

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-99
DA Number	DA-2021/957
LGA	Wollongong City Council
Proposed Development	Demolition of existing structures, retention of heritage facades, tree removal, excavation for basement car parking and construction of a mixed-use development at the street block bound by Crown, Keira, Burelli and Atchison Streets, comprising three (3) residential towers (shop top housing), one (1) commercial building, retail shops, entertainment facilities (cinema, exhibition/performance space) and a wellness centre (pool, gym, and health services)
Street Address	216-222, 226-238 Keira Street, WOLLONGONG, 86 Burelli Street, WOLLONGONG, Lot B Burelli Street, WOLLONGONG, Lot 1 and Lot 2 Burelli Street, WOLLONGONG, 221-261, 269-291 Crown Street, WOLLONGONG NSW 2500
Applicant/Owner	Chris Halios-Lewis - Birketu Pty Ltd / Crown Street Wollongong Holdings Pty Ltd ATF Crown Street Holdings Unit Trust
Date of DA lodgement	24 August 2021
Total number of Submissions	First round of notification between 1 September and 1 October 2021 - 66 submissions (14 in support)
Number of Unique Objections	Second round of notification between 4 July to 5 August 2022 and received 17 Submissions (2 in support)
Recommendation	Approval
Regional Development Criteria (State Environmental Planning Policy (Planning Systems) 2021 – Schedule 6 Regionally significant development)	<p>Clause 2 General development over \$30 million</p> <p>Development that has a capital investment value of more than \$30 million (~\$362,994,005).</p>
List of all relevant s4.15(1)(a) matters	<p><b>s4.15 (1)(a)(i) Any environmental planning instruments:</b></p> <p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> <li>Integrated development – Water Management Act 2000</li> <li>State Environmental Planning Policy (Industry and Employment) 2021-</li> <li>State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> </ul> <p><u>Local Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> <li>Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> <p><u>Other Policies:</u></p> <ul style="list-style-type: none"> <li>Wollongong City-Wide Development Contributions Plan</li> </ul>

	<p><b>s4.15(1)(a)(ii) (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority:</b></p> <p>N/A</p> <p><b>s4.15 (1)(a)(iii) Any development control plan:</b></p> <p>Wollongong Development Control Plan 2009</p> <p><b>s4.15 (1)(a)(iia) 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</b></p> <p>N/A</p> <p><b>s4.15 (1)(a)(iv) the regulations</b></p> <p>Clause 92(b) Demolition</p>
List all documents submitted with this report for the Panel's consideration	<p><b>Attachments</b></p> <ol style="list-style-type: none"> <li>1 Aerial photograph</li> <li>2 WLEP zoning map</li> <li>3 Full set of architectural plans including landscape plans</li> <li>4 DRP comments from 26 August 2022</li> <li>5 Applicant response to DRP commentary</li> <li>6 Clause 4.6 variation – Building height</li> <li>7 Clause 4.6 variation – Building separation</li> <li>8 ADG assessment</li> <li>9 WDCP 2009 assessment</li> <li>10 Draft conditions of consent</li> </ol>
Clause 4.6 requests	<ul style="list-style-type: none"> <li>• Clause 4.3 Building height</li> <li>• Clause 8.6 Building separation</li> </ul>
Summary of key submissions	<ul style="list-style-type: none"> <li>• View impacts</li> <li>• Height, bulk and scale</li> <li>• Shortfall in car parking</li> <li>• Traffic generation</li> <li>• Out of character</li> <li>• Wind impacts</li> <li>• Overshadowing</li> <li>• Acoustic impacts from late trading and live music components</li> <li>• Aesthetics</li> <li>• Impacts to viability of existing retail in the city centre</li> <li>• Lack of affordable housing</li> <li>• Privacy impacts</li> <li>• Impacts to heritage items</li> <li>• Accessibility</li> </ul>
Report prepared by	Rebecca Welsh – Senior Development Project Officer

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	Nigel Lamb – Senior Development Project Officer Nadir Mian – Development Project Officer
Report date	23 November 2022

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)? NA

Conditions

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

## **EXECUTIVE SUMMARY**

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### **Reason for consideration by Southern Regional Planning Panel**

The proposal has been referred to Southern Regional Planning Panel as it involves general development with a capital investment value of more than \$30 million.

### **Proposal**

Demolition of existing structures, retention of heritage facades, tree removal, excavation for basement car parking and construction of a mixed-use development at the street block bound by Crown, Keira, Burelli and Atchison Streets, comprising three (3) residential towers (shop top housing), one (1) commercial building, retail shops, entertainment facilities (cinema, exhibition/performance space) and a wellness centre (pool, gym, and health services).

The proposal is integrated development pursuant to the Water Management Act 2000 for dewatering of basement excavations under section 90(2) and Water NSW have issued their General Terms of Approval.

The proposal incorporates the retention of the Marcus Clark façade and clock tower (local heritage item) and The Grand Hotel façade, both of which will be restored.

Overall there are 390 apartments across the three residential towers – Towers 1, 2 and 3, ranging in height from 57.7m (Tower 3), 74.8m (Tower 2) and 118.7m for Tower 1.

A total of 496 car parking spaces proposed over 3 basement levels are proposed, comprising 380 spaces for residents, 43 spaces for residential visitors.

Future uses of tenancies have not been nominated with the application and any matters relating to trading hours, with that to be subject to either meeting complying development requirements or subject to separate development consent where the impacts can be further assessed

Three Design Review Panel (DRP) meetings have been held during the assessment of the DA and a number of key alterations have been made in response to Council and DRP commentary, including a reduction in height of tower 3 to mitigate overshadowing to MacCabe Park and a responsive increase in height of tower 2.

### **Permissibility**

The proposed uses are all permissible in the B3 commercial core zone.

### **Consultation**

The proposal was notified in accordance with Council's Community Participation Plan and received 66 submissions initially with a further 17 submissions received when amendments were renotified. The key concerns relate to height, views, visual impact, character, traffic and parking, economic impact, aesthetics and bulk and scale, affordable housing, accessibility, heritage, impacts to the public domain, noise, construction impacts, residential privacy, development departures, landscaping, and CPTED concerns. Submissions were also received in support of the application citing the general opportunity for revitalisation of the city centre.

The Design Review Panel have reviewed the proposal on three occasions prior to lodgement of the DA and a further three times following lodgement. Sydney Water, Wollongong Police Endeavour Energy, TfNSW, Heritage NSW and conditions of consent have been provided.

Internally, commentary has been provided from Council Property, Heritage, Landscape, SCAT, Community Services, Traffic, Environment, Stormwater, Geotechnical, Building, Waste, Health, Development Contributions Strategic and Infrastructure staff.

### **Key assessment items**

- Car, motorcycle and bicycle parking (surplus residential car parking spaces are to be repurposed to address other shortfalls in residential visitor, bicycle and motorbike spaces and additional end of trip facilities).
- Impacts to identified view corridors, views from the public domain, and visual impact more generally.



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- Design excellence considerations (including sustainability, aesthetics, bulk and scale, heritage, pedestrian and vehicle requirements, public domain).
- A number of design amendments involving built form changes are recommended to be addressed via conditions of consent.
- Context and character of the development.
- Landscaping and street trees (including retention of existing street trees and installation of new street trees).
- Design quality of residential apartments (including solar access, natural ventilation, communal open space).
- Variations to controls under Wollongong Development Control Plan 2009 including Street alignment and setback above street frontage height, commercial building depth, residential building depth, awnings).
- Development departures are sought under the LEP for building height and building separation which are supported by clause 4.6 statements and have been assessed as satisfactory.
- Pedestrian amenity (awnings, footpath widths, bus stop and associated infrastructure).
- Appearance of office building on the corner of Crown and Keira Streets.
- Management of internal plaza following completion.
- Impacts on views from nearby residential development.
- Strategic direction for the city centre.

#### **RECOMMENDATION**

It is recommended that DA-2021/957 is approved subject to the conditions at **Attachment 10**.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

#### State Environmental Planning Policies:

- State Environmental Planning Policy (Industry And Employment) 2021 (Chapter 3 Advertising and signage)
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- SEPP (Transport and Infrastructure) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Planning Systems) 2021
- SEPP (Resilience and Hazards) 2021

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other Policies:

- Urban Design Framework
- City Centre Planning Review
- Wollongong City Wide Development Contributions Plan
- Wollongong Community Participation Plan 2019

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

Approval is sought for a mixed use development at the street block bound by Crown, Keira, Burelli and Atchison Streets, comprising three (3) residential towers in the form of shop top housing, one (1) commercial office building, approximately 60 retail tenancies, 7 screen movie cinema, exhibition space, pub/live music venue and a wellness centre (pool, gym, and health services).

The detailed description of the proposal is as follows:

- Demolition of all existing structures, except for the Marcus Clark façade and clock tower (local heritage item) and The Grand Hotel façade, both of which will be retained and restored.
- Tree removal for all 14 trees within the site.
- Retention and protection of 6 mature street trees.
- Excavation for three (3) basement levels of car parking and servicing.
- 390 apartments across the three residential towers – Towers 1, 2 and 3.
- Commercial/office building with retail at ground level (corner Crown and Keira Streets).
- 7 screen cinema (basement level with access from Keira Street and plaza level).
- Live music, pub and exhibition space (The Grand Hotel – corner Burelli and Keira Street).
- Gym/pool building including ground floor retail (Crown Street).
- The buildings open onto a publicly accessible central plaza with access from all street frontages by a variety of walkways, stairs and lifts. The plaza incorporates landscaped areas, seating, play areas and outdoor dining associated with food and drink premises.
- Three (3) basement levels for car parking, loading/servicing as follows:

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- Basement Level RL 18.0 – residential parking and storage, with mezzanine performance space (part of the Grand Hotel) in the south-eastern corner.
- Basement Level - RL 15.0 – western car park entrance from Burelli Street to residential and commercial parking (staff and accessible parking only). Cinema (7 screens) incorporated into eastern part of this basement level with live music venue in south-eastern corner.
- Basement Level RL 12.0 – residential, residential visitor and commercial parking, residential waste rooms, and storage for residential units. Loading dock, waste storage areas, services, retail storage in eastern portion of the basement level.

#### Traffic, parking and servicing

- 496 car parking spaces proposed over 3 basement levels are proposed, comprising 380 spaces for residents, 43 spaces for residential visitors (including 6 accessible spaces and 2 dedicated car share spaces), 58 spaces for commercial/retail tenants, and 16 accessible spaces for visitors to the non-residential uses (note this number will change as a result of recommended reconfiguration of basement car parking).
- Vehicle access is proposed from Burelli Street. The western driveway provides access to the 3 basement levels for both commercial and residential parking. This access point will form part of the existing signalised intersection on the corner of Burelli and Kenny Streets. The eastern driveway ramps down to a loading dock for waste collection and servicing for all buildings at RL 12.0.

#### Operational detail

The SEE does not specify operational detail for each of the various land uses other than to reference how operational detail might be informed by desired acoustic outcomes. Given the variety of uses and lack of detail of definitive tenants, it is not considered necessary to stipulate specific trading hours. The consent conditions will however note that the consent does not authorise trading hours, with that to be subject to either meeting complying development requirements or subject to separate development consent where the impacts can be further assessed.

#### **Development detail**

The following table provides a numerical overview of the development by building:

Building	Use	No. of Storeys	Building height (m)	Gross Floor Area (m <sup>2</sup> )	No. of dwellings/type
<b>Tower 1</b> (excludes non-residential)	Residential accommodation in the form of shop top housing	39	118.5m	18,524	203 comprising 1B – 56 (28%) 2B – 122 (60%) 3B – 25 (12%)
<b>Tower 2</b> (excludes non-residential)	Residential accommodation in the form of shop top housing	23	74.8m	9397	107 comprising 1B – 30 (28%) 2B – 49 (46%) 3B – 28 (26%)
<b>Tower 3</b> (excludes non-residential)	Residential accommodation in the form of shop top housing	17	57.7m	6722	80 comprising 1B – 27 (34%) 2B – 41 (51%) 3B – 12 (15%)
<b>TOTAL (RESIDENTIAL)</b>	-	-	-	34,643	390 apartments 1B – 113 (29%) 2B – 212 (54%)

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					3B – 65 (17%)
<b>Marcus Clark</b>	Retail	3		1691	
<b>Commercial building (excluding cinema)</b>	Commercial/office Retail (L1)	7	34.9m	10534	
<b>Gym/pool building</b>	Indoor recreation facility Health services facilities Retail	4	16.7m	5778	
<b>Cinema</b>	Entertainment facilities	2 (LG and L1)	-	2233	
<b>Exhibition/performance</b>	Pub Live music Performance / Exhibition space	4	16.7m	2015	
<b>Tower 1 (excludes residential and Marcus Clark)</b>	Retail			83	
<b>Tower 2 (excludes residential)</b>	Commercial Retail			769	
<b>Tower 3 (excludes residential)</b>	Commercial Retail			908	
<b>TOTAL (NON-RESIDENTIAL)</b>				24,011	
<b>TOTAL</b>	-	-	-	58,655	

### Staging

The development is not proposed as a *concept development application* under Division 4.4 of the Environmental Planning and Assessment Act 1979. However a detailed construction management plan has been provided outlining the various stages and expected timeframes for completion. Compliance with the recommendations of that document are reflected in the conditions of consent. This is discussed further at Chapter E3 in the body of this report.

### **Integrated Development**

The development is Integrated Development under Section 90(a) of the Water Management Act 2000 (Water Supply Work). Water NSW provided their General Terms of Approval on 20 September 2022 which form part of the recommended conditions in **Attachment 10**.

## **1.3 BACKGROUND**

### **Pre-lodgement of the development application**

Lots have been acquired over a long period of time in order to consolidate the entire block.

Between 2017 and 2020 a number of meetings were held between the proponent and Council staff to understand Council's key issues for the site in the context of the broader city centre.

Three Design Review Panel meetings were held prior to lodgement of the DA (DE-2020/55 – 21 August 2020, 15 October 2020, 18 November 2020).

A formal Council pre-lodgement meeting was held on 11 November 2020 (PL-2020/179).

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Key aspects of the early concept design that were removed from the scheme prior to lodgement include a public library within the commercial building on the corner of Crown and Keira Streets, a market place along the Crown Street frontage, and public square that was situated at the corner of Crown and Keira Streets.

The fundamental elements of the proposal have however remained constant, including retention of the Marcus Clark and The Grand buildings in some form, three residential towers located above retail and commercial space, an internal publicly accessible plaza, a pub, live music venue and cinema, all located above basement car parking accessed from Burelli Street.

#### Post lodgement of the development application

- Three Design Review Panel meetings have been held following lodgement (DE-2020/55), 15 October 2021, 7 April 2022 and 26 August 2022 (See **Attachment 4**).
- A Council request for additional information ('RFI') letter was issued on 16 November 2021.
- The applicant made a number of presentations to Council on their planned response to matters raised in the 16 November RFI on the following dates:
  - 16 February 2022
  - 17 February 2022
  - 8 March 2022
  - 4 May 2022 (with TfNSW)
  - 17 June 2022 (internal plaza and footpaths around the site)
- Council staff briefed the Southern Regional Planning Panel (SRPP) on 19 October 2021 and 23 February 2022.
- The applicant briefed the SRPP on 10 May 2022.
- A formal response to Council's 16 November RFI was lodged on 28 June 2022 and the application was renotified between 4 July and 5 August.
- A further RFI and the 26 August 2022 DRP notes were sent to the applicant on 9 September 2022 and responses were received from the applicant in October.
- Council provided a final briefing of the SRPP on 26 October 2022.

#### Key built form changes during assessment

During the assessment of the DA, a number of key alterations have been made in response to Council and DRP commentary which can be summarised as follows:

- Reduction in height of tower 3 to mitigate overshadowing to MacCabe Park.
- Increase in height of tower 2.
- Minor change to unit composition and reduction in number of units from 402 to 390.
- Removal of one laneway between Crown Street and the internal plaza.
- Reduction in height of wellness building.
- Increase in commercial floor area at eastern end of Crown adjacent to lane entry.
- Removal of undercroft area to the commercial building on the corner of Crown Street and Keira Street and reduction in building height and increase in length, along with change to materiality and aesthetic.
- Relocation of cinemas from above The Grand Hotel to below ground and relocation of exhibition space to above The Grand, decreasing bulk above the building.
- Slight reconfiguration of internal plaza area.
- Removal of stairway and lift access into the plaza area from adjacent the service dock on Burelli Street and inclusion of a stair and link access from Keira Street adjacent The Grand up to the plaza level.

### Strategic framework/background

Reviewing development controls that will support the success of Wollongong City Centre into the future has been an important Council priority for a number of years. Council has taken a staged approach to this, starting with establishing an agreed vision and Urban Design Framework before moving on to the statutory changes that will deliver the agreed outcomes for the city centre.

On 30 May 2016, Council adopted the Vision for Wollongong City Centre, **A City for People** - a people-orientated, sustainable and liveable city. In 2018 work commenced on the City Centre Planning Review, a comprehensive review of land use and built form controls to bring them into alignment with A City for People.

On 21 September 2020 Council adopted the **Urban Design Framework** to guide the preparation of a draft Planning Strategy, including amendments to the Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2020.

The next phase of the process is to translate the endorsed vision and Framework into a draft planning strategy and statutory plans to provide the community an opportunity to review and comment on the proposed new controls. The draft **Wollongong City Centre Planning Strategy** and draft amendments to the Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009 were prepared to that end.

In December 2020 Council considered the Draft Wollongong City Centre Planning Strategy, Draft Planning Proposal (LEP) and Draft City Centre Development Control Plan (DCP) however this was deferred to allow further work being undertaken including (but not limited to) further LGA wide retail studies, access and movement study, mid-block pedestrian laneways, and arts plan for larger lots. These documents are not exhibited drafts and finalisation is some time away (likely late 2023-2024). They are not statutory considerations for this application.

The UDF is an adopted Council policy which is a matter for consideration under the Act and an assessment of how the proposal relates to the relevant recommendations is provided below:

Control/recommendation/theme	Comment
<b>Key findings</b>	
<b>Land Use:</b> <ul style="list-style-type: none"> <li>Current land use controls could result in a City filled with residential development, compromising long term employment growth.</li> <li>The retail core is spread out too far, which results in empty shopfronts and creates inactive streets.</li> <li>The City's cultural identity is diversifying to support City life.</li> </ul>	<p>The proposal provides for a 40:60 mix of commercial to residential, generally well above what has been occurring in recent times in the city centre.</p> <p>The retail offering is centrally located and adequately activates the street frontages.</p> <p>The proposal incorporates a variety of land uses to contribute to the vitality of the city including a live music venue, pub, cinema, exhibition space, various food and drink offerings, office space and public plaza.</p>
<b>Built Form:</b> <ul style="list-style-type: none"> <li>General development controls don't respond to the character and historic qualities of places in the City.</li> <li>The planning controls do not provide clear guidance for development to deliver the intended built outcomes for the city.</li> <li>The city's development controls do not promote development that defines a city skyline or enhances the unique natural setting.</li> </ul>	<p>Key heritage forms are incorporated into the proposal (e.g. Marcus Clark and The Grand) and built form reasonably responds to nearby heritage items.</p> <p>The proposal includes what will be the tallest building in the city centre for the foreseeable future. Whilst this will be of a greater height, the tower is situated in the middle of the city centre where you would expect to find tall buildings and will be a logical landmark indicating the central location. Other nearby existing and likely future buildings will taper away from this.</p> <p>The design quality of the proposal is considered to be acceptable.</p>

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Control/recommendation/theme	Comment
<ul style="list-style-type: none"> <li>Developments favour maximising building development controls over design quality, producing a less attractive City.</li> </ul>	
<p>Public Domain and Connections:</p> <ul style="list-style-type: none"> <li>The City lacks clear physical and visual connections to key places which makes wayfinding difficult and discourages walking.</li> <li>Arrival into the City Centre is confusing and provides an underwhelming first impression of Wollongong.</li> <li>Public open spaces are valued but do not yet realise their full potential.</li> <li>Key public spaces are at risk of overshadowing by surrounding buildings.</li> <li>Tree canopy cover in the city centre is inadequate.</li> </ul>	<p>The proposal provides pedestrian permeability and the legibility and wayfinding is considered acceptable.</p> <p>Overshadowing of identified key spaces such as MacCabe Park meets the applicable controls and the design allows for natural light to the surrounding streets through breaks in the built form and lack of a continuous podium street wall along Burelli Street.</p> <p>The proposal retains existing established street trees and will involve the addition of street trees along Crown Street in blisters in the road as well as new street tree planting along Burelli Street.</p> <p>There are also canopy trees incorporated into the internal plaza area.</p>
<p>Potential oversupply of retail space.</p>	<p>The proposal incorporates active uses at ground floor level in accordance with Council controls.</p> <p>There are a large number of smaller format retail spaces however this responds to the requirement for active uses at ground floor level and the desire for smaller frontage spaces to better respond to the streetscape.</p>

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Control/recommendation/theme	Comment
The current controls allowing a street frontage height of between 12-24m are excessive and don't result in desirable streetscape outcomes.	<p>The proposal has a variable street wall height. Along Crown Street, the scale is 2-3 storey and responds to the heritage row of shops opposite and the Marcus Clark façade which is being retained.</p> <p>On Atchison Street, the Marcus Clark façade is retained. Tower 1 does not have a street wall setback. Atchison Street is considered a secondary street where the pedestrian activity is generally transitory. An awning is provided for the frontage to address wind impacts and to better provide for a pedestrian scale at street level. Lack of a street wall setback on that frontage is not considered to detrimentally impact on the public domain in that context. The built form of Tower 1 is broken up into distinct elements whereby the lower levels present an acceptable pedestrian scale.</p> <p>It is noted that along Burelli Street, the residential towers do not provide a street wall or set back above a podium. However, the form is broken up horizontally and there are generous breaks between the towers where natural light is provided to the public domain.</p> <p>The Keira Street frontage height is between 16.5m (The Grand / exhibition space) and up to ~35m (office building). The office building benefits from having a façade that is solid to the ground in order to present a strong built form presence on this prominent corner.</p>
Desire to preserve views to the escarpment from Flagstaff Hill, including maximising continuous views of the ridge line of the escarpment from Flagstaff Hill.	<p>The proposal breaches the ridgeline and encroaches into the view of Mt Kembla as shown below.</p> <div data-bbox="197 1308 759 1621" data-label="Image"> </div> <div data-bbox="767 1279 1358 1597" data-label="Image"> </div> <p>It is noted that retention of a continuous view of the ridgeline has already been compromised with three nearby recently constructed towers. Further, that objective would only be achievable for the site with heights well below those currently permitted under the LEP.</p> <p>It is not clear as to how smaller tower forms beyond the site would be managed to achieve this outcome.</p> <p>Notwithstanding, the position of Tower 1 is situated to preserve a view to the summit of Mt Kembla and is reasonable response to the applicable planning controls and surrounding context.</p>



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Control/recommendation/theme	Comment
Protection of solar access to MacCabe Park.	The application does not overshadow MacCabe Park between 12 and 2pm in accordance with the current sun plane protection controls.
Safe people oriented walking environment.	The proposal provides appropriate footpath widths for the perimeter of the site noting an increased setback to Crown street and Burelli Streets are incorporated into the design. Weather protection is provided by way of awnings for the majority of the site's frontage. CPTED considerations are considered to be addressed.

## 1.4 SITE DESCRIPTION

### Subject site

The site comprises an entire city block bounded by Crown St to the north, Keira Street to the east, Burelli Street to the south and Atchison Street to the west. The site has a total area of 13,087m<sup>2</sup> and is made up of 28 individual parcels of land. The title reference of these lots are identified below:

Address	Legal Description
216-222 Keira Street	Lot 1 DP112417
226-230 Keira Street	Lot 100 DP774957
232-234 Keira Street	Lot 9 DP551157
(The Grand Hotel)	Lot 8 DP546125
86 Burelli Street	Lots 4-5 DP17979
	Lot 1 DP88455
90 Burelli Street	Lot B DP395330
281-291 Burelli Street	Lot 1 DP117019
(Former Marcus Clark building)	Lot 1 DP82673
	Lot 1 DP927806
	Lot 1 DP1087986
	Lot 1 DP1198873
221-229 Crown Street	Lot 1 DP220513
231 Crown Street	Lot 1 DP 17979
233-235 Crown Street	Lots 2-3 DP 17979
237-241 Crown Street	Lot 7 DP878243
243-251 Crown Street	Lot 1 DP1135333
253-259 Crown Street	Lot 1 DP183348
	Lot 1 and 2 DP226374
261-261A Crown Street	Lot 3 DP319452
269-271 Crown Street	Lots 1 and 2 DP319452
273-279 Crown Street	Lot 2 DP326530
	Lot 2 DP181570
	Lot 1 DP1116034

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The site is irregular in shape with the longest frontage to Crown Street (200m), 130m frontage to Keira Street, 170m to Burelli Street and 70m to Atchison Street with a fall of over 10m from the north-western corner (RL 24) to the south-eastern corner (RL 14). The site has a Right of Carriageway known as Findlay Place which provides one-way access to on-site car parking and loading areas.

Existing buildings fronting Crown Street include a seven (7) storey commercial building (corner Keira Street), and numerous 2-4 storey retail/commercial/medical premises. A local heritage item described as the Marcus Clark building (currently Spotlight) is at the western end of Crown Street. This building is 2-4 storeys in height and also occupies the full length of the Atchison Street site frontage. There is a bus stop at the eastern end of Crown Street, with some short term parking available along this frontage, with five (5) on-street parking spaces also available on Atchison Street.

Burelli Street is dominated by servicing and parking for the Crown Street businesses. The exception is the Grand Hotel on the corner of Burelli and Keira Streets. The western end of Burelli Street is designated as 'No Stopping', with limited paid parking (1hr) between Findlay Place entrance/exit and short term parking in front of the Grand Hotel.

A number of small retail premises occupy the Keira Street frontage. This frontage is relatively steep (approximately 7m fall from north to south) and is visually dominated by a substantial overhang occupying the south-bound traffic lane (Wollongong Central). Keira Street has no street parking, but there is a taxi zone, loading area and no stopping signposted along this frontage.

#### Context and surrounds

Adjoining development is as follows:

North: The opposite side of Crown Street comprises two storey retail/commercial premises, with a row of shops identified as a local heritage item (230-264 Crown Street, item 6240). Further north is the Wollongong Central shopping centre fronting Keira Street, with three residential apartment buildings to the north west of the site (known as Avante, Signature and Sky Tower).

East: The opposite side of Keira Street is a shopping centre known as Wollongong Central (GPT) with Wollongong mall to the north-east and MacCabe Park to the south east of the site.

South: Wollongong Central car park with pedestrian overbridge across Burelli Street. Other businesses along Burelli Street include a few small scale retail premises, a medical centre, and NSW Health services opposite the existing Spotlight building. Further south along Atchison Street are a number of recently constructed shop top housing developments. To the south west is the SES headquarters.

West: The block to the west of the site comprises South Coast Private Hospital which fronts Burelli, Station and Crown Streets, identified as local heritage item. A number of two storey retail/commercial premises also front Crown Street within this adjoining block. Further west is Wollongong Railway Station (approximately 260m from the western boundary of the site).

#### Property constraints

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

- Acid sulphate soils: The northern portion of the site is identified as having Class 5 Acid Sulfate Soils.
- Easement: An easement/ Right of Carriageway known as Findlay Place (DP 603753) and various ROW's connecting to Findlay Place (DP878243); easement for electricity purposes/substation (DP 1163904); easement for ROW between 232-234 Keira Street and 236-238 Keira St (DP551157 and DP 546125). All the existing easements will need to be extinguished as part of the lot consolidation.
- Heritage: The site contains one local heritage item, the 'Former Marcus Clark' building identified as Item 6474. The site is also in the vicinity of a number of heritage items as discussed in Part 2.1.6 of this report, including the 'Row of Shops' at 230-264 Crown Street (Local Item 6240) which is opposite the site.
- Contamination: 273-279 Crown Street is identified as being potentially contaminated land – it is noted that all existing site fill will be removed as part of the basement excavation works.

An aerial photo and LEP zoning map are shown below.



Figure 1: WLEP zoning map



Figure 2: Aerial photo





**Figure 1: Looking east towards corner of site at Atchison and Burelli Street intersection**



**Figure 2: Mid-block view looking east along Burelli adjacent to proposed new vehicle entry point**





**Figure 3: View looking east along Burelli St towards the Grand and proposed service dock entry location**



**Figure 4: View looking north west towards the Grand Hotel on corner of Burelli St and Keira Street**



Figure 5: View looking north up Keira Street



Figure 6: View looking west along Crown Street at corner of Crown and Keira



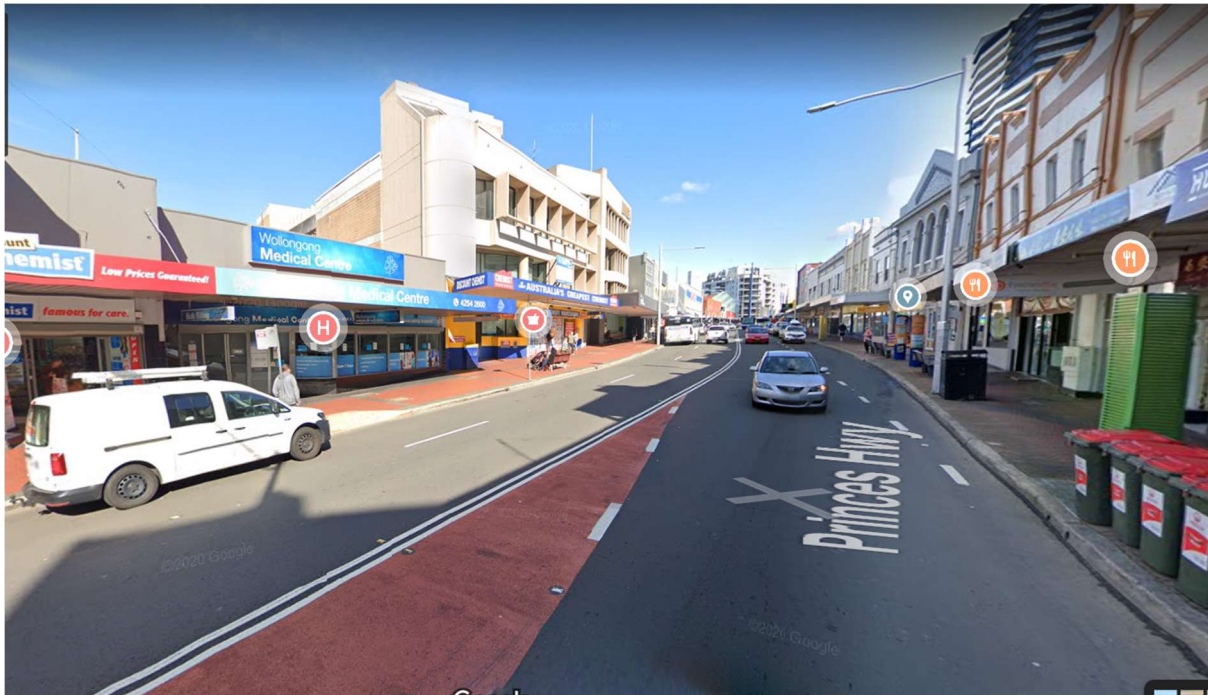


Figure 7: View looking west along Crown Street mid-block



Figure 8: View looking west along Crown Street towards Marcus Clark Building



**Figure 9: View looking east along Crown Street towards Marcus Clark building corner of Atchison and Crown Streets**

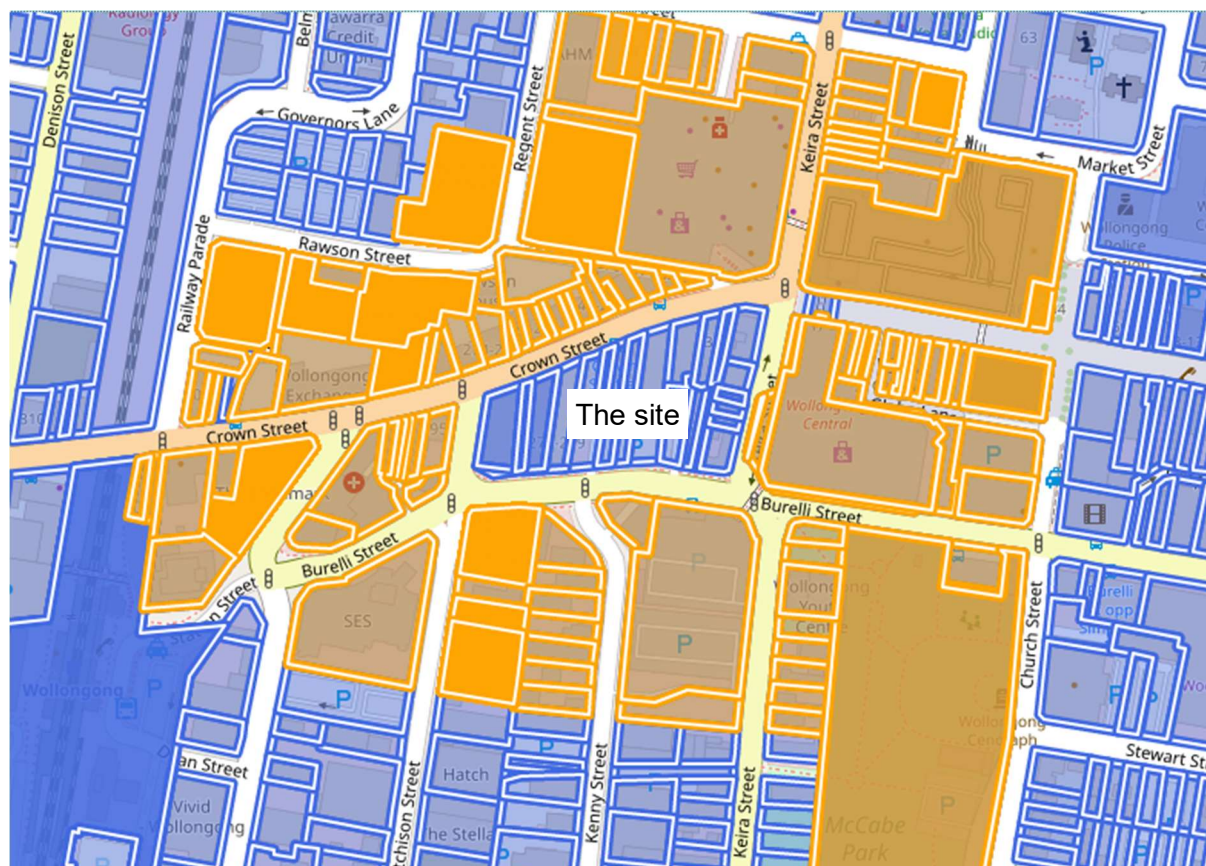
## 1.5 SUBMISSIONS

The application was publicly exhibited between 1 September 2021 and 5 October 2021. This included letters to nearby residents and businesses and an advertisement in the Illawarra Mercury on 1 September 2021. A total of 67 unique submissions were received from the public, including 14 submissions in support of the proposal, 45 submissions objecting to the proposal and 8 neutral submissions.

Following the receipt of additional information and amendments to the proposal, the application was renotified between 4 July 2022 and 5 August 2022, and was advertised in the Illawarra Mercury on 6 July 2022. A total of 17 additional submissions were received during this period, including 2 submissions in support of the proposal, 11 submissions objecting to the proposal and 4 neutral submissions.

Both exhibition periods involved letters to the properties identified in orange below.





**Figure 10: Notification map**

For larger scale development such as the proposal, the extent of notification responded to the likely affected properties within the vicinity of the site. The extent of notification in this instance is considered to be satisfactory in regard to the scale and potential environmental impacts associated with the proposal. This was complemented by the notice placed in the paper.

The number of submissions received are summarised in the tables below:

	Total	Support	Object	Neutral
Notification Round 1	67	14	45	8
Notification Round 2	17	2	11	4
Total	84	16	56	12

The main issues raised in the submissions are summarised in the table below .

Issue [number of submissions in first round | number of submissions in second round]

**Excessive height of buildings [ 40 | 8 ]**

The site sits across between three height limits, 120m at the western end, 60m in the middle and 48m to the east. The development complies with the maximum height for Tower 1 (120m limit) and variations are sought for portions of towers 2 (across both 120m and 60m height limit) and 3 (located across both 60m and 48m height limit). This is discussed in detail under clause 4.6 of the LEP in section 2.1.7. The variations do not result in any significant impacts beyond that of a compliant form.

