**SOUTHERN REGIONAL PLANNING PANEL**

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| RPP No | PPSSTH-45 |
| DA Number | DA-2020/535 |
| Local Government Area | Southern Regional Panel - Wollongong |
| Proposed Development | 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. |
| Street Address | 4-8 Parkinson Street, Wollongong |
| Applicant/Owner | Blaq Projects Pty Ltd |
| Lodgement date | 4 June 2020 |
| Recommendation | Approval |
| Number of Submissions  Number of Unique Objections | Eight (first notification)  Four (second notification- amended plans) |
| Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011 | Proposed development (as lodged) has a Capital Investment Value exceeding $30 million. |
| List of All Relevant s S4.15(1)(a) Matters | s4.15 (1)(a)(i) Any [environmental planning instrument](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/s4.html#environmental_planning_instrument)s:  State Environmental Planning Policies (SEPPs):   * State Environmental Planning Policy No. 55 – Remediation of Land * State Environmental Planning Policy (Infrastructure) 2007 * State Environmental Planning Policy (State and Regional Development) 2011 * State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development * State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004   Local Environmental Planning Policies   * Wollongong Local Environmental Plan 2009   *Other policies:*   * Wollongong City-Wide Development Contributions Plan 2019 * Wollongong Community Participation Plan 2019   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:   * N/A   s4.15 (1)(a)(iii) Any [development control plan](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/s4.html#development_control_plan):   * Wollongong Development Control Plan 2009   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   * N/A   s4.15 (1)(a)(iv) the [regulations](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/s4.html#regulation): e.g Regs 92, 93, 94, 7.12, 288   * N/A |
| List all documents submitted with this report for the panel’s consideration | **Attachments**  Attachment 1 Architectural Plans  Attachment 2 Clause 4.6 ‘Exceptions to Development Standards’ Statement (updated statement)  Attachment 3 Apartment Design Guide Assessment (updated)  Attachment 4 Wollongong Development Control Plan 2009 Assessment (updated)  Attachment 5 Draft Conditions of Consent |
| Clause 4.6 request | Yes Clause 8.6, building separation. |
| Summary of key submissions | Variation under Clause 4.6 in relation to Building Separation |
| Report prepared by | Vanessa Davis – Senior Development Project Officer |
| Report Date |  |

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| **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)? | **Not applicable** |
| **Conditions**  Have draft conditions been provided to the applicant for comment? | **No** |

ADDENDUM REPORT

**Background and purpose of the Addendum Report**

The Development Application DA-2020/535 was reported to the Southern Regional Planning Panel (SRPP) on the 13 April 2021. The decision for the application was deferral of the determination until the following information is provided from the Applicant:

*1. Revised plans demonstrating the following:*

*a. Compliance with the minimum building separation controls in Section 2F of the Apartment Design Guide;*

*b. Improved arrangements for residents and commercial tenant access to the waste storage area in the building*

*c. Change of use of the non-residential use at Level 01 of the development to uses permissible with consent under the definition of “shop to housing” in Wollongong Local Environment Plan 2009.*

*d. Appropriate setbacks and landscaping at the interface with the R1 zone.*

*2. A revised request for an exception to the development standard in Clause 8.6(3)(a) – Minimum Building Separation in Wollongong Local Environmental Plan 2009.*

*3. Revised calculations demonstrating compliance with the Apartment Design Guideline for solar access and natural cross-ventilation.*

*The information is to be submitted to Council within 2 weeks of the date of this notice.*

This addendum report provides an assessment commentary to assist in the further consideration of the application and should be read in conjunction with Council’s Assessing Officers report as presented to SRPP on the 13 April 2021.

All the information required was submitted on 5 May 2021 satisfying the 2-week timeframe of the deferral notice.

The additional information included the following:

* Revised set of architectural plans
* Cross ventilation report prepared by Windtech dated 27 April 2021
* Updated Clause 4.6 Statement

Further information was also submitted including:

* SEPP 65 Nominated Architect Statement
* SEPP 65 and ADG compliance table and Design Excellence Statement
* Updated landscape plan

Following a review of the additional information submitted by the Applicant, the following amendments were requested from Council:

* ***Amended Floor Plans***
* **Design Excellence:** Following a review of the amended plans, Council was not of the opinion that the revised proposal met the Design Excellence under Clause 7.18 of Wollongong LEP.This included “whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain;” “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;” and “bulk, massing and modulation of buildings.”

