

## Independent Hearing and Assessment Panel Report | 28 October-2009

<b>IHAP No.</b>	Item 4
<b>DA No.</b>	DA-2008/756
<b>Proposal</b>	Demolition of existing buildings and construction of a three (3) storey shopping centre with rooftop parking and associated stormwater works - Amended plans
<b>Property</b>	Lot 1 DP 657320, Pt Lot C DP 28402, Lot 1 DP 1087977, Lot 2 DP 1087977, Lot 19 DP 4286, Lot A DP 404184, Lot 1 DP 230081, Lot 2 DP 230081, Lot 3 DP 230081, Lot 4 DP 230081, Lot 5 DP 230081, Lot 6 DP 230081, Lot 13 DP 4286, Lot 14 DP 4286, Lot 3 DP 230192, Lot 4 DP 230192, Lot 3 DP 513895, Lot 100 DP 1000705 191-193 Princes Highway, CORRIMAL NSW 2518, 195 Princes Highway, CORRIMAL NSW 2518, 197 Princes Highway, CORRIMAL NSW 2518, 199 Princes Highway, CORRIMAL NSW 2518, 36-44 Underwood Street, CORRIMAL NSW 2518, 36-44 Underwood Street, CORRIMAL NSW 2518, 50 Underwood Street, CORRIMAL NSW 2518, 48 Underwood Street, CORRIMAL NSW 2518, 46 Underwood Street, CORRIMAL NSW 2518, Lot 4 Underwood Street, CORRIMAL NSW 2518, Lot 5 Underwood Street, CORRIMAL NSW 2518, Lot 6 Underwood Street, CORRIMAL NSW 2518, Lot 13 Underwood Street, CORRIMAL NSW 2518, Lot 14 Underwood Street, CORRIMAL NSW 2518, Lot 3 Underwood Street, CORRIMAL NSW 2518, Lot 4 Underwood Street, CORRIMAL NSW 2518, Lot 3 Underwood Street, CORRIMAL NSW 2518, Lot 100 Underwood Street, CORRIMAL NSW 2518
<b>Owner</b>	Valad Funds Management Ltd and Cloverlane Pty Ltd and W Reynolds Pty Ltd and Wollongong City Council
<b>Applicant</b>	Valad Funds Management Ltd
<b>Panel</b>	Craig McGaffin (Chair), James Colman and Judy van Gelderen (Independent), Michael McKeogh (Community Representative)
<b>Staff in Attendance</b>	Mark Riordan (Manager City Planning, John Wood (Acting City Wide Development Manager), Lauren Wilson (IHAP Coordinator)

### Pecuniary Interest

None of the Panel members had any pecuniary interests relating to this matter.

### Panel Commentary:

The Panel inspected the subject site. At the hearing, Mr Wayne Cooper (on behalf of Ray Robinson), Ms Valerie Hussain (Neighbourhood Forum 4) and Mr Rod Plant appeared as objectors to the application. Mr Terry Wetherall (applicant) addressed the Panel.

The residents raised concerns regarding the loss of views, scale of the building and increased traffic in the area.

The Panel in consideration of the matter had a divided opinion.

### Majority Opinion (James Colman, Judy van Gelderen and Michael McKeogh)

The majority of the Panel (James Colman, Judy van Gelderen and Michael McKeogh) agrees that this site is unique in Corrimal and offers an unexpected opportunity for a 'state of the art' retail complex which responds to contemporary design ideals related to sustainability, village character and community aspirations. The Panel is supportive of the general concept that a redevelopment of the subject site is a desirable planning objective, and that such redevelopment

should be based primarily on retailing. However, the Panel's view is that the design represents a lost opportunity for a design based on these principles.

### **Issues of Concern**

The issues of concern include the following:

- 1 The design introduces adverse impacts on views of the escarpment from Corrimal Memorial Park and local streetscapes. These impacts are not addressed in the SEE.
- 2 The proposal fails to exploit the important view corridors between Corrimal Memorial Park and the escarpment, and between the Coles arcade on the western exit to the escarpment.
- 3 The scale, mass and proportions of the built form are considered to be too monolithic in a "village" context. A preferred approach is exemplified by Model Options 1 and 2 from the Corrimal Revitalisation Strategy which indicate modulation of form, scale and provision for view corridors.
- 4 The provision of safe pedestrian permeability in both north-south and east-west directions (as identified on pg 30 of the Corrimal Revitalisation Strategy) is inadequate.
- 5 The SEE fails to adequately address the impacts of this large proposal on streetscape and the visual environment generally. There is no reference to or considered discussion of the escarpment, the geographical setting, or the quality of the local built environment.
- 6 There is no reference in the SEE to views from and to the escarpment and other key vantage points, the geographical setting and the quality of the local built environment and visual context is dealt with a very cursory manner.
- 7 With 390 car spaces on the roof in an area of approximately 3000 square metres, there does not appear to be any provision for roof top landscaping or solar collectors.
- 8 The provisions for natural lighting are minimal and only provided along sections of the building perimeter. There is no provision for capturing natural light from the roof into the building. It appears that all major internal spaces are air conditioned with no provision for cross ventilation or natural ventilation and lighting.
- 9 In a locality which appears to be highly appropriate for cycle and pedestrian use there is only minimal provision for cycle storage, and poor provision for high quality external open spaces for pedestrians to socialise.
- 10 Poor permeability for pedestrians and cyclists through and around the site is evident. Bertram Lane is an unfriendly pedestrian space and its function is uncertain. The proposal does not include any public access from Bertram Lane into the centre, notwithstanding that there is no intention to restrict pedestrian access in the lane itself. This design ambiguity is unacceptable to the Panel.
- 11 Only two pedestrian accesses are proposed to the east and west façade with no access from Russell Street, nor from Bertram Lane. These access arrangements are inadequate for a building of this size and magnitude.
- 12 The Panel concurs with Council's Traffic Engineer that further traffic modelling is required. In particular, the Panel notes that the SEE shows that additional traffic entering and leaving the car park is likely to make Underwood Street busier than the Princes Highway.

