

Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: Planning Proposal Warrigal Care

ADDRESS OF LAND: 208-212 Corrimal Street (Lots 35, 36 and 37 DP 19969), 25 Beach Street (Lots A, B and C DP 401196), and 1 Beach Street (Lot 38 DP 19969), Wollongong.

MAPS:

Location Map *(showing the land affected by the proposed draft plan in the context of the LGA).*

Current Planning Controls *[Include zoning map (include any FSR and Height Maps as appropriate) showing the existing zoning of the site and surrounding land]*

Proposed Planning Controls *change for the site/s (tagged 'comparative existing/proposed zoning').*

BACKGROUND:

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF THE PLANNING PROPOSAL:

Concise statement setting out objective or intended outcomes of the planning proposal.

To increase the maximum permissible height from 9 metres to 32 metres and increase the maximum permissible floor space ratio from 0.5:1 to 1.5:1 in order to facilitate a multi-storey aged care and seniors living development, comprising independent living units, community facilities, a hall, retail spaces, care facilities and aged care.

Note: the original proposal sought a rezoning of the site from B6 Enterprise Corridor to B4 Mixed Use zone to facilitate the seniors living land use. However, confirmation has been received from the NSW Department of Planning and Infrastructure that the Seniors Housing SEPP does apply to the B6 Enterprise Corridor Zone (permissible with consent), and hence a change in zoning is not necessary to permit seniors living development.

Part 2: EXPLANATION OF THE PROVISIONS OF THE PLANNING PROPOSAL:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

- Amendment of the Wollongong LEP 2009 Height Map in accordance with the proposed height map shown at attachment 1, which indicates a maximum permissible height of 32 metres; and
- Amendment of the Wollongong LEP 2009 Floor Space Ratio Map in accordance with the proposed floor space ratio map, shown at attachment 2, which indicates a maximum permissible floor space ratio of 1.5:1.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?	The planning proposal is not a direct result of any specific strategic study or report. It is the result of a Council resolution dated 12 December 2011. While the planning proposal is not a direct result of any specific strategic study or report, the Wollongong Housing Study (SGS Economics and Planning 2005) cites: • an above average aged/retired population; • a shortage of aged care housing within the area; • the Commonwealth Aged Care Act 1997 which includes as a key objective the promotion of ageing in place through the linking of care and support services to the places where older people prefer to live. A Development Application was lodged and determined by way of refusal by the Southern Region Joint Regional Planning Panel (JRPP) for a number of design issues and the lack of information supplied during the assessment process. However, that JRPP assessment report confirmed an above average retired population and a shortage of aged care housing within the area. The report also referred favourably to the co-location of aged care facilities, which is encouraged by the NSW Government to enable residents to age in place.
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The subject site was previously zoned 3(d) Commercial Services under WLEP 1990 and seniors living was a permissible use with consent. An objective of the planning proposal is to reinstate a formerly permissible use on the site. The current B6 zoning does not permit seniors housing. A change of zoning was originally sought to permit seniors living, however, confirmation has been received from the NSW Department of Planning and Infrastructure that the Seniors Housing SEPP does apply to the B6 Enterprise Corridor Zone, and hence a change in zoning is not necessary to permit seniors living development. The NSW Department of Planning and Infrastructure, however, advised that any development application supported by a Site Compatibility Certificate must still have regard to issues of site contamination, pedestrian access, the appropriateness of bulk and scale of the development, and flood behaviour. A planning proposal is required to increase the permissible height to 32 metres and increase the permissible FSR to 1.5:1. Amendment of the building height and FSR is being sought to enable development to a scale that would ensure satisfactory services can

