

JRPP No.	Item No. 1 (2009STH004)
DA No.	DA-2009/843 - Masterplan for 158 unit retirement village, associated community facilities and sporting field and club
Property	Lot 4 DP 246076 24-60 Hooka Creek Road Berkeley
Applicant	Southern Community Holding P/L
Report By	City Wide Development – Wollongong City Council

Assessment Report and Recommendation

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The application has been referred to the Joint Regional Planning Panel pursuant to clause 13 B (1) (a) of the State Environmental Planning Policy - Major Development as the capital investment value exceeds \$10 million and the proposal is not a Part 3A development under the Environmental Planning and Assessment Act 1979, as the capital investment value does not exceed \$50 million.

Proposal

The proposal is a Masterplan for the staged development of a seniors living village under the SEPP (Housing for Seniors or People with Disability) 2004.

The village includes 158 self contained dwellings of which 86 are single storey dwellings and the remainder comprises of 4 x three storey apartment blocks with parking underneath. The village includes a community centre, a car park and a new sporting facility with a club and oval.

Permissibility

The site is zoned 6(b) (Private Recreation) pursuant to Wollongong Local Environmental Plan 1990 (WLEP 1990) and is adjacent to residential zoned land. Dwellings and residential flat buildings are permissible in the zone if used in conjunction with a land use for which development consent is required and situated on the land on which the land use is carried out.

Legal advice to Council states that under SEPP (Housing for Seniors or People with Disability) 2004, it is to be considered land zoned primarily for urban purposes and therefore permissible for seniors housing without a site compatibility certificate.

Under Draft Wollongong Local Environmental Plan 2009 (DWLEP 2009) the site is proposed to be zoned RE2 Private Recreation. Pursuant to this plan both dwellings and residential flat buildings are not permissible.

Consultation

A Pre-lodgement meeting was held on the 24 March 2009, for a seniors living development. The applicant was advised of the submission details required, consistent with the complexity of the site and the proposal.

The application was notified as Category D in accordance with Council's "Development Assessment and Compliance Notification Policy". A total of 13 submissions were received during the exhibition period, with a further 14 submissions received after that period.

The application was referred for comment extensively within Council and to the RTA, with most stating that the submission was too deficient to allow a full and proper assessment to be undertaken. The applicant has been invited to address the identified deficiencies but has failed to resubmit the required information within the stated time limit.

Main Issues

- Stormwater- drainage and flood impact.
- Acid Sulphate Soil exposure.
- Land Contamination.
- Endangered Ecological Community management.
- Traffic impact to existing residential areas, circulation within the site and with sporting facility.
- Noise impacts from sporting facility use.
- Access to facilities in accordance with SEPP (Housing for Seniors or People with Disability) 2004.
- Impact of apartment blocks - bulk and scale inappropriate to surrounding residential areas.
- Solar access to single storey dwellings and lack of streetscape diversity.
- Noise impact from the freeway to dwellings.
- Landscaping and access through the site.
- Management of the community centre.

RECOMMENDATION

It is recommended that DA -2009/843 be refused for the reasons contained in Attachment 5.

1. ASSESSMENT REPORT

1.1 Background

The site is owned by the Macedonian Orthodox Community of Wollongong. The existing uses primarily centre on the current use as a private sporting facility. This includes a main oval, grandstand, a club facility and a training oval. The club has recently applied for a liquor licence.

Orders have been issued this year with regard to unauthorized excavation of land in the flood plain.

A Pre-lodgement meeting was held on the 24 March 2009, for a seniors living development. The applicant was advised of the submission details required, consistent with the complexity of the site and the proposal.

An initial assessment of the development application lodgement submission revealed a lack of suitable information to enable a full and proper assessment. The applicant was requested on 6 and 12 October 2009 to submit additional information which is yet to be received. This assessment report is therefore based upon the information received to date.

1.2 Site description

The site is adjacent to the F6 freeway (to the west) and to the east is a row of residential housing fronting Hooka Creek Road. To the north is a further row of residential housing fronting Northcliffe Drive and to the south a large undeveloped site. Opposite the south east corner of the site, across Hooka Creek Road, is the community sporting facility of Fred Finch Park.

The site is primarily used as a sporting facility that has been made level in areas to accommodate sporting ovals.

The site has significant constraints including: flood hazard affected, presence of high Acid Sulphate Soil (ASS), a mapped Endangered Ecological Community (EEC) (Coastal Swamp Oak and Floodplain Wetland); areas of fill composed of blast furnace slag; and an unknown quantity of unauthorized building rubble.

1.3 Proposal

The proposal is a Masterplan for staged development for a seniors living village under the SEPP (Housing for Seniors or People with Disability) 2004.

The proposed village includes 158 self contained dwellings of which 86 are single storey dwellings and the remainder comprises of 4 x three storey apartment blocks with basement parking. The village includes a community centre and on the south west of the site a car park and a new sporting facility with a club and oval.

The site zoned 6(b) (Private Recreation zone) under WLEP 1990. The land is zoned primarily for urban purposes and legal advice to Council has confirmed that the proposal is permissible with consent.

1.4 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in section 79C(1) of the EP&A Act 1979 as are of relevance to the development. The following table summarises the relevant matters of consideration under section 79C(1) and the significant matters are discussed in further detail later in the report.

Section 79C(1) of the Environmental Planning and Assessment Act 1979	
(a)(i) any environmental planning instrument	
<u>State Environmental Planning Policies</u> <ul style="list-style-type: none"> • SEPP No. 55 – Remediation of Land (See section 1.5 of this report). • SEPP No. 65 - Design Quality of Residential Flat Development (See section 1.6 of this report). • SEPP 71 – Coastal Protection(See section 1.7 of this report). • SEPP (Housing for Seniors or People with a Disability) 2004(See section 1.8 of this report). • SEPP (Infrastructure) 2007(See section 1.9 of this report). • SEPP (Building Sustainability Index: BASIX) 2004 (See section 1.10 of this report). • Illawarra REP No. 1 1986 (deemed SEPP) (See section 1.11 of this report). <u>Local Environmental Planning Policies</u> <ul style="list-style-type: none"> • Wollongong Local Environmental Plan (WLEP) 1990 (See section 1.13 of this report). Detailed assessment is provided below the table.	
(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority	
<ul style="list-style-type: none"> • Draft Wollongong Local Environmental Plan (DWLEP) 2009 (See section 1.12 of this report). 	
(a)(iii) any development control plan	
<ul style="list-style-type: none"> • Combined City Wide and City Centre Section 94A Development Contributions Plan July 2008(See section 1.14 of this report). • DCP 6 Commercial and Industrial Development (See section 1.15 of this report). 	
(a)(iv) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F	
None applicable	
(a)(v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	
AS 2601—1991: The Demolition of Structures - Standard condition on any consent given NSW Coastal Policy 1997 – the site is within the Coastal Policy	
(b) the likely impacts of development	
<u>Context and Setting</u> The existing site is a recreation facility adjacent to a residential area. The major constraint for the site is that it is 'flood affected'. The proposal is to undertake compensatory excavation and use the material to build the site up to an acceptable level for the residential development. The site has other constraints of Endangered Ecological Community (EEC), Acid Sulphate Soils (ASS), an unsubstantiated amount of fill and is adjacent to the F6 freeway. The majority of the proposed development is single storey dwellings however 4 x three storey apartment blocks are on the southern boundary. These building are generally considered out of scale and character with the existing residential. Sufficient solar access to the single level dwellings is in question due to the courtyard location and the F6 freeway noise adversely affects a substantial number of dwellings. The layout of the single level dwellings is uniform providing no diversity to the streetscape.	