## Recommendations

- 1 In the light of serious concerns as noted above, the majority of the Panel is unable to support the proposal in its present form and it is recommended that the development application be deferred to allow the Applicant to submit amended plans to address these concerns and to respond to the Corrimal Revitalisation Strategy. Specifically these plans should ensure that:
  - a The unique redevelopment opportunity currently available on the subject site will produce a building design based on community aspirations, sustainability principles, and sensitivity to the escarpment context.
  - b The proposal is adjusted in built form modulation in both plan and elevation to reduce the overall bulk and scale; to introduce voids which would connect to the surrounding open spaces and streetscape; and “preserve and enhance key public views of the escarpment to the west” (pg 66 of the Corrimal Revitalisation Strategy).
  - c A professional visual assessment is undertaken as part of the site analysis process (before design concepts are finalised) to determine the key contextual views from public open space and streets to the escarpment to the west, as well as views from key vantage points to the subject site. A key to such an assessment will be consideration of the public perceptions of view significance from Corrimal Memorial Park and also from the western exit to the Coles arcade axial link.
  - d In order to address sustainability criteria, a new design should incorporate specific provisions for natural light, natural ventilation, solar energy, water recycling and conservation, and rooftop deep soil landscaping. This implies the application of green building and water sensitive urban design principles throughout the project.
  - e Pedestrian and cycle permeability through and around the site should be improved, along with generous provision for on-site cycle storage in safe and accessible areas.
- 2 With regard to the Corrimal Revitalisation Strategy, the Panel believes that it should be amended to ensure that due consideration is given to identifying key contextual views. of the escarpment, additional to views along the two east-west streets adjoining the site.

## Voting

Voting in respect of this matter was 3:1 for the Recommendations stated above.

It is noted that Michael McKeogh stated that in his view the application should be refused.

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## Dissenting View (Craig McGaffin)

The Chairman (Craig McGaffin) took a dissenting view on the matter.

Having reviewed the independent consultant planner’s assessment report, on balance, he concurred with the methodology adopted, assessment made pursuant to 79C of the Environmental Planning and Assessment Act 1979 (EPAA) and the conclusions drawn.

Particular elements of the application and assessment for comment include;

**Existing Statutory Framework** - The EPAA provides for the preparation of Environmental Planning Instruments (EPIs) and policies to provide a framework for the assessment of development applications. The planning objectives and controls that apply to a parcel of land represent a statement of the expectations for that land.

Among the key controls applying to the Site are;

- Wollongong Local Environmental Plan 1990 (WLEP) – which zones the Site 3(a) General Business and applies a FSR of 1.5:1; and
- Illawarra Regional Strategy 2006-2031 (IRS) – which designates Corrimal as a “major town” servicing the northern suburbs of Wollongong.

Based on these controls, the clear intent for the Site is for significant commercial development.

**View Impacts within the Commercial Centre** – the Draft Corrimal Revitalisation Strategy (DCRS) considers this issue. The most specific comment in relation to views states that development should “*maintain critical view corridors along Railway St and Collins St to the west*”. Consistent with this objective the DCRS also adopts a strategy of “*intensified development*” for the subject land and the block generally bounded by Russell St, Underwood St, Railway St and Princes Highway.

The proposed development is consistent with these objectives.

If it was the specific intent of the DCRS to create a view corridor across the subject site to Brokers Nose from Corrimal Memorial Park then this should be clearly articulated within the DCRS, incorporated within a Town Centre DCP and the height limits, floor space ratios and other numerical controls within the applicable EPIs should be amended to support this objective.

**Built Form** – Council engaged an independent urban designer to review the application and negotiate required amendments with the applicant. The report states that the initial urban design issues have been resolved by the final design to the point where the application is recommended for approval.

The Strategic Project Officer charged with carriage of the DCRS has confirmed that the application is consistent with the DCRS in terms of height, scale and services provided.

The Department of Planning granted concurrence to the proposed development height of 15.12m.

It is considered that the proposed development is not of an unreasonable scale for a commercial centre within a “major town” and, further, the visual impact of the development will be reduced over time as other adjacent sites are developed as anticipated by the DCRS.

On this basis, and in the context of the existing statutory framework, the built form is considered satisfactory.

**Traffic** – the traffic impacts have been assessed by Council’s Traffic Engineer and the RTA and have been deemed acceptable subject to submission of additional traffic modelling and the construction of various traffic control upgrades at the developers cost.

In light of these factors, the analysis within the assessment report and the verbal submissions made to the IHAP, the Chairman took the view that the recommendation within the assessment report should be adopted.