This related to the stepping of the building form to meet ADG setbacks for levels 9 and 10 upwards. It was recommended that floor plates be rationalised and be similar across multiple levels to facilitate construction, as well as provide consistent external forms.

These changes have been made with levels 5 and 6 with two apartments being combined into a 4-bedroom apartment (unit 5.02) similar to level 6. Level 9 has also been amended to reflect the layout of level 10 thereby rationalising the façade and avoiding the creation of additional steps.

* **Apartment Layout:** Concern was also raised with regard to apartment layout in that multiple apartments required residents to walk across living/dining/kitchen areas to reach a bathroom facility. Generally, apartment layouts have improved amenity for residents and facilitate a number of household compositions.
* **Eastern Elevation:** An expansive blank wall was proposed to eastern side of apartment 10.05 with no articulation. It was suggested to the Applicant that the excessive amount of storage space along this long hallway could be adapted to include a study nook with windows, a small “step-in” laundry with windows for ventilation, or other uses. The eastern elevation has been improved with articulation as requested by Council.
* ***Storage Calculations***

Clarification was requested on the storage calculations throughout the development. Council also requested improvements to internal and external storage spaces. This has been caried out and deemed to be satisfactory.

* ***Amended landscape Plan***

An amended landscape plan was requested and received on 28 May 2021 and assessed as satisfactory. Revised plans prepared by Urban Link have been provided and presented at **Attachment 1**. The matters raised by the Panel have been addressed as follows:

**DEFFERAL MATTERS**

Matter 1. Revised plans required demonstrating compliance with building separation controls, waste storage compliance with shop top housing definition and setbacks/landscaping interface with R1 Zone.

Revised plans prepared by Urban Link have been provided and presented at **Attachment 1**.

1. **Building Separation Controls**

An updated Clause 4.6 statement **(refer to Attachment 2**) has been provided and detailed in this report,

1. **Waste Storage**

The Applicant has outlined the following waste storage measures:

1. *Residential: The Residents have garbage chutes and a recycling bin on every floor. Residents are only required to access the ground floor bulky goods area. The path has been dotted orange on the ground floor. As per the original waste management plan, the residents do not need to cross any ramps to reach the waste room. The building manager will have the waste moved to the holding area near the loading zone for collection after hours when the basement use is low.*

*Commercial: The commercial waste is in that location to service not only 1.01 and 1.02 but also the commercial waste from the crown St tower (the subject of an alternate DA). This area has now been amended to become a holding area for collection only. A commercial waste room has been provided within proximity to both tenants. With a similar strategy to the residential waste, the tenants are not required to* cross *any car ramps to dispose their waste. The building manager will have the waste moved to the holding area for collection afterhours. Again, the path is dotted in orange. The loading zone is in a central suitable area. The HRV requires adequate head-height clearance and is in a suitable location where it can drive enter and exit in a forward direction.*

A review of the basement plan shows an improvement to the waste collection areas and Council is satisfied that this matter has been adequately addressed.

1. **Compliance with Shop Top Housing Definition**

The revised design incorporates two commercial tenancies located on level 01 with an area of 51sqm and 127sqm. Ground level pedestrian access to these areas is from Parkinson Street. The development therefore satisfies the definition of shop top housing as defined in Wollongong LEP 2009.

1. **Setbacks/landscaping interface**
2. The ground floor commercial tenancies have been setback to line up with the building above rather than being located on the boundary. This has enabled increase landscaping opportunities and softening of the streetscape. Additionally, a 3m eastern setback has been introduced for commercial tenancy 1.02 which allows for outdoor seating to face the business zone rather than residential dwellings.

**Matter 2.** **A revised Clause 4.6 Variation Request in relation to building separation**

A revised Clause 4.6 Variation Request has been provided and found in **Attachment 2**. The revised variation request is discussed in this report.