Section 79C(1) of the Environmental Planning and Assessment Act 1979

Access, Transport and Traffic

The proposal has been considered by the Regional Development Committee of the RTA. The Committee's extensive comment is below. The application was considered as being deficient in its submission as detailed in section.1.16.

Access to and from the sporting facility is via a separate road that passes three of the residential apartment blocks and access is also possible through the residential area, this is a potential traffic noise impact. Under SEPP (Housing for Seniors or People with Disability) 2004 adequate access is to be provided to facilities – see comment under Community Services in section 1.16.

Public Domain

The submissions indicate that the site currently provides overflow parking when the adjacent Fred Finch Park sporting complex is utilised for carnivals. Additional traffic congestion could be added to by the proposed development at these times.

Footpaths do not exist in the public road reserve to assist residents to access bus services. There is no available bus stop Berkeley shops and Warrawong within 400 m of the proposed development. In addition, from Hooka Creek Road, bus patrons must cross Northcliffe Drive, a dual lane road in both directions, with no current or proposed pedestrian crossing.

Bus services going west towards Dapto and Unanderra or coming from Berkeley can be accessed on the southern side of Northcliffe drive.

Utilities

The SEE states that augmentation will be required to supply electricity and sewer services.

Heritage

No heritage items noted on Council's Land Information System (European and Aboriginal).

Other land resources

The proposal is not envisaged to impact on other land resources.

Water

The dwellings will be required to comply with SEPP Basix for water use.

Water use for common areas, such as the Community Centre, Club building and the sporting oval, is not discussed in the application.

The excavation exposing ASS may add acid sulphate load to stormwater drainage, impacting Lake Illawarra, however, this has not been determined as there is a lack of submission detail.

Soils

The remediation of contaminated soil (from blast furnace slag and building rubble) and management of ASS has not been detailed in the application and therefore a full assessment cannot be undertaken.

Air and Microclimate

The proposal is not expected to have any negative impact on air or microclimate in the operational use and during construction appropriate conditions would be placed within any consent granted to mitigate any matters such as dust suppression.

Section 79C(1) of the Environmental Planning and Assessment Act 1979

Flora and Fauna

The viable EEC on the site requires a vegetation management plan for ongoing maintenance. Details concerning how the site is to be protected during construction has not been provided in the submission.

Waste

No waste management details are provided with the submission for the dwellings, the community centre and the sporting facility.

Energy

The dwellings will be required to comply with the SEPP Basix and the consumption for the residential component is not envisaged to be unreasonable.

Noise and vibration

During the operational use the traffic to Hooka Creek Road will increase, however, the noise from the sporting facility may not necessarily increase from the current use as there is an existing club/sporting facility.

Noise from the F6 freeway has only been addressed by the submission of an acoustic report, however, the submission does not address the amenity impact on the dwellings.

Natural hazards

There are natural hazards affecting the site that could prevent the proposal. Council records list the site as flood hazard affected.

Compensatory excavation and filling is proposed to increase the height of the building area to alleviate this constraint.

Technological hazards

There are technological hazards affecting the site that could prevent the proposal. Council records list the site as acid sulphate soil affected.

It is known that the site has areas of filled land composed of blast furnace slag and building rubble, however, insufficient information was submitted to determine the full extent of the impact on the site.

Safety, Security and Crime Prevention

Insufficient information submitted for thorough review of this matter – see SCAT comment in section 1.16.

Social Impact

Details of the proposed community centre were not provided in the submission and thus no assessment could be undertaken.

Council's Community Services section has concerns if the sporting club obtains a gaming licence, this may have an impact upon the surrounding residential areas (both internally and externally to the site).

The access to bus services is considered not to comply with SEPP (Housing for Seniors or People with Disability) 2004 and access to services is stated in the SEE to rely on a daily service from the village. Little detail has been provided in the submission to assess whether such a service will comply with SEPP (Housing for Seniors or People with Disability) 2004.

The scale (number of dwellings) and uniformity in single level dwelling design and location to the street, apartment block similarity, give a mass production like appearance to the development and affect visual amenity.

Section 79C(1) of the Environmental Planning and Assessment Act 1979

Economic Impact

The proposal is not expected to create any negative economic impact.

Site Design and Internal Design

The application does not submit sufficient information to enable a complete assessment with regard to SEPP (Housing for Seniors or People with Disability) 2004.

The site design is not satisfactory as it does not create visual interest for pedestrians via differing housing forms and streetscape design. Solar access is not assured to the single level dwelling courtyards and the impact of freeway noise has only been dealt on a technical basis not on occupant amenity or Building Code of Australia (BCA) compliance with regard to ventilation.

The possible conflict of use between the residential area and the sporting facility has not been adequately addressed.

The communal area for the site has only been addressed via a community centre and not with areas dispersed throughout the site.

Construction

A condition would be attached to any consent granted that WorkCover be contacted for any demolition or use of any crane, hoist, plant or scaffolding.

A condition would be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts

The excavation of the site to compensate for loss of flood storage and filling for the building platforms may exacerbate the release of acid from the acid sulphate soil into the stormwater system that discharges to Lake Illawarra. No Acid Sulphate Soil (ASS) management plan has been submitted for assessment.

Building on a contaminated site (fill material) without a thorough investigation of the issue may lead to impacts in the future. Traffic congestion in the immediate vicinity at times of sporting carnivals may be increased by the proposed development.

c) the suitability of the site for development

Does the proposal fit in the locality?

Whilst the proposal is residential and compatible with adjacent zoning, the 3 level apartment blocks are considered out of scale for the area. The density of the proposal (number of dwellings), the extent of the site coverage combined with necessary compensatory excavation and fill is not considered a satisfactory design response to the site. The proposed 186 dwellings specifically for senior housing forms a large age determined development in an existing residential area where age groups are diverse. The proximity of the F6 freeway has a considerable noise impact on the site and the design response appears to have made minimal accommodation for this impact.

The site could possibly accommodate a scaled down version omitting the 3 level apartment blocks, which may eliminate the need for extensive compensatory excavation and fill enabling the existing landform to be preserved. The development should reflect the low density residential amenity that currently exists in the area.

Are the site attributes conducive to development?

It is considered that the site attributes of flooding, ASS, traffic impact, freeway noise and EEC management are not conducive to the proposal.

d)	any submissions made in accordance with this Act or the regulations
The application was notified Category D in accordance with Council “Development Assessment and Compliance Notification Policy”. A total of 13 submissions were received in the exhibition period and 14 received after that period.	
<u>Submissions from public authorities</u>	
Only via referrals as noted in section 1.16.	
e)	the public interest
The public interest is not considered to be served by the proposal due to the potential social, environmental and amenity impacts that have not been adequately addressed in the submission.	

1.5 State Environmental Planning Policy No 55 – Remediation of Land

Council is not satisfied that the land is suitable for residential use, see Environment Division’s comment – section 1.16.

1.6 State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

Design verification provided.

Design Quality Principles

Context

Responding to a site with an extensive excavation and fill to elevate the site above flood levels appears to shape the site to what is required rather than any appreciation for the natural site attributes and constraints.