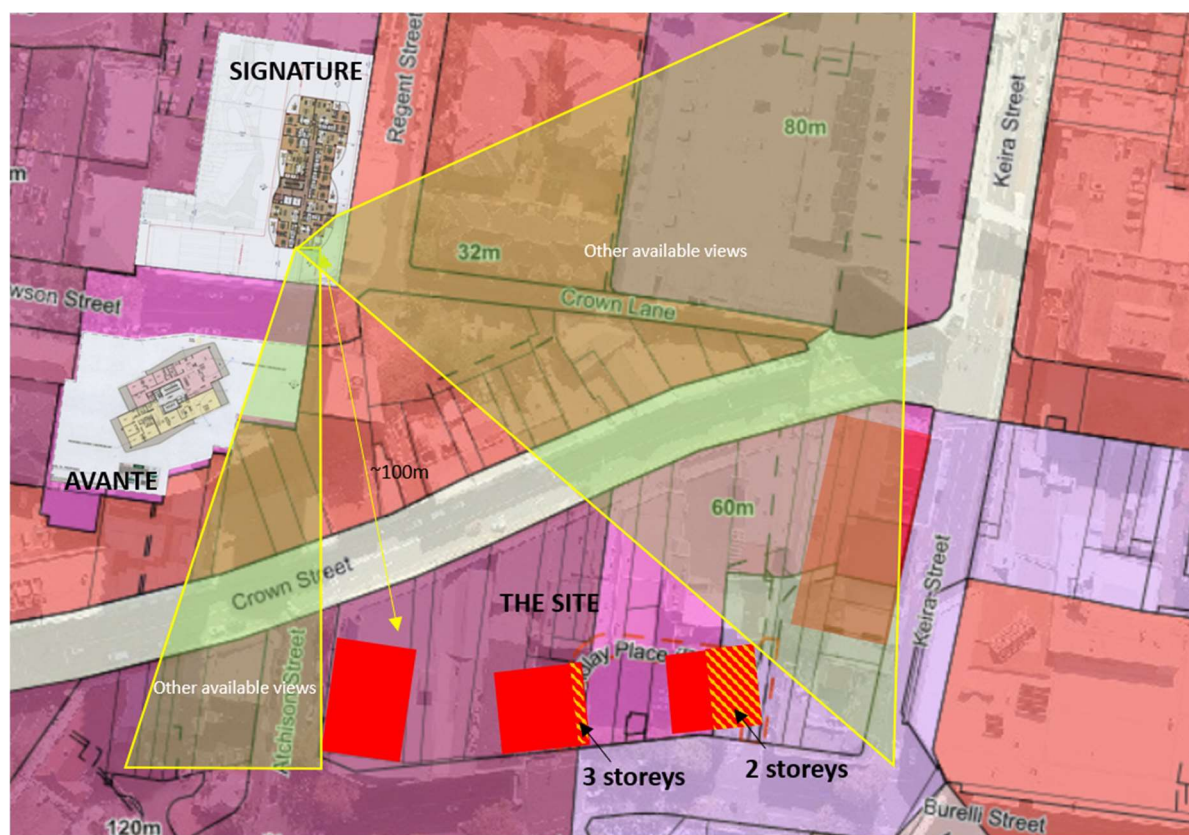
With respect to the height of Tower 1, associated impacts are discussed at other sections of report and include impacts on views from nearby residential towers, visual impact, impact to view corridors, overshadowing, bulk and scale, and compatibility with character of the city centre.

**Impact on views from nearby residential towers [ 21 | 5 ]**

A Visual Impact Assessment report has been prepared by the applicant which includes a view impact analysis from unit 1802 located one level below the top floor of the Avante building at 3 Rawson Street facing the site and an assessment of the impact using the planning principle established in *Tenacity Consulting v Warringah Council*. The floor level of unit 1802 is at RL95.6 where the top of Tower 1, 2 and 3 are at RL141.3, RL90.7, and RL72.1 respectively.

No assessment was taken in the applicant's submission of views from the Signature building further to the north however, Avante is the building most impacted by the proposal. An assessment of the view impacts therefore focuses on the Avante building.

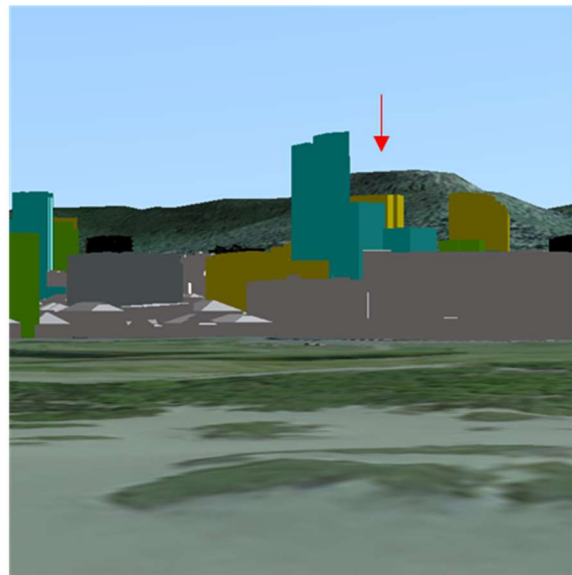
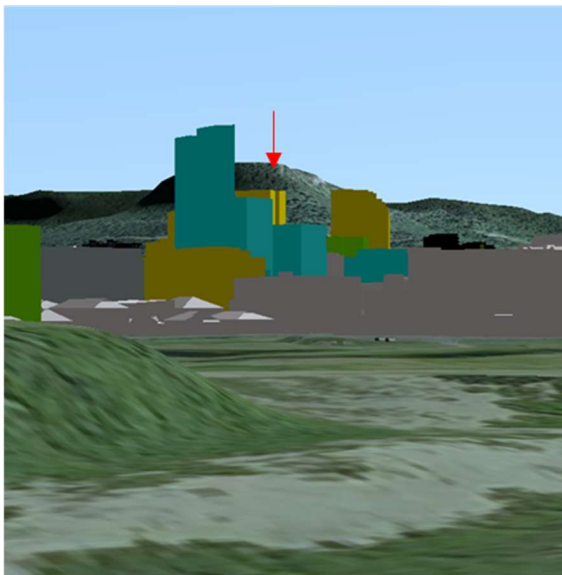
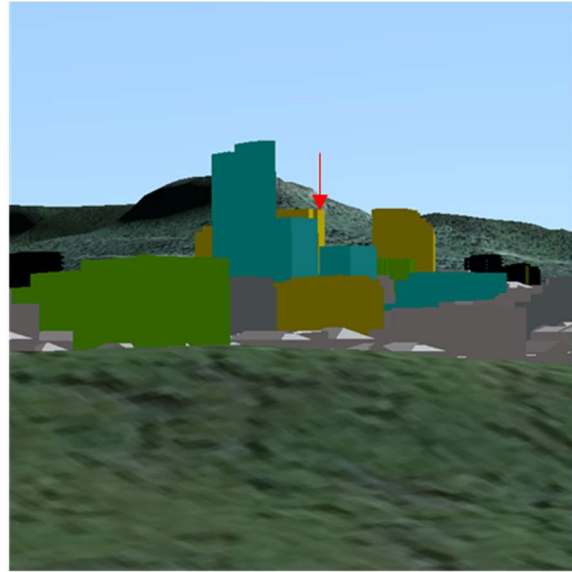
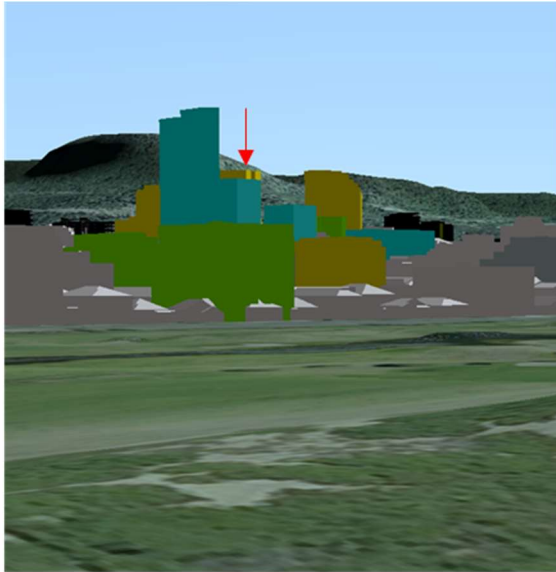
With regard to the Signature building, the tower is oriented north/south. Units within that tower that would have views of the site are restricted to the units in the southeast corner. Those units have outlook to the south and east as illustrated at below. That tower is further approximately 100m from the tower forms in the subject site. View impacts this this building are not considered significant.



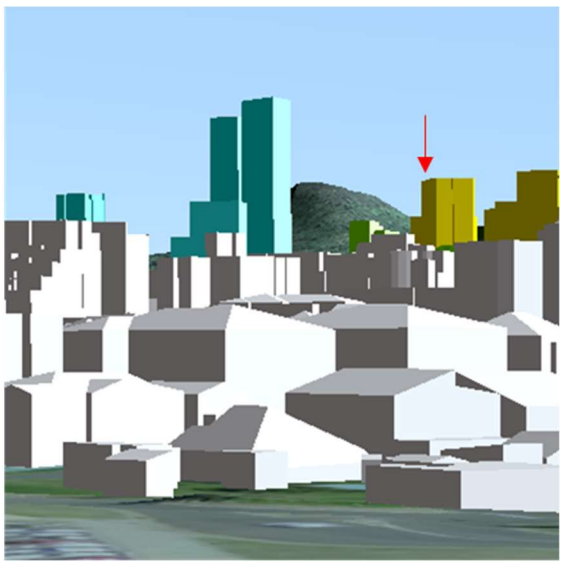
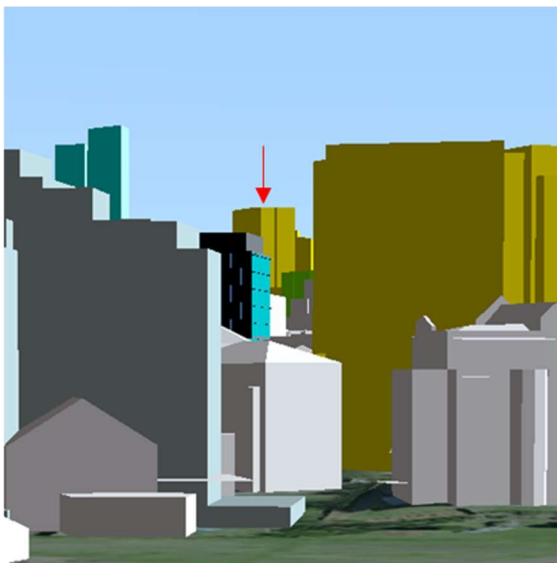
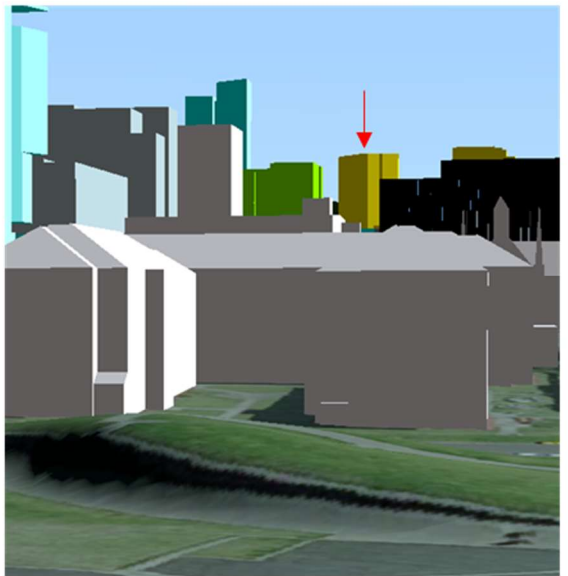
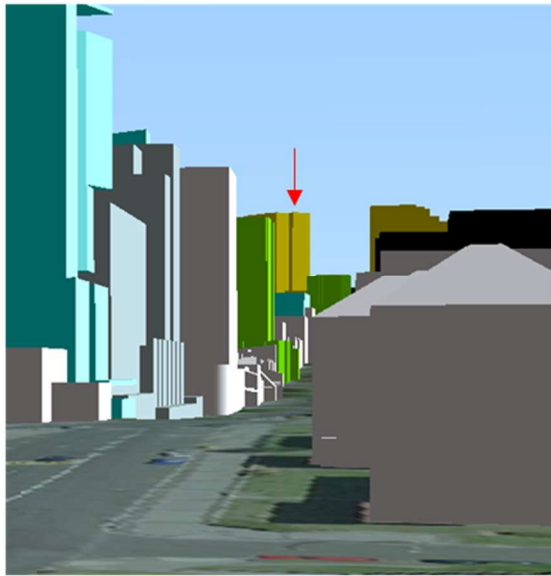
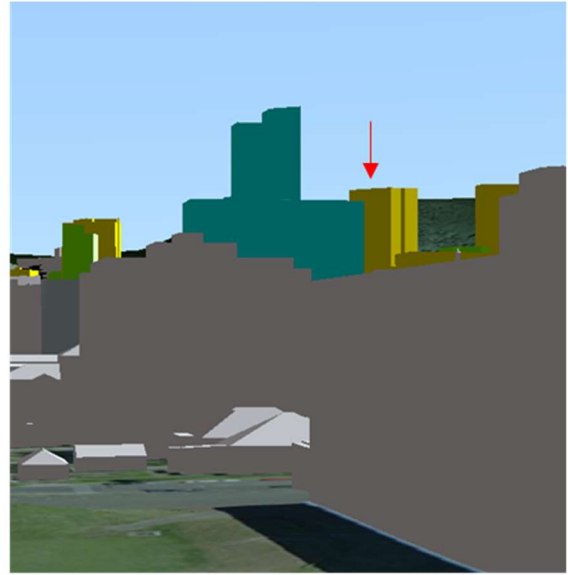
It is noted that the applicant's analysis did not extend to lower levels of the Avante tower, however it is reasonable to make an informed judgement of view impacts lower down in that tower based on the analysis from Unit 1802. Council has undertaken a further analysis of views available from within that tower using its 3D mass model of the city centre with the tower forms inserted as shown

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from various points in an arc looking back at Avante from the Wollongong Golf Course through to Flagstaff Hill below. This identifies various views that are currently available from Avante but also illustrates the challenge in retaining views from this building in the context of a central CBD location with current and potential future tower forms surrounding it.







**Figure 11: Views between the coast and Avante between the Wollongong Golf Course to Flagstaff Hill**

View impacts are occurring in the context of a central CBD location where larger tower forms are anticipated by the building controls, including heights of up to 120m. There is therefore a limit to what retention of views could be reasonably expected in that context.

The location of bulk around the site reflects the height planes under the LEP with the exception of minor exceedances where the height limits change. These exceedances do not significantly exacerbate view impacts as they relate to small portions of towers 2 and 3 only.

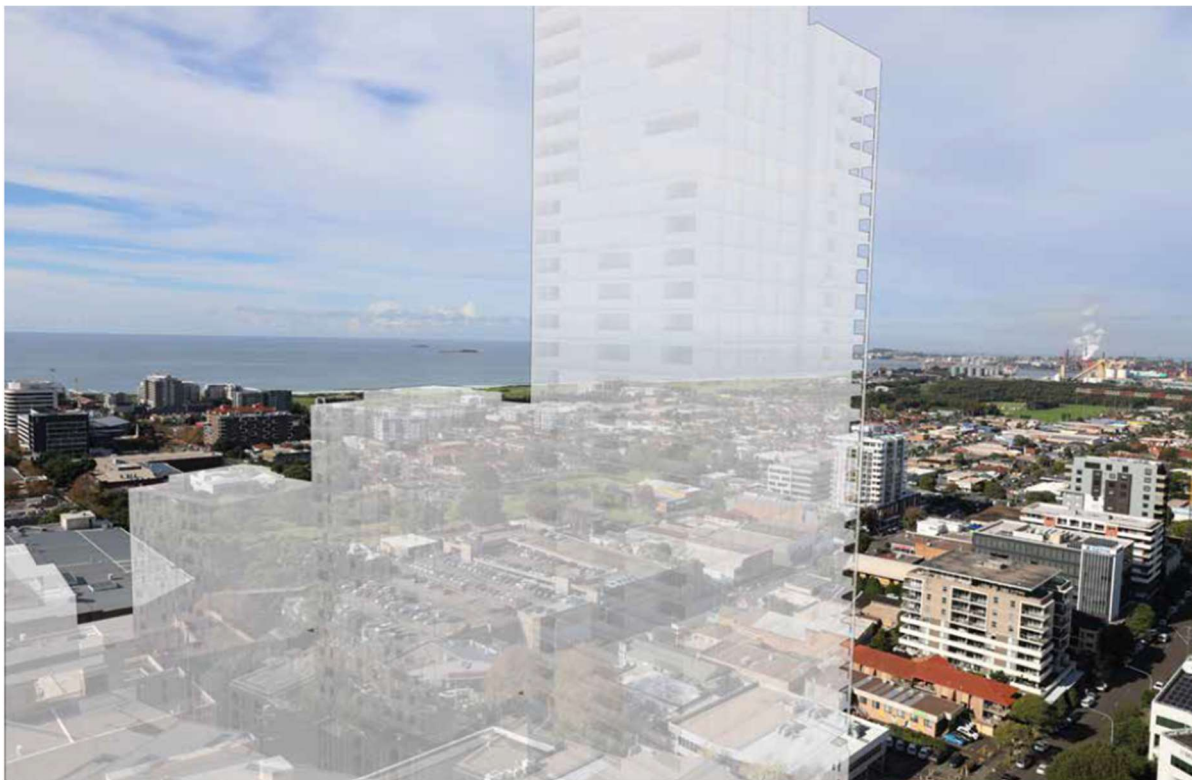
**Tenacity assessment:**

An assessment has been undertaken in accordance with the view sharing principle in Tenacity vs Warringah Council which establishes four steps to be applied in assessing view impacts. These are addressed below.

Step 1: Views to be affected (Water views are valued more highly than land views. Iconic views (egg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views)

Views to be impacted are distant views toward the coastline and horizon as illustrated at Figure 12 Figure 13 below. Panoramic views towards the coast are currently available from the higher levels of the Avante building.

Significant existing views outside the alignment of the proposed built form remain unaffected. From many areas these views would be considered highly valued.



**Figure 12: View from unit 1802 in Avante building**



**Figure 13: View from level 6 real estate image**

The impacted views are not considered to be iconic (that being a specific landscape or built form feature). It does however contain valuable views to the coastline and interface between the land and the sea.

Step 2: From what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views that are impacted are available from units on the south-eastern elevation of the Avante building both from living areas and their associated balconies.

The views are through the subject site in a location that permits large buildings.

The impacted views of the coast would be available from both standing and sitting positions at higher levels.

The views impacted (as indicated) are over multiple properties that permit building heights ranging from 48m to 120m. Retaining views to the foreshore is challenging in this circumstance.

Step 3: Extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The impact of the proposal on views varies depending on what level the views are taken from. The extent of the view corridor affected is identified at Figure 14. Within the lower levels of the Avante building, views are more heavily impacted however, the views that are impacted are more interrupted by existing built form and more difficult to protect in the city centre context. It is also noted that units that face the site have views towards the east and southwest which are not impacted. The view loss depending on the elevation within the Avante tower would vary from moderate at the upper levels to severe at lower levels.





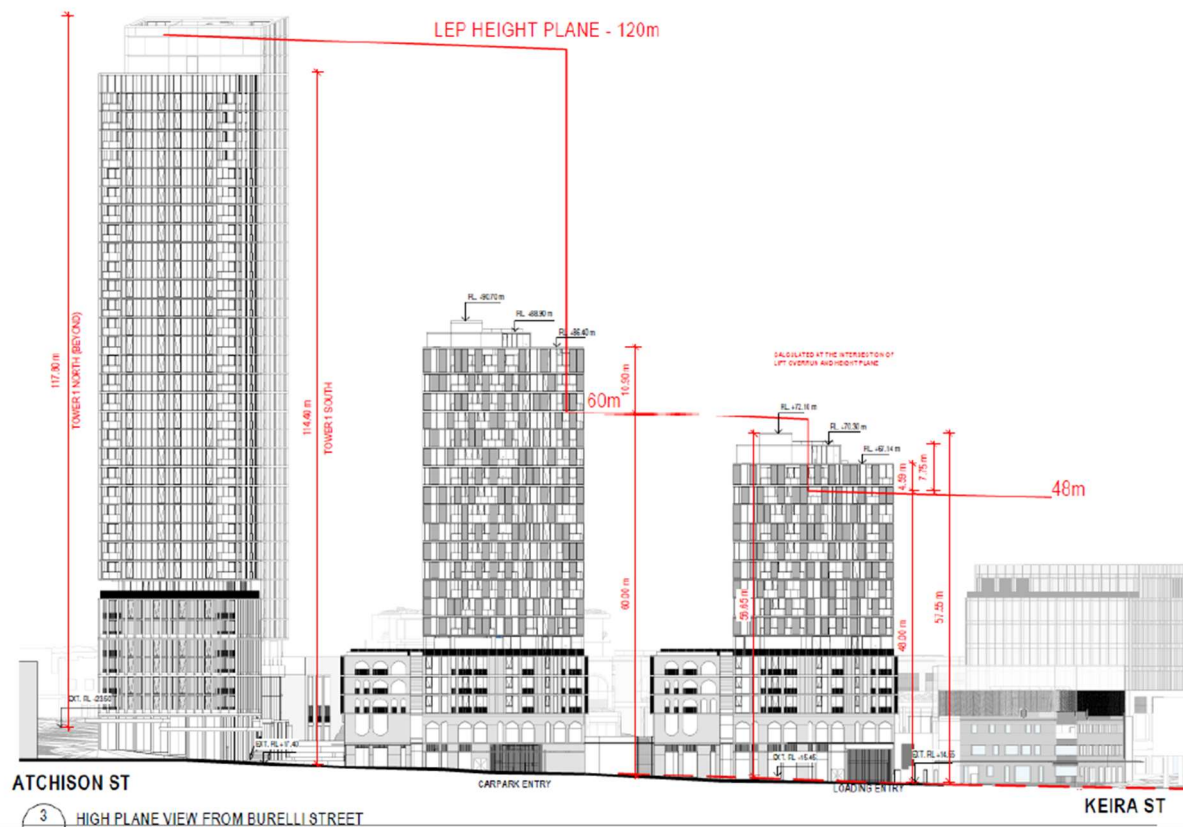
**Figure 14: Extent of view corridor impacted**

Step 4: The reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

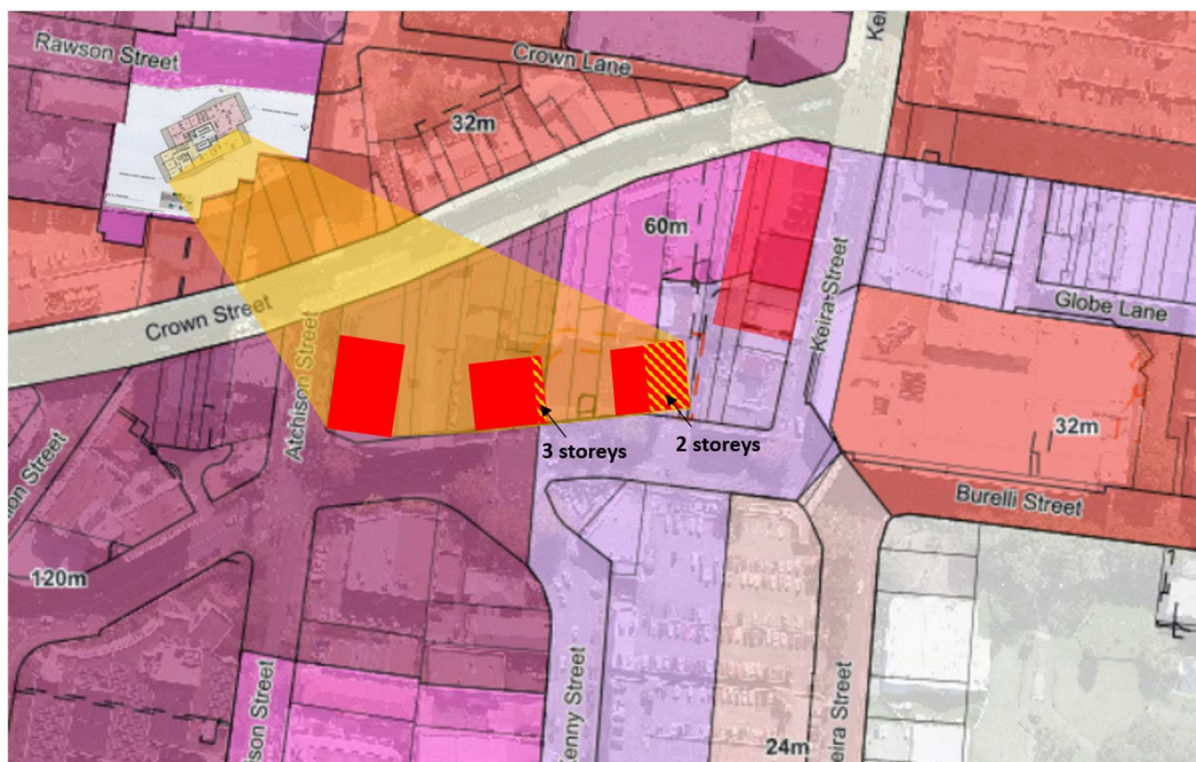
In regard to the reasonableness of the impact, the impacts are in the context of the site being in the middle of the city centre where the tallest buildings and highest density are permitted and anticipated. In that regard, it is expected that buildings of a height permitted under the LEP are likely to occur at some stage.

The proposal does seek variations to building separation and height however, these are not considered to significantly contribute to the view impacts.

In regard to height, towers 2 and 3 exceed the height limit for parts of the upper levels, three storeys for tower 2 and two storeys for tower 3 as shown at Figure 15 and Figure 16.



**Figure 15: Height variation in section viewed from Burelli Street**



**Figure 16: Portion of tower subject to height variation**

The height variation for Tower 2 is inconsequential given the narrowness of the portion that does not comply. At the point of non-compliance the building separation complies between Tower 2 and Tower 3.



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For Tower 3, there is a point at which the non-compliance would impact on a portion of view from a small number of units in the south eastern corner of the Avante building. It is however worth noting that at other parts of the site (e.g. over The Grand and at the corner of Crown and Keira Streets) the built form is significantly below the maximum permitted height. Additional impacts associated with this non-compliant part of the building are considered to be compensated in regard to lower heights elsewhere.

With regard to variations to building separation, these occur at the lower levels of Towers 1, 2 and 3 only, where views through the site towards the coast are much reduced, of less significance and more difficult to protect. Podium level for Avante is RL53.6 whereas the area of reduced separation is at RL35.3 and unlikely to impact on views in any significant way.

It is considered that a more skilful design would not necessarily result in views being better preserved. The distribution of bulk around the site has been guided by a range of other objectives and controls including protection of solar access to MacCabe Park, providing solar access into the internal plaza, maintaining a low height form along Crown Street in response to the heritage context and maintaining a view through the site towards Mt Kembla from Flagstaff Hill. The overall massing in response to these considerations is appropriate.

The proposal has been reviewed by the DRP on several occasions and the design has been refined in response to the Panels and council comments. The DRP and council are satisfied that the design responds to the context of the location and its surrounds and the massing and articulation across the site has been distributed in response to a comprehensive site analysis.

The height and separation variations are discussed in greater detail at clause 4.6 of the LEP.

Based on the above 4 step assessment, the view impacts from the development are considered reasonable.

#### **Overdevelopment for the site/unacceptable bulk and scale /out of character/setting an inappropriate precedence [ 21 | 6 ]**

The development complies with the maximum permitted FSR and height (with the exception of variations to the height for tower 2 and 3 which are discussed at clause 4.6 of the LEP and supported). Impacts on adjoining development and the public domain are not considered unreasonable. The development is considered to respond suitably to the applicable planning controls. The proposal is not considered to be overdevelopment.

The character of the area is changing based on the applicable planning controls. The proposal is considered to respond positively to the heritage context with regard to the built form. The range of uses proposed are all permitted in the zone and are considered to positively contribute to the vitality of the city centre. The proposal is not considered to be out of context.

Any variations to the LEP or DCP have been assessed as satisfactory and are not considered to set an undesirable precedent.

Distribution of bulk and scale around the site responds reasonably to the particular characteristics of the site.

#### **Impacts on public domain e.g. wind tunnelling, overshadowing, street trees [ 19 | 2 ]**

The key public domain around and in close proximity to the site includes MacCabe Park and the public streets.

The proposal does not overshadow MacCabe Park in the identified period of 12–2pm.

The proposal includes upgrading the footpath for the entire perimeter of the site including footpath widening in certain areas to provide a better pedestrian environment. Wind impacts are effectively mitigated and natural light to the street is facilitated through breaks in the built form. Pedestrian permeability is provided. Awnings are provided for the perimeter of the site where possible. Existing street trees are to be retained and new street trees proposed along Crown Street and Burelli Street. The bus stop is relocated and configured to ensure functionality.

#### **Lack of Parking [ 15 | 5 ]**

A detailed parking assessment is contained in Chapter E3 in the body of this report. Broadly speaking, the development utilises a credit for the non-residential parking component available

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under the DCP. The residential car parking includes a surplus to that required whilst there is a shortfall of residential visitor parking. Conditions of consent are recommended in regard to a redistribution of spaces to better address this. There is no general visitor car parking for the non-residential components of the development however, 16 accessible non-residential spaces are provided for those within the community that require direct access to the site.

#### **Increased traffic congestion/pressure on infrastructure [ 13 | 4 ]**

The application includes a Traffic Impact Assessment which investigated the impacts of the development to the local road network and found levels of service of intersections around the site would not be impacted to an unacceptable level. This has been reviewed by Council's Traffic Officer and Transport for NSW and no objections were raised. It is noted that the applicant has requested a credit for the non-residential component of the development in regard to car parking which will significantly reduce vehicle trips generated to the site.

The proposal incorporates a number of aspects to encourage modal shift with regard to transport including end of trip facilities and bicycle parking, car share and e-bike charging.

The proposal provides an entry for cars and a separate service dock with the car entry being via the signalised intersection at Kenny Street. This is considered to minimise disruption to other street frontages and control traffic movement to mitigate impacts to the surrounding streets.

With regard to infrastructure, the site is situated within the city centre with ready access to services and transport.

#### **Music venues/exhibition incompatible with residential/noise impacts [ 7 | 1 ]**

The live music venue within the site is entirely closed off to the external areas and unlikely to have offsite impacts.

The exhibition space is located on the roof of The Grand Hotel and contains an open rooftop terrace area.

The site is located within the city centre where Council encourages a late night economy as reflected in the *Wollongong CBD Night Time Economy* adopted by Council on 16 November 2020. The policy makes recommendations for operating hours of indoor and outdoor areas with consideration to whether there is residential interface or not. The proposal is not contrary to that policy, noting that the exact operators or operational parameters of any of the uses are not known at this stage. Further assessment of these aspects of the proposal will occur at such time as they are occupied, noting the consent does not authorise particular hours or operations and that a separate consent would be required in relation to those uses due to the exempt and complying provisions being unlikely to allow sufficient operating hours.

The Acoustic report submitted with the application makes general recommendations for the use of the exhibition space and notes robust sound isolation design will be required (for both air borne and structure borne noise) for adjacent commercial tenancies and nearby residential within the mixed use, i.e. noise-sensitive cinemas and other uses within the same building. Acoustic treatments are either to be addressed at the detailed design stage / CC or via conditions of consent either in this application or for future DAs for the uses and any associated fit-out. Conditions that are attached to this consent include noise levels, preparation of an acoustic management plan.

#### **Towers are not visually appealing, choice of colours/material may result in maintenance issues, does not exhibit design excellence [ 7 | 3 ]**

The visual appeal will always involve an element of subjectivity however, it is noted the facades incorporate a mixed palette and variety of materials and form for the various buildings.

The Design Review Panel have reviewed the proposal on numerous occasions and have not raised any concern with the general visual appeal, noting "the proposal demonstrates a well resolved architectural aesthetic and appropriate material selection".

As discussed at section 1.6.2, the DRP commentary provided at the 26 August DRP meeting has been suitably addressed in the present documentation or is resolvable by conditions.

**Lack of need for additional retail/Viability of proposed commercial/retail land uses [ 6 | 3 ]**

The submissions identify high vacancy rates for retail tenancies in the city centre. The proposal would add a large number of variety of retail offerings into the current mix. The development also provides a variety of land uses including a cinema, pub, wellness building, live music venue and exhibition space, all of which would become destinations and positively contribute to the vitality of the city centre. There is additionally a large office building and 390 units which will provide a living and working population within the city centre to support local businesses. Further, the site is in a central location in close proximity to transport and public open space where controls require ground floor street activation as do the pedestrian through links. The extent of retail proposed is a reasonable response this regard.

**Construction noise/impacts [ 6 | 2 ]**

A Construction Management Plan has been provided. It is noted that this plan defers preparation of a variety of supporting documents (e.g. Noise and Vibration Management Plan and Traffic Management Plan) which will be provided prior to CC. The plan provides a reasonable indication of the construction methodology and timing. Other construction impacts are considered readily managed with standard conditions of consent.

**Lack of affordable housing component [ 5 | 1 ]**

The desire for affordable housing to be incorporated into the mix is generally supported by Council and was reflected in the RFI to the applicant. The proponent provides no commitments to affordable housing.

Council's draft Wollongong Housing Strategy is on exhibition until 2 December 2022. The Strategy aims to address overall housing supply and demand, as well as examining various housing sectors that are in need of support, including the homeless, social housing, affordable housing and accessible or supportive housing.

It is however noted that there is no existing legislative mechanism which requires provision of affordable housing as part of the scheme.

**Mature trees should be protected [5 | \_ ]**

Existing street trees around the perimeter of the site are proposed to be retained.

**The internal plaza funnels pedestrian traffic away from public streets [5 | \_ ]**

The proposal provides a balance between activation of street frontages and provision of permeability through the site. Crown Street contains a number of finer grain commercial tenancies and widened footpaths to support outdoor dining. The width and quality of footpaths around the perimeter will be improved. The proposal also provides a large number of office workers and residents that will enliven the surrounding streets.

**Adverse impacts on house prices [1 | \_ ]**

This is not a matter for consideration under this s4.15 of the Act.

**Oversupply of residential units within the city centre [4 | \_ ]**

There are no controls which cover supply and demand factors for residential units. This is a market consideration that is outside of the scope of this assessment.

**Privacy impacts to nearby apartments [4 | \_ ]**

It is noted the site is located within the city centre where high density development is anticipated under the controls. Privacy is dealt with in this context through compliance with building separation controls. The tower forms do not breach any building separation requirements to any existing residential development noting the Avante building is approximately 60m away and the Signature building ~100m which is well in excess of minimum separation required.

**Not consistent with sustainability targets/increased pollution [ 4 | \_ ]**

The proposal makes a number of commitments towards sustainability objectives as discussed in the Environment referral at section 1.6.1.

**Loss of heritage / inadequate assessment of shops along Keira Street [ 4 | 1 ]**

The proposal retains and restores the façade and clock tower of the heritage listed Marcus Clark building.

The scale of the built form along Crown Street responds to the two storey fine grain row of heritage listed shops opposite.

The Grand Hotel façade is retained, notwithstanding it is not a heritage listed building.

Facades to the north of The Grand Hotel on Keira Street are not retained however are not heritage listed buildings.

The proposal is supported by a Heritage Impact Assessment and this document and the proposed built form response to heritage aspects has been reviewed by Council's Heritage Officer. This is discussed in greater detail at section 1.6.1. It is noted that there are elements of the built form of the proposal that Council's Heritage Officer raises concern with (e.g. view impacts and height of Tower 1, arched forms along Crown Street) however the approach to Marcus Clark, The Grand and demolition of the Keira Street facades is supported.

**Supply of accessible units within the development [ 3 | 1 ]**

The development provides for 20% of the units as meeting the silver level universal standard under the Apartment Design Guide. Within the 20% are 10% adaptable units to meet Council's requirements.

**Accessibility of public portions of the site [ 3 | 1 ]**

The proposal provides numerous accessible entry points to the site including a lift at the corner of Burelli and Atchison, a lift at the laneway adjacent to the Marcus Clark building, level transition into the plaza area from the central lane on Crown Street and the main plaza entry, and lift access from the lane adjacent to The Grand. 16 accessible non-residential car parking spaces are provided within the basement and lift access from those spaces is provided up to the plaza level. Lift access is provided between the cinema levels. Publicly accessible amenities within the site include accessible toilets. Level transition is provided into the commercial tenancies. Additional consideration to accessibility will occur in the process of preparing the CC.

**Inadequate awnings [2 | 1 ]**

Awnings are provided to the buildings around the perimeter of the site with the exception of the building on the corner of Keira and Crown Street. A condition of consent is recommended requiring the awning to be extended along the Keira Street frontage to provide greater pedestrian protection at that location.

**Loss of commercial floor space [1 | \_ ]**

Whilst there is an overall loss of commercial floor area, the mix of commercial to residential remains in the order of 40:60. It is noted the proposal provides an office building along with a mixture of non-residential components that are considered to positively contribute to the city centre.

**Under supply of deep soil zones [ 1 | \_ ]**

There is no requirement for deep soil to be provided within the city centre.

