclosure and urbanity, which is desirable in dense city centre locations.</p> <p>The proposal responds to the existing urban fabric and built form context of this Burelli and Corrimal Street location of Wollongong City Centre.</p> <p>Amenity: In relation to Principle 6, the building has been designed to optimise unit internal amenity, maintain the amenity of the adjoining properties and provide adequate open space between them. The plans indicate that well-proportioned and functioning apartment layouts can be achieved to provide a good degree of internal residential amenity for future occupants. Appropriate room sizes and shapes are provided and supported by access to sunlight and ventilation, sufficient storage, efficient layouts and service areas.</p> <p>Safety: In relation to Principle 7, the proposal optimises safety and security both within the development and public domain through the overlooking of public spaces and communal areas allowed by the apartment layouts, whilst providing privacy for the occupants of individual apartments. The public spaces are clearly defined and distinct from private space and incorporate</p>



Main issues raised by Council	Previous and relevant responses	Additional response
		<p>CPTED principles by incorporating formal and natural lighting, avoiding opportunities for concealment by removing dark, dead-end spaces that are not visible. The building residential entry point is clearly defined from the public domain and visible from Corrimal Street and separate to the vehicular access point.</p> <p>Housing Mix: In relation to Principle 8, there are a variety of floor plan types ranging in sizes, orientation and layout, providing a good array of housing choice for different community groups in different ages and stages of life.</p> <p>Critically however, city centre locations typically attract young professionals, singles, and couples without children who prioritize proximity to work, entertainment, and amenities over larger living spaces. One and two-bedroom apartments cater better to this demographic, offering more affordable and suitable living options.</p> <p>Three-bedroom apartments tend to be more expensive due to their larger size. In a city centre where property values and rent prices are high, smaller units provide more affordable housing options, making it easier for individuals to live closer to work and reducing the need for long commutes.</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		Finally, in high-density urban environments, optimising the use of space is crucial. Smaller units allow for a higher number of dwellings within the same footprint, enhancing land use and increasing the overall housing supply in the city centre.
<p>3. Objective 3F Visual Privacy Does not comply</p> <p>Habitable rooms and balconies The southern elevation habitable rooms and openings are set back 2.5m (Level 3) and 6m (Levels 4-13) from the boundary, where 6m, 9m and 12m is required.</p> <p>Non-habitable rooms The southern elevation is built to the boundary (Levels Ground-3) where 3m is required. The western elevation (Levels Ground-3) is built to the boundary where 3m is required.</p>		<p>Council has asserted that the proposed development does not comply with the ADG's design criteria for setbacks, particularly with respect to habitable and non-habitable rooms, as well as balconies on the southern elevation.</p> <p>Upon reviewing the specific aspects of the proposed design and cross-referencing with the ADG, the following points clarify the compliance of the development:</p> <p>Podium Levels (Ground Level to Level 2): The proposed development adopts virtually a blank wall on the southern and western boundary for the first three levels. This design approach is consistent with the ADG, which states that "no separation is required between blank walls." In a City Centre environment, it is anticipated and indeed required by both the LEP and DCP that the podium is built to the boundary, ensuring a robust and coherent urban form. This design not only complies with the ADG but also adheres to the intended urban design outcomes for the precinct.</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>Level 3 Setback (south): The habitable building line at Level 3 is setback 6m from the southern boundary, with only the balcony terrace area having a reduced setback of 2.5m. It is crucial to note that the majority of this terrace exceeds the minimum setback requirement and its primary area is oriented toward the street frontage, maximizing outlook and amenity. The minor encroachment of the balcony terrace area into the 6m setback is a design decision that balances urban design and residential amenity considerations with the need to provide a high-quality living environment, consistent with the objectives of the ADG.</p> <p>Levels 4-13 Setback (south): For Levels 4-13, the proposed development provides a 6m setback non-habitable interface to the southern elevation. The design includes angled bathroom window sleeves, which are entirely solid on the southern face and only open at approx. a 30-degree angle to the east and west. This innovative design solution allows for natural light, ventilation, and controlled views, while still being characterised as non-habitable under the ADG. Thus, the 6m setback provided is fully compliant with the ADG's requirements for non-habitable rooms.</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>Urban Design Outcome</p> <p>The proposed design achieves a balanced and contextually appropriate urban form, which aligns with both the ADG and the broader objectives of the City Centre's planning controls. The zero setback at podium levels is crucial to achieving a strong streetwall, reinforcing the city's urban character, and ensuring active frontages to the streets. The southern setbacks provided at upper levels (Levels 3-13) ensure adequate building separation, privacy, and amenity while also maintaining the design integrity of the building.</p> <p>In our opinion, the proposed development is consistent with the objectives of the ADG and meets the specific requirements related to building separation and setbacks, particularly when considering the urban context of the City Centre. The only minor deviation occurs at the Level 3 balcony terrace, which is a deliberate design choice that enhances the overall urban design outcome without compromising compliance with the ADG.</p>
4. Ground floor and podium levels design – building entry, accessibility and street activation	Concerns relating to the ground floor and podium levels are addressed across various documents including the Statement of Environment Effects, Design Verification Statement and Crime Risk Report.	The proposed development demonstrates a unique building design that responds to the sites location on the corner of Burelli and Corrimal Streets.