Scale

The form of the Masterplan is simplistic. The single level housing appears like an integrated medium density housing subdivision to maximize lot yield. This is exacerbated by the 3 storey apartment buildings on the southern area of the proposed development area that do not appear to provide an appropriate relationship with the surrounding existing development.

The drawings are of a quality; especially for the apartment blocks such that an aesthetic appraisal is not reasonably possible.

Built form

The built form is a repetition of single storey dwellings and 3 storey residential flats.

Density

The applicant states the density complies with the SEPP (Housing for Seniors or People with Disability) 2004. However, it is a large site and those areas not used for development is either EEC or compensatory excavation. The residential development area is compact and has no similarity to the surrounding residential area.

Resource, energy and water efficiency

No information supplied in the submission with regard to sustainable/alternate resource, energy and water efficiency management schemes.

Landscape

Insufficient landscape information submitted – see Landscape comment in section 1.16.

Amenity

The Masterplan is a rigid layout that has no variety and appears to be a medium density development. Dwelling layout improvements could be made such as kitchens on the north side of units and dwellings and complying terraces in units. Reduction in dwelling numbers to improve winter solar access. Many of the dwellings near the Freeway will not be able to keep doors or windows open to meet traffic noise guidelines and so will rely on mechanical ventilation.

Safety and security

Further information regarding safety and security needs to be provided, such as the management of community centre, lighting and security provisions as well as comment on Crime Prevention Through Environmental Design (CPTED) design principles.

Social dimensions

The proposal is basically creating a large number dwellings with single age cohort that does not reflect the age diversity in the surrounding residential area.

Aesthetics

The plans submitted do not permit a considered assessment of this criteria.

1.7 State Environmental Planning Policy 71 – Coastal Protection

The suitability of the development could not be determined as the submission lacks the detail required for a thorough assessment.

Impacts on the viable EEC would be required to be minimized. Additional information is required to ensure this via a Vegetation Management Plan.

The impacts of leaching of acid from exposure of Acid Sulphate Soils (ASS) to stormwater ,via excavation and discharges to Gibsons Creek and Lake Illawarra have not been determined due to insufficient information submitted.

1.8 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Clause 26 – Access to services

From the site there are no footpaths to access the bus stop/service that goes west on Northcliffe Drive. No bus stop exists within 400m of the proposed development for travelling east on Northcliffe Drive. A bus patron from the proposed development would also have to cross Northcliffe Drive which has a dual lane road in both directions and no safe crossing point. The applicant states a village bus is to be used once a day, however sufficient detail has not been provided as to where this bus will go and if facilities required by the SEPP are present. See the referral comment from Community Services in section 1.16.

Clause 29 (need to consider 25 (b) 9(i), (iii) and (v))

The impact on the environment has not been able to be adequately determined from the submitted information. To make the site acceptable for residential development, an extensive excavation in ASS is required and this could possibly endanger the EEC on the site. Leachate from exposed ASS may also travel to watercourses and then discharge into Lake Illawarra. The site has also been subject to fill, authorized and unauthorized, and the extent and type has not been able to be determined from the information supplied with the submission.

The services and facilities required have not been sufficiently detailed by the submission. Infrastructure (sewer and electricity) require augmentation. Referrals have been sent to Integral Energy and Sydney Water – see section 1.16 below.

The bulk and scale of the apartment buildings are considered out of scale with the surrounding existing residential area.

Clause 30 – site analysis

Insufficient detail submitted to comply with this clause.

Design Principles

The adjoining land to the north and east is residential and with residential flats permissible under WLEP 1990. Under DWLEP 2009, this zone remains essentially equivalent with dwellings and residential flat buildings being permissible. The proposed residential apartment building adjacent to Hooka Creek Road could be set back further to reduce scale impact, visual intrusion and view loss to the escarpment.

The residences on Hooka Creek Road may be impacted upon by increased traffic noise from the residential component of the development.

The acoustic report identifies a considerable number of dwellings that would be unable to open windows due to noise from the freeway and this is considered unsatisfactory.

Basix certificates were not submitted.

Solar access – although residential unit living areas are orientated to north, the amount of solar access during winter is not detailed and most units' courtyards are bounded by courtyard walls that would inhibit reasonable solar access.

Stormwater – comment below in referrals – section 1.16.

Crime prevention - Safer Community Action Team (SCAT) comment in referrals – section 1.16.

Accessibility - Community Services comment in section 1.16. The Accessibility Report in the SEE states design will comply, however no detail provided in the applicant's submission.

Waste management – could not locate any information in submitted SEE.

Development Standards

Clause 41 - Schedule 3

Siting standards - SEE states detail to be provided in later development applications.

Clause 42 - Serviced self care housing

This as a category of Self Contained Housing. The SEE does state if serviced self care housing is part of the proposal.

Clause 43 - Transport service to local centres

Insufficient detail provided with application submission to determine compliance.

Clause 44 - Availability of facilities and services

Insufficient detail provided with application submission to determine compliance.

Clause 46 - Inter-relationship of Part with Design Principles in Part 3

Part 3 – Design requirements, Division 2 - Design Principles.

It is considered that compliance with Division 2 has not been demonstrated adequately in the application submission and the proposal cannot be supported.

Clause 50 - Self contained dwellings – Standards that cannot be used to refuse development consent

- The residential apartment blocks are greater than 8m in height and could be a reason for refusal.
- Density and scale. The plans are not dimensioned sufficiently to check floor space calculations given.
- Landscaping – See landscape comment in section.
- Solar Access – insufficient information submitted to review claim of compliance.
- Private open space
 - Dwelling single storey – complies.
 - Residential apartments
 - Ground floor unit - 1 square meter less than required.
 - Above ground unit (first and second floor) – do not comply.
- Parking
 - Single storey dwellings - complies
 - Residential apartment complies, with typical layout plan provided.

1.9 State Environmental Planning Policy (Infrastructure) 2007

Clause 104 - Traffic generating development. Referral to RTA required a response from the Regional Development Committee. Comment of the Committee in RTA referral in section 1.16.4.

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

No certificates submitted. SEE states that this will occur when applications submitted for dwellings.

1.11 Wollongong IREP 1 1986 (Deemed SEPP 1 July 2009)

The aim of this plan is to maximise the opportunities for the people of the region and the State to meet their individual and community economic and social needs with particular reference to the way in which these needs are related to the allocation, availability, accessibility and management of the region's land resources.

Part VII - Provisions relating to Living Areas.

The proposal is a specialist residential development under the SEPP (Housing for Seniors or People with Disability) 2004. It is not a subdivision of land while providing a medium density type development.

Item (d) to ensure residential development does not take place on hazard prone land. (On this site it is affected by flooding, Acid Sulphate Soils and an unknown quantity of fill composed of blast furnace slag and building rubble.) This aspect has been reviewed and insufficient information was supplied in the application to make a determination. See Strategic Planning comment in section 1.16 below.

1.12 Wollongong Draft Local Environmental Plan 2009

The site is proposed to be zoned RE2 Private Recreation. Pursuant to this plan both dwellings and residential flat buildings are not permissible.

The sporting facility is permissible. (zoning map at Attachment 3)

1.13 Wollongong Local Environment Plan 1990

The site is zoned 6 (b) pursuant to WLEP 1990. The proposal falls within the definition of 'dwellings' which are permissible in this zone with development consent however only if it is part of the recreational use of the site. "Dwellings (used in conjunction with a land use for which development consent is required and situated on land on which the land use is carried out)", otherwise prohibited. The sporting facility is permissible. (zoning map Attachment 2).