**Matter 3: Revised calculations demonstrating compliance with the *Apartment Design Guideline* for solar access and natural cross-ventilation**

* **Solar Access:**

The overall number of units has been reduced to from 64 units to 54 unit with 38 of the total achieving the solar access requirements which now meets the 70% requirement under the ADG. The development meets the ADG requirements for solar access.

* **Natural Cross Ventilation:**

A cross flow ventilation detail sheet (DA-1416) has been created and coordinated with a wind specialist consultant (14 May 2021). A supporting letter has been provided by the Consultant to support the design. This detail requires no dependence on mechanical ventilation. The development now meets the ADG requirements for natural cross ventilation.

**Revised Proposal:**

As a result of the submitted changes, the following building form is now proposed:

**Built Form**

* Maximum building height RL 69.974 (32m)
* Gross Floor Area: 6158m2 (residential floor area)
* Landscaped Areas: provided on levels 03 and 11
* Number of units: 54 units are proposed comprising 7x1b/r units, 32 x 2b/r units, 8x3b/r and 7 x4b/r units (previous proposal incorporated 64 units).
* Retail/commercial component: provided at ground level with total floor space of 178sqm.

**Building composition by level:**

* Demolition works: The application involves demolition of 3 dwellings situated on 4-8 Parkinson Street.
* Basement 01: This level contains excavation works for basement parking for 35 residential spaces along with storage and motorbike parking. The proposed basement includes a future opening to 383 Crown Street for future development of the Crown Street tower which will gain access from Parkinson Street. The parking for this development is for the residential units There is no commercial parking proposed as part of this development.
* Level 01: This level contains parking for eight visitor spaces, three commercial spaces, waste storage and loading zone. There is also a future commercial waste area proposed on this level for the redevelopment of 383 Crown Street. This level also contains two commercial premises with an area of 51sqm and 127sqm. A sub-station and fire booster along the street frontage and driveway entry ramp is also proposed on this level.
* Level 02: This level contains 23 car parking spaces (inclusive of 3 visitor parking spaces) along with bicycle parking. Six units are proposed fronting the street.
* Level 03: This level comprises six units fronting the street with four units located to the rear along with a community room. Communal and private open space on ground level is proposed with deep soil planting and outdoor seating area.
* Level 04: Three larger size units are proposed along street frontage with five units located behind these units.
* Level 05 to 08: The floor plate comprises six to seven units per floor which will be serviced by two lifts.
* Level 09 and 10- Four units are proposed with a generous sized unit along the eastern elevation.
* Level 11 and 12 comprises 3 b/r and 4b/r units which are double storey. Communal open space is located on level 11 and private open space is provided on level 12 for the both units.

Environmental Planning and Assessment Act 1979

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

An updated BASIX certificate has been submitted for the development.

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

SEPP 65 aims to deliver a better living environment for the residents within residential apartment developments and enhance the streetscapes and neighbourhoods in which these buildings are located.

The development meets the definition of a ‘residential flat building’ because it is more than 3 storeys 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.

A revised Design Statement has been prepared by a Registered Architect addressing the requirements of SEPP 65.

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 built environment in the locality is characterised by a mixture of building types undergoing transition towards higher density development consistent with current height restrictions. This is shown by the building adjacent to the site currently under construction.

The site is able to accommodate a mixed-use development of this nature reflective of the current height and floor space controls. It is considered that redevelopment of adjacent lots to a higher density will occur over time.

Also, there is a transition in zoning as across Parkinson Street is a R1 Zone with a height limit of 16m.

The DRP raised concern with the relationship between the two buildings (adjacent building under construction) and considered a greater setback for this building will assist in providing uniformity between the two buildings. This has been achieved through amended plans with greater setbacks provided on all sides of the building.

*Principle 2: Built form and scale*

As lodged*,* the built form was not consistent with some of the key elements of setbacks and building separation. The floor plate was considered excessive resulting in non-complying elements of the ADG. The DRP initially advised that consideration to a reduced floor plate to provide more amenity for the units should be considered.

Furthermore, the SRPP raised concern with regard to non-compliant ADG setbacks and non-compliant solar access and natural ventilation requirements. Through amended plans with greater setbacks, these issues have been improved with a reduction in the bulk of the building thereby reducing privacy and overshadowing impacts to neighbours.