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>Building entry points are clearly defined and located so that they are visible and directly accessible from the public domain. Use of glazing to encourage passive surveillance into the ground floor commercial and lobby spaces is proposed, whilst the incorporation of the skylight (refer to Level 1 Architectural Plan Sheet A104) in the awning adds an element of interest whilst providing natural lighting within the internal circulation spaces of the ground floor of the building.</p> <p>The entry point to the basement car park is recessed to improve sightlines across the Burelli Street corridor for both vehicles and pedestrians passing the site.</p> <p>The street presentation has been designed to respond to the site constraints, particularly in relation to the flood planning level, with the ground floor elevated from the street level and incorporating DDA compliant ramp access to the building entries. Balustrading of the ramps incorporates transparent elements reducing opportunities of concealment.</p> <p>The proposed development offers an improved pedestrian experience along the Burelli and Corrimal Streets public domain through the establishment of a building that incorporates a podium that includes highly detailed brickwork, enhancing and</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		reinforcing the pedestrian scale of the development.
5. Car parking – surplus and decision to locate parking above ground	Location of car parking is distributed between the basement and podium levels as demonstrated on the Architectural Plans by ADM Architects.	<p>The proposed approach to car parking on site is in response to the constraints of the site including the flood affectations, watertable and feedback received from TfNSW with respect to excavation in close proximity to the signalised intersection. It is also consistent with recent development consent for a large scale hotel building upon the subject site.</p> <p>The proposed approach to the combination of basement and podium level car parking is considered to provide a more environmentally sustainable approach by reducing the amount of excavation and earthworks in accordance with Clause 7.6 of WLEP 2009. Above-ground parking can benefit from natural ventilation, reducing the need for mechanical ventilation systems and improving safety by avoiding the confined spaces typical of basements.</p> <p>The subject site is affected by flood planning level and ground water table. Further excavation of the site would have required additional engineering solutions which require greater maintenance and costs in the long-term which would be borne by future occupiers of the building. The proposed approach is considered to be a more sustainable response by reducing the</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>depth of excavations and avoiding the further lowering of the watertable. Cost savings associated with the ongoing maintenance of the building are passed on to future building occupiers. Above-ground parking can be integrated more easily with the building's structure, reducing the need for complex and costly structural systems required for deep basements.</p> <p>The location of car parking above ground level has been adequately concealed through the placement of ground floor commercial uses which allows the podium level car parking to be completely sleeved and activate street frontages to be achieved to both Burelli and Corrimal Streets. Sleeving the parking with active uses (e.g., residential, commercial spaces) along the street frontage enhances the streetscape, contributing to a more vibrant and pedestrian-friendly environment.</p> <p>Additionally, above-ground parking can provide more direct access to different levels of the building, enhancing convenience for users, particularly in high rise developments. Above-ground parking offers improved visibility and easier wayfinding for vehicles, which can be a significant advantage in busy urban environments.</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>The provision of surplus car parking is considered to provide additional amenity to the proposed shop top housing development. Whilst the provision of car parking more than complies, the FSR ID Plans prepared by ADM Architects demonstrate that there is no departure from the FSR, or the Height of Building.</p>
<p>6. Level 3 communal open space – poor residential amenity, solar access and safety</p>	<p>ADM Response to Additional Information dated 21 September 2023.</p>	<p>We disagree that the proposed COS at Level 3 offers a poor residential amenity outcome, and that placing this on the roof would provide for a better urban design result. The proposed COS directly complies with the ADG requirements, exceeding all design criteria.</p> <p>Locating the COS on Level 3 makes it more accessible to a broader range of residents, especially those who may have mobility issues or prefer not to travel to higher levels. This encourages more frequent use and fosters a sense of community.</p> <p>The Level 3 podium is closer to the street level, enhancing the visual and physical connection between the COS and the surrounding urban environment. This contributes to the activation of the streetscape and integrates the development more effectively with its context.</p> <p>A COS on Level 3 is less exposed to wind, extreme temperatures, and rain, making it</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>more comfortable and usable throughout the year. This promotes outdoor activity and social interaction among residents. The podium location offers a valuable landscaped buffer between the residential tower and the adjacent commercial building, improving privacy, reducing noise, and enhancing the overall microclimate.</p>
<p>7. Housing mix – failure to provide 3 bedroom apartments</p>	<p>ADM Response to Additional Information dated 21 September 2023.</p> <p>There are a variety of floor plan types ranging in sizes, orientation and layout, providing a good array of housing choice for different community groups. 8 Apartments (11%) apartments are adaptable and 15 (20%) meet the silver liveable standard.</p>	<p>Refer to comments already provided in Point 2 above.</p> <p>The development provides a mix of well-designed apartments catering to range of potential demographics including empty nesters and the ageing in place market, first home buyers and families. The development provides a unique offering for the Wollongong City Centre, in a highly sought after location close to the services and infrastructure available within the Wollongong City Centre.</p> <p>The development offers smaller housing products in the form of one and two-bedroom apartments, which come in a range of different layouts depending on their location in the building footprint and additional layouts available in the form of adaptable and silver liveable standard apartments.</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		Given the variety of layouts available, it is considered that suitable mix of housing options is incorporated into the proposed development.