The site is also adjacent residential zoned land and legal advice to Council confirms that, under SEPP (Housing for Seniors or People with Disability) 2004, it is to be considered land zoned primarily for urban purposes.

Clause 12 - Floor space ratios

No statutory requirement.

Clause 18 - Lake Illawarra and the Hacking River

Impacts on Lake Illawarra – possibly from leaching of Acid Sulphate Soils (ASS). See comment from Environment Division in section and Office of Water section 1.16.

Clause 26 - Development in flood prone land

Insufficient information was submitted to complete the assessment. See comment from Stormwater in section.1.16.

Clause 30 - Services

Electricity provision is possible, however a referral to Sydney Water has not been returned to date. The SEE states that augmentation of the electrical and sewer system is required.

Clause 32 - Consideration of certain applications

The site is adjacent to the F6 freeway and landscape parkland is proposed in the compensatory excavation area for flood mitigation. From the plans submitted there may be some visual impact from the residential apartment blocks, the Club building and the Community Centre. However, as no landscape plan has been submitted as part of the application, it is not possible to determine if the landscaping proposed, indicated as Parkland on Plan DA03, between the Freeway and the development will mitigate any visual impact. Traffic and local road impacts are discussed in Section 1.16.

Clause 34 - Tree preservation

This clause applies generally to Wollongong LGA. Mature trees are located on the site on the northern and eastern boundary and it is not clear in the SEE if these are to remain and be integrated into the development or removed and new trees planted. Council's Landscape Architect has requested an arborist's report on trees impacted by the development. See comment in section 1.16.

1.14 Combined City Wide and City Centre Section 94A Development Contributions Plan July 2008

The proposal is not exempt from the contribution levy which has been calculated at \$250,000.

1.15 DCP 6 Commercial and Industrial Development

Development Control Plan No 6 - Commercial and Industrial Development applies to the sporting facility and the community centre component of the development.

Part 1 – Statement of environmental effects (Commercial)

Criteria	Comment
Design and aesthetics	No plans of Club of the Community Centre buildings provided in the submission.
Relationship to adjoining development.	The car park could be a source of noise complaints based on its use and ability to enter and exit via the adjacent residential area. Noise from the Club building is also likely to be an issue.
Orientation and energy conservation.	No plans or details of Club of the Community Centre buildings are provided in the submission
Micro climate and weather protection.	Area prone to flooding.
Overlooking and overshadowing.	The club is lower than the residential development.
Landscape and paved areas.	Concept Landscape Plan not submitted.
Streetscape and visual interest.	Club building and Community Centre not within the streetscape. Impact on views to the escarpment from the existing residential area not able to be assessed from the plans submitted in the application.
Pedestrian movement both to and through the site.	Pedestrians have to move from the Club building across the car park to reach the oval. Does not appear to be an optimum location for the club building. Safety matters have not been addressed in the application submitted. Access details around the Community Centre not provided.
Traffic access and parking.	See Traffic comment in section 1.16.
Waste removal.	No detail provided in the application submitted.
Collection, storage and disposal of recyclable materials.	No detail provided in the application submitted.

Part 3 – Development standards (Commercial)

Criteria	Comment
Design	Insufficient detail submitted to undertake an assessment. No plans submitted.
Site areas	Acceptable
Site coverage	No dimensions on plans to determine site coverage.
Floor space	No detail on plans to determine floor space.
Transfer of development rights	Not applicable.
Setbacks	Not applicable.
Higher buildings	No plans with sufficient detail submitted to determine height of the building.

Pedestrian paving	Insufficient detail submitted to provide comment.
Landscaping	See landscape comment in section 1.16.
Advertising structures	Requirements unknown as no detail provided in the application submission.

Planning for traffic

Criteria	Comment
Site access	See RTA comment in section 1.16.
Parking	See Traffic comment in section 1.16.
On-site circulation	See RTA comment in section 1.16.
Dimensions	Insufficient detail provided on plans to comment.

Land constraints

Constraint	Comment
Flood	See referral comment by Stormwater in section 1.16.
Landslip	Not noted in Council's Land Information System as affected.
Archaeology	Not noted in Council's Land Information System as affected.
Soil and Water	The site is affected by Acid Sulphate Soils and the land drains to Gibsons Creek which may impact on Lake Illawarra. See Environment comment in section 1.16.

1.16 Consultation

Notification Policy

The application was notified Category D in accordance with Council "Development Assessment and Compliance Notification Policy". A total of 13 submissions were received in the exhibition period and a further 14 received after. The main issues identified in the submissions are listed below:

- Land zoning permissibility.
- The traffic study did not include weekends and sport days at Fred Finch Park, when the street is congested.
- Flood impact and large excavation required.
- Contaminated site with slag fill.
- Impact on Endangered Ecological Community.
- Increased noise for residents and some of the proposed units will have windows closed all the time to meet acoustic criteria due to Freeway impacts.
- Services not adequate for residents.
- Bulk and scale inappropriate to surrounding existing residential development. (3 storey blocks)

Referral to Joint Regional Planning Panel

The application has been assessed against the JRPP criteria and does require referral to JRPP pursuant to clause 13 B (1) (a) of the State Environmental Planning Policy - Major Development as the capital investment value exceeds \$10 million and the proposal is not a Part 3A development under the Environmental Planning and Assessment Act.

Internal consultation

Stormwater

Unsatisfactory.

Reasons summarised:

- PMF levels incorrect and recalculation required.
- Floor levels of buildings need to be revised.
- Insufficient information supplied with regard to the cut and fill.
- The drainage concept plan that includes On Site Detention (OSD) of stormwater is required for the internal drainage of the site.
- Overland flow path not incorporated in drainage design for catchment B and redesign required. Additional detail required for catch drains and flow path for catchment A.
- Comprehensive report required that addresses the method of evacuation of the site.

Traffic

As per the RTA in section 1.16.

Landscaping

Unsatisfactory

Reasons summarised:

- Concept Landscape Plan required and to be prepared by registered Landscape Architect.
- Site landscaping to be integrated with stormwater design – details supplied on specific matters to be included in the landscape plan.
- Communal open space is required.
- Arborist's report required for the existing trees on site and trees on adjoining properties likely to be affected by the development.

Works (Regulation and Enforcement) – work in the roads reserve.

Satisfactory subject to conditions.

Environment

Unsatisfactory

- The site is located in concentrated Acid Sulphate Soils (ASS) terrain. An ASS investigation and ASS management plan is required. Beneath the thin overlay of alluvial deposits ASS occurs for about 2 to 2.5m. No cut and fill should be undertaken on this site.
- The SEE mentions that part of the site is filled with blast furnace slag. The type, origin and location are to be specified.
- Building refuse has been dumped on this site in the past. Information is required on the type and tonnage of this waste and especially any asbestos contamination.
- Soil sampling and analysis inadequate to Department of Environment, Climate Change and Water (DECCW) guidelines which require some 55 to 60 samples, only 20 were undertaken for the report submitted. DECCW guidelines are to be met.
- Stormwater quality is not discussed in the SEE. Applicant is to consider Water Sensitive Urban Design for the development.
- The proposed development site is in the Mullet Creek flood plain and infilling and construction of residential dwelling not justified and is contrary to flood management policies.
- The She-Oak Community located on the south - west corner is protected and a vegetation management plan is to be submitted for its long term protection.