**Development will lead to increased crime and undesirable activity in the public domain [ \_ | 1 ]**

The proposal includes large areas of publicly accessible area that are open 24/7.

There is considered to be suitable passive surveillance of that space and the layout generally acceptable with regard to concealment opportunities.

It will be a condition of consent that the area be fitted with CCTV and appropriately lit at night.

The management of this space into the future will require a security firm to be engaged.

The preparation of a Security Management Plan is also a condition of consent.

Wollongong Police commentary is detailed at section 1.6.2.

**Cannot rely on offsite privately owned parking (submitted by owners of Wollongong Central) [ \_ | 1 ]**

The proposal takes advantage of credits available under the DCP for commercial floor space and as such does not rely on off-site parking to meet Council requirements. A shortfall in residential visitor parking is to be addressed by reallocation of the surplus residential parking proposed. Accessible on-site parking is provided for non-residential components of the development to Council's satisfaction.

**Appropriate wayfinding needs to be incorporated into the site [ 1 | \_ ]**

The proposal incorporates a way finding plan and navigation through the site is not considered to be problematic.

**Development must cater to cyclists [ 1 | \_ ]**

The proposal will be required to provide a compliant number of cycle spaces for residents, visitors and staff along with end of trip facilities.

**Fogo service must be provided [ 1 | \_ ]**

FOGO waste rooms are provided within the basement.

**Provisions for bus passengers must be considered [ 1 | \_ ]**

The proposal includes the relocation of the existing bus stop on Crown Street to the eastern end of the site. A detailed design of that area has been provided that includes shelters, queueing areas, footpath widths, and associated infrastructure. This has been reviewed by Transport for NSW and Council's Traffic Division and found to be acceptable subject to conditions of consent.

**What was the reason for the increase in heights permitted by the LEP in 2009 [ \_ | 1 ]**

Changes to the maximum building heights in the city centre occurred some time ago and the assessment of this application must be undertaken against the current controls. The rationale for why the heights are what they are is outside the scope of this assessment.

**Upgrading of surrounding streetscape and declassification of Crown Street [ \_ | 1 ]**

Crown Street is likely to be declassified in future. That does not materially influence the assessment of this application. There are changes proposed to the Crown Street environment that will improve the pedestrian environment and public domain which aligns with the future direction of Crown Street. It is noted that Transport for NSW, as a concurrence authority for classified roads, are generally supportive of the proposal subject to conditions.

The footpaths for the entire perimeter of the site will be upgraded and widened in some cases to improve the pedestrian environment.

**Links to MacCabe Park masterplan [ 1 | \_ ]**

There is no direct link between the proposal and the MacCabe Park Masterplan. It is noted the requirement for solar access to MacCabe Park between 12-2pm to be maintained has been satisfied. The proposal will also involve a large contribution towards local infrastructure.

**Developer should engage with local artists to ensure exhibition space results in increased jobs [ \_ | 1 ]**

The applicant has engaged the services of Art Pharmacy to prepare Public Art Plan for the site and they presented to Council staff including Council's public art team. It is noted there is no specific requirement for this to be provided.

The plan indicates a variety of opportunities for art around the site including reference to Council's public art criteria and an identifying an opportunity for it to respond to Designing with Country.

The applicant has indicated an openness to working with Council in furthering that strategy.

**Submissions in support**

The following points were identified in the submissions in support of the proposal:

- Positive for Crown Street renewal and City as a whole – Activation of precinct [19 | 2 ].

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- Enhance local economy/mix of uses (commercial space, retail, cinema, pool, increased jobs) [ 9 | \_ ].
- Improved public domain (egg vegetation, public access, footpaths etc), activation of precinct [ 6 | 3 ].
- Retention of heritage (6 | \_ ).
- Number of liveable and accessible units [ 2 | \_ ].
- Markers or other means of referring to previous history should be included, archaeological investigation/document history of the site, historic images/art [ 3 | \_ ].
- Provision of cinema is positive [ 1 | \_ ].
- Would like to see plans for the city as a whole/greater strategic goals [1 | \_ ].
- Reopen Crown Street mall for cars [ 1 | \_ ].
- More public transport is required in Wollongong [ 1 | \_ ].
- Process does not require consideration of heritage beyond listed items [ 1 | \_ ].

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

#### Traffic Engineer

Council's Traffic Engineer has reviewed the application in relation to Chapter E3 and the overall parking, servicing, access and traffic impacts. A satisfactory referral has been provided subject to various conditions of consent.

It is noted the proposed development involves more than the minimum number of residential car parking spaces and more commercial spaces than are required when applying the available car parking credits under Chapter E3. There is also a shortfall in residential visitor car spaces, as well as a shortfall in commercial motorbike and bicycle parking. End-of-trip facilities that should be conveniently located near bicycle parking (i.e. in the basement) have not been suitably located to serve the needs of the likely users and encourage alternate modes of transport.

As there are more than the minimum required car spaces for residential and non-residential uses, conditions have been recommended to repurpose the extra spaces to accommodate the shortfalls as identified above.

The development involves the relocation of the bus stop on Crown Street to the eastern end of the site. The design of this has been undertaken in consultation with Transport for NSW and various specialist transport staff within Council and is satisfactory subject to conditions.

Access into the site is provided via the signalised intersection of Kenny and Burelli Street and the design changes to that intersection have been reviewed by Council's Traffic Engineer and Transport for NSW and found to be satisfactory subject to conditions. A separate service dock is provided at the eastern end of Burelli Street.

A number of other road conditions around the site will be changed as a result of the development. This includes the removal of the slip lane on Atchison Street to improve pedestrian safety and movement around the site.

A detailed discussion of the above is provided in Chapter E3 in the body of this report.

#### Heritage Officer

Council's Heritage Officer has reviewed the application having regard to listed heritage items within the site, heritage items in the vicinity of the site, the wider heritage context, potential for archaeological items and Aboriginal heritage.

Concerns have been raised in relation to:

- Visual impacts on the Illawarra Escarpment as viewed from Flagstaff Hill.

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- Impacts to other heritage items within the vicinity of the site arising from the scale and height of Tower 1.
- The arched forms and horizontal emphasis of the Crown Street elevation in relation to the former Marcus Clark Building and the Row of Shops opposite the site.
- Lack of detail for the design and materiality of the required wind break in the space between the rooftop communal space above Marcus Clark and Tower 1 and how it responds to the heritage item.
- A number of supporting heritage documents require updating including the Schedule of Conservation Works, Demolition Plan and Heritage Interpretation Strategy.

In relation to visual impacts to the Illawarra Escarpment, it is noted that Tower 1 will be a very prominent feature of the city centre skyline. Commentary around the impacts associated with this in relation to the UDF, design excellence and the DCP are discussed in those relevant section of the report (Background, LEP, Chapter E10, Chapter D13). It is acknowledged that the scale of development anticipated by the controls will unavoidably have some impact to the heritage context.

The proportion of the façades was also considered by the DRP.

More detailed demolition plans for Marcus Clark and the Grand Hotel in addition to an updated Heritage Interpretation Plan and Schedule of Conservation Works are required by way of conditions for the written approval of Council's heritage staff.

#### **Geotechnical Engineer**

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral. The geotechnical report dated 21 June 2021 by Douglas Partners and updated report dated 23 June 2022 has been reviewed with known geotechnical studies for the general area. The report provides a good preliminary description of site conditions and demonstrates feasibility of the development from a geotechnical perspective. Much of the basement excavation will be in hard bedrock, requiring care in relation the selection of excavation methods to minimise noise and vibration nuisance. Conditions of consent were recommended and are included in the consent (**Attachment 10**).

#### **Stormwater Officer**

Council's Stormwater Officer has reviewed the application in relation to stormwater and flooding matters. Parts of the site are noted as uncategorised flood risk based on Councils records. Based on review of the flooding characteristics for the site it is considered that parts of the development are within a low flood risk precinct. It is considered low flood risk based on the criteria in the Wollongong City Flood Risk management plan, this identifies areas that are impacted by the 1% flood level but not within areas of mainstream flooding are considered low flood risk.

Given that the flood affected areas are generally contained within the kerb along Crown Street it is overland flow and therefore applying an appropriate footpath grade at 2.5% is considered appropriate. Reliable access is achievable for the development; therefore, evacuation criteria is satisfied.

An assessment of frontage works was also carried out to ensure the required footpath grades can be achieved and level access into the buildings is achievable. Additional detail was provided and considered satisfactory, with conditions recommended in relation to a detailed drainage design, footpath/frontage works, and excavation works adjacent to public roads. Conditions of consent were recommended and are included in the consent.

#### **Landscape Architect**

Council's Landscape Officer has reviewed the application and given a satisfactory referral.

The proposed greening within the site, the retention of existing street trees, changes to the location and arrangement of the bus zones, the inclusion of street trees in tree vaults on Crown Street and high-quality pavements are supported.

The inclusion of a large street tree on the Crown/Keira Street adjacent to the terraced seating was recommended to provide shade and address the scale and bulk of the building. This has been included in the updated landscape plans (**Attachment 3**).

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Conditions have been recommended in relation to final landscaping requirements, public domain works including street tree retention/protection, planting of new street trees, and upgrade of footpaths for the sites frontages which are included in the recommended conditions.

#### **Safer Community Action Team (SCAT) Officer**

Council's SCAT Officer has reviewed the application in relation to CPTED matters particularly in regard to the publicly access internal plaza and through links which will be open 24/7. It has been recommended that graffiti management, CCTV policy, intoxication, public urination, homelessness, noise concerns, general complaints management process will need to be addressed. The applicant has prepared a Place Management Plan which touches on some of these matters however this is general in nature. Conditions are recommended requiring further detail including a CCTV Plan and a security management plan.

#### **Community Services**

Council's Community Services Officer has reviewed the application primarily in relation to the accessibility aspects of the development, with particular concerns being raised with regard to:

- Location and provision of accessible toilets and adult change facilities (e.g. Cinema and pool).
- Provision of accessible and liveable apartments.

The proposal will be required to meet the BCA / NCC requirements and the provision of adaptable and universal apartments meets the requirements of the ADG and DCP.

#### **Environment Officer**

Council's Environment Officer has reviewed the application in relation to sustainability, noise, contamination, demolition works, acid sulfate soils, waste management, and wind impacts. Conditions of consent have been recommended. A particular sustainability initiative proposed is a carbon neutral operation commitment. More detailed discussion of the various aspects of the referral is contained at the relevant chapters of the DCP or relevant planning instrument. Matters relating to demolition, acid sulfate soils, waste management and wind impacts were also considered with suitable conditions recommended.

#### **Building Inspector**

Council's Building Officer has reviewed the application and given a satisfactory referral. Noting that construction certificates will be required for the construction works, standard conditions of consent were recommended and are included in the recommended conditions.

#### **Property Officer**

Statutory Property Officer has reviewed the development application. It is noted that some buildings on Crown and Burelli Streets will be set back from the existing property boundaries by approximately 2 metres (and variable). We note this is required to provide a widened footpath area to accommodate increased pedestrian traffic/movement, as well as accommodating outdoor dining and bus stop infrastructure on Crown Street. These areas of land that will become public pedestrian areas will need to be dedicated as Public Road and constructed in accordance with Council's public domain specifications (see Conditions 161 and 162).

It is noted that there are various private and public easements affecting the development site and Wollongong City Council holds a Right of Carriageway variable width affecting part of the land over Findlay Place as described in DP 603753 and dealing S144464. Given the whole site is proposed for redevelopment these easements including the Right of Carriageway are no longer required and will need to be extinguished (at the applicants cost). This is capable of being addressed as part of the Lot consolidation process.

#### **Strategic Planning**

Council's Strategic Planner provided comprehensive commentary on a broad range of matters including the proposed land use mix, heritage, car parking, context and building form and design. Many of these matters are dealt with elsewhere in this report by other specialist internal and external referral groups (e.g. heritage planner ,traffic engineer and the Design Review Panel). Matters relating to building form and design including height, massing and form, street walls, visual impacts to the



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escarpment, and overshadowing impacts are discussed in detail under the relevant LEP and DCP controls.

The proposed land use mix was generally supported however the absence of any affordable housing was noted as disappointing given the proximity of the site to public transport public open space and services.

In particular, the following concerns were raised in relation to the impacts of Tower 1 on the Illawarra Escarpment:

- A 120m height limit applies to the western end of the subject site. This height limit was noted as excessive in the recent City Centre Planning and Design Review and was proposed to be reduced to 80m and the site FSR to be set at 3.5:1 in order to maintain views to the Escarpment.
- Tower 1: The additional information provided demonstrates that, aside from reducing the tower floorplate (which is not oversized) or the floors of the building (which are as per the LEP height control) there is little else that could be done to reduce visual impact. The obstruction of views to the Illawarra Escarpment from Flagstaff Hill are still noted as a significant loss.

A detailed discussion on the proposal in the context of the strategic direction of the city centre (including Wollongong City Centre Urban Design Framework) is provided in the background section to this report. The building height and impacts on the identified view corridor are discussed under the LEP and Chapter D13 of WDCP 2009.

No specific conditions were recommended.

### Waste Services

Council's Waste Services division considered the original proposal with a focus on operation waste management including the design and layout of waste disposal, storage and collection facilities as part of the development.

The issues raised on the initial design included the area and design of some of the residential bulk waste areas, safety and traffic impacts arising from multiple vehicles using loading docks at any one time, clarification of ceiling height for adequate clearance for waste vehicles, and recommending dual chutes in all 3 residential towers to source separate as much as possible. Incorporating the management and storage of food waste (Food Organics Garden Organics - 'FOGO') for the residential towers was also considered important given Council's move towards including this waste stream for multi-unit developments. The applicant has responded to these issues as discussed in Chapter E3 and E7, noting that storage of FOGO bins are incorporated into the basement areas.

It was also identified that Towers 2 and 3 had an e-diverter system (comprising a single chute where resident selects general waste or recyclables by pressing a button). This system has more potential for contamination in the recycling stream and is prone to blockages whereas Tower 1 has separate chutes (preferred). The applicant has elected not to change this, maintaining the e-diverter is appropriate for the smaller towers. There appears opportunity to provide separate chutes with minor layout changes to the adjoining units and that this would better align with Council's broader waste management strategies.

As the loading dock deals with both residential and non-residential waste collection, a condition has been recommended for a Loading Dock Delivery, Servicing and Waste Management Plan to be submitted for Council's approval prior to issue of the Occupation Certificate to coordinate the waste collection and loading activities (see Condition 168).

Management of demolition and construction waste has been considered by Council's Environment division.

### Health

Council's Health Officer has reviewed the application in relation to the future uses that require licensing with Council and separate approval including business involved with food handling or skin penetration. The swimming pool is also required to be registered with Council. A satisfactory referral was received with standard conditions of consent being recommended regarding these uses which are incorporated into the recommended conditions in **Attachment 10**.

### **Contributions Planner**

The Wollongong City-Wide Development Contributions Plan 2021 applies to the subject site. The site is within the identified City Centre area. A condition is included requiring payment of the relevant development contributions prior to issue of the Construction Certificate.

## **1.6.2 EXTERNAL CONSULTATION**

### **Transport for NSW**

Transport for NSW have been consulted in the early stages of the design and throughout the assessment with regard to implications to the local road network and bus facilities, particularly in regard to Crown Street which is a classified road. They have advised of outstanding concerns regarding detailed design elements including the following:

- The bus zone needs to be 55m long where the current design accommodates only 43.5m in order to meet bus queuing and exit requirements.
- Regulatory signage locations for the start and end of bus zones need to be included.
- Some plans show a signalised mid-block crossing point which reflects earlier discussions however which is no longer recommended and should be removed.
- Removal of an existing step between the kerb and footpath at the eastern end of the bus zone
- Existing post office boxes will need to be accommodated along the Crown Street frontage .
- A footpath widening/blister with kerb ramp is required on the northern side of Crown Street in order to facilitate safe pedestrian crossing of Crown Street.
- A strategic design for Crown Street (footpath widening, bus stop configuration, blisters in the road, street trees) is required.
- A strategic design to clarify the scope of works proposed at the intersection of Kenny and Burelli Street is required.

Notwithstanding the above, TfNSW have not objected to the DA subject to recommended conditions being applied should Council pursue this course of action. The consent contains relevant conditions in this regard (as appended to the conditions at **Attachment 10**).

### **Heritage NSW**

The application was referred to Heritage NSW under the provision of Clause 5.10 of the Wollongong Local Environment Plan (LEP), 2009. They have recommended conditions of consent with regard to obtaining an approval under s139 of the Heritage Act 1977 and stop work provisions in the event unexpected archaeological deposits or relics are discovered.

### **Endeavour Energy**

Endeavour Energy have reviewed the proposal with regard to impacts to the electricity network and proposed substations and have no objections to the proposal. Conditions of consent have been recommended.

### **Wollongong Police**

Wollongong Police have provided commentary with regard to the following;

- CCTV
- Provision of secure residential delivery locations.
- Security concerns in relation to the external visitor bicycle racks.
- Potential noise impacts from licensed premises on the residential occupants along with the associated trading hours.
- Access for emergency services (including dedicated emergency services parking on Crown, Atchison and Burelli along with vehicular access to the plaza from Crown Street).
- Separation of the beer garden from unlicensed general publicly accessible adjacent areas.

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- Safety of publicly accessible toilets.
- Conditions are recommended with regard to CCTV.
- Whilst concerns about security of bicycles at external bike racks are noted, there are numerous locations around the site with varying degrees of passive surveillance at which bikes could be secured. It would be a personal judgement as to which of these might be utilised at any point in time.
- Conditions of consent are recommended with regard to noise levels and any later trading premises would be subject to separate development approval. Limitations are recommended with regard to the use of the beer garden in line with the acoustic report provided.
- Opportunities to park around the site are limited to taxi ranks, accessible parking, bus stops and loading areas. It is reasonable to expect emergency vehicles could utilise those as required. There is no vehicular access into the plaza however, this is not unlike a internalised shopping mall, albeit one that is open 24/7 and the travel distances from the multiple points of entry are considered to provide adequate access.
- A hotel will require a liquor licence and a separate development consent, at which stage delineation of the external licensed areas can be identified.
- Safety of publicly accessible toilets within the site is considered to be adequately managed in the Site and Security Management Plan for the site (see condition 69) and toilets are accessed directly from prominent locations in the plaza area providing passive surveillance to the entrance.

#### Water NSW

The proposal is integrated development pursuant to the Water Management Act 2000 for dewatering of basement excavations under section 90(2) and Water NSW have issued their GTA as contained at **Attachment 10**.

#### Sydney Water

Sydney Water have made a number of recommendations in regard to early engagement with Sydney Water recommending:

- A Water Servicing Coordinator lodge a Feasibility application on the Applicant's behalf to identify a preferred servicing strategy
- the proponent engage a hydraulic consultant to liaise with Sydney Water and assess the need to upgrade any reticulations and storages.

The applicant has provided a Services Infrastructure Report prepared by Stantec which identifies the hydraulic requirements based on the refined design.

Hydraulic services are proposed to comply with the Building Code of Australia 2019 and the current Australian Standards where applicable.

A Water Services Coordinator has been engaged by the Applicant and the process is ongoing (noting that Section 73 applications are typically progressed during CC stage, post approval).

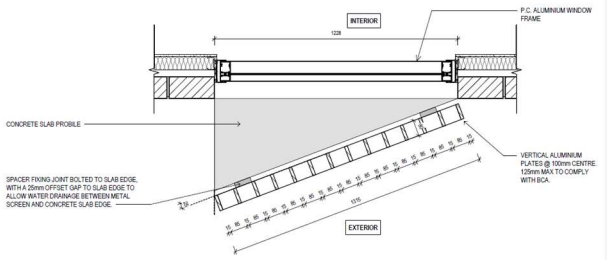
#### Design Review Panel

The application was reviewed by the Design Review Panel under the requirements of Clause 7.18 of WLEP 2009 and clause 27 of SEPP 65—Design Quality of Residential Apartment Development.


Three Design Review Panel meetings have been held following lodgement (DE-2020/55), 15 October 2021, 7 April 2022 and 26 August 2022 (See **Attachment 4**). At the 26<sup>th</sup> August meeting, the Panel requested additional detail on a variety of matters. The applicant response to these items is contained at **Attachment 5**.

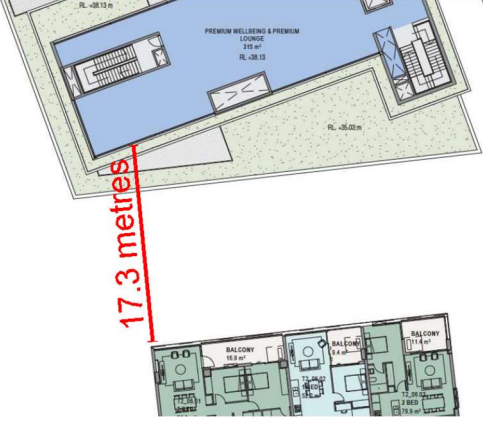
Commentary in relation to how the current plans respond to the key DRP comments is outlined below:

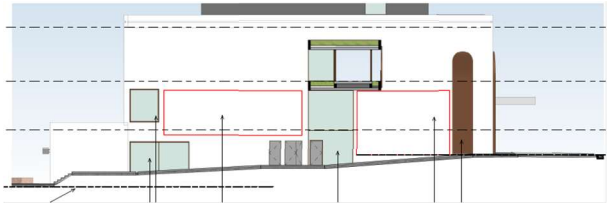
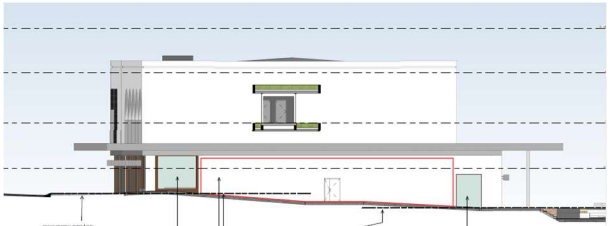

DRP comment	Response
How connection to Country has been integrated into the design	It is noted that the Government Architect of NSW issued the Draft Connecting with Country Framework (which impacts State Significant

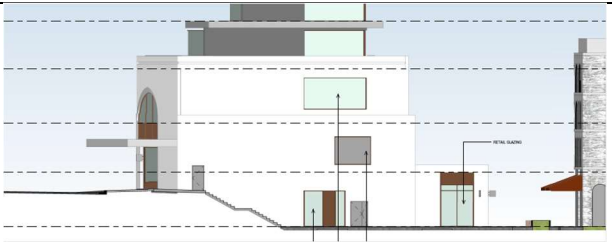
	<p>developments in NSW) in November 2020, at a stage where concept designs for the proposal were well underway. As such, the design does not respond directly to this document.</p> <p>Bangawarra were engaged in 2022 by the applicant to prepare a report on Connection with Country entitled Early Work Report.</p> <p>Bangawarra are a specialist Connecting with Country spatial design consultancy with expertise in realising the spatial implications of Dharawal knowledges.</p> <p>That report notes that there are alignments between the community-focussed and sustainability drivers for the WIN Grand that can also be interpreted through a connecting with Country lens.</p> <p>Particular reference is made to the pedestrian links and landscaped areas, allowing views to the sky and reflecting the way water moves through the escarpment.</p> <p>Diverse public furniture within the plaza area is recommended.</p> <p>Providing diverse locally endemic species that flower throughout the entire year within landscaped spaces, rock gardens and embedded insect hotels, landscaping that may accommodate bees and other insects, small lizards and small native birds.</p> <p>Opportunities for The Songline of the Whale and Gynea to be integrated into the wayfinding and interpretive strategies, arts and programming.</p> <p>Working with the developer to develop a robust and embedded public arts and wayfinding strategy that embraces subtlety, wandering and exploration through the precinct. walkway references to animal journeys and public art,</p> <p>Access points that incorporate detailed design elements, material selections, interpretation and alignment with Art Pharmacy's Arts and Culture strategy.</p> <p>A final Connection with Country strategy is to be developed prior to the issue of the CC in consultation with Bangawarra and provided to Council.</p>
<p>Visual privacy: where separation distances not met, detail design (1:10 detail showing materials dimensions of and spacing between louvers / blades) of the privacy screens should be provided as part of the DA documentation package.</p>	<p>1:10 details of the screens have been provided.</p> 

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<p>Design of beer garden cover which maximises amenity of that space whilst managing acoustic impacts to residents in the evening.</p>	<p>The proposal was supported by an Acoustic Report which has made certain recommendations for the use of the beer garden and pub including limitations on numbers in the beer garden and doors opening to the beer garden from the pub remaining closed in the evenings. These recommendations are reflected in the conditions of consent.</p> <p>A future occupant of the pub will be required to submit a DA and detailed assessment of that use and measures to mitigate impacts could be further assessed at that stage.</p>
<p>Separation and design detail between wellness building and lower residential levels of tower 2.</p>	<p>Separation distances are discussed further at Clause 8.6 and the ADG.</p> <p>Detailed plans illustrating the elevational treatment, arrangement and location of windows to the wellness centre have been provided.</p> 

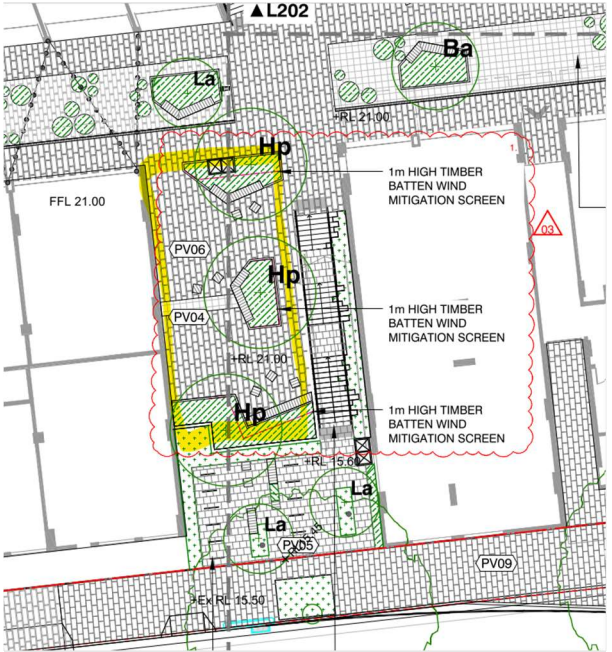
	 <p>Where the 16m separation distance under the LEP is not achieved, the variation is minor and will not exacerbate privacy impacts.</p> <p>The southern facade of the pool and gym building includes limited windows, including high level windows to mitigate views directly into the lower apartments of towers 2 and 3 while still providing natural light into the pool and gym building.</p> <p>Any glazing to the wellness centre and gym/pool will be acoustically treated as recommended by the acoustic consultant in the detailed design phase of the project.</p>
<p>Detail of awnings to Burelli Street elevation that manage light, trees, views of tower form above</p>	<p>The applicant advises the Burelli St awning will include concrete perimeter structure providing the structural support with glazed, transparent awning insert panels (along the length of the awning) which will facilitate light and visual connection to the scalloped brickwork looking up from street level.</p> <p>The drawings indicate suitable setbacks are provided to trees.</p>
<p>Further resolution of commercial building at corner of Crown and Keira St with regard to street interface (awning, retail entry, balcony, blank wall treatment, art etc.)</p>	<p>It is noted this corner is a prominent one within the city centre with a steep grade change from Crown wrapping around to Keira Street, and high pedestrian traffic volumes.</p> <p>In looking at how best to respond to the characteristics of the corner, the design has evolved from an open plaza (concept scheme), to an elevated building with permeable terraced undercroft area, to the current layout which has the building meeting the ground.</p> <p>The redesign has also involved the relocation of the cinema to below ground and extending above ground at this corner.</p> <p>Providing a direct entry into the building at the corner is not considered feasible with the current design.</p> <p>In terms of interface with the street, the proposal satisfies clause 7.13 of the LEP in terms of street activation, having a direct entry from Keira Street</p>

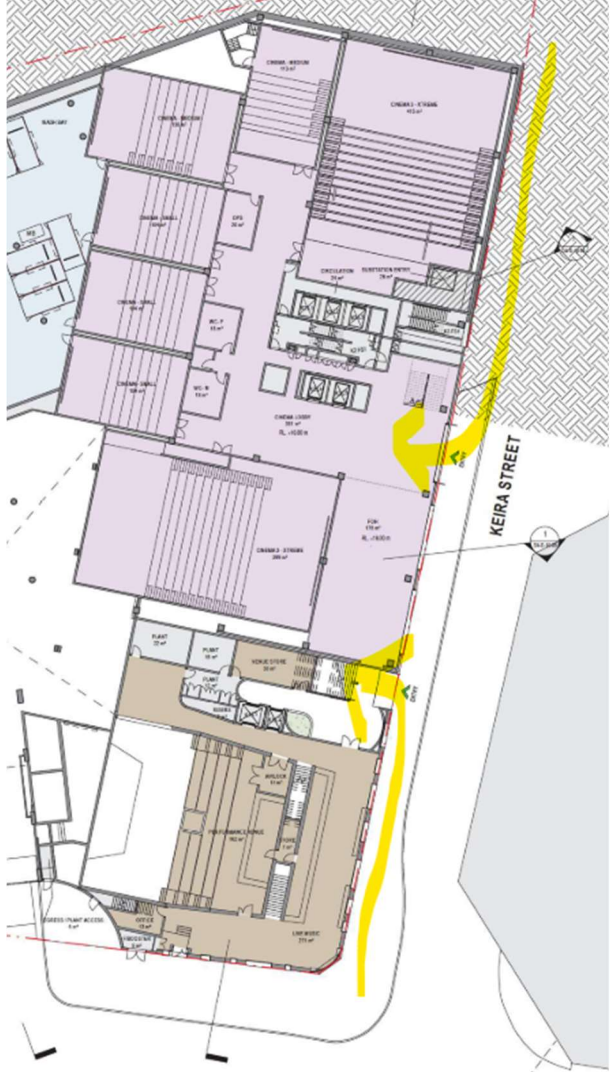
	<p>and large glazed areas to both Keira and Crown Street.</p> <p>Pedestrian weather protection could be improved through extension of the awning to the corner of the building on the Keira Street elevation and this is addressed through a condition of consent.</p> <p>The exposed edge of the cinema does present a blank façade to a portion of the Keira Street elevation where cinema advertising and/or poster treatment is proposed. This is considered to be acceptable in the context of the extent of this blank wall in the overall scheme. The section facing Crown Street includes a terraced area with landscaping to soften the impact of the podium.</p>
Consideration to materials enclosing the terrace to the exhibition space above The Grand, particularly with regard to maintaining an outlook to MacCabe Park.	<p>The exhibition space has a terrace area on the southeast corner which has a perforated screen wrapping around the elevation. The screen provides a continuity and solidity of the building edge that is an appropriate response to the façade of The Grand being retained below.</p> <p>Whilst the screen will not provide unobstructed views towards the park, it will allow some outlook. It is also noted the elevated pedestrian walkway over Burelli Street would partially obscure this view in any case.</p>
Quality of central lane from Crown Street (e.g. lack of activation and windows / weather protection)	<p>Additional glazed areas have been provided to those lanes along with artwork opportunities.</p>  <p>East elevation of central pathway from Crown Street</p>  <p>West elevation of central pathway from Crown Street</p>  <p>Eastern elevation of laneway adjacent Marcus Clark building.</p>

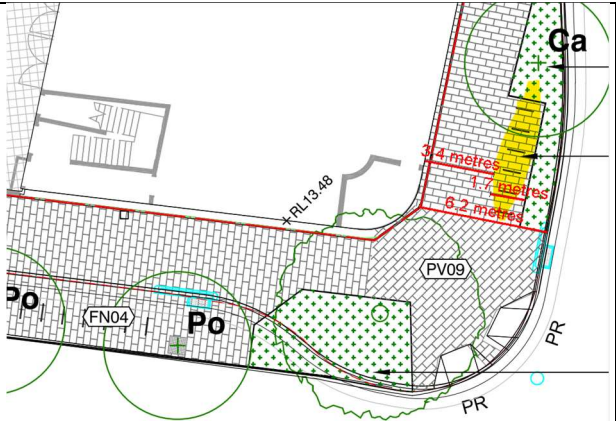
	 <p>Western elevation of laneway adjacent Marcus Clark building</p>
Sustainability longer term through management structure	A variety of conditions have been recommended in regard to sustainability commitments as outlined under the Chapter A2.
Functionality, amenity, solar access, canopy cover, programming of internally publicly accessible areas. Ramps, stairs and raised planter boxes make the space less open than it could be.	<p>The publicly accessible internal areas of the site provide for access to the variety of retail spaces, spill out areas for dining, some opportunities for casual seating and permeability through the site. Landscaping on podium is provided to improve the amenity to that space.</p> <p>The space will remain privately owned and is not in the form of a public park that is a destination in and of itself.</p> <p>The functionality of the internal open areas is considered acceptable.</p>
Canopy cover <20% where core principle at the start was >35%	Earlier representations of the scheme identified it as being the “green heart”. It is noted that the extent of canopy cover has been reduced as the project has progressed. Notwithstanding, development in the city centre does not generally have to provide deep soil planting or a minimum landscaped area. The proposal does retain significant established street trees around the site and additional street trees and podium and awning plantings. The nature and extent of landscaping areas is considered suitable with regard to the site constraints and applicable controls.



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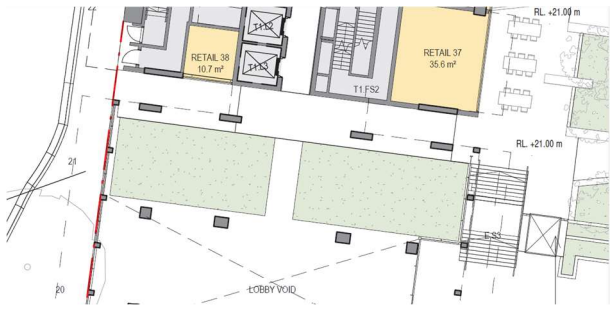
<p>Programming of central dead end plaza space</p>	<p>The area in question is highlight in an excerpt from the Landscape Plan below.</p>  <p>This area as shown would be a general seating area only.</p> <p>There are opportunities for additional windows from the adjacent retail tenancies to better activate this space and facilitate it's potential use for outdoor dining. A condition of consent is recommended that windows be provided on the plaza level elevations.</p>
<p>Accessible path of travel to entry points along Keira Street.</p>	<p>The gradient between the corner of Crown and Keira Streets and the new lift entrance ranges from 1:9 at the corner to 1:23 near the entrance to the lift and hence, is non-compliant for a large portion of the Keira Street footpath. The gradient between the corner of Keira and Burelli Streets and the new lift entrance is approximately 1:23.</p>

	 <p>The non-compliant footpath grades are a matter out of the control of the developer.</p> <p>It is noted accessible paths of travel and lifts are provided at numerous points around the perimeter. This includes a lift at the corner of Atchison and Burelli, level transition to the entry to the plaza from Crown Street, level transition to the central lane on Crown Street, a lift at the laneway adjacent to the Marcus Clark building, and level entry into the residential foyers.</p>
<p>Potential clash of bicycle racks with pedestrian path of travel adjacent The Grand</p>	<p>The bike racks in question are highlighted below.</p>

	 <p>The exact final location of bicycle racks within the footpath is to be resolved in consultation with Council prior to the issue of the CC.</p>
Question of certain planting choices and adequacy of planter beds.	Council's Landscape Officer has reviewed the proposal with regard to the technical specifications of the landscaped areas and has recommended conditions of consent.
Concerns remain about the viability and maintenance of the planted awnings throughout the site.	<p>The planted awnings will require maintenance however the applicant indicates the non-residential components of the site will be retained in single ownership which will facilitate an ongoing management regime.</p> <p>The awnings are planted with low maintenance durable species and are irrigated. This is reflected in the conditions of consent.</p>
Public art for this development should aim to be interactive and engaging, not static. Locations should be considered to draw people into the public spaces. Connection to Country may be expressed in parts via artworks, however this must not be the totality of its expression within the project as noted in previous commentary. The landscape itself should aim to be artistic and engaging.	<p>The applicant has engaged the services of Art Pharmacy to prepare Public Art Plan for the site and they presented to Council staff including Council's public art team. It is noted there is no specific requirement for this to be provided.</p> <p>The plan indicates a variety of opportunities for art around the site including reference to Council's public art criteria and identifying an opportunity for it to respond to Designing with Country.</p> <p>The applicant has indicated an openness to working with Council in furthering that strategy.</p>
Potential enclosure of communal areas in undercroft of residential towers	Covered communal areas are included in towers 2 and 3. Whilst these are south facing and will not receive direct sunlight, they do compliment other outdoor areas that receive good solar access and would provide an alternate area protected from the weather that would offer a more diverse range of opportunities for residents to gather.
Potential for greater canopy planting to communal open spaces	The communal areas include reasonable levels of landscaping including tree planting.
Detail of play opportunities in communal open areas	Specific detail of outdoor play areas is not provided however that is considered reasonable to address at a later stage of the detailed design process.



