



31 January 2013

DB/11025A

Director-General
NSW Department of Planning and Infrastructure
22-33 Bridge Street
SYDNEY NSW 2000

Attention: Mr Ben Lusher

Dear Mr Lusher,

re: Concept Plan Approval (MP 06_0335) for the Wollongong Central Redevelopment

Section 75W Modification No. 3: Proposed modifications to the determination of concept plan

1. BACKGROUND AND OVERVIEW

This letter accompanies a request to the Department of Planning and Infrastructure to modify the Concept Plan Approval for the “Wollongong Central Redevelopment”, pursuant to the provisions of Section 75W of the Environmental Planning and Assessment Act, 1979 (“the Act”).

Approval was granted on 28 April 2008 by the then Minister for Planning to the Concept Plan and Project Application for the Wollongong Central redevelopment, as follows:-

- Concept Plan for Wollongong Central redevelopment (MP 06_0335); and
- Project Application for Wollongong Central redevelopment (MP06_0209).

The Wollongong Central redevelopment comprises two sites – West Keira and Wollongong Central (the latter formerly referred to as “Crown Central”). The approved scheme involves the erection on the West Keira site of a new six-level retail centre including a single-level basement car park, three levels of retail space and two levels of above-ground parking, and the interconnection of this new centre via a tunnel and a bridge over/under Keira Street with Wollongong Central.

On 22 December 2008, Modification Application No. 1 was approved which modified the Concept Plan approval, generally to correct minor condition errors or ambiguity.

On 4 October 2012, Modification Application No. 2 was approved which modified the Concept Plan approval in relation to modification 3 of Schedule 2 relating to covenants.

The Project Approval has also been subject to a number of modifications. Relevantly, the proponent has lodged an application to modify the Project Approval (Mod 5) seeking to modify the approval by excluding the demolition of the building at 226 Crown Street and the realignment of Crown Lane from the approved development.

The application to which this letter relates seeks to modify the Concept Plan approval to:

- Retain the building at No 226 Crown Street (on the corner of Crown Street and Crown Lane) and delete the realignment of Crown Lane;
- Request the Minister to determine under Section 75P(1)(b) that any future development at 226 Crown Street is to be subject to Part 4 of the Act.

This modification application does not alter the essence of the approved Concept Plan. The development will remain a new six-level retail centre on the West Keira site, including single-level basement car, three levels of retail space and two levels of above-ground car parking and interconnections with Wollongong Centre via a tunnel and bridge across Keira Street, with alterations and additions to Wollongong Central itself.

BBC Consulting Planners has been requested by GPT to prepare the supporting letter for the Section 75W request.

Relevant details of the proposed modification to the approval are provided below.

2. CONSENT SOUGHT TO BE MODIFIED

The approval sought to be modified is that granted by the Minister for Planning on 28 April 2008 being the Concept Plan for Wollongong Central Redevelopment (MP 06_0335).

The Wollongong Central Redevelopment comprises two main sites – West Keira and Wollongong Central. The proposal involves the erection on the West Keira site of a new six-level retail centre including a single-level basement car park, three levels of retail and two levels of above-ground parking, and the interconnection of this new centre via a tunnel and a bridge over/under Keira Street with Wollongong Central, which itself will be the subject of alterations and additions. A residential tower and a commercial tower (and associated car parking levels) will be constructed at a later stage on the roof of the podium of the new building on West Keira. The entire major project is the subject of the concept plan application. However, all works other than the residential and commercial towers above the West Keira retail podium and their associated parking, are also the subject of the project application.

The modification does not affect the land to which the approval relates as indicated in Schedule 1 of the Concept Plan approval (as amended by Mod 2) and as generally shown on Figure 1. This includes Lot 1 in DP154592.

3. PROPOSED MODIFICATIONS

3.1 Aim of the Modification

The Concept Plan approval and the Project Approval envisage the realignment of the eastern end of Crown Street through demolition of No. 226¹ Crown Street and the dedication of that land to Wollongong Council, and the creation of a new piazza at the corner of Crown Lane, Crown Street, and Keira Street.

The modification seeks to retain the building at No 226 Crown Street (on the corner of Crown Street and Crown Lane) and delete the realignment of Crown Lane. It is proposed that the use of this building would be subject to approvals as required under Part 4 of the Act. It is envisaged that the building would be used for purposes generally as approved under the Concept Plan approval.