Strategic Planning

If the site was capable of residential development it would have historically been zoned for this use and not active recreation. Although the proposed development is permissible under Seniors Living SEPP, this does not overcome the site constraints. Siting of the sporting oval past residential units is a likely potential source of future noise complaints.

Safer Community Action Team (SCAT)

Unsatisfactory.

- Visitors to single storey dwellings need to have a visitor's space not in driveway for the dwelling.
- Basement car park – access for visitors needs to be clarified and additional detail required.
- External finishes detail required to assess possible graffiti potential.
- Detail of lighting to the whole development required.
- Details of security measures for the site required.
- How is noise generated from the club to be managed.
- Community spaces, who has ownership or occupancy and how is possible anti-social behaviour to be managed.
- Overall more detail required by way of landscaping, basement parking, access to footpaths and movement around the development and those matters mentioned above to allow a complete SCAT assessment.

Community Services

Unsatisfactory.

The site has major constraints in terms of connectivity and access to existing services and facilities.

- The only access to the site is via Hooka Creek Road.
- Poor access for those in the north west of the site.
- Public transport – poor access to bus stop, no footpaths and no safe crossing point on Northcliffe Drive. No bus stop on Northcliffe Drive going east.
- Residents in all aspects will be in excess of 400m of a bus stop. The application proposes a shuttle service however no detail provided where this will go and only runs once per day.
- Service and facilities are not within appropriate accessible distance as required by the SEPP. More detail required.
- Consideration needs to be given for aging in place. No information supplied of units capable of adaptation.
- Community facility – more information required as to who will operate, manage and maintain the facility.

External consultation

RTA

The Regional Development Committee has reviewed the submitted information and does not support the proposal in its current form. The following matters have been identified as deficiencies within the submission.

Analysis - summary

- SIDRA analysis to be forwarded to Council.
- SIDRA analysis conducted by the traffic consultant does not include a future year analysis. This is not considered appropriate. Revised SIDRA analysis required including a 10 year projection with and without development.
- Details of the traffic count data contained within the traffic report have not been submitted. The traffic data should distinguish between heavy and light vehicle movements along the road network.
- The traffic generation rate adopted for the analysis considers the retirement village only. Given, the mixed use nature of the facility, the peak traffic generation rate for the facility should incorporate an assessment of the sporting field and club.

Access

- The applicant should indicate any proposals to control access to the site, including access to the parking areas associated with the sporting fields. This should include detailing locations of gates etc aimed at controlling vehicular access to this area.

Servicing – summary

- The traffic report indicates that the internal road network will be designed to accommodate heavy vehicles with a minimum length of 10.7m, however the internal roads need to accommodate a

12.5m large rigid vehicle. This is considered particularly relevant for deliveries to the sports club and for garbage collection – waste management.

Pedestrians/Cyclists - summary

- The lack of pedestrian crossing facilities provided on Northcliffe Drive. (Northcliffe Drive is a multilane carriageway with a 60km/h speed limit. Encouraging/requiring pedestrians to cross at this location to access public transport poses a significant road safety concern and is not supported by the Committee.) The applicant should address this matter with a view of ensuring access to public transport meets the requirements of the SEPP.
- The change in grade along Hooka Creek Road, particularly toward the junction with Northcliffe Drive may not comply with the grade requirements of the SEPP. This and the lack of pedestrian footpaths along Hooka Creek Road are significant concerns that do not appear to be considered in the traffic report. Safe and compliant pedestrian access from the subject site to existing facilities should be ensured for the subject proposal.
- The submitted plans do not appear to indicate any proposed pedestrian crossing facilities within the site and do not clearly indicate the location of pedestrian footpaths. These facilities should be provided to ensure safe pedestrian access is available along and across the internal road network.
- Bicycle parking facilities should be in accordance with Council codes or Austroads Part 14. This should include showers and change rooms where necessary. Spaces provided for visitors to the sporting field etc should be accessible at all times and not necessarily located behind roller doors.

Internal layout/Parking

- Electronic copies of a swept path analysis indicating the turning movements of the largest vehicle likely to access the site for servicing purposes should be submitted to Council for review. This analysis shall consider all internal roads and include movements to and from Hooka Creek Road as well as manoeuvring into any dedicated loading areas associated with the proposed community centre and sports club.
- A swept path analysis should also be conducted at the junctions of the internal roads to ensure they have been designed to accommodate the turning paths of cars to AUSTROADS standards.
- Parking for the sporting fields should be in accordance with Wollongong City Council's relevant DCP. Parking for the retirement facility should be provided in accordance with the State Environmental Planning Policy (Housing for Senior's or People with a Disability) 2004.
- A signposting and line marking plan should be submitted to Wollongong City Council for review. This plan should indicate the proposed traffic control at each intersection within the internal road network and should detail proposed traffic calming devices required to ensure appropriate speed management within the site.

Traffic Noise

- The Committee has concerns regarding the proximity of the proposal to the F6 Freeway. Any proposal for a residential use at this location should ensure noise impacts from the freeway are mitigated.

Office of Water (DECCW)

- Insufficient information supplied for the Department to make an assessment.
- Detail required include:
 - Nature of cut and fill for proposed flood storage;
 - location of the cut in relation to Gibsons Creek;
 - any proposed rehabilitation works;
 - flood sensitivity analysis assessing the impact of revegetation to Gibsons Creek within the site; and
 - concept landscape plan for revegetation of Gibsons Creek in the site.
- Any works within 40 m of Gibsons Creek must be lodged as Integrated Development.

Police

Awaiting response

NSW Fire Brigade

Access design satisfactory and hydrants will need to be located in accordance to AS 2419.1 – 2005.

Department of Planning

In response to a request for advice if subject site is land for urban purposes, the Department advised that it is a matter for the consent authority.

Integral Energy

There is capacity to supply and the applicant will need to make a connection application prior to works commencing.