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Accessibility of raised lawns and deck areas in communal areas	The applicant has indicated that this matter will be addressed in the detailed design phase of the project. Conditions of consent are recommended in this regard.
Safety of raised planters	The project will comply with all National Construction Code requirements and any concerns raised regarding climbability over parapets of COS areas will be mitigated during the detailed design phase.
The Panel would strongly advise that renders be provided as part of the DA package that indicate the spatial quality of each landscape space to allow a better assessment as to the quality and characteristics of each space.	The plans provided are of a suitable level of detail in order to demonstrate the landscape spaces will be viable and provide amenity to users. Requests for renders of these spaces is beyond what would ordinarily be requested for a DA.
Adequacy of pedestrian lane below Tower 1 taking into account columns – CPTED concerns	<p>The laneway below tower 1 includes access to the residential lift lobby. Swipe card entry will be provided to the lift lobby.</p> <p>The southern wall of the laneway is glazed and provides a visual connection to the residential lobby below.</p> <p>The columns are considered to be awkwardly placed and be better incorporated into the wall. However, there are angled sight lines available around the columns which provide adequate visibility to people using the lane.</p>  <p>The diagram is a site plan showing a laneway area. At the top, there are two retail units labeled 'RETAIL 38' (10.7 m²) and 'RETAIL 37' (35.6 m²). Below them is a 'T1 F/S2' area. The laneway itself is a green-shaded rectangular area. To the right of the laneway is a 'LOBBY VOID' area. The plan includes various architectural details like walls, doors, and stairs. Elevation markers 'RL +21.00 m' are shown on the right side. A red line runs along the left edge of the laneway. The overall layout shows the relationship between the retail units, the laneway, and the lobby void.</p>



Servicing of Marcus Clark building and other commercial space in southern part

The Marcus Clark building along with the commercial and retail space within Tower 2 and 3 do not have direct lift access to the basement service dock area. Those tenancies would need to utilise the service lifts within the wellness and pool buildings as illustrated below.

Plaza level



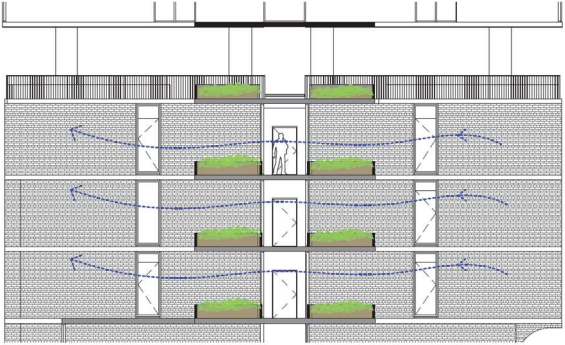
Service dock level



The smaller tenancies within tower 2 and 3 would not likely generate significant waste volumes or require large scale deliveries and may be less attractive to those sorts of tenants that might. This is not considered to be a determinative factor.

The Marcus Clark building does have a larger floor space where a tenant with potential for requirements for larger delivery vehicles. There are however other sorts of businesses that could occupy the space that may not. There are also a small number of spaces on Atchison Street that could be utilised as a loading zone for smaller vehicles within certain hours to supplement basement servicing and deliveries for the Marcus Clark building. This would be subject to approval by Council's Traffic Committee.

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<p>The suns eye view diagrams provided do not appear to be providing a true and accurate representation of the location of the sun. An accurate solar study must be provided to allow ADG solar access requirements to be assessed. Suns eye view diagram should also show the extent of solar access to the full extent of the public domain within the development.</p>	<p>Revised suns eye view diagrams have been submitted. An assessment against the ADG has been completed and is contained at <b>Attachment 8</b>. It is noted that there are a number of units within level 2-4 of Towers 2 and 3 that could be readily amended to include additional windows or different balcony treatments to improve solar access and natural light. This is to be addressed via conditions.</p>
<p>If the slots in the buildings are to be accepted as meeting the ADG objectives for cross ventilation, the Panel recommends that site specific modelling is undertaken to demonstrate this.</p>	<p>The applicant provided a natural ventilation report prepared by RWDI and a supplementary memo was submitted by RWDI in response to this concern.</p> <p>This does however fail to account for proposed louvres to the breezeways.</p>  <p>A condition of consent is recommended with regard to any louvres being required to be fixed in an open position (see condition 23).</p> <p>Site specific modelling included in the ventilation report concluded that after taking into account the assumptions for the pressure loss coefficients, the apartments assessed (Types 1C and 2A) are naturally cross ventilated in accordance with AS1668.4 and the City of Sydney Natural Ventilation Guidelines (used for reference as Wollongong Council has no guidelines on Cross Ventilation).</p>
<p>Concerns around some of the apartment layouts with regard to entries opening directly to living spaces, inconveniently located toilet, intern circulation issues.</p>	<p>Apartment layouts have been assessed as satisfactory under the ADG assessment.</p>
<p>Safe travel through, and egress from, different use carparks need to be resolved in conjunction with title/ownership/management strategy.</p>	<p>A Place Management Plan has been prepared by the applicant which details the intention to strata title the residential apartment buildings and associated car parking/common areas in anticipation of selling all the residential apartments and retain in the proponent's possession all the other commercial tenancies and associated areas.</p> <p>As part of the ongoing operations of the commercial elements of the precinct, the proponent will engage the services of a third-party commercial property management agency, a building manager and a dedicated dock manager.</p>

Uneasiness with the single carpark entry serving extensive multiple uses.	The single car park entry has been reviewed by Council's Traffic Officer who has not raised any concerns. That driveway exits to a signalised intersection and no adverse queuing impacts have been identified.
<p>Apartment tower detail design sections highlight issues having design impacts:</p> <ul style="list-style-type: none"> <li>- Flat plate slabs with step-up to balcony level access and waterproofing issues. A slab detail that steps down to balconies, to accommodate a level threshold and appropriate water proofing is encouraged.</li> <li>- Full height glass walls have potential BCA spread of fire/ separation issues. Appropriate detail resolution should be demonstrated at DA stage.</li> </ul>	<p>The project has adopted a flat slab approach on the residential buildings and will implement a suitable water-proofing detail for balconies.</p> <p>The project will meet all fire compartmentalisation/fire separation issues as required under the BCA. Given the National Construction Code is being updated and new codes will apply, the project will address the revised requirements of NCC 2022 during the detailed design phase. This will negate the requirement to undertake design of these works twice.</p>
Consideration to some affordable housing	<p>The desire for affordable housing to be incorporated into the mix is generally supported by Council and was reflected in Council's RFI to the applicant. The proponent provides no affordable housing nor a response as to why none is provided.</p> <p>Council's draft Wollongong Housing Strategy is on exhibition until 2 December 2022. The Strategy aims to address overall housing supply and demand, as well as examining various housing sectors that are in need of support, including the homeless, social housing, affordable housing and accessible or supportive housing.</p> <p>It is however noted that there is no existing legislative mechanism which requires provision of affordable housing as part of the scheme.</p>

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

#### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

##### Schedule 6 Regionally significant development

The proposed development has a capital investment value exceeding \$30million. Therefore the application is considered Regionally Significant Development. The Southern Region Planning Panel is the consent authority for this application.

#### 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

##### Division 10 Health Services Facilities

The proposal includes a health services facility which is permitted development under this division noting that B3 is a prescribed zone.

In this Division—

**health services facility** has the same meaning as in the Standard Instrument.

**prescribed zone** means any of the following land use zones or a land use zone that is equivalent to any of those zones—

(k) B3 Commercial Core,

## **2.60 Development permitted with consent**

(1) Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.

### **Division 17 Roads and Traffic**

The development site has a frontage to Crown Street, which is a classified road.

#### **2.119 Development with frontage to classified road**

Vehicular access to the site is provided from Burelli Street, which is not a classified road.

The proposed development is not expected to adversely affect the safety, efficiency or ongoing operation of the classified road. Access is provided away from the classified road. Footpath improvements and improved bus stop facilities are proposed along the classified road.

The development has frontage to the classified road and is appropriately located and designed to mitigate traffic noise impacts to the residential towers.

#### **2.120 Impact of road noise or vibration on non-road development**

This Section applies to development adjacent to classified roads with a daily traffic volume exceeding 20,000 per day.

According to data published by TfNSW, Crown Street does not have a traffic volume exceeding 20,000 daily. The requirements of this section do not apply to the proposed development.

#### **2.122 Traffic-generating development**

The proposal is considered traffic generating development as per the table to Schedule 3 in the SEPP. The application was accordingly referred to TfNSW and concurrence was provided.

The proposed development is considered accessible, and allows the efficient movement of people and freight to and from the site. Access from Burelli Street is considered appropriate given the constraints of all other frontages. Limited loading facilities are proposed on Atchison Street which is considered suitable to augment servicing of the residential towers and Marcus Clark building.

Traffic, congestion and parking implications are considered to be adequately resolved subject to appropriate conditions. Conditions of consent are recommended to ensure appropriate ratios of residential parking and residential visitor parking, given the shortfall of residential visitor parking and over supply of residential resident parking.

## **2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

### **Chapter 2**

The proposed development is not located within land identified as the part of the Coastal Zone. The provisions of this chapter do not apply.

### **Chapter 4**

The Preliminary Site Investigation (PSI) dated 22 June 2022 Version 4 prepared by Douglas Partners has been considered. The report concluded that the site exhibits a low to moderate potential for contamination associated with fill (unknown origin, hazardous building materials and fill from car park areas that may be impacted by coal tar from asphalt). The report noted that excavated material for the basement levels will be removed and concluded that the site can be rendered suitable for the proposed mixed use development.

Conditions have been recommended, requiring an unexpected finds protocol (UFP) to be implemented as part of a construction environmental management plan (CEMP), a pre-demolition hazardous building materials survey and testing of the asphaltic concrete for the presence of coal tar prior to demolition

works commencing. Following these further investigations, if contamination is identified a Stage II (Detailed Site Assessment report) will be required to be submitted to Council's satisfaction (in addition to a remediation action plan – RAP, if required). It is a requirement that prior to the appointment of a Principal Certifier and the commencement of any works on site, an "Interim Advice" letter be prepared by a NSW EPA accredited site auditor stating that site auditor will be overseeing the site assessment, remediation and validation so that the land is suitable for proposed development. After any necessary site remediation works a Validation Report (Stage IV) is required stating that site suitable for proposed used. No concerns are raised in regard to contamination as it relates to the intended use of the land and the requirements of clause 4.6 and the land is suitable for the proposed development

The provisions of clause 4.6 are satisfied.

## **2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021**

### **Chapter 3 Advertising and signage**

Advertising and/or business identification signage is not proposed as part of this application.

A condition is recommended to confirm any signage which is not exempt development must be subject to a future development application.

## **2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, BASIX Certificates have been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

The BASIX certificate was issued no earlier than 3 months before the date on which the development application was lodged.

## **2.1.6 STATE ENVIRONMENTAL PLANNING POLICY NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT**

Assessment of the residential towers against the Apartment Design Guide is contained at **Attachment 8** with specific assessment issues outlined below.

### Clause 2 Aims, objectives etc

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.

### Clause 4 Application of Policy

The development meets the definition of a 'residential flat building' because the three towers are more than 3 storeys and comprise more than 4 dwellings. As such, the provisions of SEPP 65 apply.

### Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide

*(1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:*

- (a) visual privacy,*
- (b) solar and daylight access,*
- (c) common circulation and spaces,*
- (d) apartment size and layout,*
- (e) ceiling heights,*
- (f) private open space and balconies,*
- (g) natural ventilation,*



(h) storage.

(2) *If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.*

(3) *This clause applies regardless of when the development control plan was made*

This clarifies that only one policy applies across the State for these key design issues. Where there is an inconsistency with the DCP controls, the provisions of the ADG prevail.

#### Clause 28 Determination of development applications

(1) *After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.*

(2) *In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration)—*

(a) *the advice (if any) obtained from the design review panel, and*

(b) *the design quality of the development when evaluated in accordance with the design quality principles, and*

(c) *the Apartment Design Guide.*

In accordance with subclause (1), the development application has been considered by the Design Panel (DRP) on three occasions.

In accordance with subclause (2)(a), the most recent advice from the DRP is addressed at Section 1.6.2 of this report.

In accordance with subclause (2)(b), the design quality of the development is addressed below. A Design Verification Statement by BVN has been provided.

In accordance with subclause (2)(c), an assessment under the Apartment Design Guide (ADG) forms Attachment 8 and below.

#### **Design Quality Principles**

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.

Commentary on the Design Quality Principles in relation to the three (3) residential towers is provided below.

#### **Principle 1: Context and neighbourhood character**

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

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

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

The site is a key location within Wollongong city centre, having frontage to Crown Street (a historic high street) with Wollongong Central shopping centre located to the north and east. The surrounding context with regard to land use comprises retail and commercial with high density residential development in the form of shop top housing, notably to the north-west and south of the site. The residential towers represent ~60% of the overall land use mix. A mixture of other retail, office, health, recreation and entertainment uses makes up the remainder. This mix reasonably responds to the context.

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Redevelopment of the site also presents an opportunity to improve linkages between Wollongong railway station and the city centre. The pedestrian through links and internal plaza provides opportunities for an alternative accessible path through the site from Burelli Street noting the site's sloping topography.

Tower 1 is set back from above the heritage listed Marcus Clark building and separated at rooftop level to allow that building to hold the corner of the site and be viewed with sky beyond. The positioning Tower 1 to the south-western corner of the site allows for views of Mt Kembla from Flagstaff Hill to be preserved. Towers 2 and 3 are setback away from Crown Street to provide a lower street wall height to respond to the historic main street and heritage listed row of shops.

A contextual analysis has demonstrated that the positioning and form of the three residential towers will not unreasonably impact on existing or likely future built form on adjoining land.

#### **Principle 2: Built form and scale**

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

*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.*

*Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

The consolidation of whole city block had enabled the development to realise the maximum height limit, whilst distributing bulk around the site in response to character of the surrounding streets.

The three residential towers are not linked by a common podium, being separated by pedestrian access points to the plaza to provide separation between the lower levels of the towers. Whilst Tower 1 will be the tallest building in the city centre for the foreseeable future and be visible from many vantage points, it is centrally located in the city centre and reflects the height limits which have been in place for a lengthy period of time. The scale of this tower is acceptable in this context.

Tower 1 has three distinct elements, the base and the tower form split vertically which breaks up the massing of the tower and provides visual interest and articulation. The scale of Tower 1 will dominate the Atchison Street frontage, however the pedestrian experience of the scale will be mitigated by the awning and the widened footpath on the corner of Atchison and Burelli Streets provides a more generous circulation area around the Tower. It is also noted that pedestrian activity at this corner will primarily be transient in nature so impacts will be temporally limited.

Towers 2 and 3 are similar in form, with the lower podium levels being at the same height to present a consistent street wall. Both towers have a scalloped facade varying in height allowing for increased footpath width and visual interest at the lower levels. The breaks between the buildings allows sunlight/daylight to Burelli Street (which is south facing). This approach is preferable to having a continuous 12-24m height podium extending along the full Burelli Street frontage as anticipated by the planning controls.

The height and massing of the Towers does not compromise sunlight access to MacCabe Park.

#### **Principle 3: Density**

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

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

The floor space ratio has been calculated for the entire development and complies. The residential density is suitable for the location, having good access to existing services, employment opportunities, open space and public transport. Upgrades to the public domain around the site's frontage, including the widening of footpaths and street tree planting will provide the necessary improvements for the increased population resulting from the development

#### **Principle 4: Sustainability**

*Good design combines positive environmental, social and economic outcomes.*

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

The development is proposed to be a carbon neutral development seeking certification through 'Climate Active' (a government accredited carbon neutral certification scheme).

Sustainability measures for the residential towers includes using electricity rather than gas, provision of some electric vehicle (EV) car spaces with all spaces being EV ready, charging points for electric bicycles, dedicated car share spaces.

Minimal deep soil zone areas are proposed, however in the context of a city centre location where buildings and basements can be built to the boundaries this is considered reasonable and is compensated by canopy planting and landscaped areas across the site.

The development makes a positive economically sustainable contribution by providing a variety of employment opportunities within a central location close to services and transport.

Suitable waste separation facilities are provided.

#### **Principle 5: Landscape**

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

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

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

The proposal retains street trees, establishes new street trees where possible, and provides a landscaped plaza, plantings on awnings and landscaped communal open space areas. Overall, the site will provide a significant improvement to the greening of a city centre block when experienced at pedestrian level and as viewed from the residential towers.

The landscaped areas incorporate endemic species with consideration to the micro-climates across the site.

#### **Principle 6: Amenity**

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

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

Tower 1 achieves well in excess of the ADG minimums for solar access.

With some minor design changes (primarily additional window openings), Tower 2 will comply with ADG solar access requirements. The solar access to Tower 3 does not achieve the 70% requirement, however, it can be improved with some additional windows to improve available daylight access and outlook for those units that do not receive 2 hours sunlight access. These changes can reasonably be balanced with visual and acoustic privacy where the residential towers have reduced building separation distances and/or are located adjacent to non-residential uses that may present a noise source.

Natural ventilation for the three towers generally achieves the objectives of the ADG, noting that the layout of the buildings results in some apartments across all three towers relying on natural ventilation through narrow slots in the towers that passes through open breezeways.

Subject to some design changes that can readily be incorporated in to the current design, a reasonable level of amenity will be achieved for resident well-being.

### **Principle 7: Safety**

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

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

Secure access to the three residential towers is readily identifiable from both Burelli Street and the internal plaza. This enables passive surveillance of the lobby areas to optimise safety and security for residents and also creates activity within the publicly accessible plaza area to assist with the safety of this space.

Passive surveillance of the communal open spaces areas will be available from the upper lobby areas and secure access to this space limits safety and security issues.

### **Principle 8: Housing diversity and social interaction**

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

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

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

A reasonable mix of apartment sizes and types are provided for each tower. The required amount of adaptable and liveable apartments have been provided across the development and individually within each tower.

Provision of affordable housing is not proposed as part of the development, noting inclusion of this would positively respond to the social context as the demand for this type of housing in Wollongong.

The communal open space areas are designed to provide a mix of passive and active uses, where good solar access and under cover areas can be sought out dependant on the weather conditions.

The businesses and open spaces within the internal plaza provide additional opportunities for social interaction.

### **Principle 9: Aesthetics**

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

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

The form and aesthetics of Tower 1 provide a balanced composition of elements, noting the concrete podium of the building is well defined, incorporating integrated planting. The tower is broken up into two distinct forms with contrasting white and earthy tones. The Tower is set back from the Marcus Clark façade so the heritage building is identifiable as its own building.

Towers 2 and 3 have the same aesthetic, where they have a consistent street wall height established by the lower podium level but are differentiated by treatment of the tower elements and a variable scalloped edge to the Burelli Street frontage. The upper levels of the towers are visually distinct from the podium through a landscaped break in the building where the communal open space areas are provided.

In terms of materiality, a varied palette of materials and finishes are proposed that will result in a quality aesthetic to all three towers.

### **Apartment Design Guide (ADG)**

An ADG assessment of the three residential towers is at Attachment 8.

Discussion of any variations or alternative approaches to ADG design criteria is outlined below.

Part 3D Communal and public open space

**Objective 3D-1**

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)

**Design guidance**

Communal open space should be consolidated into a well designed, easily identified and usable area

Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions

Communal open space should be co-located with deep soil areas

Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies

Where communal open space cannot be provided at ground level, it should be provided on a podium or roof

Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:

- provide communal spaces elsewhere such as a landscaped roof top terrace or a common room
- provide larger balconies or increased private open space for apartments
- demonstrate good proximity to public open space and facilities and/or provide contributions to public open space

**Satisfactory**

The site area is 13,087sqm and comprising three residential towers as part of a mixed use development.

Meeting the design criteria for 25% of the entire site area to be provided as communal open space (COS) would require a total COS area of 3,272sqm. A total of 1,895sqm of COS is provided at podium levels across the three towers, equating to 15% of the total site area.

Given ~40% of the site's overall floor space will be used for non-residential purposes, using the 25% of the entire site area is not considered a reasonable or representative way to calculate the COS requirements. Using the proportion of the GFA that is residential (60%) and applying this to the site area, it would result in the below calculation:

$$0.6 \times 13,087 \times .25 = 1,963\text{m}^2$$

This aligns with DCP rate of 5m<sup>2</sup> per unit (390 x 5 = 1,950m<sup>2</sup> of COS).

Applying this rate for each individual tower equates to:

Tower 1 = 1,015sqm (203 units x 5)

Tower 2 = 535sqm (107 units x 5)

Tower 3 = 400sqm (80 units x 5)

Towers 1 and 3 meet the DCP rates of 5sqm per unit. Tower 2 has been calculated as having 500sqm of COS area rather than 535sqm as stated in the applicant submission.

This variation is supported in this instance with regard to the following:

- The variation is relatively minor (~6%)
- The development provides a variety of opportunities for residents to interact at the plaza level and adjoining businesses.
- MacCabe Park is a short walk from the site.
- A number of balconies exceed the minimum area requirements.

The minimum 50% direct sunlight to the COS for 2 hours in midwinter complies for all three towers as outlined below:

Tower 1 = 511sqm (51%)

Tower 2 = 327sqm (68%)

Tower 3 = 209sqm (52%)



In relation to the design guidance the following points are relevant:

- The minimum 3m width is achieved for all towers.
- The site is well positioned in relation to access to existing public open space (Tower 3 being ~100m from MacCabe Park), which provides easy access to a large area of public open space for all residents.
- Some apartments have larger balconies than the ADG requires
- Conditions are recommended to remove any level changes that would compromise direct and equitable access (see condition 38)

## Part 3F Visual privacy

### Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

### Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties

### Variation sought

Tower 2 podium at level 4 is within 12m habitable to habitable proximity of Tower 1 however this western elevation of Tower 2 is predominantly a blank wall with skewed windows and privacy louvres to mitigate against direct privacy separation. This impacts one unit only as shown below.



FIGURE 1 - PERSPECTIVE SHOWING SEPARATION BETWEEN TOWER 1 AND 2. THE AFFECTED APARTMENT HAS BEEN INDICATED

NOTE: IMAGE FROM PREVIOUS DA SUBMISSION HAS BEEN USED



FIGURE 3 - TOWER 1 AND TOWER 2 BUILDING SEPARATION DIAGRAM



FIGURE 2 - TOWER 2 TYPE SCREENED WINDOWS

Tower 3 podium at levels 2-4 is within the 18m habitable to habitable distance of Tower 2 however, this western elevation of Tower 3 is predominantly a blank wall with skewed windows and privacy louvres to mitigate privacy concerns. This impacts on 9 units

#### Design guidance

Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance

For residential buildings next to commercial buildings, separation distances should be measured as follows:

- for retail, office spaces and commercial balconies use the habitable room distances
- for service and plant areas use the non-habitable room distances

New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:

- site layout and building orientation to minimise privacy impacts (see also section 3B Orientation)
- on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)

Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)

Direct lines of sight should be avoided for windows and balconies across corners

No separation is required between blank walls

across three levels (1 per floor of tower 3 and 2 per floor of tower 2) as illustrated below.

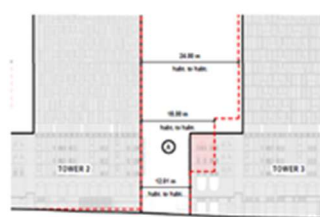


FIGURE 6 - BURELLI STREET ELEVATION SHOWING SEPARATION DISTANCES AND AFFECTED APARTMENTS



FIGURE 7 - SEPARATION DISTANCES BETWEEN TOWERS 2 AND 3 PODIUMS



FIGURE 9 - DETAIL PLAN OF TOWER 2 SHOWING PRIVACY SCREENS

Tower 3 podium at level 2 is within 12m separation of the Grand Hotel however this eastern elevation of Tower 3 is predominantly a blank wall with skewed windows and privacy louvres to mitigate privacy concerns and impacts only 1 unit as shown below.



FIGURE 8 - PERSPECTIVE SHOWING SEPARATION BETWEEN TOWER 3 AND THE GRAND HOTEL. AFFECTED APARTMENT HAS BEEN HIGHLIGHTED



FIGURE 9 - BURELLI STREET ELEVATION SHOWING SEPARATION DISTANCES AND AFFECTED APARTMENTS



FIGURE 10 - TOWER 3 LEVEL 2 - PLAN DETAIL SHOWING PRIVACY SCREENS

The proposed separation distances do not compromise the visual privacy objectives being achieved. The additional windows recommended to be included in the design discussed under Part 4A Solar Access will be high sill or suitably screened windows to remain consistent with Part 3F objectives.

## Part 3J Bicycle and car parking

### Objective 3J-1

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas

#### Design criteria

1. For development in the following locations:

- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less

The car parking needs for a development must be provided off street

#### Design guidance

Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site

Where less car parking is provided in a development, council should not provide on street resident parking permits

### Objective 3J-2

Parking and facilities are provided for other modes of transport

#### Design guidance

Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters

Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas

Conveniently located charging stations are provided for electric vehicles, where desirable

### Objective 3J-3

Car park design and access is safe and secure

#### Design guidance

Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces

Direct, clearly visible and well lit access should be provided into common circulation areas

A clearly defined and visible lobby or waiting area should be provided to lifts and stairs

For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards

### Variation sought

Car parking exceeds the lesser rate under the Guide to Traffic Generating Developments (GTGD) and also the DCP rate for resident parking.

The proposal also has an undersupply of residential visitor spaces, commercial motorbike and bicycle spaces as discussed at Chapter E3.

Conditions of consent are recommended to provide the necessary parking (see condition 24).

2 car share spaces are provided in the commercial car parking area.

Motorbike and bicycle parking is to be provided in accordance with the DCP.

Two EV charging points are to be provided within each bicycle parking area.

100 per cent of resident car spaces are to be made capable of adaptation for electric vehicles (e.g. with cabling provided to the space, excluding the actual charging infrastructure).

Five per cent of the resident car spaces are to be EV ready ( $350 \times 0.1 = 35$ ).

Two residential visitor charging locations are provided.

The basement design does not include any obvious conflict points.

Access to and within common circulation areas is satisfactory.

Lobby areas are clearly defined.

Pedestrian circulation matters are to be resolved at the detailed design stage.



Part 4A Solar access

**Objective 4A-1**

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

**Design criteria**

1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter

**Design guidance**

The design maximises north aspect and the number of single aspect south facing apartments is minimised

Single aspect, single storey apartments should have a northerly or easterly aspect

Living areas are best located to the north and service areas to the south and west of apartments

To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:

- dual aspect apartments
- shallow apartment layouts
- two storey and mezzanine level apartments
- bay windows

To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m<sup>2</sup> of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes

Achieving the design criteria may not be possible on some sites. This includes:

- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source
- on south facing sloping sites
- where significant views are oriented away from the desired aspect for direct sunlight

Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective

**Satisfactory**

Tower 1

100% of units POS and internal living spaces within Tower 1 will receive at least 2 hours direct sunlight between 9am and 3pm.

No single aspect south facing units are proposed.

Tower 2

Can achieve 70% with additional windows as outlined below.

11% receive no sunlight

Tower 3

Can achieve 66% with additional windows

16.5% receive no direct solar access. These units will have coastal views to the south/south-east and no objection to a minor exceedance over the 15% maximum noting the average number across the three towers is below 15%.

Cumulative outcomes across all three towers

Solar access is exceeded for the development as a whole.

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Solar access (70%)	Tower 1	Tower 2	Tower 3	Across all towers
<i>As proposed</i>	100% (203/203)	65% (69/107)	61% (49/80)	83% (322/390)
<i>With additional recommended openings</i>	N/A	70% (75/107)	66% (53/80)	85% (331/390)

Towers 2 and 3

Towers 2 and 3 currently do not meet the minimum 70% solar access requirements under Part 4A-1.

A number of units on levels 2-4 that are identified in the solar access diagrams as receiving 2 hours solar access are disputed based on the applicant's sun-eye diagrams. The units that do not receive the 2 hours to living rooms is a result of the deep balconies/recessed living rooms together with no windows to living rooms where building separation is reduced. Of note, two south-facing single aspects units identified as receiving solar access cannot be included.

These discrepancies are identified in Figure 17 and Figure 18 below.





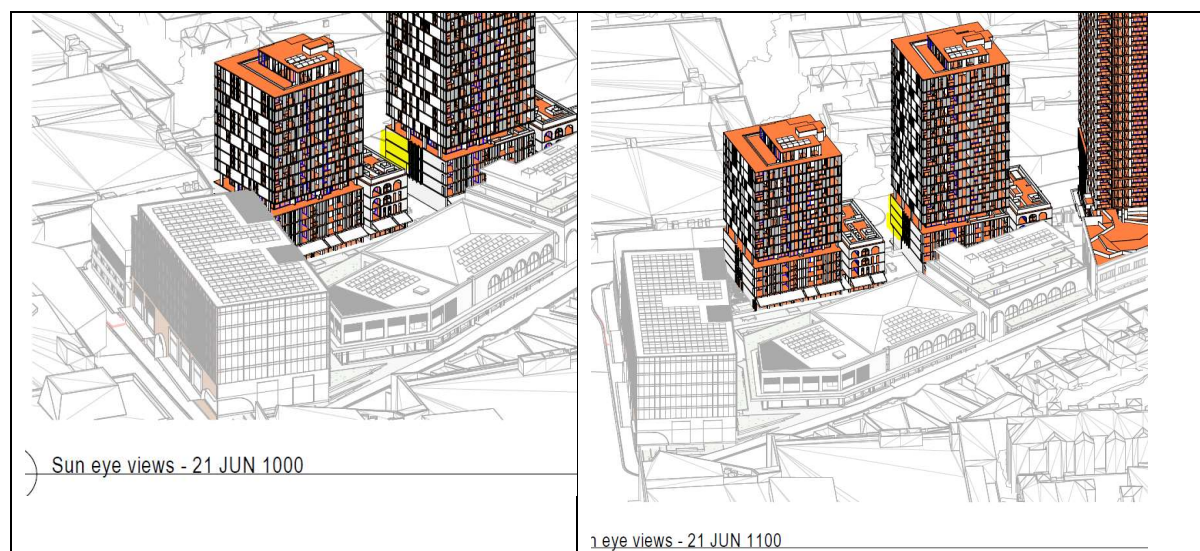
Figure 17: Apartments within levels 2-4 of Towers 2 (on left) and Tower 3 (on right) identified as receiving 2 hours solar access but do not (as indicated by red cross)



**Figure 18: Typical layout of Levels 2-4 in towers 2 and 3, indicating deeply recessed living areas and no window openings to living rooms. The blue arrow indicates suggested windows to living rooms to improve solar access**

#### Tower 2

Discounting the above 6 units results in 69/107 units receiving the minimum 2 hours sunlight access to living areas and balconies (65%). With additional windows to 6 units on the eastern elevation (2.05, 2.06, 3.05, 3.06, 4.05, and 4.06), including the south-eastern units not currently identified as receiving solar access, the minimum 70% is achieved. These windows will need to be designed to provide solar access while limiting direct sightlines and noise transfer between buildings (e.g. high sill windows, pop-out windows, all acoustically treated).







**Figure 19: South-eastern units in Tower 2 (highlighted) which can achieve 2 hours solar access with a highlight or pop-out window between 10am-12pm**

#### Tower 3

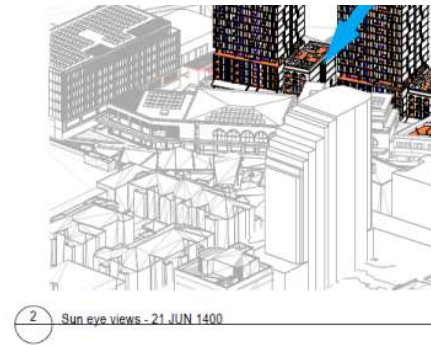
Seven units do not achieve the required solar access in Tower 3, equating to 49 out of 80 receiving the 2 hours (61.25%).

The single aspect south facing unit on Level 4 cannot be counted.

The western units on Levels 2-4 of Tower 3 (units 2.01,3.01,4.01) are shown as receiving 2 hours solar access to living areas and balconies whereas the living areas do not receive sunlight access due to the recessed balconies and blank western walls (see typical layout at Figure 18).

Requiring appropriately placed high sill windows to 2.01-4.01 on the western elevation would improve solar access to these living rooms, noting the POS already receives the 2 hours. These windows would need to be high sill, angled, or 'pop-out' windows to allow sunlight penetration while restricting sightlines noting the reduced separation distance with Tower 2.

To include the units on Levels 3 and 4 as achieving the 2 hours, highlight windows will be required to achieve solar access between 1-3pm in midwinter, as shown at Figure 20 below:



**Figure 20: Sun-eye view diagrams 1pm-3pm on 21 June showing location of additional windows to improve solar access to Tower 3.**

It is noted that sunlight access to the western unit on Level 2 is shadowed by the upper levels of the gym/wellness building by 3pm as shown in the sun-eye diagram above. As this building achieves the required 16m separation distance from Tower 3 and is well below the maximum height, design changes are not considered warranted to get the solar access to the lowest level of Tower 3's podium, noting it is close to achieving the required 2 hours.

Units 3.02 and 4.02 on the western side of the slot within the building are also shown to achieve the 2 hours, however the sun-eye diagrams indicate negligible solar access to the living rooms on levels 3 and 4. Additional high sill, fixed acoustically treated windows could be provided to achieve solar access to these 2 units (noting the windows opposite are required for those units cross ventilation), as shown below:



**Figure 21: Additional window opportunities to unit 03.02 and 04.02 in Tower 3**

With these changes, Tower 3 will achieve 2 hours solar access to living rooms and balconies for an additional 4 units (53/80 units = 66%).

In order for Tower 3 to achieve full compliance more substantive changes would be required either to unit layouts or the massing of other buildings on the site. This is not considered necessary given the average solar compliance across the three towers exceeds the minimum.

Solar access is exceeded across all three towers. It is noted that if the three towers were connected to a podium as anticipated by the controls, the calculation for solar access would be across all three towers as a group. As the breaks between the residential towers are considered to be an improved built form outcome and conditions for additional windows will improve solar access and amenity, on balance the objectives for solar access under the ADG are considered to be satisfied.

The recommended condition for additional window openings is provided below (and at condition 23 of the consent):

**# Solar access -additional windows for Towers 2 and 3**

*a. To improve solar access to apartments within Towers 2 and 3, additional windows are to be provided to living rooms on the eastern and western elevations of the towers on Levels 2-4 for the following units:*

- Tower 2 - 2.1, 2.5, 2.6, 3.1, 3.5, 3.6, 4.1, 4.5, 4.6,
- Tower 3 - 2.01, 3.01, 3.02, 4.01, and 4.02

*b. The windows must be in accordance with the following requirements:*



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- i. *Windows to the eastern and western elevations are to be high sill, slot or 'pop-out' windows that allow sunlight access into the living rooms of these units while restricting any direct sightlines between neighbouring buildings and/or apartments; and*
- ii. *All windows the subject of this condition are to be acoustically treated for residents to manage acoustic privacy; and*
- iii. *Windows to the units that open onto the narrow slot within Tower 3 (3.02 and 4.02) must be permanently fixed (i.e. not operable) given the proximity to the window of the opposite units;*
- iv. *The design, form and materiality must be effectively integrated into the overall design of the buildings.*

*Details and revised plans demonstrating the above requirements have been met must be submitted to Council's written satisfaction prior to issue of a Construction Certificate.*

Reason: *To improve solar access to apartments within Towers 2 and 3*

#### Objective 4A-2

Daylight access is maximised where sunlight is limited

#### Design guidance

Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms

Where courtyards are used :

- use is restricted to kitchens, bathrooms and service areas
- building services are concealed with appropriate detailing and materials to visible walls
- courtyards are fully open to the sky
- access is provided to the light well from a communal area for cleaning and maintenance
- acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved

Opportunities for reflected light into apartments are optimised through:

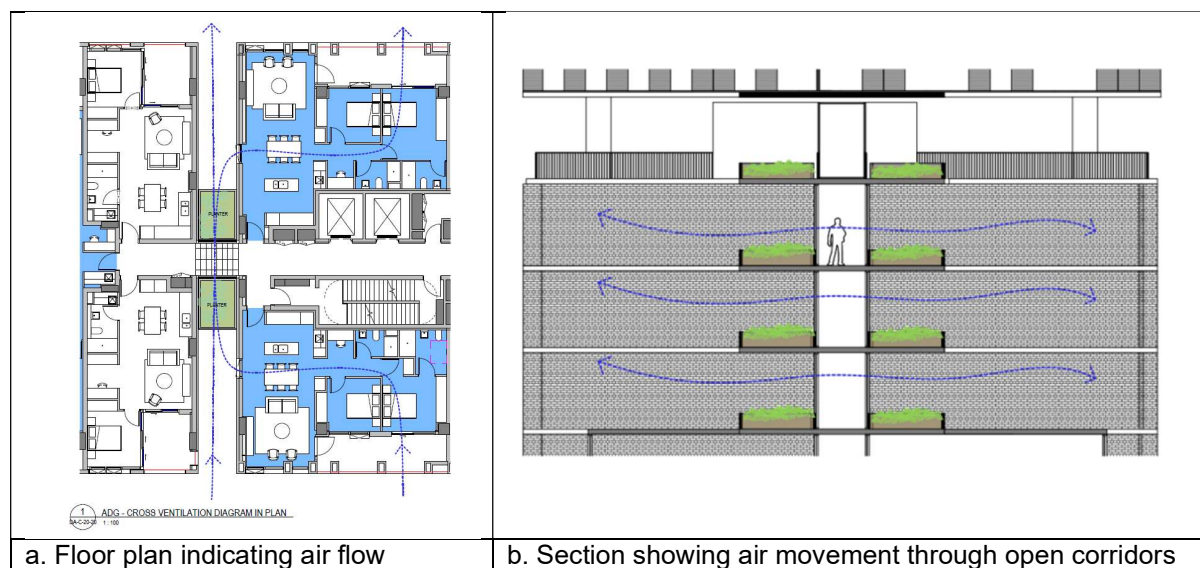
- reflective exterior surfaces on buildings opposite south facing windows
- positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light
- integrating light shelves into the design
- light coloured internal finishes

#### Satisfactory

The recommended additional windows will also improve daylight access.