In order for the approvals regime to be clarified for No 226 Crown Street, the Minister is requested to determine, under Section 75P(1)(b) of the Act, that any future development at 226 Crown Street is to be subject to Part 4 of the Act.

3.2 Modifications Sought

The modifications sought to the Concept Plan approval are as follows:

Provision	Modification Sought
Determination	
<i>(b) under Section 75P (1) (b), all future stages of the project be subject to Part 4 of the Act; and</i>	AMEND the determination to read: <i>(b) under Section 75P (1) (b), <u>development at 226 Crown Street and all future stages of the project be subject to Part 4 of the Act; and</u></i>
Schedule 2 – Modifications	
ADMINISTRATION	
7 Subsequent Approval Regime <i>All future applications relating to Stage 2 of this development including the residential and commercial towers and associated car parking on the West Keira site shall be subject to Part 4 of the Act and Wollongong City Council shall be the consent authority.</i>	AMEND modification 7 to read: 7 Subsequent Approval Regime <i>All future applications <u>relating to No 226 Crown Street</u>, and Stage 2 of this development including the residential and commercial towers and associated car parking on the West Keira site shall be subject to Part 4 of the Act and Wollongong City Council shall be the consent authority.</i>

¹ This site is referred to as 226 Crown Street in this letter. It is noted that it is incorrectly referred to as 228 Crown Street in the project approval.

BUILT FORM/ARCHITECTURAL DETAILING	
Insert new modification 13	Insert after modification 12 of Schedule 2: 13 No. 226 Crown Street <i>The building at No. 226 Crown Street and the existing alignment of Crown Lane are to be retained.</i>

4. RELEVANT PROVISIONS OF SECTION 75W

Section 75W of the Act, entitled 'Modification of Minister's approval', includes the following relevant provisions:

“(1) In this section:

***Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.*

***modification of approval** means changing the terms of a Minister's approval, including:*

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.”*

Subsections 75W(2), (3) and (4) prescribe that:

- “(2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.”*

On behalf of the Proponent, we request that the Minister modifies the approval. This request is lodged with the Director General. We have not, to date, been advised of any environmental assessment requirements, and we anticipate that this will not be necessary.

5. ENVIRONMENTAL ASSESSMENT

5.1 Urban Design Implications

The Concept Plan approval includes the demolition of No 226 Crown Street and the realignment of Crown Lane creating a piazza at the location of the current intersection. This piazza acted as an entry statement to the West Keira building.

The southern forecourt to the West Keira building is a large and significant space providing an important gathering space and public domain and establishing a connection, both physically and visually, to the other levels of the development and to the mall, Crown Central and Gateway centres.

This forecourt reduces the need for the piazza proposed by realigning the intersection of Crown Lane and Crown Street. It creates a more significant element of the public domain, an improved gateway to the heart of the CBD and an improved relationship with the entry to the Crown Street Mall. In this context, the demolition of No 226 serves no real urban design or economic purpose.

The retention of the building maintains the existing street form and built edge provides a stronger form the western corner of Crown Street and Crown Lane.

5.2 Heritage Implications

From a heritage perspective the retention of the building will maintain the setting of the heritage buildings adjoining No 226 Crown Street which are listed as a group. It removes the need for special treatment to the side façade of the adjoining heritage building.

5.3 Vehicular Access and Pedestrian Implications

The retention of Crown Lane in its current position results in an improved intersection arrangement in terms of swept paths vehicle movements through the intersection.

Council has previously expressed concern about the need for piazza vehicle barriers to prevent vehicles travelling down Crown Lane and into the piazza area. This concern is reduced significantly because of the deletion of the proposed realignment of Crown Lane. Concern was also expressed about the radius of the curve of the realigned lane, its gradient and compliance with swept path design requirements. Again these concerns are removed.

5.4 Economic Implications

It is considered that the retention and reuse of the existing building is a better economic outcome in that it makes efficient use of an existing building. This complements the urban design benefits of maintaining the building in its context adjoining existing heritage items. The knock down and partial rebuild of this building is not justified on economic or public interest grounds.

6. SUMMARY

This Section 75W Modification Application seeks approval to remove from the Concept Plan approval the realignment of the eastern end of Crown Street through demolition of No. 226 Crown Street and the creation of a new piazza at the corner of Crown Lane and Crown Street.



The modification is of minimal environmental impact, and the concept will remain substantially the same development as that originally approved.