Sydney Water

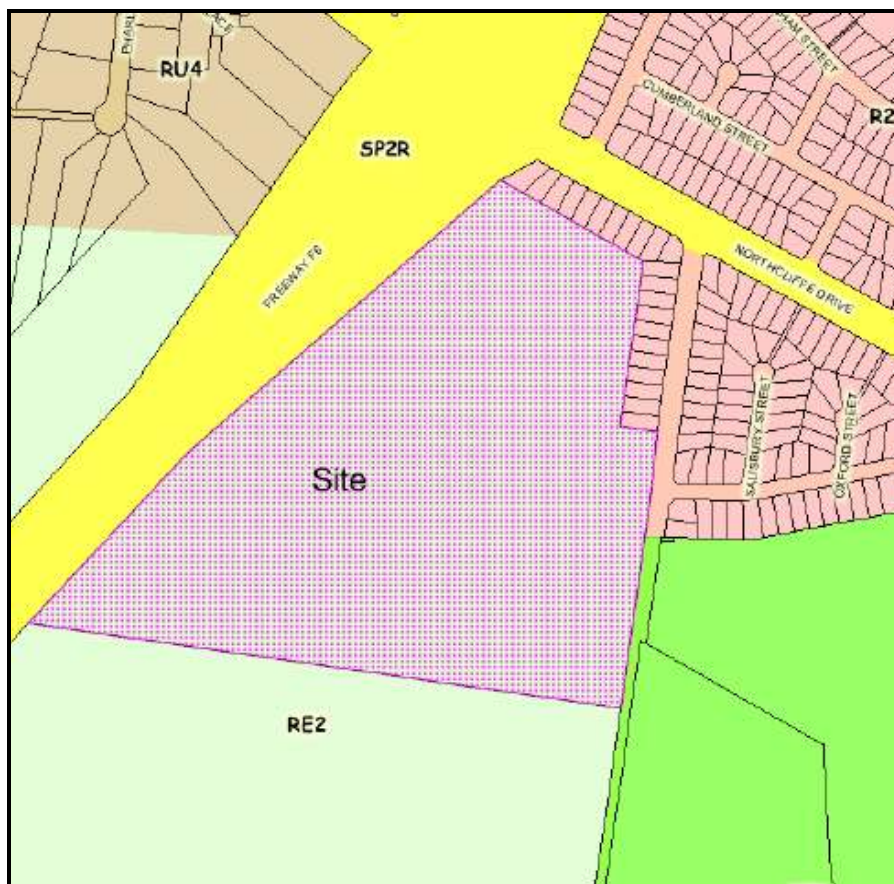
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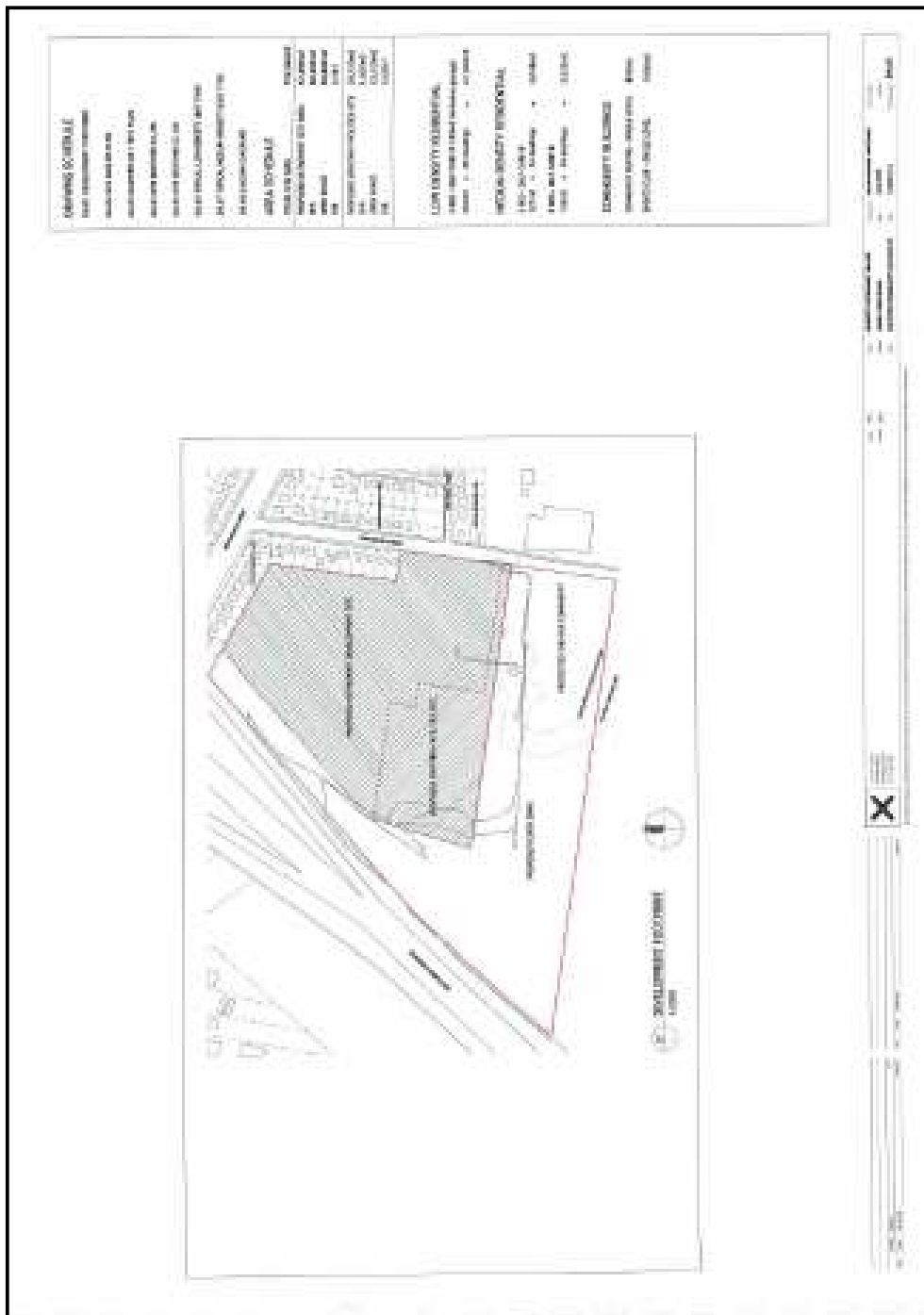
ATTACHMENTS

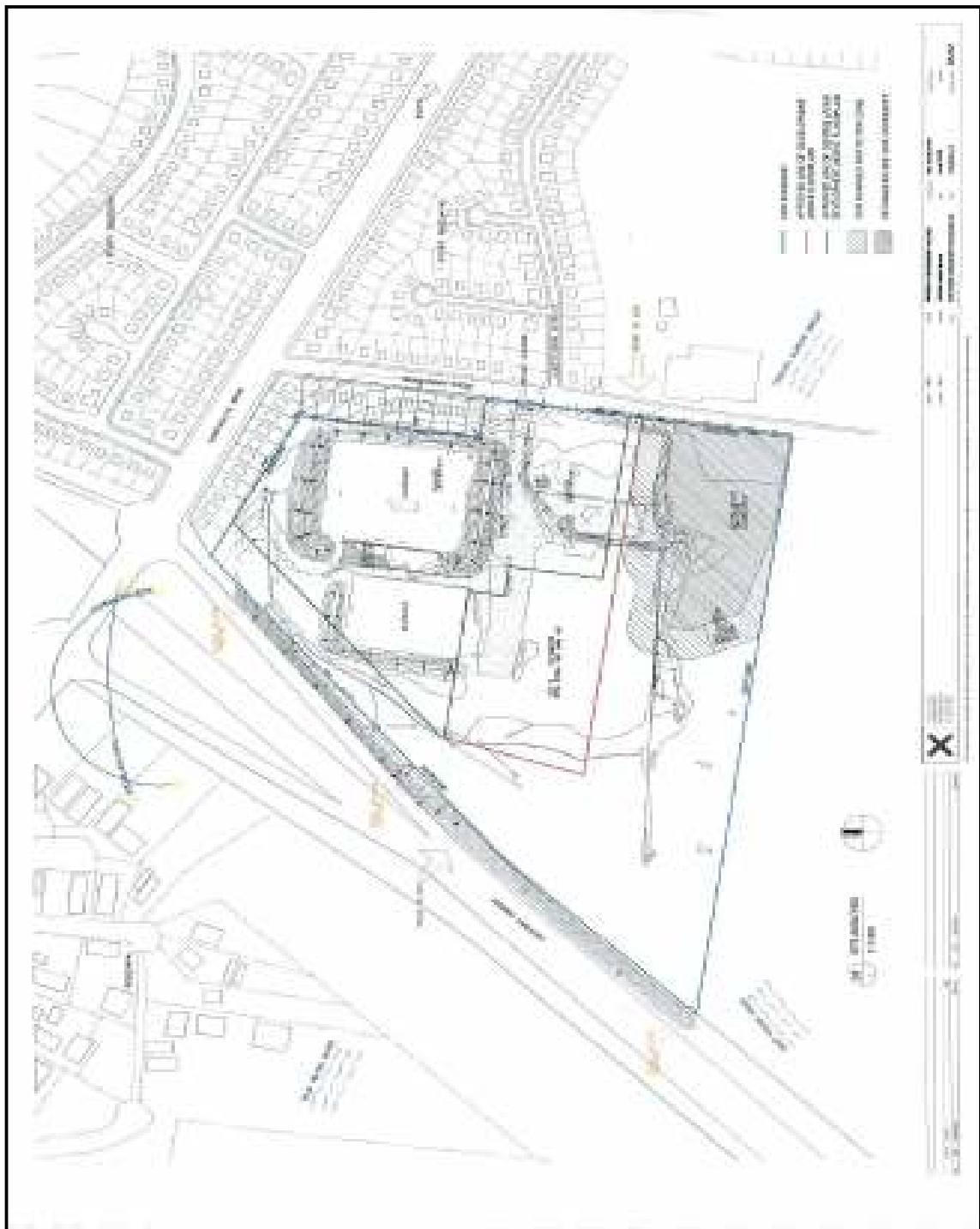
- 1 Aerial Photograph
- 2 WLEP 1990 Zoning Map
- 3 Draft WLEP 2009 Zoning Map
- 4 Plans
- 5 Draft reasons for refusal