8. Clause 4.6 development standard departure – building separation	This application was supported by a Clause 4.6 Variation Statement which demonstrated reasons why the proposed development standard departure was considered unreasonable and unnecessary in the context of the site and the proposed development.	This position is maintained.
DRP Matters		
9. COS should be moved to the roof.		Refer to comments provided in Point 6 above.
10. Active uses provided at ground level to activate laneway.		It must again be recognised that this is not a public lane (this was agreed by Council in the previous development consent). The 'lane' is adjacent to side boundaries of the property, and due to BCA implications, operable engagement, interface or activation is not appropriate or achievable.
11. Residential entry door at street level should be provided with ramp and stairs inside the building.	Architectural Plans prepared by ADM.	<p>Due to the flood affectations of the site, the entry points to the building have had to be designed to respond to the flood planning level and requirements of WDCP 2009.</p> <p>The entry point to the site for the residential components of the building are clearly defined and determinable from the public</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		domain. The proposed ramp access includes transparent materials to ensure the DDA compliant ramp complements and blends in with the overall streetscape presentation.
12. Laneway wall height should be reduced or setback, in particular the western podium wall height should be reduced by one level by transferring parking to a basement and thereby increasing light onto laneway.	ADM Response to DRP Comments dated 16 September 2022 and 4 April 2023, and Additional Information dated 21 September 2023.	This position is maintained.
13. Massing of tower should be adjusted (e.g. bring forward on Burelli Street).	ADM Response to DRP Comments dated 16 September 2022 and 4 April 2023.	This position is maintained. The building maintains the same principles as per the previous approval. The tower provides a strong presence to the corner, with the setbacks on Burelli Street maintained in accordance with the 4m setback consistent with Council's existing desired character for the streetscape.
14. Design deficiencies primarily relate to the design of the ground floor and podium levels; entrances (CPTED accessibility, functionality); the amenity of spaces; poor relationships between public and private spaces; and the relationship and design of common open spaces.	Refer to Crime Risk Assessment report prepared by MMJ and ADM Response to Additional Information dated 21 September 2023.	This is addressed in Point 4 of this response letter and specific details are provided in response to the CPTED principles contained in the Crime Risk Report prepared by MMJ.
WLEP 2009 Matters		

Main issues raised by Council	Previous and relevant responses	Additional response
15. Clause 5.21 Flood Planning	-	Separate response is provided by Greenview in relation to this matter.
16. Public art strategy	ADM Response to DRP Comments dated 16 September 2022 and 4 April 2023.	This has been completed, with appropriate conditions to be provided in a forthcoming Development Consent.
17. The proposal is unsatisfactory with regard to the third objective of B3 Commercial Core relating to opportunities for walking and cycling. The proposed waste collection on Burelli Street would see bins placed on the footpath, with potential adverse visual amenity and traffic and pedestrian impacts.		This has been resolved with modification to waste servicing arrangements.