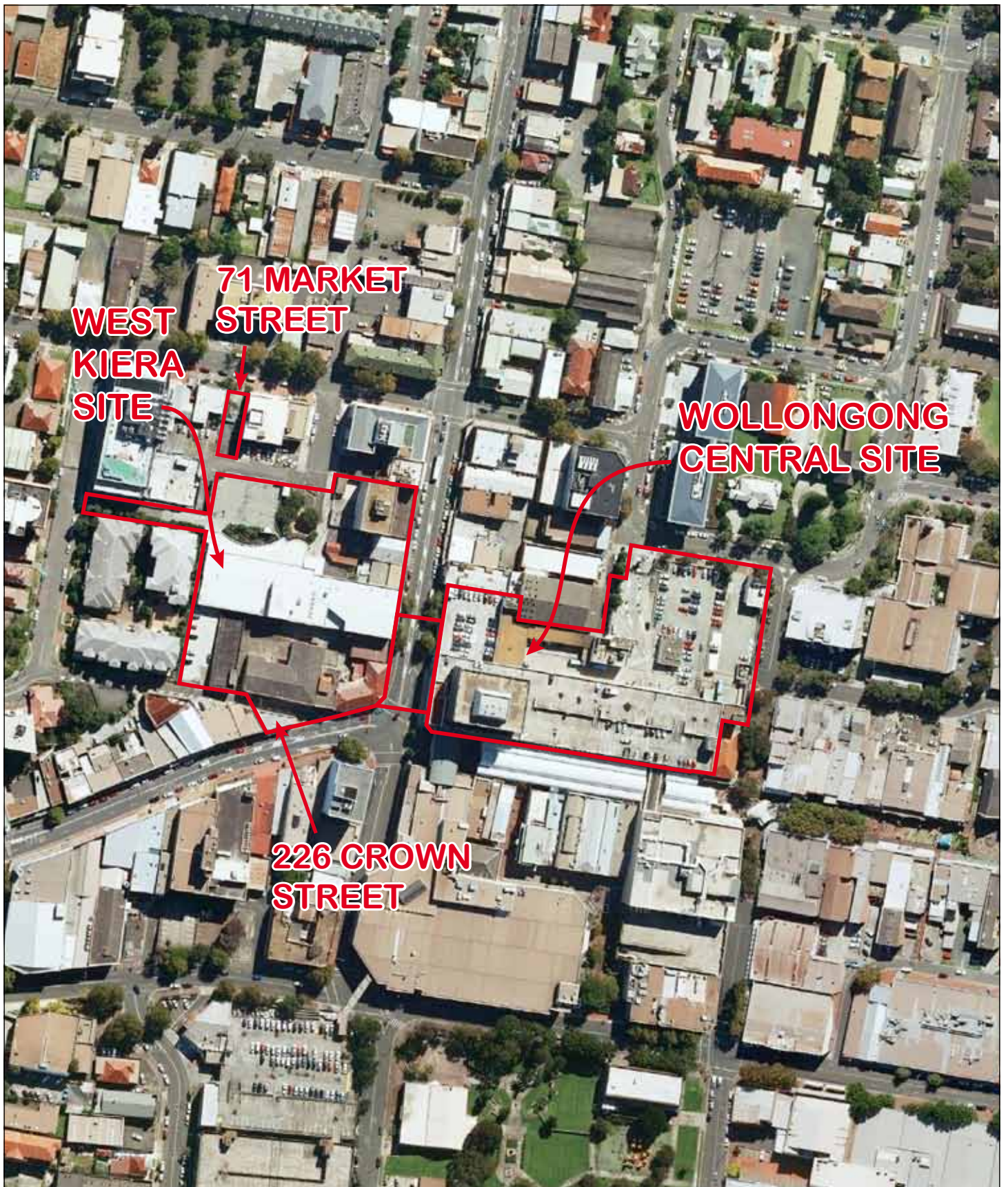
The proposed modification will have a net public benefit in terms of urban design, heritage and traffic management and pedestrian safety and is worthy of support.

Yours faithfully,

BBC Consulting Planners,

A handwritten signature in black ink, appearing to read 'Dan Brindle', followed by a period. The signature is fluid and cursive.

**Dan Brindle,
Director.**



SOURCE: GOOGLE MAPS 2011

CONCEPT PLAN SECTION 75W MODIFICATION NO.3
WOLLONGONG CENTRAL AND WEST KIERA

FIGURE 1
SITE

PREPARED FOR - THE GPT GROUP