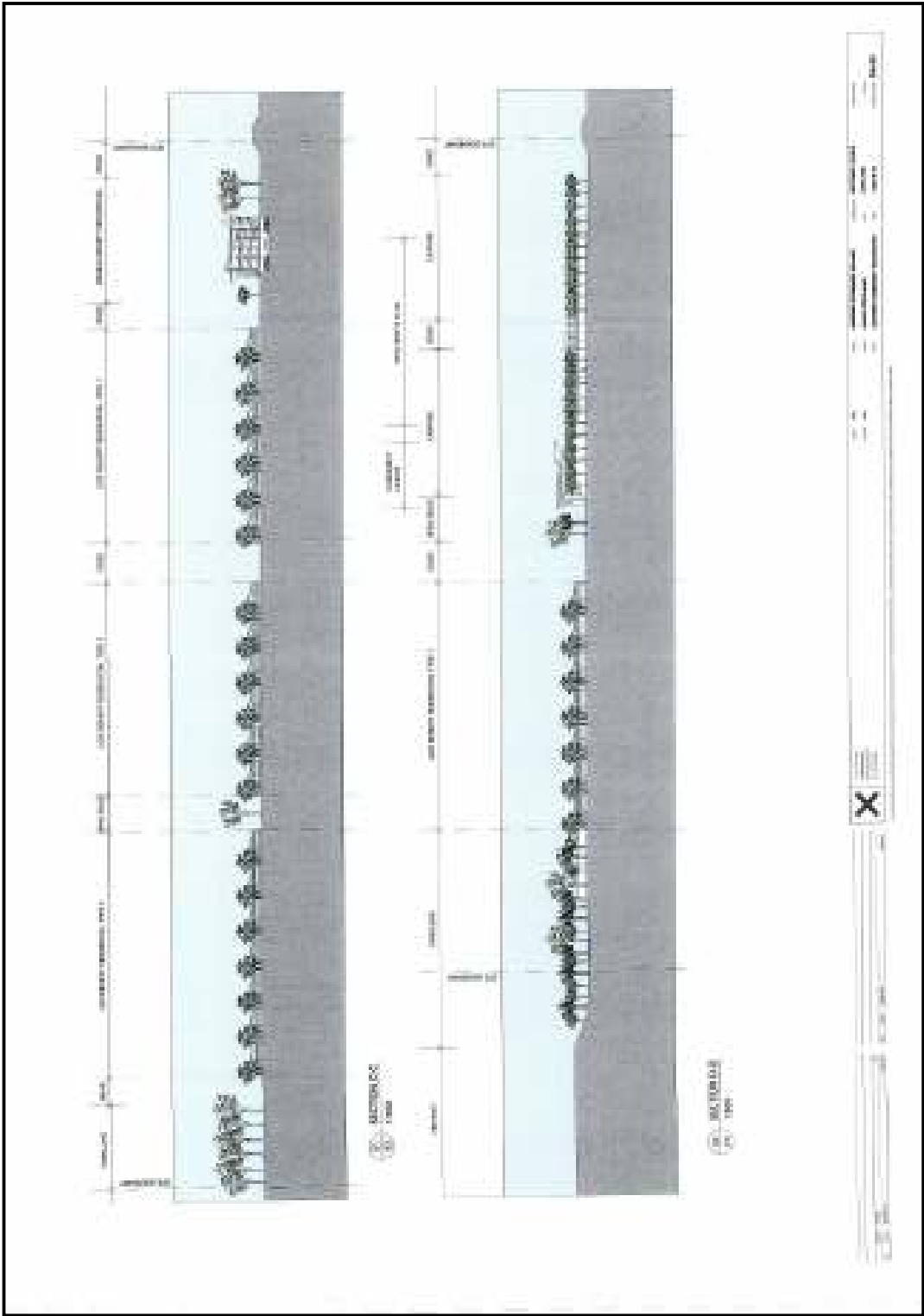


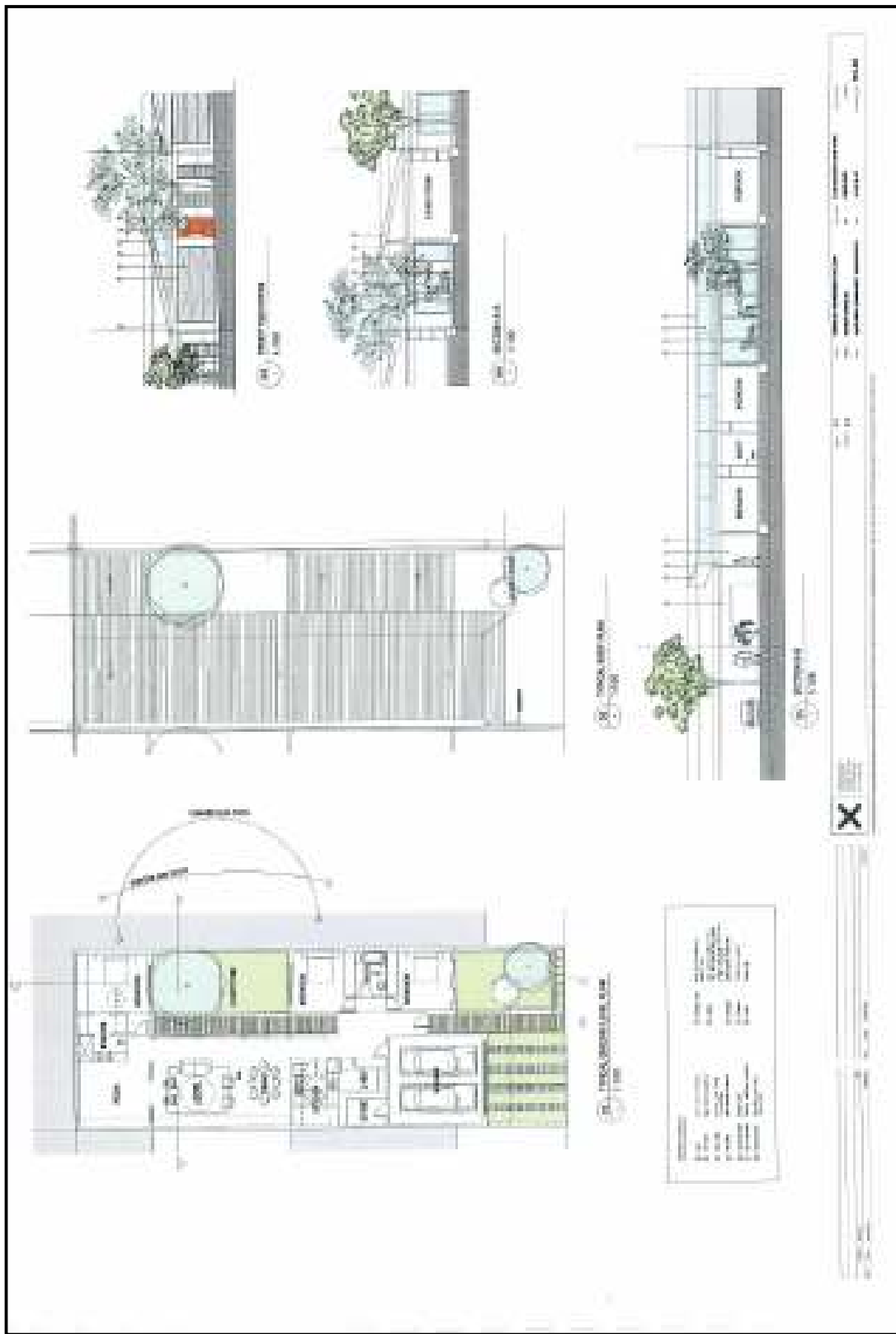




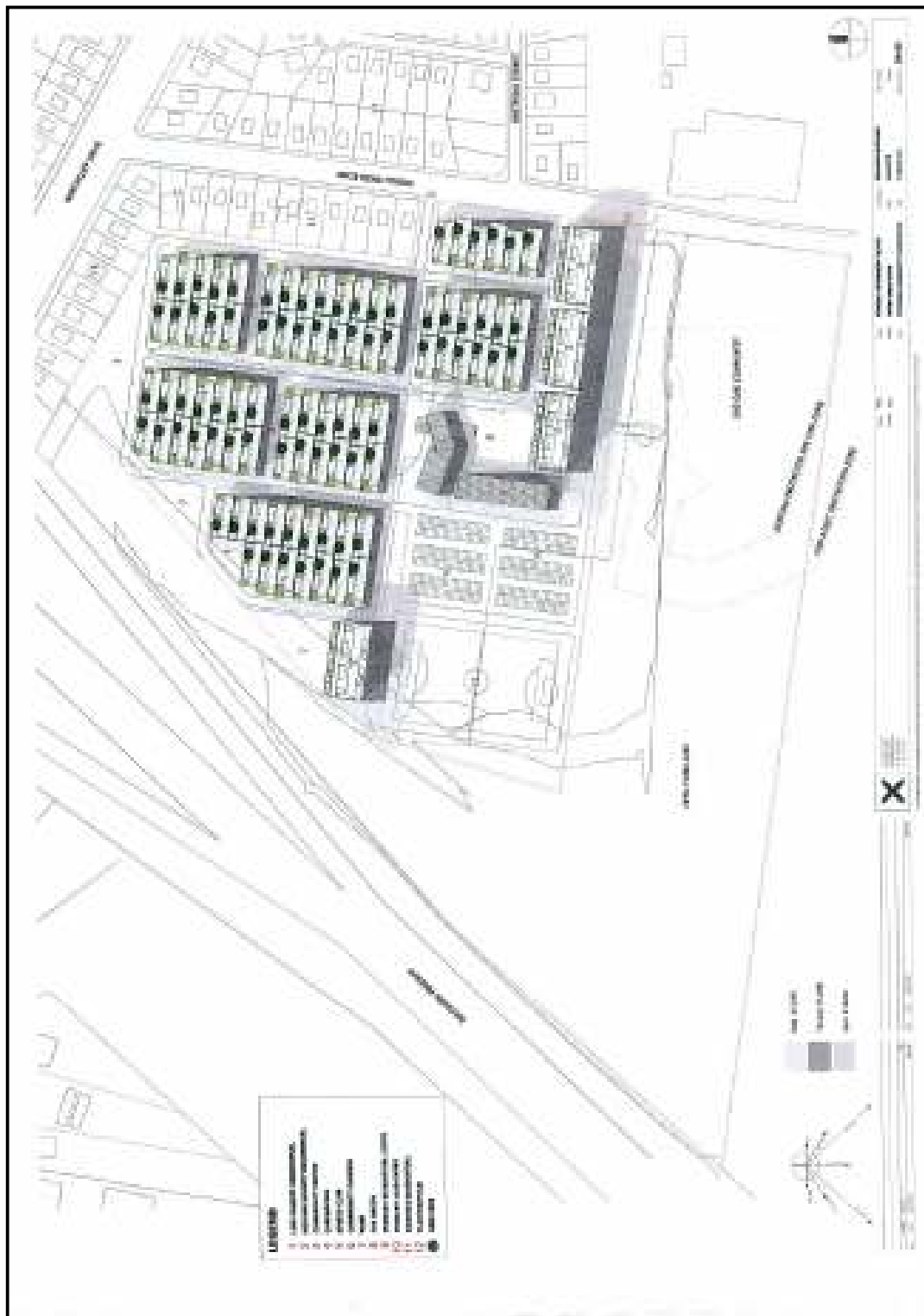












Draft Reasons for Refusal

Pursuant to the provisions of Section 79C (1)(a)(ii) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development fails to demonstrate compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, SEPP (Infrastructure) 2007, SEPP No 71- Coastal Protection, SEPP No. 55 – Remediation of Land, SEPP No. 65 - Design Quality of Residential Flat buildings.

Pursuant to the provisions of Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong City Councils Development Control Plan No. 6, as the submission failed to demonstrate compliance through the failure to submit sufficient information for assessment.

Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979 the proposed development fails to demonstrate that the site can be utilised for the proposed development without adverse impact on the environment or the amenity of the existing residential area and proposed residential development.

Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979 the proposed development fails to demonstrate the acceptable disposal of stormwater from the subject property.

Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed residential apartment blocks are excessive in height and bulk with the resultant effect of an inappropriate scale in the locality that would adversely impact upon the amenity of the locality via visual intrusion.

Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development does not achieve a high quality design and would adversely impact upon the existing and future residents within the locality.

Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development would have an adverse impact upon the environment with respect to Acid Sulphate Soil through failure to submit sufficient information for assessment.

Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development would have an adverse social impact upon the locality by way of increased traffic and noise impacts.

Pursuant to the provisions of Section 79C (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposed development site is not suitable for the proposed development due to environmental land constraints through failure to submit sufficient information for assessment.

Pursuant to the provisions of Section 79C (1)(d) of the Environmental Planning and Assessment Act, 1979, it is considered that having regard for public submissions, the development is unsuitable with respect to environmental land constraints, impact to the Endangered Ecological Community, traffic impact, noise to the proposed residential dwellings from the adjacent freeway, services not adequate for residents and bulk and scale of the 3 storey residential apartment blocks considered inappropriate to the visual amenity of the surrounding locality.

Pursuant to the provisions of Section 79C (1)(e) of the Environmental Planning and Assessment Act, 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not within the public interest.