	be provided within the facility and a sufficient number of units can be provided, as well as underpin the viability of the project.
3. Is there a net community benefit?	Warrigal Care, the owner of the site, is a not-for-profit public benevolent aged care provider. Wollongong has an above average aged population and an undersupply of aged care facilities within the LGA. The proposed development would increase the supply of aged care accommodation, and the amount of affordable seniors housing within the Local Government Area. A range of services would be provided including: • High care; • Low care; • Dementia specific care; • Self care (independent living); • Day respite; and • Community care services. It is estimated that the proposed development would create a permanent employment generating activity, potentially employing approximately 170 people, compared with the current use of the site which employs approximately 15-20 people. While the proposed use is compatible with surrounding residential uses, including the Links Seaside Seniors development on the eastern side of Corrimal Street opposite the site, the proposed height and FSR increases will not be consistent with the surrounding properties. The proposal is seeking a height increase from 9 metres to 32 metres and an increase in FSR from 0.5:1 to 1.5:1. The resultant scale and bulk of the proposed development will potentially have overshadowing and privacy impacts on adjoining properties, and will impact on the streetscape, given the surrounding land will retain a height limit of 9 metres. Some submissions centred on the need to review the development controls for the whole block, or wider precinct, in this regard. The land uses adjacent the site and in the immediate vicinity include a mixture of light industrial, commercial, retail and residential. The site is located approximately 800 metres from the city centre. Bus stops are adjacent the site in Corrimal Street, and the proponent has indicated they would provide a community bus for the use of residents.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	Consistent with the Illawarra Regional Strategy (2007): which identifies the need for a further 38000 new dwellings to cater for growth and declining occupancy rates over the next 25 years. Action: encourage greater utilisation of available infrastructure through higher densities and an
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	appropriate housing mix around regional centres. Action: Council will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the ageing population. The proposed development would achieve some of Wollongong's medium density targets in Brownfield locations. It would also contribute to employment targets through the provision of an estimated 170 jobs on site. The Illawarra Regional Strategy Sustainability criteria have been considered in the context of this proposal. The proposal is consistent with regard to criteria set in relation to infrastructure provision; access; housing diversity; employment; and quality & equity in services. The proposal includes measures to avoid risk (in terms of exposure of the site to potential flooding) and environmental protection. Inconsistent with Wollongong CBD Action Plan (WCC 2010): while this Plan, endorsed by Council in November 2010, does identify an opportunity to (among other things) enhance the age care/housing sector of the area immediately south of the Wollongong CBD, the recommendation adopted by Council for the area roughly bound by Burelli Street in the north, Corrimal Street in the east, Swan Street to the south and the railway line in the west, is to develop a vision for the longer term development of this wider area. The development of a vision for the Wollongong South precinct is identified as a city centre priority project in terms of the strengthened role the area can potentially play for the CBD. The time frame indicated in the CBD Action Plan for the vision development is medium term – 2013/16, the focus being on land use criteria and desired built form outcomes.
5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?	The planning proposal is consistent with Council's Strategic Planning documents to guide future development in the City in terms of helping to achieve targets for the provision of: • aged care accommodation, • housing choice, • housing affordability, and • employment.
6. Is the planning proposal consistent with applicable state environmental planning policies?	SEPP Seniors Living and Disability (2004): A Site Compatibility for Seniors Housing Certificate has been issued by the NSW Department of Planning for the site (19 August 2010) and is valid for two years. However, the site is not consistent with the SEPP (Housing for Seniors or People with a Disability 2004) in terms of the requirement that open space, and community and recreational services be located within a 400m radius. Additionally, access is located at a variety of gradients and does not consistently include designated pathways. These issues are confirmed in

	the Social Impact Assessment submitted by the proponent (Watkinson Apperley P/L 2009). However, that same report identifies mitigating factors such as the provision of retail, recreational and consulting suites on site, and the availability of an on site bus for the use of residents. Refer to the attached Table A – Checklist of State Environmental Planning Policies.
7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?	Refer to the attached Table B – Checklist of Ministerial Directions.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	A Flora and Fauna Assessment prepared by Eco Logical Australia Pty Ltd (2010) concludes that the site has undergone extensive past clearing associated with commercial, light industrial and residential land uses, and consequently only small stands of vegetation and scattered trees remain. Three species listed under the TSC Act and/or EP&A Act were assessed in response to specific concerns raised by Wollongong City Council in a letter to the proponent dated 31 March 2010. The species included Swamp Oak Floodplain Forest; Green and Golden Bell Frog; and Narrow-leaved Black Peppermint <i>Eucalyptus nicholii</i>. The assessment concluded that the proposed development on the highly disturbed site would have little, if any, impact on any ecological values present.
9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? This might include natural hazards such as flooding, land slip, bushfire hazard etc. If it is necessary to undertake technical studies or investigations to address an identified matter, these should be undertaken following the initial gateway determination.	The subject property has been identified by Wollongong City Council as being subject to flood affectation in major storm events. The proposed development must therefore address the requirements of WDCP Chapter E13 Floodplain Management. Draft flood planning levels have been provided to the proponent by Wollongong City Council in response to a Flood Level Request. A Flood Impact Report (Watkinson Apperley Pty Ltd 2009) concludes that the proposed development lies predominantly within a medium hazard precinct, however provides for safe living and operation during a flood under a "shelter-in-place" policy. The proposed building will be constructed with habitable floor levels above the PMF satisfying floor level requirements. The report concludes that the proposal will have a positive to neutral impact on flood levels by the provision of compensatory volume within the site to offset the increased footprint. An Acid Sulphate Soil Assessment (Coffey Geotechnics P/L 2010) identified the subject site as being affected by acid sulphate soils, which will require appropriate treatments and neutralisation.