## Part 4B Natural ventilation

All towers include units that rely on windows opening to narrow slots in the building in order to be naturally ventilated as indicated below:



**Figure 22: Cross ventilation through narrow slots in the building (similar arrangement for all 3 towers)**

### Objective 4B-3

The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents

### Design criteria

1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line

### Design guidance

The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths

In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4)

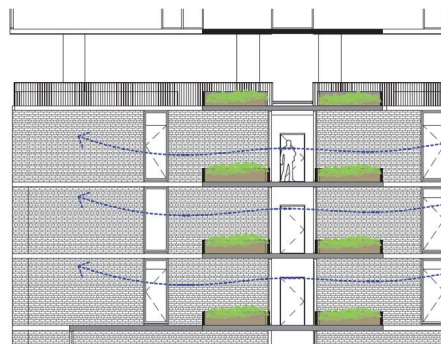
Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow

Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow

### Satisfactory

The minimum 60% requirement for natural cross ventilation is achieved under the design criteria when including apartments that open onto the narrow slots between the buildings. The natural ventilation report provided concludes cross ventilation is achieved through pressure changes within those spaces ("viable more than 85% of the time at 100% opening area").

The reliance on this approach to cross ventilation does not appear to account for proposed louvres to the breezeways (identified as 'GLS-03 Louvre Vision Glass' of the external materials plan). The louvres offer some additional weather protection to the open corridor.



A condition of consent is recommended with regard to any louvres being required to be fixed in an open position (see condition 23).

Notwithstanding the exact performance of the windows opening to the slots, the slots would provide a better ventilation outcome than those units that did not have access to similar openings (e.g. single aspect units). Overall, the natural ventilation outcome is superior to one that strictly met the ADG parameters but achieved 60% compliance.

Regarding the design guidance:

- Cross through apartments are provided to improve through ventilation.
- A large number of dual aspect units are provided, particularly in Tower 1 (noting additional windows recommended will also improve ventilation outcomes)
- Depths of habitable rooms do not exceed 8m from a window.

In conclusion, the natural ventilation outcomes for the proposal are acceptable and considered to meet the objectives of this part.

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#### 4F Common circulation and spaces

##### Objective 4F-1

Common circulation spaces achieve good amenity and properly service the number of apartments

##### Design criteria

1. The maximum number of apartments off a circulation core on a single level is eight
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40

##### Design guidance

Greater than minimum requirements for corridor widths and/or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors

Daylight and natural ventilation should be provided to all common circulation spaces that are above ground

Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors

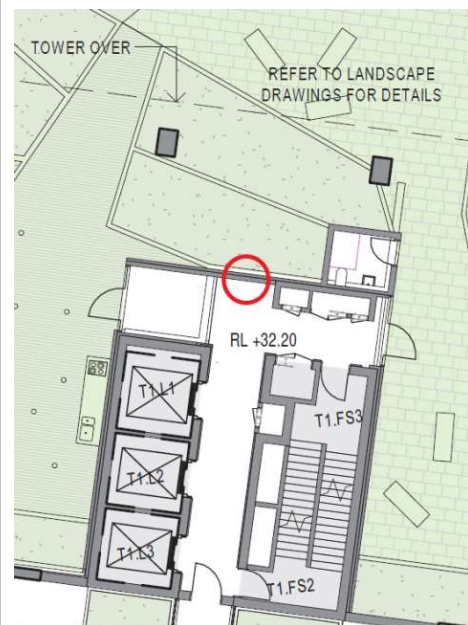
Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:

- a series of foyer areas with windows and spaces for seating
- wider areas at apartment entry doors and varied ceiling heights

Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments

It is noted that Tower 1 and 2 have less than 1 lift per 40 units (Tower 1, 203 units with three lifts, Tower 2, 107 with two lift). The applicant indicates provision of high frequency fast lifts in a lift servicing report in order to address this.

The lift lobby area for Tower 1 at the rooftop communal open space level above the Marcus Clark building would benefit from a window as shown below and reflected in the conditions of consent (see condition 23).





#### 4J Noise and pollution

##### Objective 4J-1

In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings

##### Design guidance

To minimise impacts the following design solutions may be used:

- physical separation between buildings and the noise or pollution source
- residential uses are located perpendicular to the noise source and where possible buffered by other uses
- non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces
- non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources
- buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer
- where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4)
- landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry

Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:

- solar and daylight access
- private open space and balconies
- natural cross ventilation

##### Satisfactory

The site is located in the city centre where there are a number of existing late trading licensed premises and surrounding roads that carry large volumes of traffic. There are also noise generating uses proposed within the development (e.g. the pub and beer garden adjacent Tower 3, exhibition space, live music venue) along with mechanical plant noise.

The siting and design of the apartments that are most likely to be impacted by noise from the pub is Tower 3. The design solution reasonably responds to the interface with the noise source, limiting openings and acoustically treating windows on the western elevation.

Although additional openings are recommended to this façade at the lower levels for solar access, the windows will be required to be high level or suitably screened and acoustically treated. This will enable the occupants to have improved internal amenity at less noisy times (e.g. mornings/daytime) when the windows can be opened.

An Acoustic Report has been prepared which provides an assessment of those noise sources proposed on site. This has been reviewed by Council's Environment Officer and conditions recommended. This includes a requirement for an Acoustic Masterplan to be developed for the precinct to address cumulative noise emissions from the food and beverage tenancies prior to issue of a Construction Certificate (see condition 169).

A condition of consent is also recommended requiring ceiling fans to bedrooms where windows would need to be closed for acoustic privacy (primarily the eastern and western elevations of Towers 2 and 3 at Levels 2-4) (see condition 23).



## 2.1.7 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Part 1 Preliminary

#### Clause 1.2 Aims of Plan

*(2) The particular aims of this Plan are as follows—*

*(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*

*(a) to provide a framework for land use management,*

*(b) to encourage economic and business development to increase employment opportunities,*

*(c) to encourage a range of housing choices consistent with the capacity of the land,*

*(d) to improve the quality of life and the social well-being and amenity of residents, business operators, workers and visitors,*

*(e) to conserve and enhance remnant terrestrial, aquatic and riparian habitats, native vegetation and fauna species,*

*(f) to conserve and enhance heritage,*

*(g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,*

*(h) to ensure that significant landscapes are conserved, including the Illawarra Escarpment, Lake Illawarra, the drinking water catchment and the coastline.*

Overall the development is considered to reasonably respond to the aims of the Plan as discussed under the relevant clauses below.

### 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 satisfies the above objectives as a wide range of retail, office, recreational and entertainment uses are proposed, including high density residential development that is in close proximity to public transport, employment, retail, commercial and service facilities within the city centre.

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The proposed mix of residential and commercial uses together with a range of entertainment, recreational and health facilities will contribute to the vitality of the city centre, both attracting people to the site for an increased range of activities and contributing to demand for existing services in the locality.

Features of the development that contribute to maximising public transport patronage and encouraging walking and cycling include non-residential visitor parking being limited to accessible parking. The site layout incorporates building setbacks at ground level on both the Crown and Burelli Street frontages that allow for an increased footpath widths to cater for pedestrian and cyclist movements.

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; Home businesses; 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 incorporates the following land uses consistent with the relevant definitions that are all permitted with development consent:

- Office premises
- Residential accommodation in the form of shop top housing
- Retail premises (general retail, food and drink premises, pub)
- Recreation facilities (indoor) – pool, gym
- Entertainment facilities – cinema
- Function centre – exhibition space
- Health services facility – wellness centre incorporates consulting rooms (permissible with consent in prescribed zones under Division 10 Clause 2.60 of the SEPP (Transport and Infrastructure) 2021. B3 Commercial Core is a prescribed zone under Clause 2.59 of the SEPP.

#### Clause 2.7 Demolition requires development consent

Demolition of all structures is proposed under this application and suitable conditions of consent are recommended to minimise impacts.

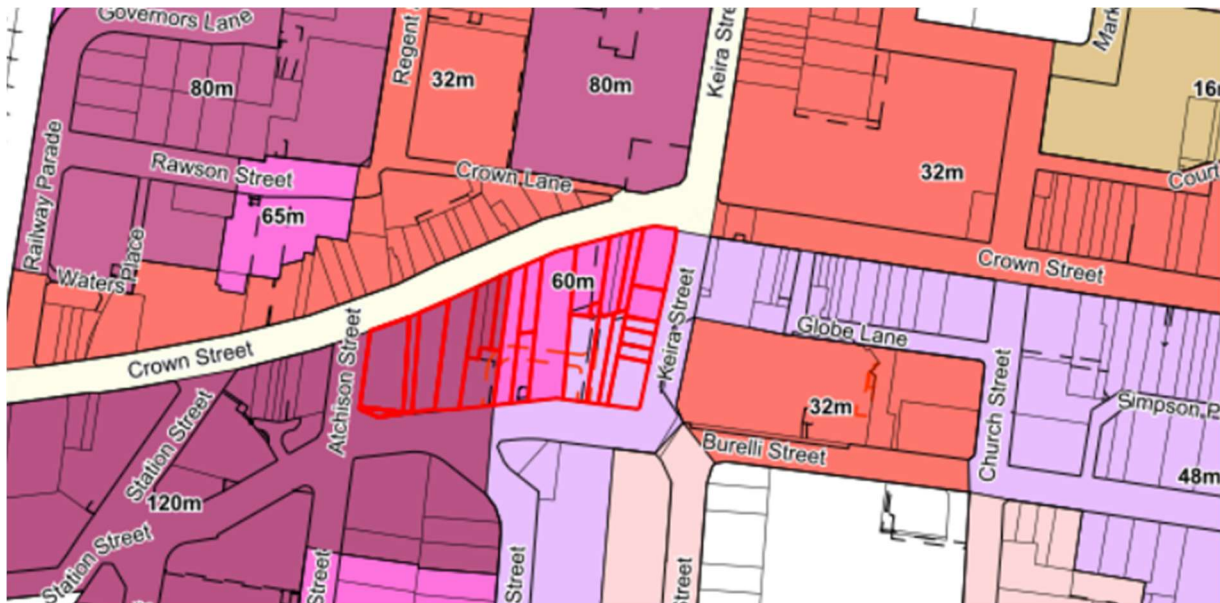
### **Part 4 Principal development standards**

#### Clause 4.1 Minimum subdivision lot size

Not applicable – no minimum subdivision lot size applies to the site.

#### Clause 4.3 Height of buildings

A range of height limits apply across the site, 120m in the western part of the site, 60m in the central and north-eastern part of the site with the south-eastern corner having a 48m height limit, as indicated in the Height of Buildings map below:

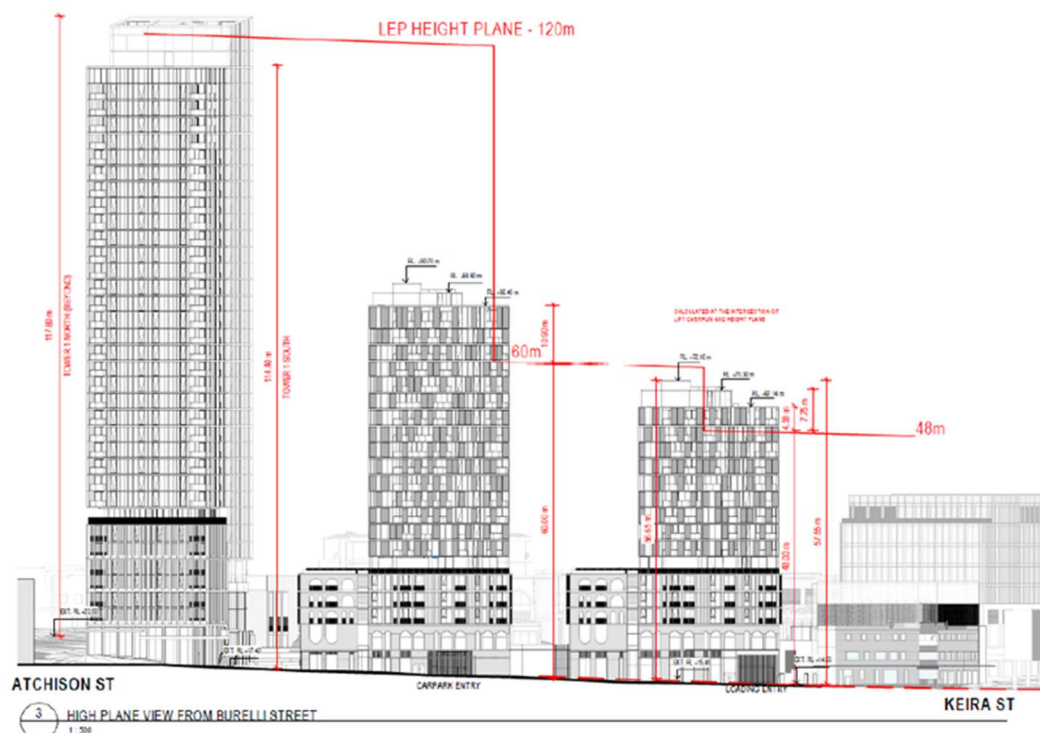


**Figure #: LEP Height of Buildings map**

Building	Maximum Height Limit	Proposed building height	Compliance
Commercial building (7 storeys)	60m and 48m	34.9m	Yes
The Grand Hotel and Exhibition space (4 storeys)	48m	16.7m	Yes
Pool & Gym (4 storeys)	120m and 60m	16.7m	Yes
Tower 1 (including Marcus Clark) (39 storeys)	120m	118.5m	Yes
Tower 2 (23 storeys)	120m and 60m	74.8m	No for portion of building within the 60m height limit  (Clause 4.6 development departure sought)
Tower 3 (17 Storeys)	60m and 48m	57.7m	No for portion of building within the 48m height limit

			(Clause 4.6 development departure sought)
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Table #: Permitted and proposed building heights



Picture 2 – Drawing showing Extent of Breach

Source: BVN

Figure 23: Burelli Street elevation showing extent of height breach for Towers 2 and 3 (Source: Urbis' Clause 4.6 Statement)

A Clause 4.6 development departure has been sought in relation to the non-compliant height as shown above (see **Attachment 6**). This is discussed under Clause 4.6 below.

#### Clause 4.4 Floor space ratio

(1) The objectives of this clause are as follows—

(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

(b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,

(c) to ensure buildings are compatible with the bulk and scale of the locality.

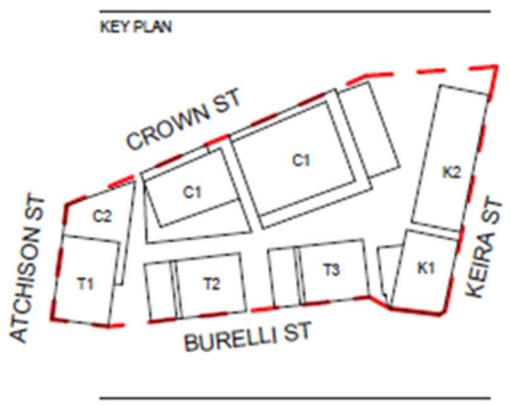
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The proposed development is consistent with the objectives of this clause, noting that the floor space ratio map under this clause does not apply as the site is located within the Wollongong City Centre, therefore Clause 4.4A applies. The floor space ratio complies under Clause 4.4A as outlined below.

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Clause 4.4A Floor space ratio – Wollongong city centre

This clause applies to land within the city centre. Site area: 13,087m<sup>2</sup>

Land use	GFA (m <sup>2</sup> )	Key
<b>Non-residential</b>		 <p>KEY PLAN</p> <p>ATCHISON ST</p> <p>CROWN ST</p> <p>BURELLI ST</p> <p>KEIRA ST</p> <p>T1, T2, T3, C1, C2, K1, K2</p>
K2 - Cinema	2232.59	
K2 - Commercial	10191.98	
K1 - Exhibition	291.82	
C1 - Pool & Gym	2821.43	
K1 - Pub	671.06	
K1 - Live Music	1051.89	
Retail uses		
C2 - Marcus Clark	1690.83	
C1 - Level 01 pool/gym (W)	578.48	
C1 - Level 01 pool/gym (E)	1703.22	
C1 - Level 02 pool/gym (W)	332.58	
C1 - Level 02 pool/gym (E)	342.69	
K2 - Base of office building	968.73	
T1 - Tower 1	83.24	
T2 - Tower 2	355.06	
T3 - Tower 3	695.71	
Total (retail)	6750.54	
<b>Total (non-residential)</b>	<b>24,011.31 (41%)</b>	
<b>Residential</b>		
Tower 1	18524.28	
Tower 2	9397.13	
Tower 3	6722.07	
<b>Total (residential)</b>	<b>34,643.48 (59%)</b>	



Overall total	58,654.79	
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**Table 1: Gross Floor Area (per building)**

Subclause 4 sets out the calculations required to determine the maximum permitted floor space ratio (FSR) on land within a business zone where a mixture of residential and other purposes are proposed. This is calculated on a percentage of residential to non-residential floor area:

*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.*

*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.*

Total gross floor area (GFA): 58,654.79m<sup>2</sup>

Non-residential GFA: 24,011.31 (**NR** = 41%)

Residential GFA: 34,643.48 (**R** = 59%)

**Proposed FSR:** 58,654.79 / 13,087 = **4.48:1**

**NRFSR:** 6:1

**RFSR:** 3.5:1

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

Maximum FSR permitted:  $(6 \times 0.41) + (3.5 \times 0.59) = 2.46 + 2.065 = 4.525:1$

This equates to a maximum gross floor area of 59,218.7m<sup>2</sup>

The proposed FSR does not exceed this maximum and equates to and FSR of 4.482:1, which complies with the maximum permitted FSR of 4.525:1.

*Note: Based on the above, the proposal is 563.91m<sup>2</sup> below the maximum FSR.*

#### Clause 4.5 Calculation of floor space ratio and site area

The floor space ratio and site area have been calculated in accordance with this clause. The site area has included all lots, with no specific exclusions applying.

#### Clause 4.6 Exceptions to development standards

Development departures are sought to the building height and building separation as part of the proposed development. These departures are in discussed below:

**Building height**

An exception to the development standard under Clause 4.3 Height of Buildings is sought under the current application in relation to Towers 2 and 3. The applicant's 4.6 Statement forms **Attachment 6** to this report.

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	<p>Clause 4.3 Height of Buildings.</p> <p>Clause 4.3 requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>The development departure relates to Tower 2 and Tower 3.</p> <p>Tower 2 exceeds the 60m height plane by 10.9m in the eastern portion of the top 4 storeys.</p> <p>Tower 3 exceeds the 48m height plane by 7.75m in the eastern portion of the top 2 storeys.</p>
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.	<p>Yes.</p> <p>The applicant identifies the environmental planning grounds that are considered sufficient to support the development departure to building height with regard to the specifics of the proposed development and unique site circumstances.</p>
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 <b>Attachment 6</b>.</p> <p>The applicant's written request is based on the following rationale for justifying why compliance with the control is unreasonable and unnecessary:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>The proposal is consistent with the objectives of the building height standard.</i></li> <li><input type="checkbox"/> <i>The proposal is under the maximum FSR control and achieves an appropriate density and overall tower massing strategy for the site.</i></li> <li><input type="checkbox"/> <i>There are site-specific circumstances which have required a different (non-compliant) building height approach for the site.</i></li> </ul>

*Primarily, the variation results from the redistribution of massing across the site as a result of these considerations.*

*□ At most parts of the site, the buildings are significantly under the allowable height limit. For example, Towers 1 and 2 could have both been positioned within the 120m building zone and built to this height, however this was deemed inappropriate. Primarily, the reason this was not explored was because the massing strategy sought to pull towers to the southern portion of the site, away from the sensitive heritage character of Crown Street. This strategy also had the benefit of creating a high amenity public through site link and reducing the visual impact of the tower forms from key public locations (as they were positioned at the 'low point').*

*□ The variation allows for a stepped arrangement of building height on Burelli Street, which results in zero additional overshadowing to MacCabe Park at midwinter.*

*□ Visual impact analysis has been undertaken from key public domain vantage points, including Flagstaff Hill, MacCabe Park and Crown Street. The results of this analysis indicate that the proposal will not generate any significant negative impacts and can be supported on visual impact grounds.*

*□ View sharing analysis has been undertaken from key affected private domain vantage points. The results of this analysis indicates that the proposal, inclusive of LEP building height variation, represents a reasonable view sharing outcome having regard to the relevant LEC Planning Principles.*

The applicant's justification that the objectives of the building height control are better achieved by the proposed development as compared to a compliant scheme is summarised below:

- Site specific circumstances warrant a different approach that involves the redistribution of massing across the site
- locating towers at the southern part of the site limits overshadowing within the site
- Orienting buildings north-south would straddle the central plaza which impacts on the permeability/site links through the site and to the train station
- Locating towers on top of the Marcus Clark heritage building and along Crown Street is not desirable nor does it respond to the lower scale nature of Crown Street
- Locating the building southwards takes advantage of views
- Providing buildings with multiple steps to achieve a compliant height does not provide an optimal urban design outcome
- Tower 2 could achieve a height of 120m, however 2 tall towers would not be desirable in terms of the setback from Marcus Clark and tower separation would not be achieved.
- The form of Towers 2 and 3 are deliberately stepped to Burelli Street with a consistent podium expression

The justification also identifies that the extent of non-compliance has 'inconsequential' shadowing impacts at mid-winter and no

other amenity impacts (privacy, wind, CPTED, views or outlook) will arise from the additional height proposed.

This is largely agreed with, however, the statement that the extent of non-compliance will have no other impacts is disagreed with. The portions of Towers 2 and 3 that are above the maximum building height permitted will have some additional minor impact on available easterly view across the site from surrounding residential towers. View impacts are discussed in body of the report (section 1.5) which have been assessed as reasonable against the LEC Planning Principle.

#### Sufficient planning grounds

The sufficient planning grounds outlined in the Clause 4.6 Statement are that there is an absence of environmental harm from the height breach and positive planning benefits from the proposed development. The environmental planning grounds provided by the applicant are outlined below:

#### *Shadow*

*As discussed above, the development will not result in any consequential solar impacts to existing surrounding development, potential future surrounding development, the internal through site link or MacCabe Park.*

#### *Visual Privacy*

*The area of additional breach (which is located on the eastern edges of Towers 2 and 3) will not result in visual privacy impacts. Appropriate separation distances are maintained between these towers and buildings on adjoining sites – in accordance with both the ADG and Council's LEP controls.*

#### *Streetscape and Skyline*

*The area of breach (when considered as part of a whole of site massing strategy) is considered to provide a positive streetscape outcome. Towers 2 and 3 are deliberately planned to create a stepped arrangement of building height on Burelli Street (with consistent podium expression), which results in zero additional overshadowing to MacCabe Park at midwinter. This arrangement creates a better skyline for Wollongong.*

The above planning grounds specifically relate to the proposed development and the site. Three height limits apply across the site – 120m in the western position, 60m in the centre, and 48m in the eastern corner of the site:

Figure 2 – WLEP 2009 Height of Building Map



As the proposal is for the redevelopment of the whole city block, some minor redistribution of height across the block is considered reasonable where it is based on a sound contextual analysis and where no adverse impacts result.

The LEP height limits provide some protection to overshadowing impacts to MacCabe Park, which is identified as a protected area under Clause 8.3 of the LEP. The breach in height limits does not result in overshadowing to MacCabe Park, as discussed under Clause 8.3 of the report.

The portion of the buildings that exceed the height limit for both Tower 2 and 3 are limited to the eastern side of the towers, due to the slope of the site falling from west to east along Burrelli Street. The breach in height does therefore not lead to unreasonable view impacts from nearby residential towers to the north-west of the site as compared to a compliant proposal. Relevantly, where additional building height was proposed elsewhere across the site (within the permitted height limits) different and more significant view impacts may occur.

The above planning grounds have merit noting that they are specific to the development and unique to the site.

The applicant's 4.6 Statement has adequately addressed the matters required to be addressed by subclause (3), demonstrating compliance is unreasonable and unnecessary under subclause (3)(a) and demonstrating that there are sufficient environmental planning grounds to justify the departure subclause 3(b).

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

There is a public benefit of maintaining the standard as the building height is relevant to setting an appropriate building envelope and built form outcome across the LGA, as reflected by the Height of Buildings Map.

#### Clause 4.3 Height of Buildings

The objectives of Clause 4.3 are:



	<p><i>(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,</i></p> <p>The applicant's justification is that the development complies with the floor space ratio and the approach to massing has taken a 'whole of site approach'.</p> <p>Comment - This approach is considered reasonable, noting that all other buildings are well below the maximum permitted height (with Tower 1 being compliant) and the overall massing of buildings across the site being informed by a comprehensive site analysis demonstrating a sound response to the surrounding context.</p> <p><i>(b) to permit building heights that encourage high quality urban form,</i></p> <p>The applicant's justification is that the proposal achieves design excellence having regard to the criteria in Clause 7.18 noting the scheme has evolved from a comprehensive urban design study, design process and review by the Design Review Panel. The positioning of Towers 2 and 3 that breach the height limit does not compromise a high quality urban form being achieved for the site.</p> <p>Comment - Design excellence has been achieved as discussed under clause 7.18 of the LEP, noting that no objection to the overall massing of the development has been raised by the Design Review Panel.</p> <p><i>(c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.</i></p> <p>The applicant's justification is that Towers 2 and 3 and adjoining buildings (within the site and those on adjoining sites) will have access to views of the sky and receive solar access in accordance with the ADG requirements. Pushing the built form further north within the 60m height limit would be compliant however would block sky views and solar access to the internal plaza as well as self-shadowing apartments within the site.</p> <p>Comment - Although the statement that the towers receive the required solar access under the ADG is not agreed with (and can be addressed via conditions – see condition 26), the non-compliant height does not restrict solar access between Towers 2 and 3 noting that the minimum building separation at the upper levels are achieved. Furthermore, solar access for the residential towers has been assessed as satisfactory as discussed at section 2.1.6. Public areas, notably MacCabe Park is not overshadowed as a result of the non-compliant height. It is also relevant that the breaks between the buildings provide for some sunlight access to Burelli Street.</p> <p>Based on the above, the objectives of Clause 4.3 are satisfied despite the breach in building heights.</p> <p><u>Objectives of B3 Commercial Core Zone</u></p>
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	<p>The objectives for development within the B3 Commercial Core zone are:</p> <ul style="list-style-type: none"> <li>• <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></li> <li>• <i>To encourage appropriate employment opportunities in accessible locations.</i></li> <li>• <i>To maximise public transport patronage and encourage walking and cycling.</i></li> <li>• <i>To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.</i></li> <li>• <i>To provide for high density residential development within a mixed-use development if it—</i>  <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></li> </ul> <p>The objectives of the B3 zone are met given the broad range of land uses proposed, provision of commercial uses at ground level, the employment generating uses within a central city location, the through site links encouraging pedestrian movement and the inclusion of suitably located high density residential development.</p> <p>The applicant's 4.6 Statement adequately demonstrates that compliance with the height control is unnecessary in the circumstances of the case, noting the objectives of Clause 4.3 and the B3 zone objectives are met.</p> <p>There are sufficient environmental planning grounds that are specific to the redevelopment of the site to justify contravening the development standard, namely around adopting a 'whole of site' massing approach that appropriately responds to the context of the site and surrounds.</p> <p>Notwithstanding some minor disagreement with the reasoning for the proposed variation provided in the applicant's clause 4.6 statement (i.e. no view impacts at all and ADG compliant solar access), on balance there is considered to be merit in the variation request in this instance and the proposal is supported.</p>
<p>the concurrence of the Secretary has been obtained.</p>	<p>The concurrence of the Secretary can be assumed in accordance with the Department of Planning Circular PS 18–003 'Variations to development standards', dated 21 February 2018.</p> <p>The Secretary can be assumed to have given concurrence if the matter is determined by a Sydney district or regional planning panel in accordance with the Planning Circular.</p>

### **Building separation**

An exception to the development standard under Clause 8.6 Building separation is sought under the current application. The applicant's 4.6 Statement forms **Attachment 7** to this report.

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	<p>Clause 8.6 Building Separation</p> <p>A number of buildings do not meet the minimum separation distances as identified under Clause 8.6.</p>
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.	<p>Yes.</p> <p>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.</p>
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 <b>Attachment 7</b>.</p> <p>The applicant's written request justifying why compliance with the building separation control is unreasonable and unnecessary relies on the 'whole of block' approach to the massing of buildings on the site achieving a positive built form and urban design outcome as summarised below:</p> <ul style="list-style-type: none"> <li>- <i>The LEP controls anticipate a continuous, zero setback 24m high street wall wrapping around the entire block. This does not respond to the desired character of Crown Street, being lower scaled to reflect the historical high street nature;</i></li> <li>- <i>The breaks between buildings allows for visual and physical connections through the site</i></li> <li>- <i>The taller tower elements are separated in excess of LEP and ADG requirements to create spatial separation between these elements when viewed in the city skyline and surrounding context;</i></li> <li>- <i>The variation allows for architectural diversity across the site;</i></li> <li>- <i>Where separation distances are not met the internal layouts are designed so there are no privacy impacts;</i></li> <li>- <i>The LEP controls are misaligned with the Apartment Design Guide which is a more contemporary guide. The objectives relating to Part 3F of the ADG (Visual Privacy)</i></li> </ul>

are met noting that 9 out of the 390 apartments do not achieve the separation distances (2%);

- The buildings comply with solar access and ventilation controls under the ADG;
- Visual impacts will not generate significant negative impacts;
- View sharing analysis has been undertaken which indicates a reasonable view sharing outcome having regard to the LEC planning Principles.

Objectives of Clause 8.6

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

In response to these objectives the applicant states:

*Regarding visual appearance, the separation distances proposed (while non-compliant), contribute to a better reading of the building facades, expressing the diversity of architecture proposed across the street block.*

The above assessment is supported having regard to separation between buildings at ground level where the breaks provide a positive outcome for pedestrian links and provide visual relief to the building bulk in the context of the redevelopment of an entire city block.

*Internal layouts of buildings have been designed to ensure there are no resultant privacy impacts where separation distances are not met. Where necessary, angled privacy screens are proposed to be installed to ensure residential amenity is maintained. There are various precedents of privacy screens that are complimentary to the overall façade composition of buildings.*

The response to potential visual privacy impacts between habitable rooms and balconies is reasonably dealt with through the design, limiting openings between buildings where separation distances are not met, as discussed later in this discussion.

The applicant's justification in the Clause 4.6 Statement also states that the objectives of Clause 8.6 are better achieved by the proposed development compared with a compliant scheme for the following reasons:

*The proposed setbacks (using ADG for guidance) better respond to the character of the precinct and provides a superior design outcome because:*

- *The WLEP controls anticipate a continuous, zero-setback, 24m high street wall wrapping around the entire block. This would not yield a positive urban design response, especially in relation to the Crown Street interface (which is lower scaled, reflecting its historical high street nature).*
- *A continuous street block (described above) would also hinder the permeability afforded by the various entries/exits to the internal through site link. These links also provide a benefit from a DDA perspective, as they*

*assist in rationalising the warping ground levels surrounding the site. The link also assists in creating the 'desire line' from the Crown/Kiera St intersection and Wollongong Train Station.*

- *Providing clear and continuous separation between the buildings assists in breaking up the built massing, accentuating the diversity of architectural expression across the site.*
- *Providing two 'steps' in the towers (i.e. podium setback and further setback above 45m), as anticipated by the WLEP controls, would result in a 'wedding cake/ziggurat' building appearance, which does not yield a positive architectural response to the site conditions, and would be inconsistent with the design excellence provisions of the Wollongong LEP (cl 7.18).*

#### Sufficient planning grounds

The planning grounds outlined in the Clause 4.6 Statement to demonstrate that there is an absence of environmental harm from the departure to building separation relies on the apartment buildings meeting the relevant ADG criteria.

The non-compliant building separation provided respond to an appropriate strategy for massing of buildings across the site. The extent of building separation departures are considered minor and the design response where the building separation is not achieved is considered acceptable in terms of mitigating amenity impacts.

The internal layout of the apartments are designed so that visual privacy impacts do not arise where the 16m and 20m separation distances are not met, also noting the lesser separation distances under the ADG are largely achieved.

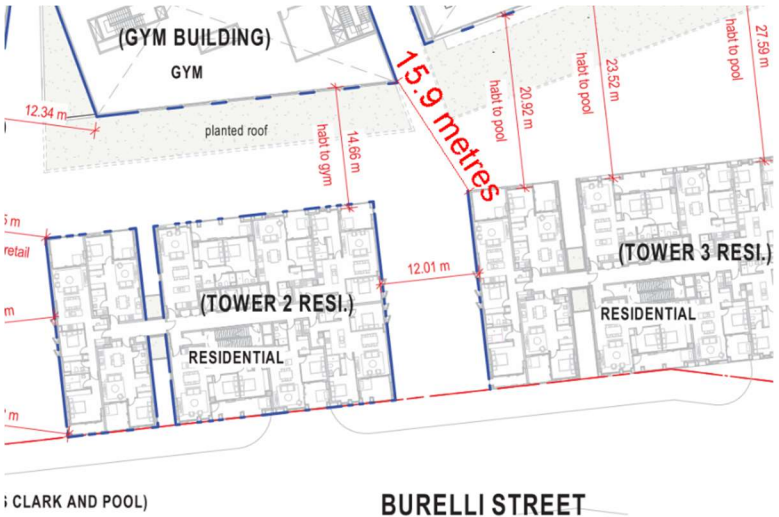
As the building separation departures relate to the lower levels of the buildings (i.e. below 24m) and are achieved/exceeded at the upper levels, no adverse visual impacts arise from the departures as viewed from key public domain areas, including the identified view corridor from Flagstaff Hill.

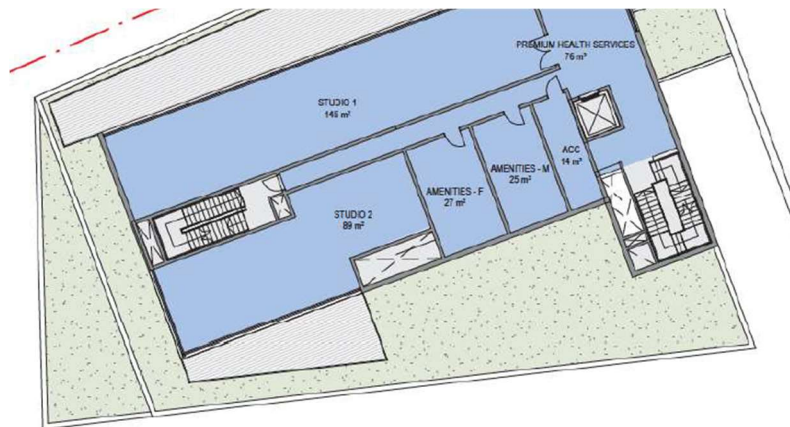
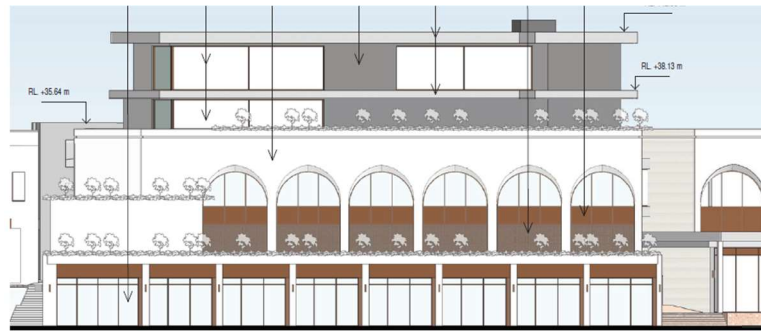
The massing of the buildings across the site responds to:

- the desired 2-3 storey street wall along Crown Street,
- the relationship to the heritage item (Former Marcus Clark Building),
- breaks between the buildings at ground level enables pedestrian permeability through the site as well as providing visual breaks between the buildings that would not be achieved with a compliant proposal (i.e. requiring a zero setback up to street frontage height resulting in a continuous street wall).