The additional changes requested by Council with regard to rationalising the top floors also visually lessens the bulk of the building while retaining the strong linear elements in the centre, providing a more amenable elevation to Parkinson Street.

*Principle 3: Density*

The density of the development complies with the maximum FSR permitted for the land.

*Principle 4: Sustainability*

An updated BASIX Certificate has been provided indicating minimum requirements are met. Solar access and cross ventilation requirements have now been met.

Principle 5: Landscape

The proposal provides suitable landscaped areas and communal open space that will provide for appropriate amenity to the occupants. An updated landscape plan has been provided.

*Principle 6: Amenity*

The proposal now meets the minimum requirements for solar access, private and communal open space, storage, acoustic privacy, access and the like. Improvements have been made to achieve natural cross ventilation requirements and privacy concerns.

*Principle 7: Safety*

The proposal is satisfactory with regard to safety and security. A clear entry is proposed to each dwelling. A clear definition between public and private space has been provided for within the design. The design provides for minimal areas of concealment and entrapment with natural surveillance of common spaces.

*Principle 8: Housing diversity and social interaction*

A total of 54 units are proposed comprising 7x1b/r units, 32 x 2b/r units, 8x3b/r and 7 x4b/r units. A mix of units are available.

*Principle 9: Aesthetics*

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

**Apartment Design Guide**

Please refer to **Attachment 3** for an updated ADG compliance table.

Wollongong Local Environmental Plan 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

* *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
* *To encourage appropriate employment opportunities in accessible locations.*
* *To maximise public transport patronage and encourage walking and cycling.*
* *To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.*
* *To provide for high density residential development within a mixed-use development if it—*

*(a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and*

*(b) contributes to the vitality of the Wollongong city centre.*

The proposal is considered to meet the objectives of the B3 commercial zone. Amended plans show ground floor business/retail premises.

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*

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

The proposal as submitted is categorised as **Shop top housing** and is permissible in the zone with development consent. The application has been re-designed to incorporate ground level business/retail premises.

The development complies with the above definition.

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 three dwellings. A demolition plan has been submitted with the application.

Clause 4.3 Height of buildings

The proposed building height of 32m (RL69.811AHD) which does not exceed the maximum of 32m permitted for the site.

Clause 4.4A Floor space ratio – Wollongong city centre

Total site area of 1928.5m2

Gross floor area (commercial): 178m2 (3.11%)

Gross floor area (residential): 5548m2 (96.89%)

Gross floor area total: 5726m²

Maximum floor space ratio: 3.49:1

Floor space ratio proposed: 2.97:1

Calculation of maximum FSR permitted:

(3)  For land within Zone B3 Commercial Core with a site area equal to or greater than 800 square metres and less than 2,000 square metres and a street frontage equal to or greater than 20 metres, the maximum floor space ratio for any building on that site is—

graphic

"NR" is the percentage of the floor space of the building used for purposes other than residential purposes.

"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.

"R" is the percentage of the floor space of the building used for residential purposes.

"RFSR" is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes.

Clause 4.6 Exceptions to development standards

A revised Clause 4.6 Variation Request has been provided and presented at **Attachment 2**.

The table below outlines Council’s assessment:

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| **WLEP 2009 clause 4.6 proposed development departure assessment** | |
| Development departure | Clause 8.6 Building separation.  *Clause 8.6(3) requires that 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*.  There is a shop top housing development to the east currently under construction, 373 Crown Street. This building contains habitable parts of a dwelling. The subject development also contains habitable parts of a dwelling therefore 20m building separation is required. The application proposed a building separation of 12.1m (level 03- 04- blank wall podium) to 18m (levels 05-09). |
| 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 | Yes, the applicant has submitted a revised Clause 4.6 submission upon lodgement.  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:   * The development largely complies with the other numerical standards of the LEP and DCP. * The building separation development standards under the LEP are inconsistent with the building separation design criteria within the Apartment Design Guide (ADG), which under SEPP 65 is a higher order planning instrument for planning consideration. * Through smart design treatments responding to habitable v non-habitable interfaces, the proposed building separation largely complies with the minimum required separation distances identified within the SEPP 65 Apartment Design Guide, to achieve reasonable levels of external and internal visual privacy. * The proposed building line setbacks to the side and rear boundaries still allow for adequate building separation to not constrain the redevelopment of adjoining properties. * The constraints of the subject site and context of adjoining development (existing and future) make a fully compliant development unnecessary to achieve. * The development is still consistent with the objectives of the Commercial Core Zone. |
| that there are sufficient environmental planning grounds to justify contravening the development standard. | Yes, the applicant’s request contains this justification. |
| 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 | The applicant’s request has adequately addressed the matters required to be addressed by subclause (3).  The applicant’s request is based on the rationale that the variation to Clause 8.6(3) is consistent with the objectives of the clause and, that in the specific circumstances of the site, a better and more appropriate development outcome is achieved by allowing flexibility to the development standard.  Impacts associated with the non-compliance regarding building separation and setbacks have been addressed.  Due to the level of improvements made to the overall built form, it is considered that there are sufficient environmental grounds for the variation. |
| 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 | The proposed development will be in the public interest because it is consistent with the objectives of the building separation standard; the objectives for development within the B3 zone will be achieved and the development is not expected to compromise the development potential of neighbouring sites.   * *Clause 8.6 Building separation objective:*   *(1) The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.*  The applicant has adequately demonstrated that the proposed building separation will not impact upon visual appearance, privacy and solar access. Amendments have been made to the eastern elevation to address concerns including privacy and treatment of the façade in relation to the adjoining building.  The podium level has been setback 3m from the eastern boundary and has non habitable interface. The ground floor consists of an outdoor seated area with reasonable landscape to act as a buffer between the approved development and the existing context. The fourth storey has been setback further to provide relief and acknowledgement of the adjoining buildings podium height.   * *Objectives of the zone*   The objectives for development within the B3 Commercial Core zone are:   * *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.*  Commercial components have been re-introduced to the development at podium level consistent with the definition of shop top housing contain in Wollongong LEP 2009.  There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard. The proposed development has regard to the objectives for development within the zone. The development will remain consistent with the objectives of the B3 zone despite the non-compliance with Clause 8.6.  The proposal is consistent with the zone objectives and is in the public interest. |
| the concurrence of the Secretary has been obtained. | The SRPP can exercise assumed concurrence in this instance |

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.*

Plans have been amended to provide for street activation at ground level thereby complying with this Clause.

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.

Under this clause, the proposed development has been considered by the Design Review Panel (DRP). The Panel concluded that extra work is required for the Parkinson Street interface with 373 Crown Street and that compliance with ADG tower setbacks, solar access and natural cross ventilation requirements be met.

At the previous SRPP Panel meeting, the SRPP concurred with the DRP recommendations and recommended that changes be made to comply with this Clause.

Following receipt of amended plans, Council sought further refinement of the floor plates to be rationalised across levels to provide consistent external forms to achieve design excellence. This has been addressed through improved treatment of the setbacks to create a slimmer tower profile above level 8. This minimises the bulk of the tower, reducing privacy and overshadowing impacts to neighbours. The additional change in materiality to the top floors also visually lessens the bulk of the building while retaining the strong linear elements in the centre, providing a more amenable elevation to Parkinson Street.

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 8.4 Minimum building street frontage

The land exceeds the minimum 20m frontage requirements on Parkinson Street.

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

An exception to the building separation requirements under Clause 4.6 is sought. This has been discussed above.

**WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

Please refer to **Attachment 4** for an updated compliance table with regard to the DCP 2009.

**Consultation**

Exhibition

As there are no added impacts upon the neighbouring properties, re-exhibition of amended plans is not required under Schedule 3 of Wollongong Community Consultation Plan 2019.

Internal consultation

**Traffic Division**: The amended basement plans was reviewed by Council’s traffic engineer who provided revised conditions relating to car parking numbers.

External consultation

No external referrals were considered necessary.

Wollongong City Wide Development Contributions Plan 2019

A levy of 2% is applicable under this plan as the threshold value is $250,000 and the site is located within the city centre.