	A Hazardous Materials Survey (AECOM 2009) identified the site as potentially contaminated due to previous land use. This will require plans/reports on air monitoring; remediation action; and unexpected find protocols, as well as a site audit.
10, How has the planning proposal adequately addressed any social and economic effects?	A Social Impact Assessment (Watkinson Apperley P/L 2009) concludes that the proposed aged care facility on the existing community is mostly positive, with increases in employment and population density expected. It will provide housing diversity, affordability and appropriate design catering to the needs of a range of older people. Seniors housing on the site will address the shortage in aged care housing in the LGA and will accommodate the above average retired population in Wollongong. The assessment states that the impact on the site and streetscape will be positive resulting in improvements to the amenity of the area. It further states that the negative impacts of development such as access to services and the impacts of more people using community and recreational facilities can be mitigated and managed. In addition to the inconsistency with the SEPP (Housing for Seniors or People with a Disability 2004) in terms of access requirements, Council Officers have expressed concern that the proposed height and FSR increases will not be consistent with the surrounding properties. The proposal is seeking a height increase from 9 metres to 32 metres and an increase in FSR from 0.5:1 to 1.5:1. This will potentially have overshadowing and privacy impacts on adjoining properties. The proposal cites a number of economic benefits: • the creation of approximately 170 additional jobs, • protect employment land in a business zone, and • support viability of city centre through increased population density and employment. There are no known heritage issues.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?	Existing services/utilities are adequate to cater for the level of additional demand created by this change in land use.
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	The Gateway Determination will stipulate the required consultation with public authorities. Preliminary consultation was carried out prior to the

	assessment of the draft Planning Proposal, with one submission received from Sydney Water and one submission received from the Roads and Traffic Authority. Sydney Water had no objection to the proposal and noted that the proponent would need to fund any adjustments needed to Sydney Water infrastructure as a result of development. The Roads and Traffic Authority had no objection, however raised a concern relating to the potential increased desire for pedestrians to cross Corrimal Street as a result of the development. They noted that appropriate infrastructure would need to be identified to address this issue prior to development approval. The NSW Department of Planning issued a Site Compatibility Statement for Seniors Living on the site dated 19 August 2010, current for two years. The Commonwealth Department of Health and Ageing has approved the provisional allocation of 120 new beds to Warrigal Care – an allocation made on the basis of detailed statistical analysis of need.
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Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

Preliminary consultation was carried out prior to the assessment of the draft Planning Proposal. The proposal was placed on limited preliminary notification for a period of seven (7) weeks between 18 July and 2 September 2011. State Authorities and adjoining land owners were notified by mail in order to gather comments to assist in forming an opinion on the proposal. A total of six (6) submissions were received.

Any Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, the Proposal will be exhibited for a minimum period of twenty-eight (28) days, and include:

- Hard copies at Council's Administration building and relevant Libraries;
- Electronic copy on Council's website;
- Notification letters to surrounding and nearby property owners; and
- Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
State policies			
SEPP No. 1	Development Standard	N/A	
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development	N/A	Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 6	Number of Storeys in a Building	N/A	
SEPP No. 10	Retention of Low-Cost Rental Accommodation	N/A	
SEPP No. 14	Coastal Wetlands	N/A	
SEPP No. 15	Rural Land Sharing Communities	N/A	
SEPP No. 19	Bushland in Urban Areas	N/A	
SEPP No. 21	Caravan Parks	N/A	
SEPP No. 22	Shops and Commercial Premises	N/A	
SEPP No. 26	Littoral Rainforests		No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	
SEPP No. 30	Intensive Agriculture	N/A	
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)		
SEPP No. 33	Hazardous and Offensive Development	N/A	
SEPP No. 36	Manufactured Home Estates	N/A	
SEPP No. 38	Olympic Games and Related Projects	N/A	
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
SEPP No. 44	Koala Habitat Protection	N/A	
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development	N/A	
SEPP No. 52	Farm Dams, Drought Relief and Other Works	N/A	
SEPP No. 53	Metropolitan Residential Development	N/A	
SEPP No. 55	Remediation of Land	The site is contaminated – preliminary contamination assessments and hazardous materials survey and management plan prepared – capable of compliance.	Remediation Action Plan to address contamination at the DA stage.
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	
SEPP No. 60	Exempt and Complying Development	N/A	
SEPP No. 62	Sustainable Aquaculture	N/A	
SEPP No. 64	Advertising and Signage	N/A	
SEPP No. 65	Design quality of residential flat development	Applies to the independent living units proposed – capable of compliance.	To be addressed at the DA stage.