As the development relates to a whole city block, a variation to the typical pattern of development in the immediate locality is considered well founded and will result in an improved urban design outcome.



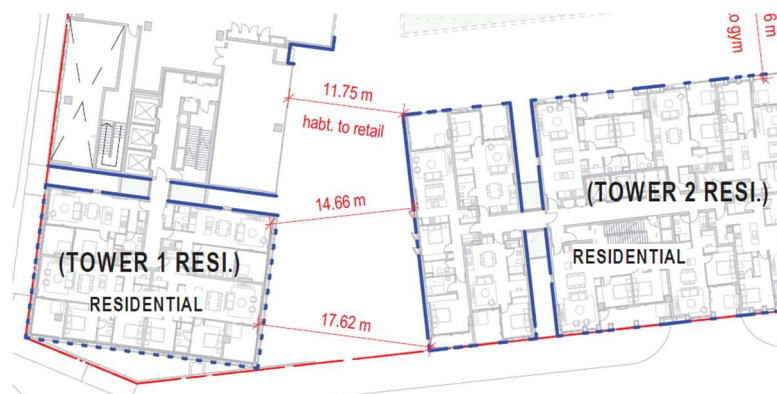
	<p>The applicant's 4.6 Statement (<b>Attachment 7</b>) has adequately addressed the matters required to be addressed by subclause (3), demonstrating compliance is unreasonable and unnecessary under subclause (3)(a) and demonstrating that there are sufficient environmental planning grounds to justify the departure subclause 3(b).</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 (a) it is consistent with the objectives of the building separation standard; (b) the objectives for development within the B3 zone will be achieved; (c) the development departures to building separation apply to the separation distances between buildings within the site with no adverse offsite impacts. These matters are discussed below.</p> <p><u>Clause 8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use</u></p> <p><i>(1) The objectives of the standard are to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</i></p> <p><u>Between Tower 2 and the gym/wellness building</u></p> <p>The separation distance between Tower 2 and the gym is 14.66m where 16m is required.</p>  <p><u>UP TO 24M</u></p> <p>The elevational treatment, arrangement and location of windows to the gym/wellness building have been shown where the 16m separation distance is not achieved. The southern facade of the pool and gym building includes limited windows, including high level windows to mitigate views directly into the lower apartments of towers 2 and 3 while still providing natural light into the pool and gym building.</p> <p>Any glazing to the wellness centre and gym/pool will be acoustically treated as recommended by the acoustic consultant in the detailed design phase of the project.</p>



Where the 16m separation distance under the LEP is not achieved, the variation is minor and not considered to exacerbate privacy impacts. Solar access is not compromised by the reduced separation distance.

#### Separation between Marcus Clark/Tower 1 and Tower 2

The 16m separation distance between Marcus Clark and Tower 2 is not achieved at the north-western corner of Tower 2 at Levels 2 and 3, being 11.75m.



SHOWING LAST TOP FLOOR OF MARCUS CLARK AND POOL)

LEP SEPARATION\_CROWN ST. UP TO 24M

1 : 500

The design of the affected units incorporates solid balcony edges and screening to windows along the western elevation as shown below:



The design reasonably mitigates impacts between these buildings, noting that the addition of highlight windows to this elevation would improve amenity in terms of daylight access to the living areas without compromising privacy. Subject to conditions, solar access for Tower 2 complies.

#### Separation between Towers 2 and 3

Affected units between Towers 2 and 3 are designed in a way that limits sightlines between buildings to address privacy impacts, as shown below:

Figure 5 – Tower 2 and Tower 3 Separation



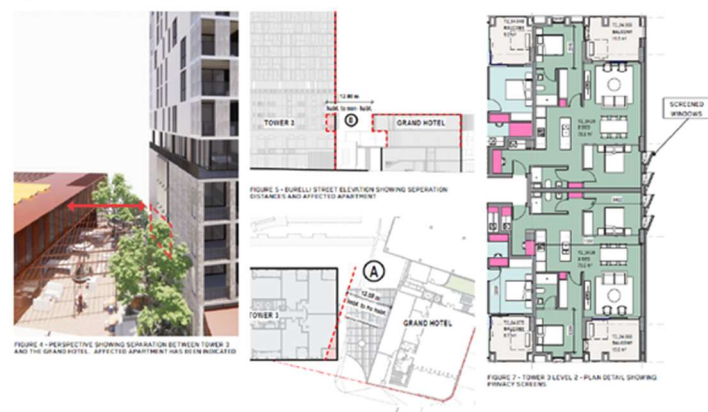
Source: BVN

Although this adequately addresses privacy impacts between Towers where the separation distance is reduced, recommended conditions of consent for additional high level or slot windows are proposed to improve overall amenity to these units (solar and daylight access) as discussed at 2.1.6 and at condition 26.

#### Tower 3 and The Grand Hotel

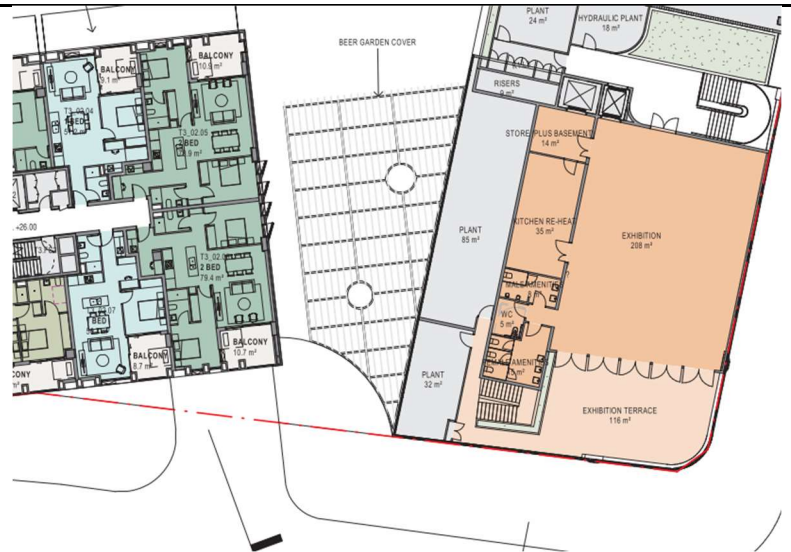
This interface is likely to be the most sensitive to privacy and amenity impacts. The required separation distance is 16m under subclause (3)(b) where 9.23m is provided. The departure relates to 4 apartments (i.e. 2 apartments on both Levels 2-3.)

Figure 3 – Tower 3 Separation



Source: BVN

At Level 2, the plant area of the pub/exhibition building provides a buffer to the active uses within this building:



The terrace area for the exhibition space is oriented away from Tower 3 and will include an acoustic screen to further minimise amenity impacts.

The design response to the reduced separation limits the openings on the eastern elevation of Tower 3. Additional acoustically treated high sill windows would improve amenity to these units (increased daylight access to living areas).

The design adequately responds to the visual privacy impacts however acoustic impacts will also require careful consideration to manage the potential land use conflict between sensitive areas (egg bedrooms) and the operation of a licensed premises, including the beer garden below. Acoustic treatment to the east facing bedroom windows is proposed and the acoustic report submitted makes recommendations for operating hours and capacity to limit noise impacts to these units.

A 'pergola structure' is also proposed however the design and construction of this structure to mitigate noise impacts has not been demonstrated. The Acoustic Report prepared by RWDI makes operational recommendations for the beer garden and pub (hours, capacity and music), noting that further acoustic reviews will be necessary once operators of the licensed premises are known. An Acoustic Masterplan was also recommended which has been included in the recommended conditions (**Condition 169**)

*Regarding solar access, it has been confirmed that the apartment buildings (on a 'building by building' basis) will comply with the relevant ADG criteria. Sufficient solar access is also provided to the communal and public open spaces in the development.*

Sufficient solar access is provided to the communal open space areas for all Towers. Solar access to apartments has been assessed as satisfactory as discussed in detail under the ADG requirements in 2.1.6, noting that Tower 3 does not achieve the 70% requirement.



	<p>The development, despite the non-compliance with the building separation standard, will be consistent with the objectives of that standard as discussed above.</p> <p><u>Objectives of B3 Commercial Core Zone</u></p> <p>The objectives for development within the B3 Commercial Core zone are:</p> <p><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></p> <p><i>To encourage appropriate employment opportunities in accessible locations.</i></p> <p><i>To maximise public transport patronage and encourage walking and cycling.</i></p> <p><i>To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.</i></p> <p><i>To provide for high density residential development within a mixed-use development if it—</i></p> <p><i>(a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and</i></p> <p><i>(b) contributes to the vitality of the Wollongong city centre.</i></p> <p>The development satisfies the objectives of the B3 Commercial Core zone, noting that that the permeability achieved as a result of the departures to the building separation at ground level assist in encouraging walking and cycling.</p> <p>The applicant's 4.6 Statement adequately demonstrates that compliance with the building separation requirements is unnecessary and unreasonable in the circumstances of the case, noting the objectives of Clause 8.6 and the B3 zone objectives are met.</p> <p>There are sufficient environmental planning grounds that are specific to the redevelopment of the site to justify contravening the development standard, namely around adopting a 'whole of site' massing approach that responds to the more updated separation distances under the ADG .</p> <p>There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard.</p>
<p>the concurrence of the Secretary has been obtained.</p>	<p>The concurrence of the Secretary can be assumed in accordance with the Department of Planning Circular PS 18-003 'Variations to development standards', dated 21 February 2018.</p> <p>The Secretary can be assumed to have given concurrence if the matter is determined by a Sydney district or regional planning panel in accordance with the Planning Circular.</p>

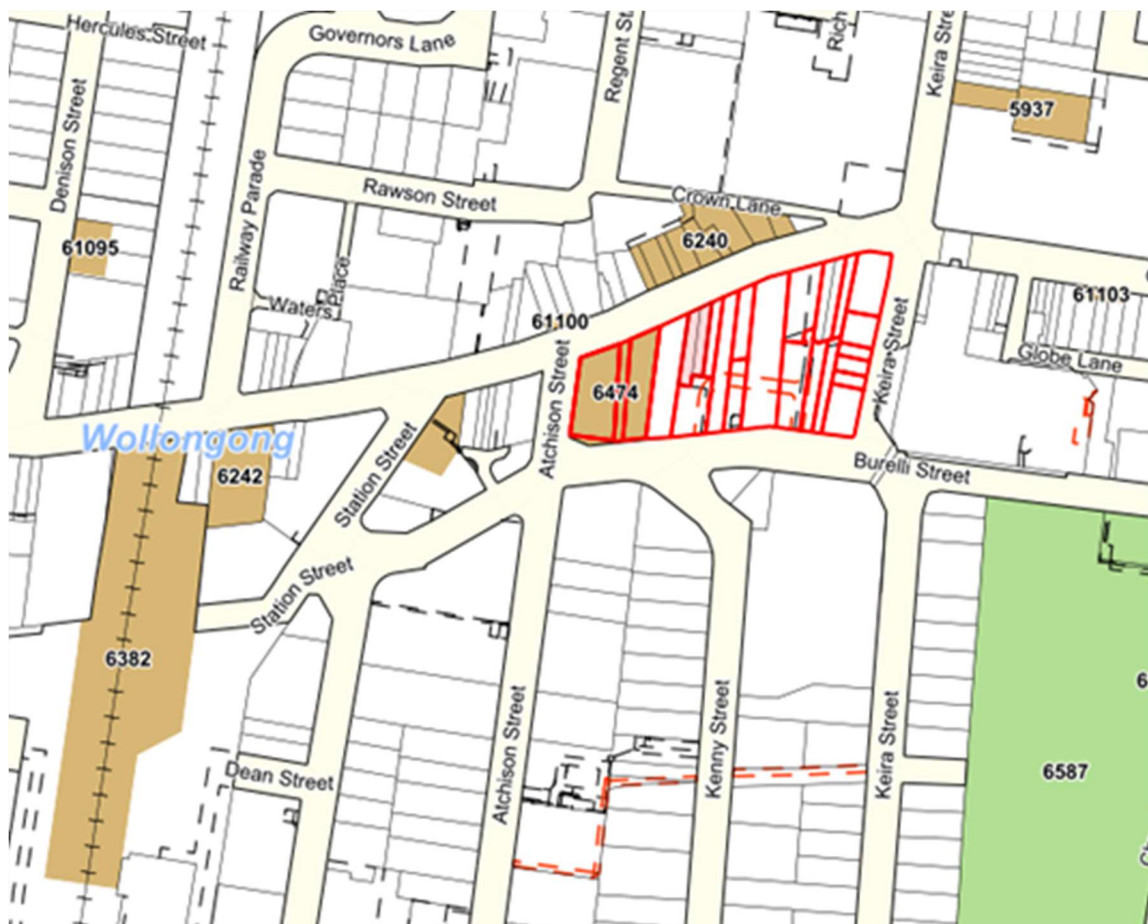
## Part 5 Miscellaneous provisions

### Clause 5.10 Heritage conservation

The site contains one local heritage item, the 'Former Marcus Clark' building identified as Item 6474 under Schedule 5. The site is also in the vicinity of the following heritage items:

- 'Row of Shops' at 230-264 Crown Street, opposite the site (Local Item 6240).
- The 'Former Crown Hotel' at 309 Crown Street (now South Coast Private Hospital) is situated at the western end of the adjoining western block (Local Item 6241)
- 'Tattersall's Hotel' at 329-333 Crown Street is further along Crown Street to the west (Local Item 6242)
- 'Canary Island Date Palms' at 84 Church Street, MacCabe Park (Local Item 6587)
- The 'Regent Theatre' at 197-199 Keira Street is a State heritage listed item located approximately 100m to the north of the Crown and Keira Street corner of the subject site (State Item 5937).
- Wollongong Railway Station Group at Lot 1 Railway Station Square is a State listed item approximately 260m west/south-west of the Atchison Street corner of the site (State Item 6382).
- Caldwell's Building at 280-282 Crown Street opposite the site (Item 61100) (NB – this is a recent addition to Schedule 5 effective from 19 August 2022)

The site's relationship to these heritage items identified in above is shown below:



**Figure 24: Heritage Map under Wollongong LEP 2009**

Subclause (2) requires that development consent for demolishing a heritage item and for erecting a building on land on which a heritage item is located. The proposed development includes the partial demolition of the Former Marcus Clark building, with the façade and clocktower being retained and construction of a shop top housing development on the site where the heritage item is located.

## S4.15 Assessment Report and Recommendation

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Subclause (4) requires the consent authority to consider the effect of the proposed development on the heritage significance of the heritage item before granting consent.

A Heritage Impact Statement, Heritage Interpretation Strategy and Schedule of Conservation Works – Former Marcus Clark Building (Façade) prepared by Weir Phillips Heritage and Planning were submitted with the application. These reports have been considered by Council's Heritage staff who have made recommendations for updated reports, including the Schedule of Conservation Works and Heritage Interpretation Plan. Also conditions are recommended to ensure the appropriate ongoing maintenance and funding of the heritage item. The additional information will be required to be submitted to the satisfaction of Council's Heritage division.

The approach to the demolition of the majority of the Marcus Clark Building, with only the façade of the historic department store building (now Spotlight), being retained is considered satisfactory in this instance noting the nature, condition, and previous alterations and changes within the heritage listed building. It is noted that suitable conditions are proposed and necessary (as recommended within the Heritage Impact Assessment, to mitigate the impacts of this proposed demolition. This includes structural details of the proposed method of facade support during construction.

In considering the effect of the proposed development of the significance of the heritage items, in addition to the proposed works to the Former Marcus Clark Building, consideration has also been given to the impacts of the development on the setting of this listed item, the listed Crown Street Row of Shops opposite the site as well as other heritage items in the broader vicinity of the site.

The impacts of the development on the setting of the local heritage items of the Marcus Clark building and the Row of Shops primarily relate to the Crown Street buildings. Concern is raised regarding the pool and gym buildings horizontal emphasis, which competes with the large retail floor plate of the Marcus Clark building. Further, the first two floors of the pool and gym buildings present as two separate large blocks which is at odds with the historic fine grain presentation of the heritage shops opposite. Breaking up of the form of the lower two floors of the pool and gym buildings to provide greater vertical emphasis would assist in this regard however it is not clear how readily that would be achieved with the current design and is not amenable to conditions.



The site is not identified as an archaeological site under subclause (7). The Historical Archaeological Assessment report prepared by Austral Archaeology concludes that there are "...varying degrees of historical archaeological potential and sensitivity given the site was developed during the 1850s the 1850s for commercial, industrial, and residential uses associated with the development of Crown Street as the main commercial throughfare." The report has made a number of recommendations noting that the any relics will be impacted by the development. Recommendations include the need for an excavation permit under the NSW Heritage Act 1977. The application was referred to Heritage NSW who have recommended suitable conditions in this regard (Condition 67).

Subclause (8) relates to Aboriginal places of heritage significance. The site is not identified as an Aboriginal place of significance. Conditions have been recommended for an Aboriginal Due Diligence report to be submitted and also relating to unexpected finds of Aboriginal cultural heritage in the event that any Aboriginal object(s) are discovered during works.

Based on the above, the objectives of this clause are considered satisfied subject to conditions.

Clause 5.21 Flood planning area

*(1) The objectives of this clause are as follows—*

*(a) to minimise the flood risk to life and property associated with the use of land,*

*(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*

*(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*

*(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

*(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

*(a) is compatible with the flood function and behaviour on the land, and*

*(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

*(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

*(d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

*(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

*(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

*(a) the impact of the development on projected changes to flood behaviour as a result of climate change,*

*(b) the intended design and scale of buildings resulting from the development,*

*(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

*(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Parts of the site are noted as uncategorised flood risk based on Councils records. Based on review of the flooding characteristics for the site it is considered that parts of the development are within a low flood risk precinct. It is considered low flood risk based on the criteria in the Wollongong City Flood Risk management plan, this identifies areas that are impacted by the 1% flood level but not within areas of mainstream flooding are considered low flood risk.

Given that the flood affected areas are generally contained within the kerb along Crown Street it is overland flow and therefore applying an appropriate footpath grade at 2.5% are considered appropriate.

Reliable access is achievable for the development; therefore, evacuation is satisfied.

The development is compatible with the flood function and behaviour of the land and will not lead to adverse flood behaviour or impacts on surrounding land. The objectives and provisions of this clause are satisfied.

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services.

A condition is proposed requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site. Comments and conditions from Endeavour Energy and Sydney Water have been received and their relevant requirements are included in the recommended conditions of consent.

### Clause 7.5 Acid Sulfate Soils

The northern portion of the site is mapped as being affected by class 5 acid sulfate soils. The Contamination Assessment prepared by Douglas Partners states: Reference to the 1:25 000 Acid Sulfate Risk Maps indicates that the site is located in an area mapped as "no known occurrences of acid sulfate materials". Furthermore, the site is located approximately 500 m from the nearest area mapped as having a potential for acid sulfate soil occurrence. As the topographical and geological setting is inconsistent with the occurrence of acid sulfate soil conditions, it is considered that investigation for acid sulfate soils is not required.

Conditions can be applied to manage any risk and an Acid Sulfate Management protocol will be required to be included in the CEMP.

### Clause 7.6 Earthworks

*(1) The objectives of this clause are as follows—*

*(a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,*

*(b) to allow earth works of a minor nature without separate development consent.*

*(2) Development consent is required for earthworks, unless—*

*(a) the work is exempt development under this Plan, or*

*(b) the consent authority is satisfied the work is of a minor nature.*

Development consent is required for the earthworks noting that the proposal comprises substantial earthworks associated with the excavation for the three (3) basement.

The matters under subclause 3 have been considered as outlined below:

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters—*

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

The development is Integrated Development under the Water Management Act 2000 requiring a Water Supply Work approval for temporary construction dewatering. General Terms of Approval from Water NSW have been provided having regard to the basement construction's impact on groundwater during construction.

The site is not identified as being filled or unstable land. Suitable geotechnical conditions are recommended (see condition 12) to manage soil stability noting excavation for the basement levels is likely to encounter hard bedrock.

*(b) the effect of the proposed development on the likely future use or redevelopment of the land,*

No adverse impacts are anticipated.

*(c) the quality of the fill or of the soil to be excavated, or both,*



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No fill is proposed. Suitable conditions to manage excavated soil are recommended, including hazardous building materials survey (condition 91), unexpected finds protocol (condition 90 and 131) and classification of excavated material (condition 139). A construction environmental management plan (CEMP) will be required prior to demolition works commencing which will consolidate management of these issues (see condition 49).

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*

The earthworks are likely to lead to temporary amenity impacts on surrounding properties in relation to noise and vibration during excavation works. Air, soil and water pollution from the earthworks on adjoining properties will be managed and minimised through appropriate conditions of consent including a CEMP (incorporating a Noise and Vibration Management Plan) as well as legislative requirements under the Protection of the Environment Operations Act 1997.

*(e) the source of any fill material or the destination of any excavated material,*

Conditions are recommended requiring classification and suitable disposal of excavated material.

*(f) the likelihood of disturbing Aboriginal objects or other relics,*

The site is in the Wollongong city centre, highly disturbed with the majority of the site being built upon. The site is not identified as having Aboriginal significance. A condition is recommended that prior to the commencement of works an Aboriginal heritage Due Diligence Assessment be carried out and provided to Council's Heritage Staff for written approval prior to ground disturbance (condition 66). The Assessment should include evidence of consultation with the local Aboriginal Community.

*(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The site is not in proximity to a watercourse, drinking water catchment or environmentally sensitive area. Any potential adverse impacts are therefore considered unlikely.

Subject to appropriate conditions, the proposed earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

#### Clause 7.13 Certain land within business zones

*(1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.*

*(2) This clause applies to land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use, but does not apply to land to which clause 7.19 applies.*

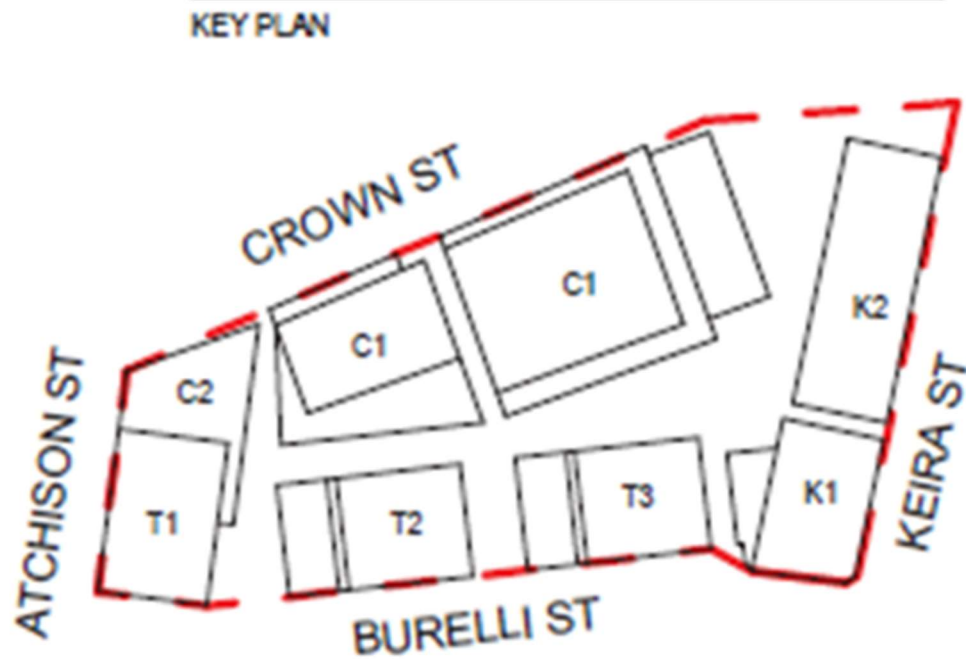
*(3) Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building—*

*(a) will not be used for the purpose of residential accommodation, and*

*(b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.*

The proposal provides an active use at ground floor level to all street frontages in accordance with this control as outlined in Table 1 below.

For ease of reference the following building key will be used:



**Table 1: Active street frontages for each building**

Street frontage	Building	Ground floor use	Comments
Crown Street	K2 – Office building	Retail	This building occupies the corner of Crown and Keira Streets. The requirement to provide at least one entrance to the building is satisfied by the Keira Street entry (cinema lobby) with pedestrian access also available from the internal plaza accessed from Crown Street. Both street frontages are also activated through large windows which is acceptable given the sloping topography.
	C1 - below pool	Retail	Doors and windows for each tenancy face Crown Street.
	C1 - below gym	Retail	Doors and windows for each tenancy face Crown Street.
	C2 - Marcus Clark	Retail	Crown Street – entry doors and windows
Atchison Street	C2 - Marcus Clark	Retail	Atchison St – windows face the street
	T1 - Tower 1	Residential lobby	No residential accommodation is proposed. Expansive glazed areas proposed to western

			elevation. Lobby is accessed from the eastern façade off the internal plaza and activated by meeting areas and office
Burelli Street	T1 - Tower 1	Residential lobby	As above
	T2 - Tower 2	Commercial tenancies at RL 17.0	Doors and windows for each tenancy (or lobby) face Burelli Street
	T3 - Tower 3	Commercial tenancies at RL18.0	Doors and windows for each tenancy face Burelli Street
	K1 -The Grand Hotel	Live music venue / Pub	Entry door from Burelli Street and windows retained in facade
Keira Street	K1 – The Grand Hotel	Live music venue / Pub	Entry from Keira Street lobby and windows retained in facade
	K2 – Office building	Cinema lobby	Entry at RL16.0 with windows facing Keira Street in southern portion

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

- (1) *The objective of this clause is to deliver the highest standard of architectural and urban design.*
- (2) *This clause applies to development involving the construction of a new building or external alterations to an existing building.*
- (3) *Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.*
- (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 is considered to be of high quality and a variety of built form, finishes and architectural detailing is proposed across the site.

The recommended conditions of consent will require some further design changes to be made (condition 23), including:

- Amendments not requiring Council endorsement:
  - Louvres to breezeway of residential towers must remain open: The louvres to the open corridors for all towers must be designed and installed so they cannot be fully closed.  
Reason: So that cross ventilation is not compromised for the adjoining units that rely on this space to be open.
  - Window to northern elevation of Tower 1 lift corridor: A window is to be installed to the northern elevation of the Tower 1 lift corridor at level 4 to provide a visual link from the corridor to the communal open space area.

- Separate waste chutes for Tower 2 and 3: Separate waste chutes for general waste and recyclables must be provided to Towers 2 and 3 to replace the e-diverter system. This is required to minimise contamination of recyclable materials and divert waste from landfill.
- Openings to plaza: The commercial tenancies between Towers 2 and 3 at plaza level are to include additional windows and/or large glazed doors facing the plaza to provide better activation and surveillance of that space.
- Continuation of awning along Keira Street: In order to provide improved weather protection for pedestrians, the awning on the commercial building must be extended for the full length of the Keira Street elevation, a minimum of 2.4m deep with a minimum soffit height of 3.3m. This requirement must be shown on the Construction Certificate plans.
- Provision of commercial lift access: A lift is to be provided between the space noted as "Commercial 61" at RL21 and the commercial space below at RL17.
- Ceiling Fans: Ceiling fans must be provided in all bedrooms that have acoustically sealed windows and/or privacy screens. Fans must be installed to the satisfaction of the principal certifier prior to the issue of the Occupation Certificate.
- Lift lobby access adjacent to Grand Hotel: Doors must be provided to the lift lobby adjacent to the Grand Hotel at RL 21.0, RL 18.0 and RL 15.0 to allow that space to be secured. Detail of responsibility for opening and closing that space is to form part of the Site and Security Management Plan.
- Amendments requiring Council endorsement:
  - additional window openings for the residential towers (condition 26),
  - changes to basement to address shortfall in visitor car parking, commercial motorbike and bicycle parking, and additional conveniently located end of trip facilities (condition 24)
  - further details of the windbreak between Marcus Clark and Tower 1 (condition 58),

The above changes are considered to align with the overall architectural design, materials and detailing required to exhibit design excellence noting that these requirements will be required to be provided to Council's satisfaction.

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

The development incorporates the following features to improve the quality and amenity of the public domain:

- The buildings along Crown Street and Burelli Street have an increased front setback to provide a wider footpath (aside from Marcus Clark heritage building)
- Footpath will be upgraded around the perimeter of the site, including blisters along Crown Street to facilitate street tree planting
- Retaining the Marcus Clark façade and clock tower to better reflect local heritage status
- Retain and reinstate lost elements of The Grand Hotel façade (not a heritage listed item but a contributory building at this corner of the site)
- Retaining existing street trees on Burelli Street and plant additional street trees on Crown, Atchison, Burelli and Keira Streets.
- Provision of awnings along the majority of the site to provide weather protection and mitigate wind impacts
- Planting on awnings to add landscaping and contribute towards greening the site
- Retain solar access to MacCabe Park
- Limiting vehicle access for the development to two access points (i.e. no increase from the current situation)

Extent of public domain works

The development results in a significant intensification of the use of the land and will result in increased pedestrian and vehicle movement.

The associated upgrade of the public domain in conjunction with the site's redevelopment incorporates upgraded footpaths for the perimeter of the site (to Council's identified kerb realignment as shown under section 8 of Chapter D13 at **Attachment 9** and also plan references SK01-SK12 in the consent at condition 1); street tree planting including the provision of street trees in blisters in Crown Street (in the absence of providing these trees within the footpath due to existing services), and works to remove the slip lane on the corner of Atchison and Burelli Streets to improve safety outcomes for pedestrians. A condition is proposed that these works are to be the responsibility of the developer due to the nexus of development to these works.

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

Part 3.10 of Chapter D13 of WDCP 2009 identifies key view corridors in the city centre (see Figure # below). Of particular relevance to the proposal is the panoramic view towards the escarpment from Flagstaff Hill. The site is within this view corridor as shown below.



**Figure 25: View corridors under WDCP 2009**

This view corridor is further captured in the endorsed Urban Design Framework, which includes the objective to “Maximise continuous views of the ridgeline of the escarpment from Flagstaff Hill” (see extract below):



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people using the City orient themselves, and connect with the wider context.

Many views towards the escarpment and ocean have already been obscured by development, or are difficult to achieve in low-lying areas of the City Centre. Views along streets can be more easily preserved. Care should be taken when developing at the terminus of streets, to preserve views to significant landscape beyond.

Ensure the form of development in the city centre preserves views to the escarpment from the foreshore

Maximise continuous views of the ridge-line of the escarpment from Flagstaff Hill.

Preserve views along street corridors

Give access to potential new views that may be made available with redevelopment. This is particularly relevant to the WIN stadium and WIN Entertainment Centre, with the potential opportunity to extend Burrelli and Stewart Street view corridors to reveal a visual connection to the foreshore.

Ensure built form controls create a permeable skyline

Amend built form controls including side setbacks



**Figure 26: UDF view corridor**

This objective is in direct conflict with the maximum permitted height limit of 120m for the site under WLEP 2009. The view corridor is through the middle of the city centre where the built form is naturally going to be more substantial and the buildings taller, as reflected by the current LEP controls.

In order to achieve the objective of maximising continuous views of the ridgeline, a building on the site would need to be reduced in height significantly below the current 120m permitted building height (as indicated by the red line below):



**Figure 27: Photo montage of view towards the development from Flagstaff Hill**

The ridge line of the escarpment is currently breached by three recent shop top housing developments as visible to the right of the proposal in the figure above.

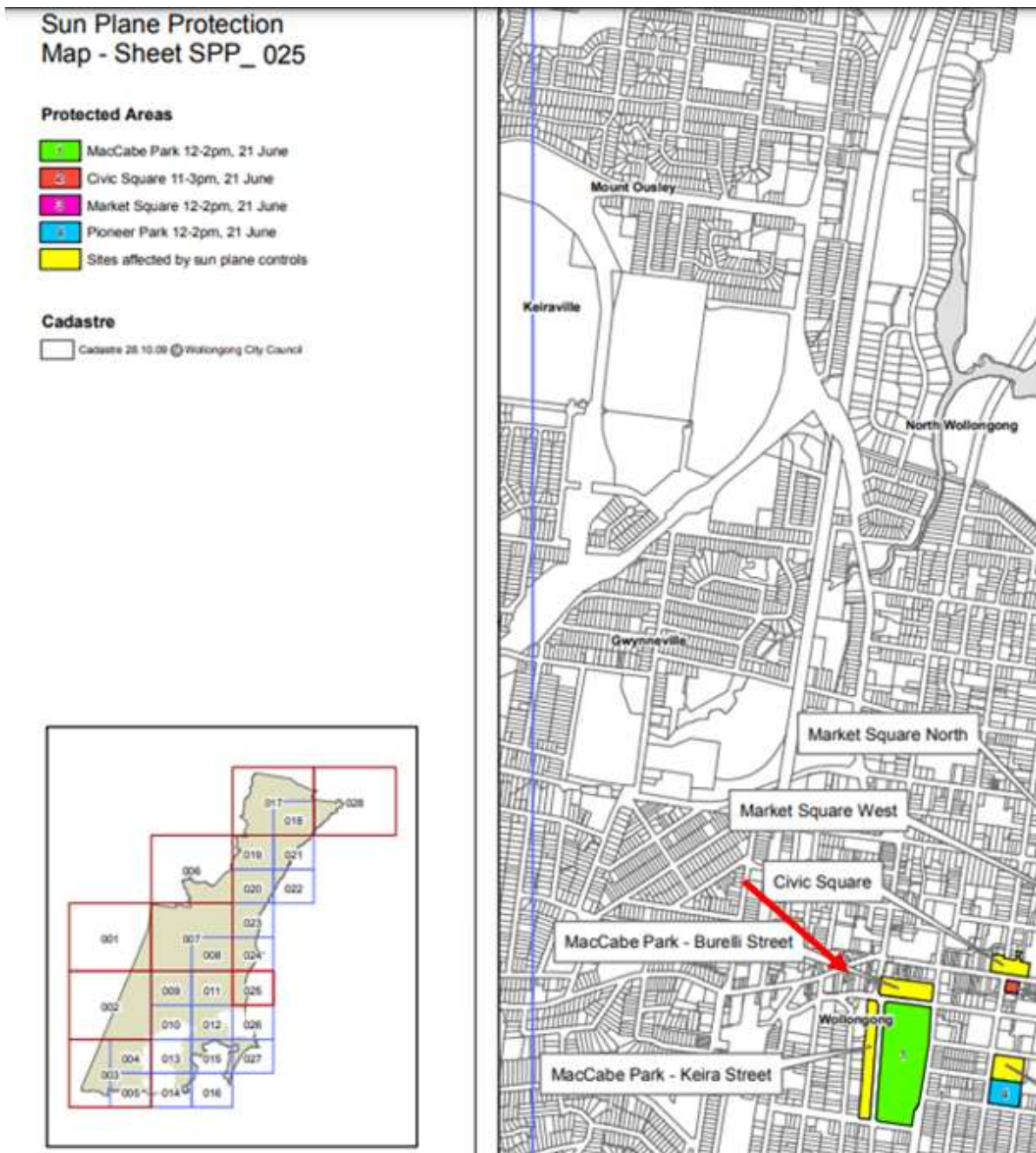
The positioning of the tower in the southern portion of the site preserves a view towards the summit of Mt Kembla as viewed from Flagstaff Hill.

The development, most notably Tower 1 will have an impact on this view as it will be the tallest building in the city centre for some time and extends above the height of Mt Kembla. However it is noted that the view corridor control refers to maximising continuous views of the ridgeline and is silent on how far buildings extend above the ridgeline. In the context of the current applicable controls under the LEP, namely the 120m building height, the impacts on the view corridor are reasonable.

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

The subject site is located to the north-east of MacCabe Park (diagonally opposite the Burelli and Keira Street intersection).

The sun plane protection map identifies MacCabe Park as being subject to sun plane protection between 12 and 2pm on 21 June as illustrated below (i.e. it is identified as 'Protected Areas' as shown in green on the Sun Plane Protection Map below). The yellow are sites specifically affected by sun plane controls under Clause 8.3 of the WLEP 2009, which does not include the subject site. However this clause requires consideration of overshadowing impacts from development beyond these identified sites the purpose of protecting solar access to MacCabe Park (in this instance).