Section 4.15(1)(a)(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

Section 4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

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

Conditions of consent are recommended regarding demolition.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

Section 4.15(1)(b) the likely impacts of development

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| --- |
| Context and Setting:  The site is situated in a transition zone between commercial land uses to the north which will be high rise towers, to smaller scale residential zoned land directly to the south across the street.  Commercial floor space has been provided at ground level in accordance with the commercial nature of the zone. Given the amendments to the design, the site is suitably located to accommodate this development. |
| Access, Transport and Traffic:  A number of concerns have been raised by the objectors in relation to traffic and parking issues due to the narrowness of the street and the location of the site in relation to the cul-de-sac.  The development provides for the required number of car parking spaces and manoeuvring of waste vehicles on site. Council’s Traffic officer has considered the development with regard to impacts on the wider traffic network and raised no objections to this proposal.  The adjoining towers under construction is gaining access from Parkinson Street. It is envisaged that the future redevelopment of Crown Street allotments will also gain access via Parkinson Street. There will be an overall increase in traffic for Parkinson Street as outlined in the submissions, given that access to high rise towers fronting Crown Street are using Parkinson Street for access to these sites. |
| Public Domain:  Upgrade of the footpath and provision of street trees is required to improve the public domain. |
| Utilities:  The proposal would not be envisaged to place an unreasonable demand on utilities supply. |
| Heritage:  A Heritage Report has been submitted has been submitted and found to be satisfactory from Council’s Heritage Officer. |
| Other land resources:  The proposal would not be envisaged to impact upon valuable land resources. |
| Water:  The site is presently serviced by Sydney Water, which could be readily extended to meet the requirements of the proposed development.  The proposal would not be envisaged to have unreasonable water consumption. |
| Soils:  No concerns are raised with impact on soils. |
| Air and Microclimate:  The proposal would not be expected to result in negative impact on air or microclimate. |
| Flora and Fauna:  There are no anticipated impacts on flora and fauna. |
| Waste:  This could be subject to condition that an appropriate receptacle be in place for any waste generated during construction. |
| Energy:  The proposal would not be expected to have unreasonable energy consumption. An updated BASIX Certificate has been provided. |
| Noise and vibration:  This could be subject to condition that nuisance be minimised during any construction, demolition, or works. |
| Natural hazards:  There are no natural hazards identified on site that would preclude the proposed development. |
| Technological hazards:  There are no technological hazards identified on site that would preclude the proposed development. |
| Safety, Security and Crime Prevention:  There are no concerns with regard to safety and security. |
| Social Impact:  The proposal would not be envisaged to result in negative social impacts. |
| Economic Impact:  The proposal is not expected to create negative economic impact. |
| Site Design and Internal Design:  The application has been redesigned to be more compliant with the ADG and is considered supportable. |
| Construction:  To be managed via conditions if the development is approved. |
| Cumulative Impacts:  There are no anticipated cumulative impacts. |

Section 4.15(1)(c) the suitability of the site for the development

Does the proposal fit in the locality?

Plans have been amended to be more appropriate with regard to the zoning of the site and meeting the objectives of the zone.

Are the site attributes conducive to development?

The site is now able to accommodate the proposed development.

Section 4.15(1)(d) any submissions made in accordance with this Act or the regulations

The submissions made have been addressed in the original report.

Section 4.15(1)(e) the public interest

The development is now considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

**CONCLUSION**

This Supplementary Report has addressed the matters outlined in the SRPP deferral reasons in the decision dated 13 April 2021

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The application contained a submission addressing Clause 4.6 of WLEP2009 ‘Exceptions to development standards’ in relation to Building Separation, which has been considered and is capable of support.

It is considered the proposed development has been designed appropriately given the constraints and characteristics of the site.

**RECOMMENDATION**

It is recommended pursuant to Section 4.16 of the *Environmental Planning & Assessment Act 1979* that the Southern Regional Planning Panel determines DA-2020/535 by way of approval subject to the conditions contained within **Attachment 5**.

**ATTACHMENTS**

Attachment 1 Architectural Plans

Attachment 2 Clause 4.6 ‘Exceptions to Development Standards’ Statement (updated statement)

Attachment 3 Apartment Design Guide Assessment (updated)

Attachment 4 Wollongong Development Control Plan 2009 Assessment (updated)

Attachment 5 Draft Conditions of Consent