<p>18. Clause 7.18 Design excellence in Wollongong city centre and at key sites. The Design Review Panel and Council's architect have reviewed the application. The proposal is not considered to exhibit design excellence, as detailed below:</p> <ul style="list-style-type: none"> • Adverse impacts on the public domain in Burelli Street arising from on-street waste collection. • Above ground parking compromises options for on-site waste collection and an efficient floor plan • Non-compliances with ADG 		<p><i>Dot Point 1 and 2</i> have been previously addressed by the rearrangement of the ground floor plan and improvement to waste collection including the revised Architectural and Civil drawings from June 2024.</p> <p><i>Dot Point 3</i> - refer to response in Point 2 of this table.</p> <p><i>Dot point 4</i> – we disagree with this contention regarding poor amenity, and offer the following:</p> <p>Noise Mitigation Measures: Modern construction techniques and materials are</p>

Main issues raised by Council	Previous and relevant responses	Additional response
<ul style="list-style-type: none"> • Poor amenity for residents arising from exposure to vehicular noise and particulate matter. • Poor amenity for residents resulting from overshadowing and overlooking of Level 3 communal open space. 		<p>highly effective in mitigating vehicular noise. The use of double glazing, acoustic insulation, and appropriate building materials can ensure that any noise from the parking area does not impact the residential apartments. This can be demonstrated through acoustic assessments and compliance with relevant Australian Standards for noise attenuation.</p> <p>Air Quality Control: The concern about particulate matter can be addressed through proper ventilation and air filtration systems within the parking areas. These systems are designed to capture and filter out pollutants, ensuring that air quality within the residential areas is maintained at a high standard. Moreover, modern building codes and environmental regulations ensure that developments meet strict air quality standards. Finally, the opportunity to provide above ground car parking increases opportunity for natural ventilation.</p> <p>Enhanced Security: By having residential units adjacent to the parking areas, there is increased natural surveillance, which contributes to a safer environment for residents. This aligns with the principles of Crime Prevention Through Environmental Design (CPTED), which is a priority in high-density urban developments.</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>Urban Living and Convenience: In a high-density urban environment, the integration of parking within the building structure is a pragmatic solution that meets the needs of residents who require parking facilities. The convenience of having parking closely integrated with residential areas can enhance the attractiveness of the development to potential residents, particularly in urban contexts where parking is at a premium.</p> <p><i>Dot Point 5</i> – refer to comments in Point 6 above.</p>
<p>19. Clause 8.1 Objectives for development in Wollongong city centre. The proposal is inconsistent with objective (e):</p> <p>(e) to facilitate the development of building design excellence appropriate to a regional city,</p> <p>Deficiencies in design include ground floor layout, sleeved above ground parking and on-street waste collection.</p>	<p>Refer to Statement of Environmental Effects prepared by MMJ.</p>	<p>The proposed development is for a shop top housing land use which is permissible in the zone under WLEP 2009. The site is located in the Wollongong City Centre and has been designed by ADM Architects to respond to the design excellence requirements of Clause 8.1, whilst also considering the design principles of the ADG and the desired future character of the Wollongong City Centre as per WDCP 2009.</p> <p>We firmly believe that the proposed development emulates the design principles for design excellence in Wollongong City Centre through the architectural quality, urban integration, environmental sustainability, and overall enhancement of the public realm demonstrated by the design.</p>

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>The proposal respects the unique context of the site and contributes positively to the city's urban fabric, specifically by incorporating the following elements into the proposed development:</p> <ul style="list-style-type: none"> • High-quality materials such as durable, sustainable, and aesthetically pleasing brick, cladding, glazing, and finishes will be used to ensure a lasting and visually appealing structure. • The development is designed to enhance the surrounding public domain. Ground floor commercial spaces will provide an active and engaging streetscape, with well-designed shopfronts and inviting pedestrian areas. This will contribute to a vibrant and pedestrian-friendly streetscape, improving the overall quality and amenity of the public realm. • The proposed development will not detrimentally impact important view corridors. The design has been carefully configured to ensure that existing view corridors, both public and private, are preserved and even enhanced where possible. • The design takes into account the solar access requirements to protect

Main issues raised by Council	Previous and relevant responses	Additional response
		<p>the amenity of the surrounding areas.</p> <ul style="list-style-type: none"> • The location and design of the tower is thoughtfully considered to ensure an acceptable relationship with other towers on neighbouring sites. This includes appropriate separation, setbacks, and urban form, while ensuring amenity and visual harmony. • The development exhibits a well-considered massing and modulation strategy, breaking down the building's scale into smaller, visually appealing elements that integrate seamlessly with the streetscape and surrounding buildings. • Sustainable design principles are integral to the project, considering factors such as energy efficiency, sustainable materials, and environmentally friendly building systems. The development minimises overshadowing, wind impacts, and reflectivity to ensure environmental compatibility.
WDCP 2009 Matters		
20. Similar issues to the ADG including blank walls, lack of active uses, CPTED, pedestrian access, parking, apartment mix, COS, setbacks, flooding.		A response is provided to the issues raised including the ADG, CPTED, design responses and flood in this Letter response.