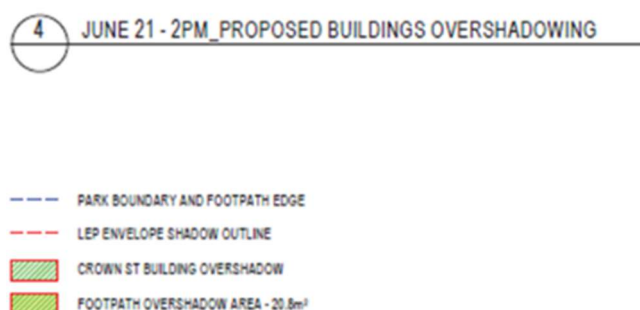
**Figure 28 : Sun Plane Protection map (site identified by red arrow to the north-west of MacCabe Park)**

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The shadow diagrams provided indicate that MacCabe Park is not overshadowed from the development between 12pm and 2pm in midwinter, which satisfies the requirement of this clause that the development does not detrimentally overshadow MacCabe Park which is identified as a protected area. This is discussed in more detail under Clause 8.3.





**Figure 29: Overshadowing from development to MacCabe Park at 2pm**

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

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

The land is zoned for the type of mixed use development proposed and the land uses are suitable for the city centre location and are permitted in the B3 Commercial Core zone. There are no site constraints that would prevent the proposal (egg flooding, contamination) and the heritage constraints have been adequately addressed.

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

The development comprises a mix of retail, office, entertainment, recreational and residential land uses. This is considered to be consistent with current and desired future development in the locality.

(iii) *heritage issues and streetscape constraints,*

Heritage issues have been suitably addressed in relation to built form response to the local heritage item within the site (Former Marcus Clark Building) through positioning Tower 1 to the south of the site to provide space around the façade and clock tower which is to be retained.

The two storey street wall along the Crown Street frontage with upper levels being set back responds to the heritage listed row of shops on the northern side of Crown Street and a scale to the street wall.

The retention of The Grand Hotel façade provides for a positive streetscape outcome on this corner of the site, despite not being a heritage listed item.

The extent of services within the Crown and Burelli Street footpaths provides some challenges for street tree planting. The applicant has elected to provide street trees within a blister in Crown Street rather than pursuing the option of relocating services to enable street tree planting within the existing Crown Street footpath. This outcome is supported as it provides improved pedestrian amenity and provides opportunities for outdoor dining along this frontage. With regard to street trees in Burelli Street, the existing established street trees are required to be retained and protected and an increased front setback accommodates these trees.

(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,*

Separation, setbacks, amenity and urban form matters have been satisfactorily addressed as discussed elsewhere in this report. The DRP has noted that the proposal has demonstrated an acceptable relationship with existing and future built forms can be achieved.

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

The bulk and scale of the development is considered to be in keeping the applicable planning controls. The development seeks development departures to building separation and height of buildings under the LEP and also variations to setbacks above street frontage heights under WDCP 2009. These variations have been assessed as acceptable as discussed elsewhere within this report.

In the context of the redevelopment of the whole city block, the massing strategy is supported noting the following:

- the height is concentrated in the southern portion of the site, away from Crown Street where a two storey street wall height is desirable
- the development does not lead to overshadowing of MacCabe Park
- breaks between buildings allow for permeability including pedestrian access through the site and provides both visual relief to the tower forms and sunlight access to Burelli Street through breaks in the buildings. This is considered an



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improved outcome to what the LEP and DCP controls allow, which could be a continuous street wall of up to 24m to all street frontages.

#### (vi) *street frontage heights,*

The two-storey street wall height to Crown Street responds to the desired streetscape scale and the heritage row of shops opposite the site.

Variations are sought to the setbacks above street frontage heights which have been assessed as acceptable also noting that the DRP considered a more consistent / appropriate street wall datum to Burelli and Keira Streets is provided.

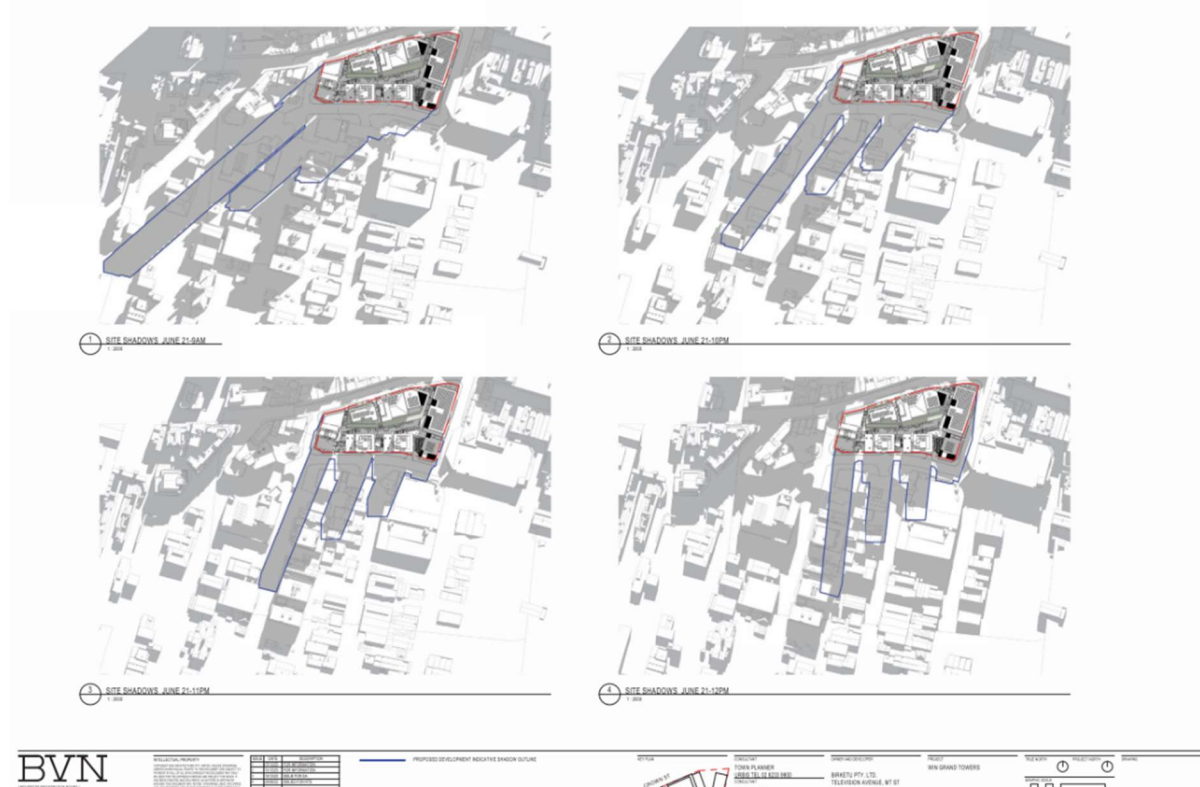
#### (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

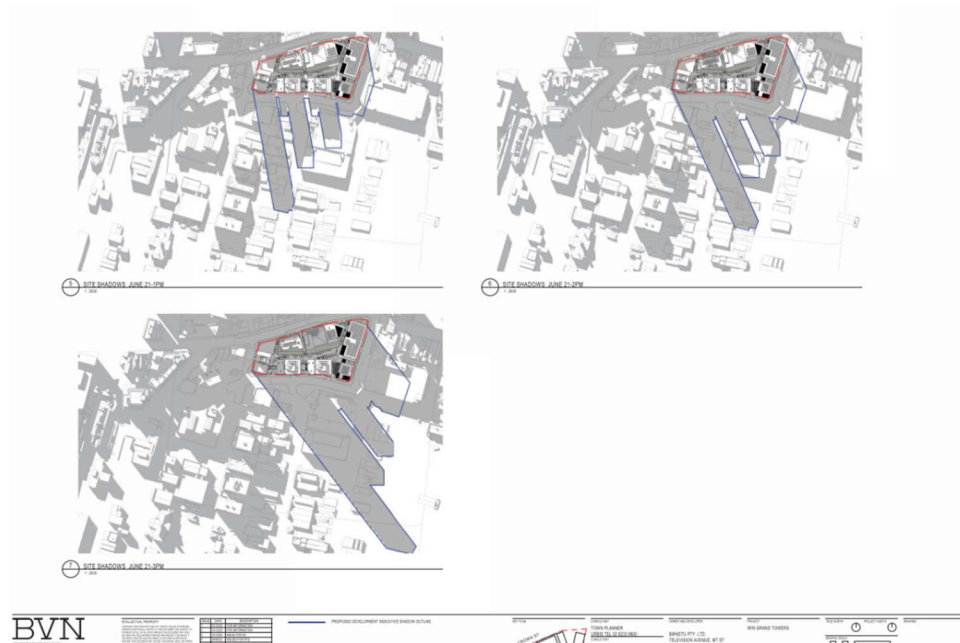
A range of sustainable measures have been incorporated into the design, including carbon neutral certification, provision of EV and EV ready car spaces, car share spaces with the residential towers exceeding most aspects of BASIX requirements.

Conditions have also been recommended to readily improve sustainability outcomes for the development as listed below:

- additional window openings and balcony edge treatments to improve solar and daylight access and natural ventilation (reducing reliance on mechanical heating and cooling)
- ceiling fans to bedrooms where open windows would result in acoustic impacts (e.g. eastern side of Tower 3)
- improved end of trip facilities in the basement to encourage bicycle usage

The development will significantly overshadow Burelli Street and land to the south as shown in the applicant's shadow diagrams (midwinter where impacts are the greatest):





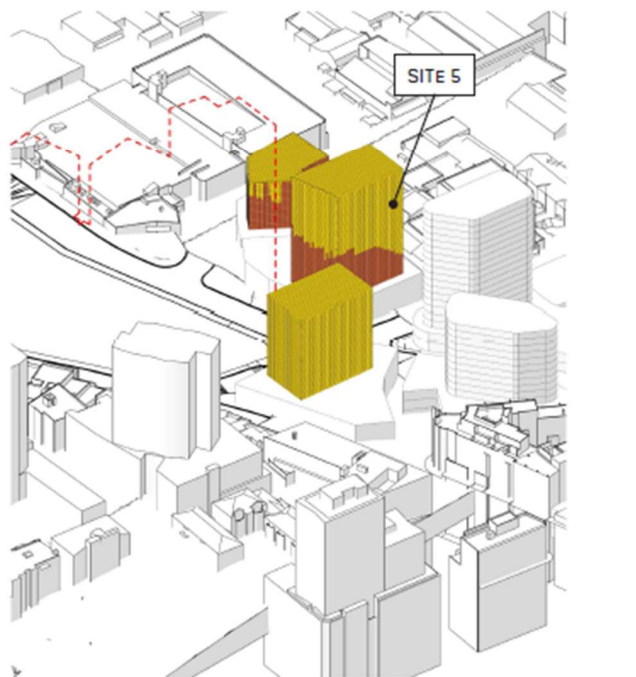
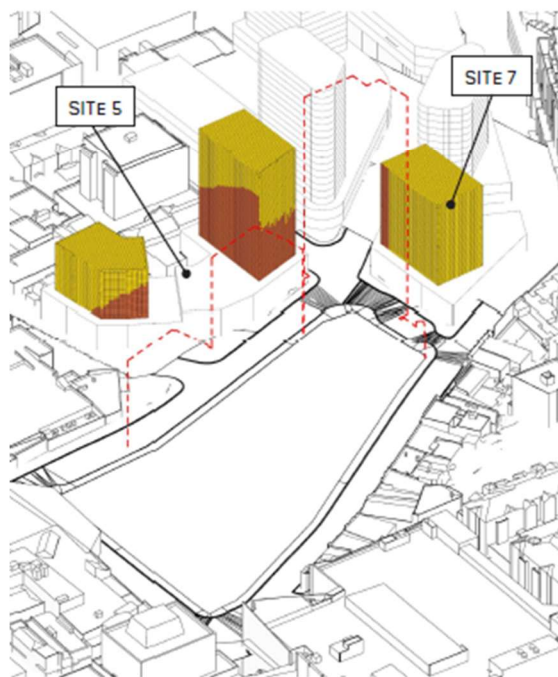
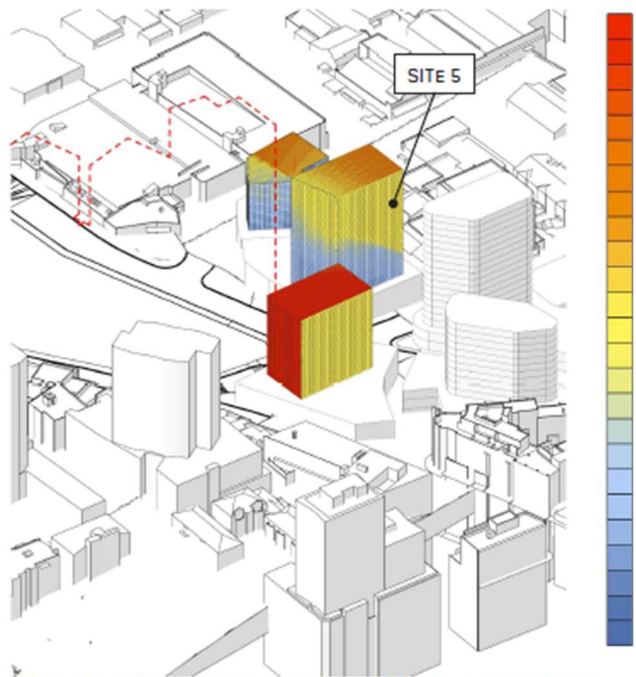
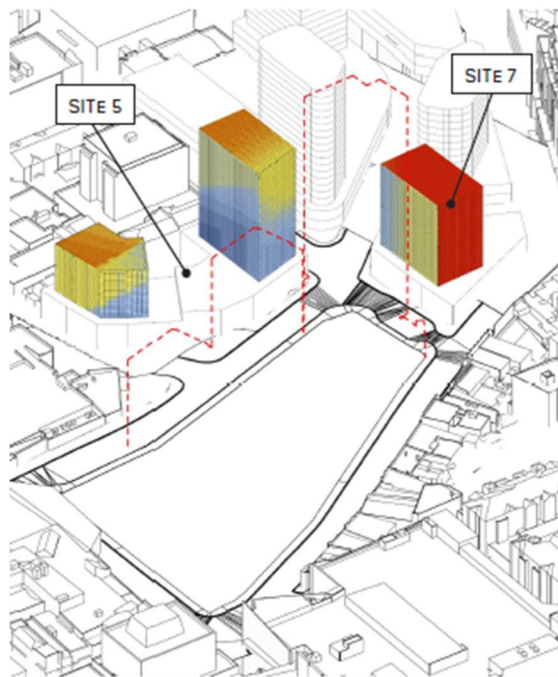
**Figure 30: Applicant's overshadowing diagrams**

The degree and location of overshadowing impacts is significant however this is a direct function of the permitted height and density for the locality as well as the site's orientation. The overall massing strategy for the development, including the position of Tower 1 has been informed by a comprehensive contextual analysis that responds to the following considerations:

- Maintaining a 2-3 storey scale to Crown Street in response to the historic main street context, including the heritage row of shops opposite;
- Setting Tower 1 away from the Former Marcus Clark heritage building to provide sufficient curtilage around the retained façade and clocktower;
- Largely containing the height to the western portion of the site to ensure no overshadowing to the protected public open space of MacCabe Park
- Limit overshadowing within the development to provide solar access to the residential towers and internal plaza area;
- The built form has been designed to provide some relief to this through gaps between the buildings and a non-continuous podium (which would otherwise be permitted), lower tower elements for Towers 2 and 3 and many buildings well below the maximum permitted height limit.

The positioning of the buildings, including Tower 1 are considered to achieve an acceptable contextual response given the current planning controls. Orienting the longer face of Tower 1 north-south rather than east-west results in a more slender shadow being cast than could have otherwise been proposed given the 120m height limit applies to ~40% of the site.

Overshadowing impacts on the future potential buildings was raised by the Design Review Panel in discussions relating to the overall massing strategy and sunlight access to future buildings. The applicant provided an analysis of the site directly to the west of the site (identified as site 7) and two sites to the south (identified as site 5):



### Figure 31: Applicant's solar analysis for future built forms

The DRP conclude that the proposal has demonstrated an acceptable relationship with existing and future built forms can be achieved.

A Wind Effects Report has been provided and the recommended mitigation measures can be incorporated into the design without compromising design excellence.

A Solar Reflection Screening Analysis report has been provided. The report considers visual glare, including impacts on motorists, nuisance to pedestrians or occupants of nearby buildings. The report

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concludes there are no unacceptable reflectivity impacts and standard conditions are recommended in this regard.

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

The development has committed to being carbon neutral development which will require annual certification.

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

Satisfactory noting the following:

- Vehicle and service access is proposed from Burelli Street via a driveway accessing the parking areas and a separate access to servicing and loading dock.
- Atchison Street is identified as being suitable for smaller deliveries (egg food deliveries, online purchases for residents, timed servicing for the Marcus Clark building) with the dedicated loading dock being used for all other servicing demands.
- The proposal provides (or can be conditioned to provide) the necessary parking and suitable manoeuvring areas
- Accessible parking will be provided for visitors, including accessible path of travel from those spaces.
- Satisfactory waste servicing arrangements have been provided.
- A continuous path of travel is available through the site
- Direct pedestrian access is provided to entry to the buildings.

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

Satisfactory as discussed in clause 4b above.

## Part 8 Local provisions—Wollongong city centre

### Clause 8.1 Objectives for development in Wollongong city centre

*The objectives of this Part and (in so far as it relates to the Wollongong city centre) clause 7.18 are as follows—*

*(a) to promote the economic revitalisation of the Wollongong city centre,*

*(b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,*

*(c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,*

*(d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,*

*(e) to facilitate the development of building design excellence appropriate to a regional city,*

*(f) to promote housing choice and housing affordability,*

*(g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,*

*(h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.*

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The development is an appropriate response to the above objectives. It will revitalise an entire city block located in the centre of Wollongong by providing a range of uses that will attract visitors and encourage activity in the vicinity of the site. The range of uses and quantum of retail and office space will encourage employment and economic growth, during construction of the development and during operation/occupation of the site. A range of unit types and sizes will be available however no affordable housing is proposed which would be of benefit given the central location and access to transport, services and facilities.

#### Clause 8.2 Wollongong city centre – land to which this Part applies

The site is within Wollongong city centre.

#### Clause 8.3 Sun plane protection

(1) *The objective of this clause is to protect specified public open space from excessive overshadowing by restricting the height of buildings.*

(2) *This clause applies to land coloured yellow on the [Sun Plane Protection Map](#).*

As can be seen from the map below, the subject site is not subject to the height controls applicable to the sites surrounding MacCabe Park (as coloured yellow).

#### Sun Plane Protection Map - Sheet SPP\_ 025

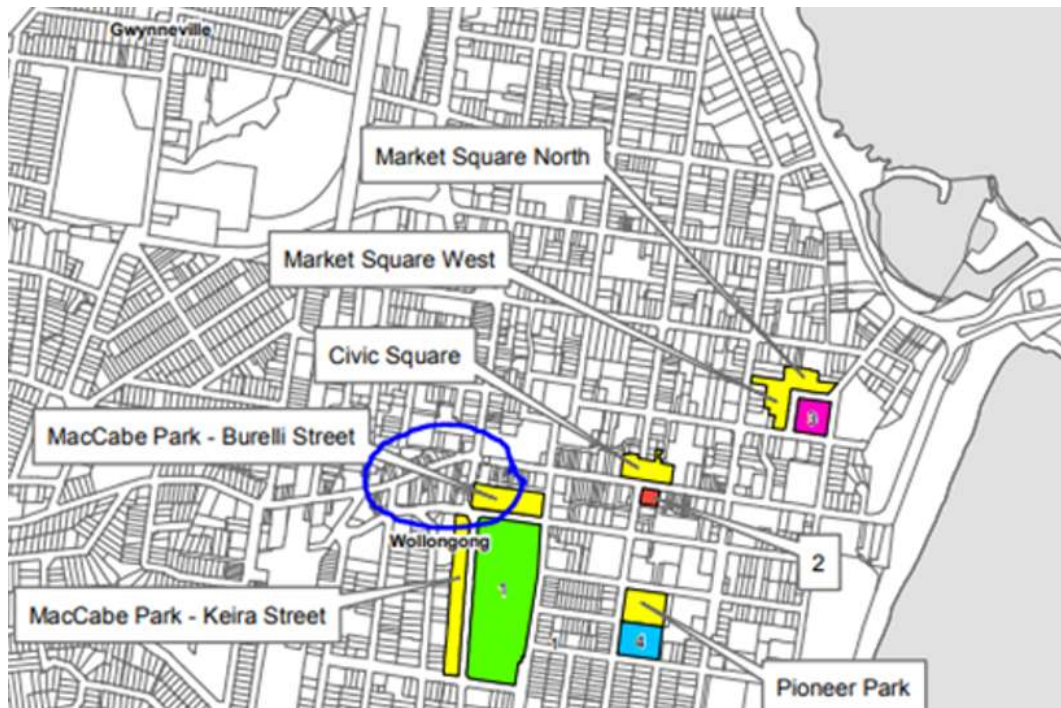
##### Protected Areas

	MacCabe Park 12-2pm, 21 June
	Civic Square 11-3pm, 21 June
	Market Square 12-2pm, 21 June
	Pioneer Park 12-2pm, 21 June
	Sites affected by sun plane controls

##### Cadastre

 Cadastre 28.10.09 © Wollongong City Council





**Figure 32: Sun Plane Protection Map (site circled in blue)**

The impacts of the development on the solar access to MacCabe Park are discussed under Clause 7.18 – Design Excellence, noting that MacCabe Park is a protected area under this clause (as coloured green and labelled 1 above). No further assessment under this clause is required.

#### Clause 8.4 Minimum building street frontage

- (1) The objective of this clause is to ensure that buildings have a minimum width to provide for the efficient development of land and design of buildings.*
- (2) Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone B3 Commercial Core, B4 Mixed Use or B6 Enterprise Corridor.*
- (3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that it is not physically possible for the building to be erected with at least one street frontage of 20 metres or more.*

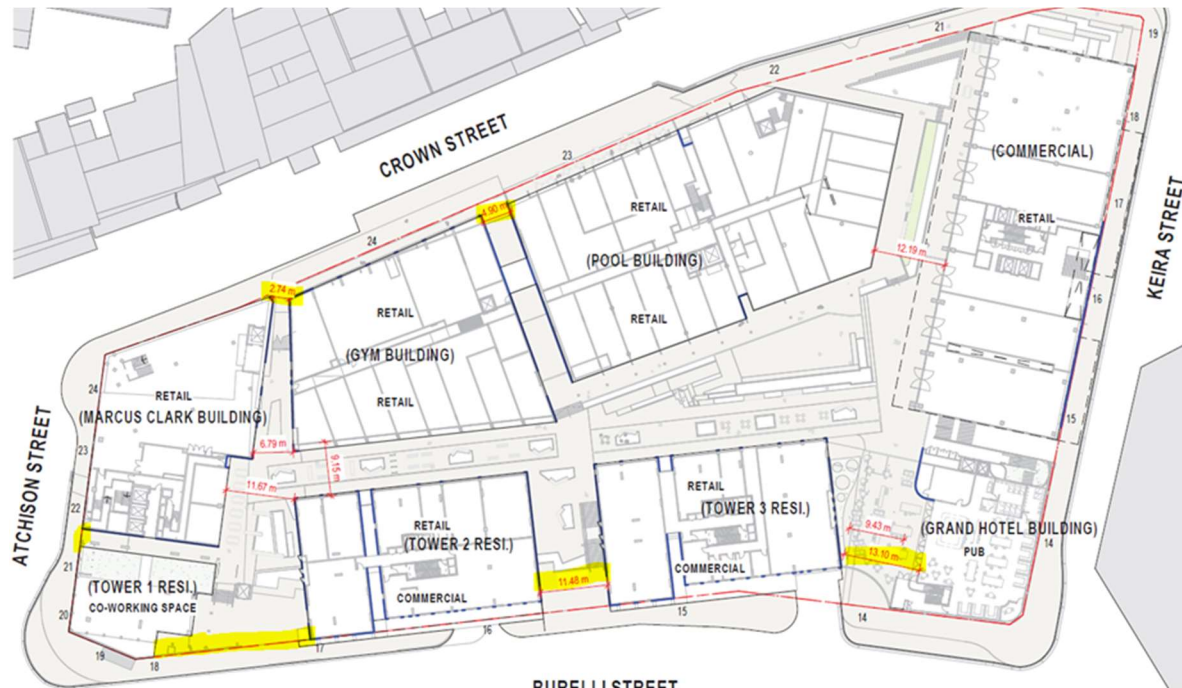
The site is for the redevelopment of an entire city block. All street frontages achieve a width of over 20m, thereby satisfying this clause (~190m to Crown Street, ~100m frontage to Keira Street, ~170m to Burelli Street and ~50m to Atchison Street).

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

- (1) The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.*
- (2) Buildings on land within Zone B3 Commercial Core or B4 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.

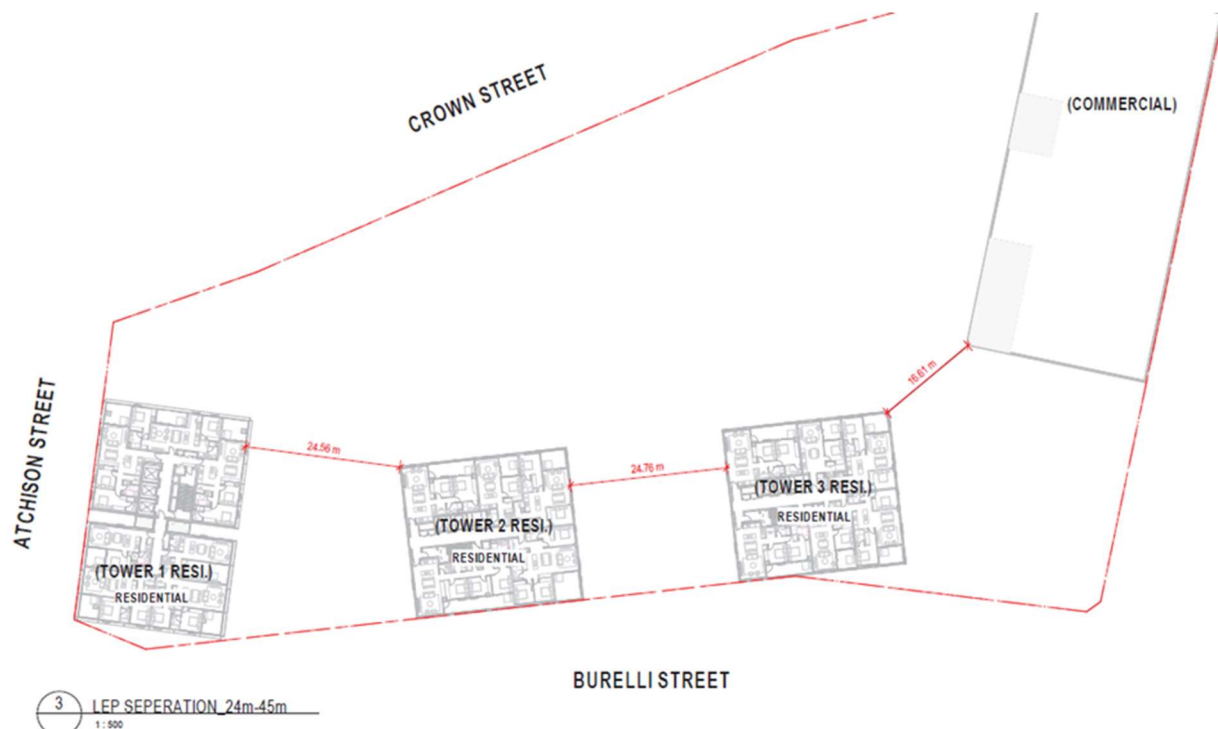
The requirement for there to be no separation between neighbouring buildings up to the street frontage height or up to 24m under subclause 2(a) is not met. The development relates to an entire city block, where pedestrian permeability has been incorporated into the site layout to enable pedestrian movement through the site. This is achieved through various laneways and access points to/from all street frontages. This means that a continuous street wall (which is the intent of this requirement) is not achieved as shown in the figure below:



**Figure 33: Building separation up to 24m where a zero/0m building separation is required (extract from dwg AR-DA-A-00-13 in Attachment 7)**

Under subclause 2(b), a minimum 12m separation distance is required between the street frontage height and up to 45m above existing ground level. The only non-residential building that is between 24m and 45m in height is the office building on the corner of Keira and Crown Streets, being 34.9m, therefore the separation distance between this building only relates to Tower 3, which subclause 3 below applies.

The separation distances up to 45m are shown below:



**Figure 34: Building separation up to 45m (extract from dwg AR-DA-A-00-13 in Attachment 7)**

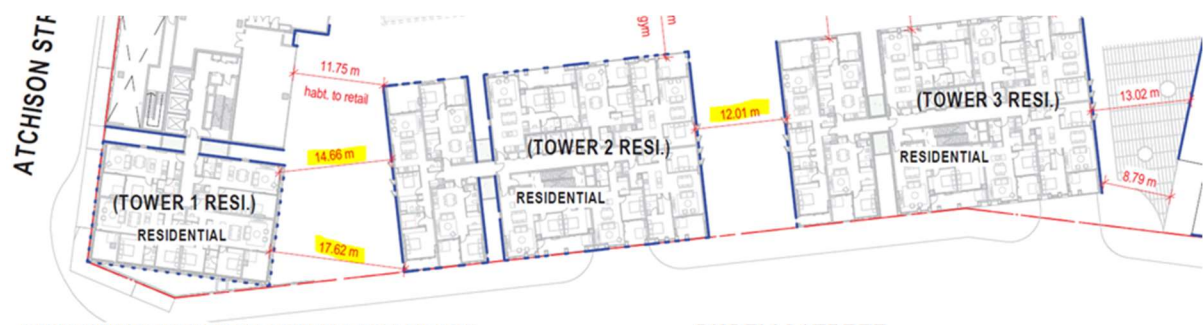
(3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than—

- (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.

(4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.

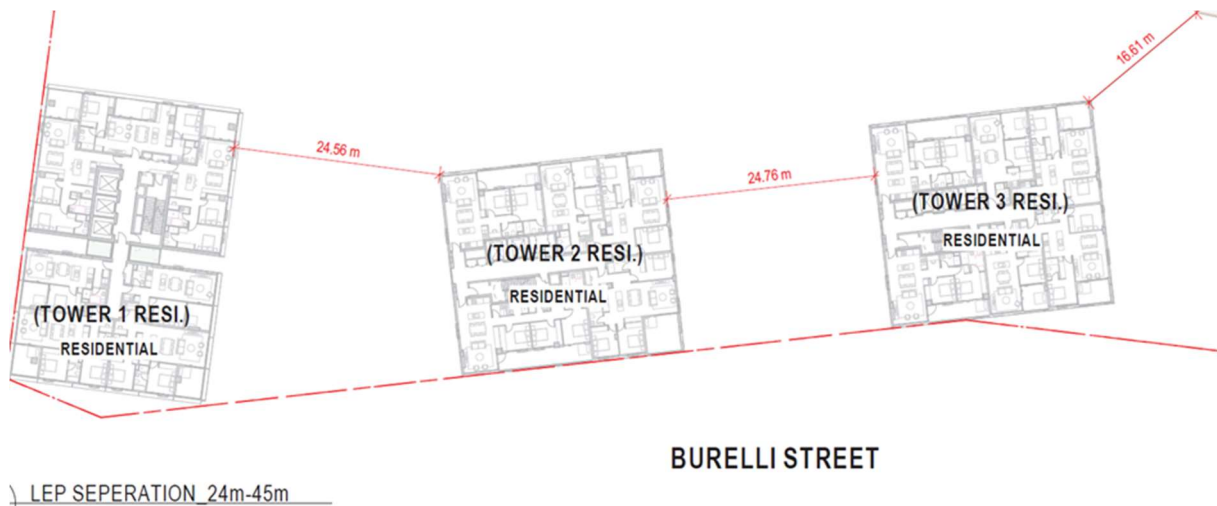
The proposed building separation for the residential towers does not meet the minimum requirements under subclause 3(a) or 3(b) in some areas.

Under subclause 3(a), the 20m distance between habitable parts within other buildings is not achieved between Towers 1, 2 and 3 at various points up to 24m in height, as shown below:

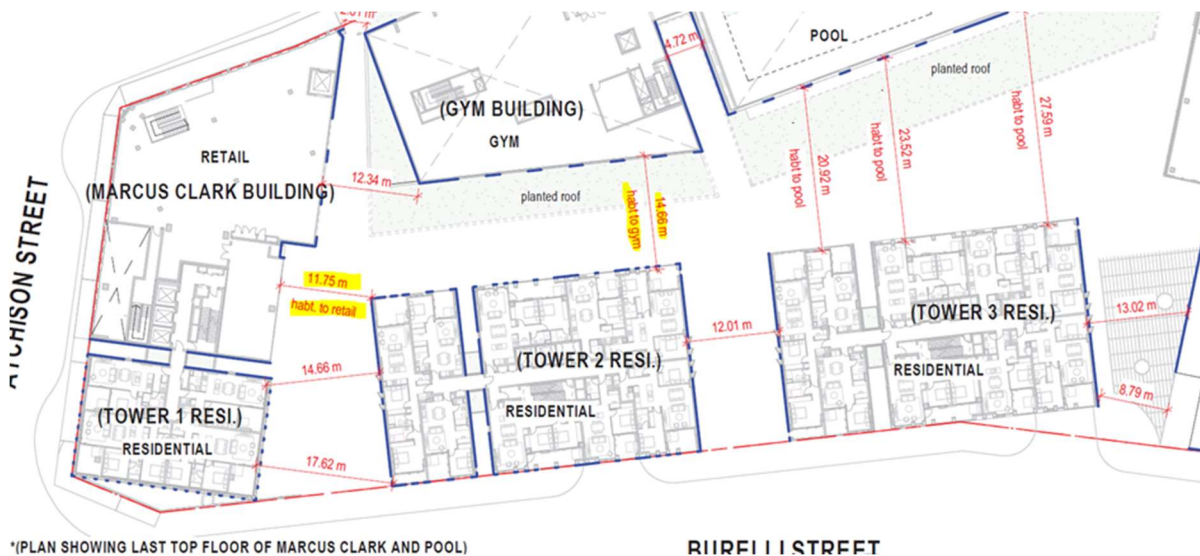


Above 24m in height the 20m building separation between habitable rooms of Towers 1 and 2 and between Towers 2 and 3 is exceeded, as shown below:





Under subclause 3(b), a 16m separation distance between habitable rooms and any other part of any other building is required. The development does not achieve the 16m distance between Tower 2 and Marcus Clark (11.75m) and between Tower 2 and the gym building (14.66m), as highlighted below:



(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.

(4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.

(5) In this clause—

**street frontage height** means the height of that part of a building that is built to the street alignment.

A Clause 4.6 variation statement has been provided (**Attachment 7**) to address the building separation development departures which has been assessed as acceptable as discussed under Clause 4.6 above.

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

None applicable

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

### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

An assessment against the relevant chapters of the DCP is contained at **Attachment 9** with the exception of variations to the controls and Chapter E3 which is contained below.

#### **CHAPTER A1 – INTRODUCTION**

##### **8 Variations to development controls in the DCP**

The proposal seeks to vary the following DCP controls:

- Street alignment and setback above street frontage height.
- Commercial building depth
- Residential building depth
- Awnings

These are discussed in turn below.

##### Street alignment and setback above street frontage height

###### *(a) The control being varied;*

Chapter D13; 2.2 Building to street alignment and street setbacks: Buildings in the Commercial Core are required to be built to the street alignment for the site with a 4m minimum further setback above street frontage height.

###### *(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

The buildings are set back from Crown Street by 2m to facilitate pedestrian movement and outdoor dining. On Burelli Street Towers 2 and 3 are cantilevered out over an approximately 2m setback at street level to widen the footpath and improve pedestrian movement around the site.

A variation applies to all tower forms for a setback above street frontage height. This includes residential towers 1, 2 and 3 and the office building.

The tower forms are considered to respond to a variety of constraints and opportunities, including the following:

- Preservation of a view toward the summit of Mt Kembla from Flagstaff Hill
- Providing a low height along Crown Street to respond to heritage shops opposite
- Having a strong built form holding the key corner of Crown and Keira Streets
- Providing pedestrian linkages and breaks to the built form to improve permeability and allow light to the public domain
- Provision of an open, publicly accessible internal plaza
- Distributing bulk away from the Marcus Clark building
- Ensuring the built form does not overshadow MacCabe Park between 12 and 2pm
- Providing wider footpaths to improve the pedestrian environment
- Retention of mature street trees

###### *(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of this control are considered to have been met as follows:



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- a) *To provide a hierarchy of street edges from commercial core with no street setbacks to residential locations with landscaped setbacks.*

The street edge responds to the existing and likely future context.

- b) *To establish the desired spatial proportions of the street and define the street edge.*

The low height form along Crown Street with slightly increased footpath width is a suitable response to the two storey form of the heritage shops opposite and the Marcus Clark building. A widened footpath on Crown Street is desirable to achieve a suitable pedestrian width and outdoor dining opportunities on the north facing side of the site where this would be most desirable.