State Environmental Planning Policy		Compliance	Comment
SEPP No. 70	Affordable Housing (revised schemes)	N/A	
SEPP No. 71	Coastal Protection	Subject site located within a coastal zone – clause 8 requires consideration of a number of matters. Capable of compliance.	To be addressed at the DA stage.
SEPP	Housing for Seniors or People with a Disability 2004	To encourage housing provision to increase the supply and diversity of residences to meet the needs of seniors or people with a disability; make efficient use of existing infrastructure; be of good design. Inconsistent in terms of some access issues, however capable of compliance.	Mitigating factors identified – to be addressed at the DA stage.
SEPP	Building Sustainability Index: BASIX 2004	BASIX outlines water and energy efficiency targets – capable of compliance.	A BASIX certificate, outlining the commitments to be incorporated into the design, will be required at the DA stage.
SEPP	Major Projects 2005	The proposed development will have a CIV of more than \$10 million.	The future DA will need to be determined by the Joint Regional Planning Panel.
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	N/A	
SEPP	Infrastructure 2007	The proposed development will contain frontage to a classified road, and is classified as a traffic generating development – capable of compliance.	To be addressed at the DA stage.
SEPP	Temporary Structures 2007	N/A	
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	Affordable Rental Housing 2009	N/A	
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development	N/A	

State Environmental Planning Policy		Compliance	Comment
	Codes 2008		
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
REP	Sustaining the catchments		
Greater Metropolitan REP No.2	Georges River catchment		

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	The planning proposal will protect employment land in a business zone, creating approximately 170 additional jobs compared with the current use of the site which employs approximately 15-20 people. Supports the viability of the City Centre through increased residential densities.
1.2	Rural Zones	N/A
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	N/A
2. Environment and Heritage		
2.1	Environment Protection Zone	N/A
2.2	Coastal Protection	Subject site located within a coastal zone – clause 8 requires consideration of a number of matters – any future DA will need to satisfy the provisions.
2.3	Heritage Conservation	N/A
2.4	Recreation Vehicle Areas	N/A
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	The planning proposal will increase variety and choice in housing; make efficient use of existing infrastructure and services, allow people to age in place, and reduce the need to use greenfield land to provide seniors living.
3.2	Caravan Parks and Manufactured Home Estates	N/A
3.3	Home Occupations	N/A
3.4	Integrating Land Use and Transport	The planning proposal provides for the co-location of housing and services on the site, with public transport access and the provision of a bus for residents, reducing reliance on car use.
3.5	Development Near Licensed Aerodromes	N/A
3.6	Shooting Ranges	N/A
4. Hazard and Risk		

4.1	Acid Sulfate Soils	The site is affected by acid sulphate soils, which will require appropriate treatments and neutralisation.
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	The site is known to be within a medium and high risk flood precinct. The 1% AEP (Annual Exceedence Probabilities) and PMF (Probable Maximum Flood) for the site have been identified. A Flood Impact Report has been prepared for the site, showing how the proposal will comply.
4.4	Planning for Bushfire Protection	N/A
5. Regional Planning		
5.1	Implementation of Regional Strategies	The planning proposal will be consistent with the Illawarra Regional Strategy and will increase availability of seniors housing within the Wollongong LGA.
5.2	Sydney Drinking Water Catchments	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.6	Sydney to Canberra Corridor	Not applicable to Wollongong – revoked 10/7/08
5.7	Central Coast	Not applicable to Wollongong – revoked 10/7/08
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1 2036	Implementation of the Metropolitan Plan for Sydney	Not applicable