Locating bulk along Burelli Street reflects the more transient pedestrian experience on that frontage. The setback at ground level provides an improved pedestrian environment and assists with preservation of mature street trees.

- c) *To increase a clear transition between public and private space.*

This is not considered relevant to the setback above street frontage height. The setbacks at ground floor level do not compromise the distinction between private and public space.

- d) *To locate active uses, such as shopfronts, closer to pedestrian activity areas.*

This is not considered relevant to the variation.

- e) *To assist in achieving visual privacy to apartments from the street.*

The variations do not compromise visual privacy to units.

- f) *To create good quality entry spaces to lobbies, foyers or individual dwelling entrances.*

This is not considered relevant to the setback variation.

- g) *To allow an outlook to, and surveillance of, the street.*

Ample outlook to and surveillance of the street is provided.

- h) *To allow for street landscape character, where appropriate.*

The setback on Burelli Street at the lower levels facilitates retention of the street trees.

- i) *To maintain shared views to the ocean.*

This is not considered relevant to the setback variation.

- j) *To maintain sun access to the public domain.*

The breaks between the tower forms where the pedestrian links are is considered to provide a comparable outcome with regard to allowing natural light to the surrounding streets.

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

This is discussed above.

#### Commercial building depth

*(a) The control being varied;*

Chapter D13; 2.4 Building depth and bulk: A 25m maximum building depth for non-residential is recommended.

*(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

The office building on the corner of Keira and Crown Street has a building depth of 28.3m.

There are no particularly unique circumstances.

*(c) Demonstrate how the objectives are met with the proposed variations; and*

The variation is acceptable with regard to the objectives of this control as follows:

- a) *To promote the design and development of sustainable buildings.*

The office layout is open plan with extensive glazing. The variation is minor and not expected to compromise sustainability outcomes.

- b) *To achieve the development of living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.*

The open plan layout and minor nature of the variation are not expected to impact on amenity, or energy efficiency.

- c) *To provide viable and useable commercial floor space.*

The floor plan is generous and would accommodate a range of tenants.

- d) *To achieve usable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings.*

The building height is well below the maximum permitted under the LEP and due to the orientation of the building, the variation will not result in greater impacts to the public domain than a compliant form.

- e) *To achieve a city skyline sympathetic to the topography and context.*

The height is below the maximum permitted and the variation does not impact on the skyline.

- f) *To allow for view sharing and view corridors.*

View impacts are not exacerbated by the variations.

- g) *To reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with modulation of form and articulation of facades.*

The office building has a strong aesthetic with a rectangular form and limited range of materials. Those materials are complementary and are used in a way that breaks down the built form and provides visual interest. The building depth variation does undermine the aesthetic of the building.

- (d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

See discussion above.

#### Residential building depth

- (a) The control being varied;*

Chapter D13; 2.4 Building depth and bulk: Residential building depth is recommended not to exceed 18m.

- (b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

All three residential towers exceed the recommended 18m maximum, Tower 1 being 22.6m, Tower 2 and 3 being 24m.

There are no particularly unique circumstances.

- (c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of this control are considered to have been satisfied as follows:

- a) *To promote the design and development of sustainable buildings.*

Compliance with ADG solar access and natural ventilation outcomes is not compromised by the variation and the depth is not considered to result in a poorer outcome than a compliant form in this instance.

- b) *To achieve the development of living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.*

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Unit depths do not exceed 8m from a window. Units with living areas behind deeply recessed, heavily enclosed balconies with few windows are considered to be improved with the additional openings as recommended in the consent conditions.

- c) *To provide viable and useable commercial floor space.*

N/A

- d) *To achieve usable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings.*

The variation is not considered to compromise this.

- e) *To achieve a city skyline sympathetic to the topography and context.*

The variation is not considered to compromise this.

- f) *To allow for view sharing and view corridors.*

View corridors are not impacted by the building depth variation. See discussion elsewhere in this report regarding factors contributing to view impacts.

- g) *To reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with modulation of form and articulation of facades.*

Towers 2 and 3 are solid and rectilinear in form to achieve efficient floor layouts and a particular design aesthetic and the materials and finishes provide visual interest. The lower levels are differentiated from and separated from the tower form above.

Tower 1 is broken up vertically, with the tower form split between a white and a darker deep red metal façade. The lower portion of the tower where there would ordinarily be a podium is also differentiated from the tower form above and includes integrated landscaping to vertical concrete elements.

The variation to building depth is not considered a significant contributing factor to the bulk and scale in this instance.

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

See discussion above.

#### Awnings

*(a) The control being varied;*

Chapter D13; 3.5 Awnings: Awnings are required to all frontages of the site.

*(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

An awning is not provided to the northern façade of the office building on the corner of Crown and Keira Street.



There is a significant fall from Crown Street down to Keira Street and at street level the cinema extends above ground at the corner. The internal floor level has been set to be level with the internal plaza. The design does not readily facilitate an awning being wrapped around the full frontage and has not prioritised that outcome being achieved.

*(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives are as follows:

- a) *To provide shelter for public streets where most pedestrian activity occurs.*
- b) *To address the streetscape by providing a consistent street frontage in the city centre*

This corner of the site is a busy pedestrian environment, set to become busier with the proposal, with a traffic light hold point.

The development is occurring in a street environment where awnings are generally provided.

The proposed variation is not consistent with the objectives of this control.

In order to improve the pedestrian cover, a condition of consent requires extension of an awning to the corner of the building on the Keira Street façade (condition 23).

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

The impacts of the variation are not considered to be a determinative factor given the recommended extension of the awning and general compliance for the remainder of the perimeter of the site.

### **CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT**

#### **6 Traffic impact assessment and public transport studies**

##### 6.1 Car Parking and Traffic Impact Assessment Study

A Transport Impact Assessment (TIA) (Stantec dated 27 June 2022) has been provided which addresses the following:

- existing transport, traffic and parking conditions surrounding the site
- pedestrian and bicycle considerations and requirements
- the traffic generating characteristics of the proposal
- suitability of proposed parking in terms of supply and architectural layout
- suitability of future access arrangements for the precinct
- transport impacts of the proposal on the surrounding network.

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This report also responds to Council's requests for further information.

The TIA has been reviewed by Council's Traffic Officer and Transport for NSW who have not raised any concerns with regard to traffic generation and impacts to intersections around the site. Conditions of consent have been recommended.

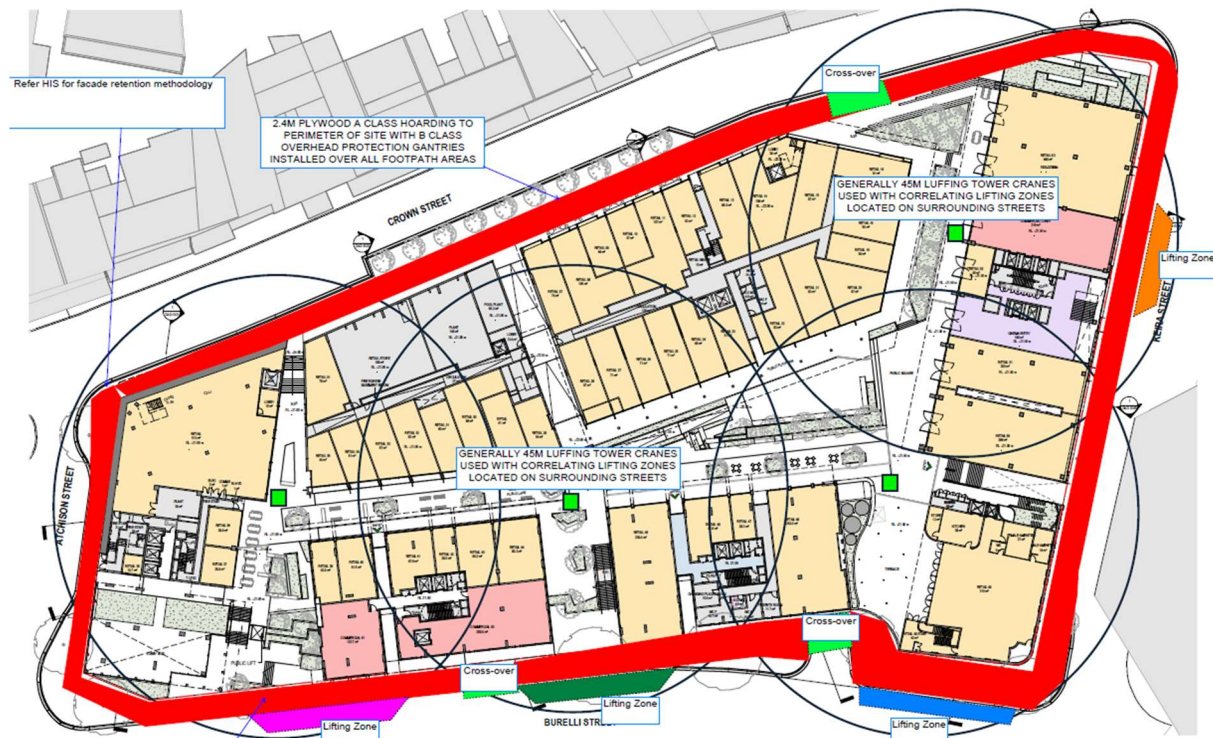
#### 6.2 Preliminary Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP - June 2022) has been submitted with the application.

Key activities which are to be completed to enable the major works to commence include:

- Establishment on site
- Demolition of the existing structures (a separate demolition and façade retention methodology has been prepared for the heritage listed Marcus Clark building)
- Enabling works for the high voltage infrastructure
- Footings and substructure
- Underground Services Works

Tower crane locations and associated swing diameters along with loading/lifting zones and hoardings are as proposed as shown below.



**Figure 35: Hoardings, crane location and lifting zones**

Expected timeframes for the construction are as follows:

- Demolition: 16 weeks
- Bulk earthworks and retention, basement construction: 25 weeks
- Tower 1 (Zone 1): 114 weeks
- Towers 2 & 3 (Zone 2) : 95 weeks
- Commercial tower (Zone 3): 104 weeks
- Cinema & entertainment (Zone 3): 93 weeks



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- Retail / Health / Pool (zone 4): 95 weeks
- Zone mark-ups provided as an appendix to this plan
- Overall construction duration expected: 2.5 years

Other documentation to be prepared includes the following:

- A Noise and Vibration Management Plan will be prepared prior to commencement.
- A dilapidation survey, prior to works commencing on site, will be commissioned to document existing conditions of adjoining properties and infrastructure.
- Adequate pedestrian lighting will be provided around the site at all times including underneath any retention structure or pedestrian protection hoarding.
- A detailed Traffic Management plan will be developed prior to establishment on site, by an accredited traffic engineer. The Traffic management plan will typically detail and ensure the following are implemented:
  - Maintain full operations and access to adjoining residents throughout construction
  - Maintain full access to authority services
  - Provide designated safe pedestrian routes around the perimeter of the site
  - Create and maintain a construction zone
  - Control all construction traffic to and from the construction zone
  - Ensure suitable traffic control personnel in place at all times

These commitments are reflected in the conditions of consent.

## 7 Parking demand and servicing requirements

### 7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

The proposal provides 496 car parking spaces total comprising the following:

- 380 residential
- 43 residential visitor (including 2 car share)
- 58 commercial including 16 accessible spaces for staff and visitors

Parking under the DCP is outlined in the table below.

**Table 2: Parking rates**

Component	Required	Proposed
<b>Car parking</b>		
<u>Residential</u>		
<i>(RMS Guide is the applicable rate under the ADG)</i>		
<i>(RMS Guide: 0.6 / 1 bed; 0.9 / 2 bed; 1.4 / 3 bed)</i>		
113 x 1 bed (29%) 0.6		
213 x 2 bed (55%) 0.9		
64 x 3 bed (16%) 1.4		
Total	350 (DCP rate = 363)	380
Resident visitor (DCP = 0.2 / dwelling – RMS Guide = 1/5 (metro sub regional)	390 x 0.2 = 78	43 (including 2 car share)

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Component	Required	Proposed
1/7 (metro regional)		
<u>Commercial</u>		
K2 - Cinema	2232.59	
K2 - Commercial	10191.98	
K1 - Exhibition	291.82	
C1 - Pool & Gym	2821.43	
K1 - Pub	671.06	
K1 - Live Music	1051.89	
Retail uses		
C2 - Marcus Clark	1690.83	
C1 - Level 01 pool/gym (W)	578.48	
C1 - Level 01 pool/gym (E)	1703.22	
C1 - Level 02 pool/gym (W)	332.58	
C1 - Level 02 pool/gym (E)	342.69	
K2 - Base of office building	968.73	
T1 - Tower 1	83.24	
T2 - Tower 2	355.06	
T3 - Tower 3	695.71	
Total (retail)	6750.54	
TOTAL	24,011/60 = 400	72 (See credit discussion at 7.5 below)
<b>Bicycle parking</b>		
Residents (1/3 dwellings)	390/3 = 130	132
Residential visitor (1/12 dwellings)	390/12 = 33	33
Business		
1/200m <sup>2</sup> GFA staff +	17,261/200 = 86	
1/750m <sup>2</sup> visitor	17,261/750 = 23	
Retail		
1/750m <sup>2</sup> GFA staff +	6,750/750 = 9	
1/1000m <sup>2</sup> visitor	6,750/1,000 = 7	
<b>Total</b>		
Staff (secure in basement)	95	66
Visitor (at grade)	30	103
<b>Motorbike parking*</b>		
Residential motorbike (1/15 dwellings)	390/15 = 26	26
Commercial motorbike (1/25 car spaces)*	400/25 = 16	2

\*Calculated based on what parking would be required to comply with the DCP rate

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The development has a surplus of residential spaces (30) to that required under the ADG using the RMS Guide and an undersupply of residential visitor spaces (43 instead of 78).

The justification provided by the applicant for the variation and Council response is outlined below:

Justification	Response
The active transport initiatives the project is implementing	<p>The development as currently presented has an end of trip facility that is not conveniently located for a significant proportion of the likely users, being some distance from the bike spaces it serves and the ultimate destination on site. This is to be addressed by way of conditions requiring end of trip facilities to be provided in the basement.</p> <p>There is a shortfall in business / retail secure bicycle spaces. This is to be addressed by way of conditions (see condition 24).</p> <p>It is noted that compliance with DCP controls does not constitute an initiative in itself.</p> <p>The applicant does propose to provide one electric bike charging within each bicycle area "at the year of opening". This is proposed to be conditioned (see condition 43) and would be a positive step towards active transport.</p>
A rate of 1/10 dwellings is consistent with other similar centres	Other localities have different rates however the justification for why those rates were adopted by those Councils is unknown and Council has no identified strategic direction or plans towards a similar reduction to residential visitor parking.
Resident visitors in such locations tend to visit for several other purposes, including retail and food and beverage/entertainment and hence also regularly park in other nearby publicly accessible car parks.	It is acknowledged that the central location close to a variety of other uses would facilitate some trips linked to visiting residents on the site. That would rely on parking off-site as the development itself provides no on-site commercial visitor aside from a small number of accessible spaces. A degree of flexibility is accepted on this basis however not to the extent proposed.
An excess of visitor parking can also result in misuse	Misuse of visitor parking would be also possible with a lesser number where the impacts would be proportionally greater. Alternate use of visitor spaces would only be possible for visitors that knew someone who lived within the complex as they would need to be let in by a resident. If a proportion of residents/visitors did use the parking in this way, it would likely be to visit specific premises on the site which would not be detrimental to the function of the building
An excess of visitor parking can also result in underutilization	No evidence has been provided to substantiate this.
The number is appropriate to accommodate likely visitor parking demands.	No study or evidence is provided to support this.
Supports transition away from private vehicle travel.	This is contrary to the argument for the oversupply of residential car parking spaces and shortcomings in other active transport aspects (see above).

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Justification	Response
Additional outdoor bicycle parking opportunities are provided around the site.	This is acknowledged however this would benefit the development primarily in the daytime. There are also potential security issues with certain bicycle locations around the site as reflected in the Police commentary.
Pedestrian travel paths through and around the site will also see significant improvement, particularly for those walking to and from Wollongong railway station	The proposal upgrades the footpaths around the site including widening of footpaths. These aspects will improve pedestrian movement around and into the site whilst also bringing benefits to the development itself including improved opportunity for outdoor dining. It is considered that this may be factored in to some degree in a variation however not to the extent requested.
Reductions available in Chapter E3 for city wide locations can be applied (e.g. 30% reduction considering proximity to public transport and public car parks).	The city wide rates do not apply to the city centre which has separate rates under the DCP.
Provision of an improved bus stop on Crown Street.	The development requires the repositioning of the existing bus stop on Crown Street. Suggestions of improvements that this brings are debatable as the general capacity and amenity for passengers remains generally unaltered from the current arrangement. Further, the developer has indicated they would not be responsible for works beyond their property boundary.
Suggestion of reallocation of accessible commercial spaces to address visitor shortfall.	This approach is not supported as both accessible commercial and residential visitor spaces are considered essential for the equitable functioning of the development.
The development will attract younger buyers to the smaller units and is demographic that relies less on private vehicle.	Smaller units may also appeal to other demographics such as single adults or separated parents with children which would arguably benefit from a larger visitor parking provision.
Reducing the number of residential spaces would have a detrimental impact on the commercial outcome of the project.	It is appreciated that changes to parking allocation for the residential units may present challenges in how those units are marketed. This is not however a justification for the variation.

The degree of variation to residential visitor car parking spaces is not supported based on the assessment above. However, in consideration of opportunities for linked trips and public domain improvements, and central CBD location a 10% reduction to residential visitor spaces is supported. This results in 70 spaces ( $78 - 0.1 \times 78$ ). The proposal would still remain 27 short ( $70 - 43$ ).

The proposal includes a surplus of 30 residential car parking spaces applying the applicable rate in the ADG (that being the lesser of the DCP or RMS Guide).

There is also a surplus of 23 commercial car parking spaces utilising the credits available under DCP.

Therefore, within the basement footprint there are 53 car parking spaces that could be reallocated.

Noting the end of trip facilities currently proposed are conveniently located for the northern retail / recreational uses, the provision of additional centralised end of trip facilities within the basement are to be required for the remaining uses. This equates to the following:

*Office building, cinema, pub, exhibition space, retail under tower 1, 2 and 3 – 2133 retail + 14436 business =  $3 (2133/750) + 72 (14436/200) = 75 = 2 + 6 = 8$ ; = 4 male and 4 female.*

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In order to address the residential visitor car parking, commercial motorbike and secure bicycle shortfall, along with additional conveniently located end of trip facilities, the surplus car parking spaces are recommended to be reallocated.

This is to be addressed via a condition of consent (condition 24) as follows:

*The basement car parking is to be redesigned to accommodate the following:*

- 70 residential visitor spaces with direct lift access to Towers 1, 2 and 3.
- 16 commercial motorbike parking spaces
- 95 secure commercial bicycle spaces
- End of trip facilities comprised of 4 male and 4 female with 75 lockers (one per bicycle space) adjacent the secure bicycle spaces.
- 16 accessible non-residential car parking spaces in close proximity to lifts up to the plaza level.
- Residential car parking not less than the applicable rate under the Apartment Design Guide.

*The basement level(s) must also be compliant with regard to waste storage (including general, recyclable, FOGO and bulk waste), residential storage, residential motorbike spaces, residential bicycle spaces (which are to be in a secure enclosure(s)).*

*The amended plan(s) are to be submitted to Council for endorsement prior to the issue of the Construction Certificate.*

*Reason: In order to address the residential visitor car parking, commercial motorbike and secure bicycle shortfall, along with additional conveniently located end of trip facilities.*

It is noted that an assessment has been undertaken of the capacity of the basement(s) to accommodate the above changes and is feasible within the currently proposed basement footprint without changes to structural elements.

#### 7.2 Disabled Access and Parking

Accessible car parking spaces are provided for residents, residential visitor, and non-residential visitors and staff.

The residential component provides 40 accessible units and associated accessible car parking spaces which satisfies the requirement for 10% of to be accessible ( $390 \times 10\% = 39$ ; 40 provided).

16 accessible car parking spaces are provided for the commercial component which will be accessible to members of the public.

#### 7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

Bicycle rates are included at Table 2 above.

#### 7.4 Waiver or Reduction of Parking Spaces

*1. Council has the discretion to waive or reduce the minimum number of car spaces required for a particular site if the reduced provision can be justified in the accompanying Car Parking and Traffic Impact Assessment study, in terms of:*

- (a) The amount of public car spaces in the locality;*
- (b) Proximity to public transport nodes;*
- (c) Opportunity for cross utilisation with another use; and*
- (d) An empirical assessment of car parking.*

*Note: The following car parking reductions can be applied in relation to public parking availability and public transport accessibility.*

*City Centre B3 Commercial Core and B4 Mixed Use Zones (excluding residential, office premises, retail and business premises uses):*

- 30% reduction due to increased access to public parking and public transport



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A credit for the commercial car parking is already applied under 7.5 and a further waiver is not considered applicable under this clause.

#### 7.5 Car Parking Credits for Existing Development

*For Development Applications involving a change of use\* or redevelopment which do not cause any net increase in the demand for car parking, Council may determine that the provision of any additional car parking is not required. In the majority of cases, a Car Parking Impact Assessment study will be required to demonstrate that the proposal will not necessitate any demand for additional parking and hence, to justify this car parking variation request.*

##### Credit calculation

The existing commercial GFA on site is 25,740m<sup>2</sup> which would require 429 car parking spaces at a rate of 1/60m<sup>2</sup>. There are 78 car parking spaces currently resulting in a credit of 351 spaces.

The proposed commercial GFA is 24,011m<sup>2</sup> equating to 400 spaces, minus the credit of 351 requiring 49 car parking spaces.

The proposal provides 72 non-residential spaces, 56 commercial car staff parking spaces and 16 accessible spaces for visitors and staff to the non-residential components of the site.

The proposal therefore has a technical surplus of 23 above the minimum required utilising the credits.

#### 7.7 Car Parking Layout and Design

Control	Comment
The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1 (2004). No sprinklers or other services shall encroach within the clear head clearance height requirement.	Complies
The layout of all car parking areas shall be in strictly accordance with Australian Standard AS 2890 and the following additional requirements:	Forwards entry and egress is provided.
(a) Parking areas must be designed so any vehicle which uses the area will be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Stacked spaces are proposed where units have 2 spaces and those are both allocated to the same unit. Suitable manoeuvring areas are provided to ensure those spaces can be adequately accessed.
(b) Stacked parking may be permitted in the following circumstances:	
(i) The applicant must demonstrate that there is a need for stacked parking and that the provision of stacked parking will not adversely affect the safe, efficient and effective use of the site;	
(ii) No more than two cars are parked in a stacked arrangement, so that no more than one vehicle has to move to allow egress of another;	
(iii) Provision shall be made on site for shifting cars without the movement of vehicles onto public streets;	
(iv) Residential: only permitted where both spaces are utilised by the same dwelling and such spaces do not interfere with common manoeuvring areas; and	
(v) Business or Industrial: only permitted for staff spaces, provided the spaces are used by the occupants of one tenancy.	

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Control	Comment
Small car spaces will only be permitted where the total quantum of required standard sized car parking spaces has already been provided. Small car parking spaces must be designed in accordance with AS 2890.1, Clause 2.4 – Design of Parking Modules.	N/A
Car parking areas should be designed to ensure that through traffic is excluded or appropriately managed.	Satisfactory
Pedestrian entrances / exits are to be separated from vehicular entry / exit points.	Complies
Developments with high pedestrian movements throughout the car parking area(s) such as major retail shopping centres, commercial offices and major entertainment / recreational facilities must incorporate clear and convenient pedestrian routes. The pedestrian routes within the car parking areas must take into account pedestrian desire lines and minimise potential vehicular / pedestrian conflict points. Pedestrian routes must be well lit and sited to maximise pedestrian visibility	The proposal provides only a small number of accessible visitor car parking spaces that are conveniently located to lifts.
Car parking areas should incorporate traffic calming and pedestrian crossing facilities such as speed humps, raised thresholds, marked pedestrian crossing points and clear directional signage to pedestrian access points within the development. These must be provided within the car park in order to reduce speed and enhance pedestrian safety and accessibility in accordance with AS2890.1.	Acceptable or addressed through conditions.
Gradients of ramps and access driveways shall be provided in accordance with Australian Standard AS2890.1 (2004) - Off Street Car Parking.	Gradients have been assessed as compliant.
Wheel stops must be designed and installed in accordance with AS2890.1	Addressed in standard conditions.
The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas is also required, in order to improve traffic circulation within the car parking area.	Addressed in standard conditions.

**7.8 Basement Car Parking**

Control	Comment
A minimum 2.4 metre headroom height shall be provided throughout any basement car parking and traffic circulation area.	Complies

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Control	Comment
A geotechnical and hydro-geological report (i.e. prepared by a suitably qualified engineer) may be required to be provided to Council, in order to address the issues of construction methodology and groundwater management for any proposed basement or sub-basement car parking area. The purpose of this report is to ensure that there is no ground settlement or movement, changes to groundwater level and / or adverse vibration impacts during construction which may result in an adverse impact upon any adjoining property or service infrastructure. The determination as to whether a geotechnical or hydro-geological report is necessary will be determined by Council at the pre-lodgement meeting or via written correspondence to Council requesting Council's written reply response (i.e. where a formal pre-lodgement meeting is not normally required for the development proposal as per the pre-lodgement meeting requirements in Part A of the DCP).	Provided.
Additionally, full details showing how flood-proofing of the vehicular access, fire escape and any ventilation openings will be achieved.	Satisfactory
<p>Waste collection vehicles may enter building basements to collect waste and/or recyclables subject to the following requirements:</p> <ul style="list-style-type: none"> <li>(a) Compliance with Australian Standard AS 2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities;</li> <li>(b) The height to the structural members and upper floor ceiling should allow for collection vehicle travel height/operational height, consistent with the type of vehicle nominated as the waste collection vehicle;</li> <li>(c) Adequate provision of space clear of structural members or vehicle parking spaces to allow a typical three-point turn of collection vehicles or alternatively, provision should be made for a truck turn table within the basement car parking area; and</li> <li>(d) The basement floor should be of industrial-type strength pavement and designed for a maximum wheel loading of seven tonnes per axle to accommodate garbage and recycling collection vehicles.</li> </ul>	Suitable manoeuvring areas and clearance heights are provided for the maximum design vehicle likely to utilise the service dock.

#### 7.9 Mechanical Parking Systems

N/A

#### 7.10 Allocation of Car Parking within a Strata titled Development

N/A

#### 7.11 Public Car Parks

The proposal provides only a small number of accessible visitor spaces for the commercial component of the development.

#### 7.12 Electronic Parking Vacancy Signs

N/A

#### 7.13 Car Parking & Access Construction Requirements

Conditions of consent are recommended.

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#### 7.14 Directional Signage for Car Parking Areas

Proposed entry and exit signage can be resolved at CC stage.

#### 7.15 Green Travel Plans

A Green Travel Plan has been prepared which makes some broad commitments however it is considered a more effective means of encouraging modal shift and sustainability are items such as good quality, conveniently located end of trip facilities, EV facilities, car share opportunities, secure and convenient bicycle parking. These matters are addressed in the conditions (condition 24, 43 and 175).

### **8 Vehicular access**

Access to the site is via the signalised intersection of Kenny and Burelli Streets for smaller vehicles with service vehicle entry provided further east on Burelli Street adjacent to the Grand. The access arrangements have been reviewed by Council's Traffic Officer and Transport for NSW and found to be satisfactory subject to conditions (appended to conditions at **Attachment 10**).

Access within the basement levels has been reviewed as meeting the relevant standards.

### **9 Loading / unloading facilities and service vehicle manoeuvring**

The service dock has been assessed by Council's Waste Services Manager who provided commentary and recommended changes that have been incorporated into the revised design.

Council's Traffic Officer has reviewed the submitted documentation in this regard and is satisfied of the adequacy of this area to service the development.

Swept paths have been provided for the likely design vehicles within the basement area and service dock demonstrating vehicles can manoeuvre on site and enter and exit in a forward direction.

It is a condition of consent to prepare a Loading Dock Delivery, Servicing and Waste Management Plan, to be drawn up and implemented by the Facilities Manager (condition 168).

### **10 Pedestrian access**

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

Condition of consent regarding strategic design for the amended Atchison Street and Burelli Street intersection which includes removal of existing slip lane and widening of footpath to improve pedestrian safety.

### **11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas**

The proposal is satisfactory with regard to the principles of CPTED.

## **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2021**

#### Wollongong 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:

Contribution Amount = Cost of Works \$ 362,994,005 x 2% levy rate = \$ 7,259,880

Note: The proposed cost of development\* is calculated in accordance with clause 25J of the EP&A Regulations, however if a separate cost estimate is not provided with the DA, use the cost of works stated on the application.

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

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

**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**

These regulations came into force on 1 March 2022, and repealed the previously applicable regulations, being Environmental Planning and Assessment Regulation 2000.

*Schedule 6 – Savings, transitional and other provisions*

In accordance with the savings provisions contained within these Regulations (2021), the previous Regulations (2000) continue to apply for development applications submitted **prior to** 1 March 2022.

As this application was lodged 24 August 2021, an assessment in accordance with the relevant provisions of the 2000 Regs is below.

**Environmental Planning and Assessment Regulation 2000**

*50 How must a development application be made?*

In accordance with subclause (1A), for development relating to residential apartment made on or after the commencement of the Environment Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015, the application must be accompanied by a statement by a qualified designer. The proposed development was lodged after the commencement of the regulation above.

A Design Verification Statement dated 7 November 2022 was submitted to Council in accordance with the requirements of this Clause. The statement was made by a qualified architect, verifying that they are the architect for the proposal and in their opinion the design is generally in accordance with the design quality principles set out in Schedule 1 of the State Environment Planning Policy No. 65 – Design Quality of Residential Apartment Development.

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

Demolition is proposed for all buildings currently located on the site, with the existing facades of the Marcus Clark Building (corner of Crown and Atchison), and Hotel (corner of Keira and Burelli) proposed to be retained.

Conditions of consent are recommended which ensures compliance with the provisions of AS 2601-1991: The demolition of Structures.

93 Fire Safety and other considerations

Existing buildings are not proposed to be maintained on the site. This clause does not apply.

94 Consent authority may require buildings to be updated

This clause only applies to rebuilding, alterations, enlargements or extension of an existing building. This clause does not apply.

94A Fire safety and other considerations applying to the erection of temporary structures

The proposal will involve the erection of some temporary structures during the demolition and construction phase of the development, in particular, hoardings, fencing, scaffolding, cranes etc.

Details of the installation of temporary structures has been contained within the submitted Construction Management Plan.

The ground on which any temporary structures is proposed to be erected is considered suitable for the structure. Appropriate standard conditions relating to hoardings are recommended.



Appropriate conditions relating to works in the road reserve, demolition work, and preparation of a construction site management plan have been recommended. It is noted that any hoarding located on public land or within the road reserve will be subject to an approval under the relevant Act.

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### **3 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT**

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The proposal has been assessed with regard to the likely impacts within the body of this report. Generally speaking, impacts are acceptable in consideration of the applicable planning controls. The development will provide an opportunity for uplift of an entire city block and adjoining footpaths and bring a variety of land uses, office and resident population to revitalise this part of the city centre.

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### **4 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

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#### Does the proposal fit in the locality?

The proposal will transform a whole block within the city centre and will be a significant increase in scale and intensity of the use of the land. This is accomplished within the built form controls under the LEP and DCP, aside from variations discussed elsewhere in this report that do not compromise the development. The proposal incorporates a mixture of land uses that will attract greater visitation and enliven the city centre both during the day and evening. The land use mix is considered to be an appropriate fit within the locality. The form of the development, including what will be the tallest tower in Wollongong, is considered acceptable given the central location. Build form heritage is responded to reasonably in the design. The public domain around the site will be improved. The proposal is considered to fit in the locality.

#### Are the site attributes conducive to development?

The design of the proposal is considered to be responsive to the attributes of the site including the heritage setting, vehicular access and circulation, public domain, cross fall, service locations and the like.

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

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See discussion at section 1.5.

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### **6 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

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The redevelopment of the site in a consolidated way facilitates upgrades to the public domain in conjunction with the development, including footpath upgrades and the provision of street trees. The inclusion of a publicly accessible plaza area, with through-links to all street frontages offers linkages for pedestrians and cyclists that don't current exist. Activation of the site at various times of the day and night through a broad a range of land uses will revitalise this part of the CBD.

The character and form of the development is consistent with the zoning and reasonably responds to the surrounding context and the applicable controls. Where variations to the planning controls are proposed, these have been reasonably justified. The variations have been assessed as acceptable and achieve the relevant objectives of the control and the aims of Wollongong LEP 2009.

Submissions raised during public exhibition have been considered and the concerns raised are discussed at section 1.5. The development is of a scale that will have visual and view impacts from surrounding properties and public spaces. However, these impacts arise from a built form outcome that is largely anticipated by the current controls and refusal or redesign of the development is not warranted on this basis.

Conditions of consent have been recommended by all internal and external referrals. The application is considered acceptable with regard to the likely impacts as discussed above.

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

### Key documents

There are a number of key Council policy documents that assist in relating the proposed development to the public interest, as discussed below.

#### Urban Design Framework (UDF)

See discussion at 1.3 of this report.

#### Urban Greening Strategy 2017-2037

The strategy seeks to increase the quality and quantity of all vegetation and open green space on all land types in an urban setting, including increasing canopy cover. It recognises that the amenity and environmental performance of the urban centres is compromised by a lack of shade and greening. The proposed development aligns with the strategy through the provision of additional street tree planting on Crown Street, as well as landscaping within the site including on awnings and throughout the internal plaza.

#### Wollongong City Centre Access and Movement Strategy 2013

The development is consistent with the Strategy to promote the development of an integrated transport system through:

- *Facilitating higher density developments close to major transport nodes.*
- *Encourage businesses to locate within the City Centre rather than in dispersed urban fringe or suburban locations.*
- *Support a sustainable transport system for the City Centre through complimentary land use planning.*
- *Create a vital and active environment in the City Centre.*
- *Encourage mixed use development that can shorten or negate the need for external trips*

The Strategy also identifies the inadequate opportunities for pedestrian movement along Crown Street (west of Keira St), the lack of pedestrian connectivity to the rail station precinct, and a perception of the city centre being unsafe at night, and identifies Burelli Street as part of the wider cycle network.

The development aligns with this policy through improvements to the Crown Street footpath, widening of the footpath on Burelli Street and improving pedestrian connectivity through the site.

#### City of Wollongong Pedestrian Plan 2017-2021

The goals of this plan are to encourage walking, create pedestrian friendly places, make walking safe, make walking easy and convenient and work effectively to implement the pedestrian plan. The plan aims to increase and improve pedestrian networks for connectivity and accessibility. The development aligns with this plan through the pedestrian links to all street frontages, and the available accessible route through the site, which improves connections between the city centre and Wollongong railway station.

#### Wollongong Cycling Strategy 2030 (adopted 16 November 2020)

This Strategy aims to encourage and enable cycling as a sustainable transport option by make cycling safe and convenient. Provision of the supporting infrastructure for cyclists for the general public, residents and employees as part of the development aligns with the strategy.

#### Sustainable Wollongong 2030 A Climate Healthy City Strategy

The strategy identifies six priority areas to create a sustainable and climate resilient city. Broadly speaking the development includes sustainability initiatives include carbon neutral certification, provision of electric vehicle and bicycle charging spaces, car share/car pool priority parking and end-of-trip facilities. Sustainability aspects of the development are discussed in detail under Chapter A2 of Wollongong DCP.

#### Wollongong CBD Night Time Economy Policy (adopted 16 November 2020)

This policy aims to facilitate the growth of the CBD to provide a diverse, vibrant and inclusive night-time economy through establishing appropriate hours of operation for business in the Wollongong

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CBD. The policy applies to the subject site, being within the B3 Commercial Core zone. The development aligns with the intent of this policy through providing a range of night time uses, including a cinema, retail (food and drink premises), live music, pub and exhibition space. These uses will promote diversity and activation at night and future operators will be subject to the operating hours under this policy where such uses have a residential interface .

## CONCLUSION

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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. Development departures are supported as are DCP variations. Submissions have been considered and do not warrant redesign of the proposal. The impacts have been assessed against the relevant controls and found to be acceptable. Relevant internal and external stakeholders have been consulted and conditions of consent are recommended. The proposal is considered supportable in its current form.

## RECOMMENDATION

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It is recommended that the development application be approved subject to appropriate conditions at **Attachment 10**.

### Attachments

- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Full set of architectural plans including landscape plans
- 4 DRP comments from 26 August 2022
- 5 Applicant response to DRP commentary
- 6 Clause 4.6 variation – Building height
- 7 Clause 4.6 variation – Building separation
- 8 ADG assessment
- 9 WDCP 2009 assessment
- 10 Draft conditions of consent

### Issue of this letter is authorised by

**Rebecca Welsh, Nigel Lamb, Nadir Mian**

Senior Development Project Officer

Wollongong City Council

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