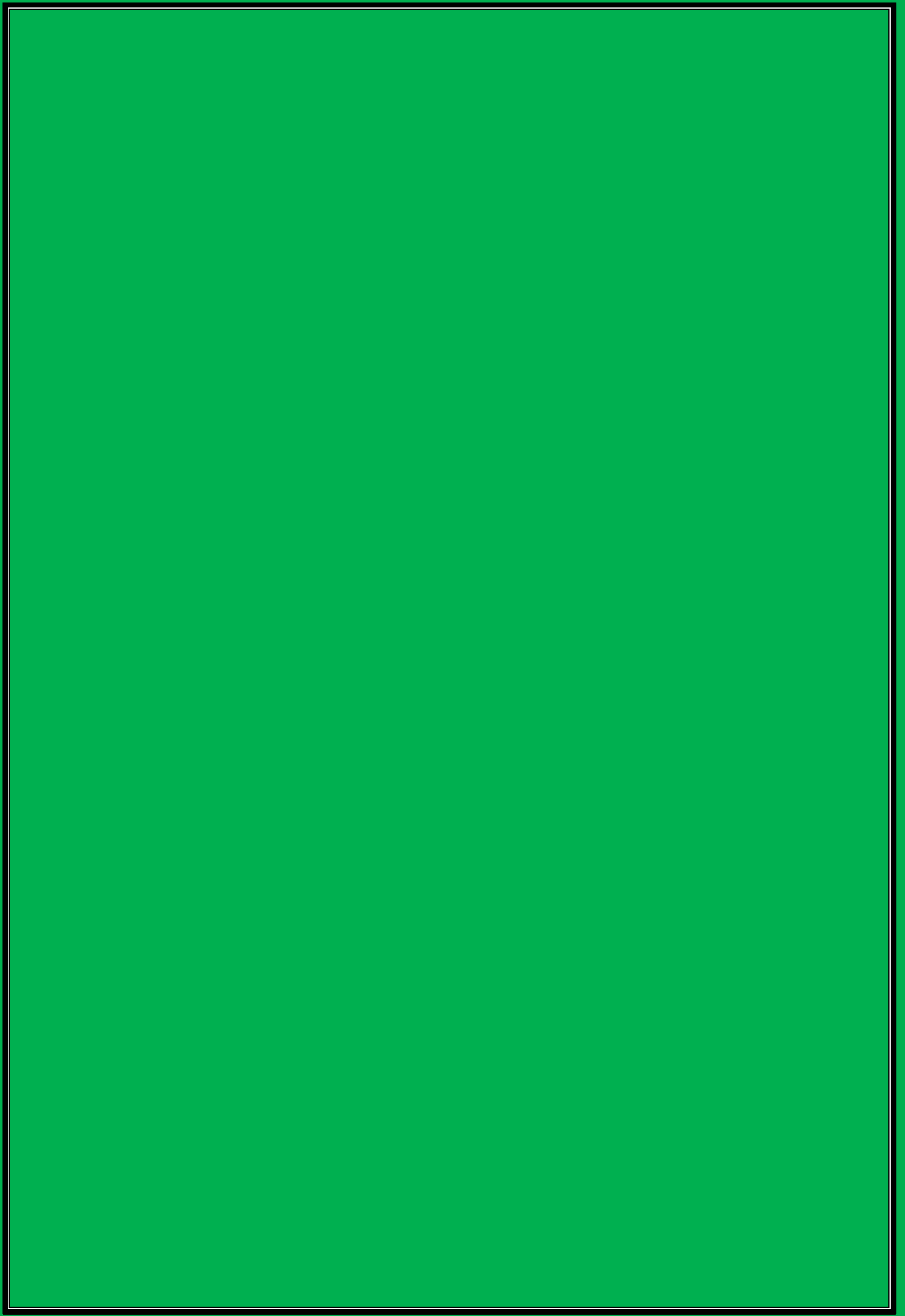


COUNCIL REPORT



JRPP No.	2014STH017
DA No.	DA-2014/956
Proposal	Seniors Housing development comprising 75 independent living units, car parking, cafe, activity spaces and partial demolition of existing building
Property	Howard Court 27A Stewart Street Wollongong Lot 300 DP 827624
Applicant	Illawarra Retirement Trust Group (IRT)
Responsible Team	Development Assessment and Certification - City Centre Team (AS)

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The proposed development must be considered by the Joint Regional Planning Panel (JRPP) as it has a capital investment value exceeding \$20million, in accordance with Clause 3 Schedule 4A of the Environmental Planning and Assessment Act 1979 and Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.

Proposal

The proposal is for the construction of an eight storey seniors living development, incorporating 75 independent living units, 81 car parking spaces, four activity/resident service areas (potential hairdresser etc.) and café. Partial demolition of an existing building is proposed. Pedestrian access is via the Kembla/Stewart Street corner and the main entry on Stewart Street. Vehicle access is via Kembla Street.

The proponent currently operates 'Howard Court' seniors living facility on the land. The proposed building would be operated as (tentatively) 'Howard Court 2', on an allotment which was approved for subdivision in DA-2013/1199. When completed, the subdivision would legally situate the two Howard Court facilities on separate allotments. IRT have advised the two facilities would operate independent of each other.

Permissibility

The site is zoned B4 Mixed Use pursuant to Wollongong Local Environmental Plan 2009. The proposal is defined 'seniors housing' and 'commercial premises', which are both permissible with consent in the B4zone.

Consultation

The application was notified in accordance with Council's Notification Policy and received three submissions which are discussed in section 2.9.

Main issues

The main issues are:

- Variation to maximum height permitted by WLEP 2009
- Variation to building separation required by WLEP 2009
- Retention of solar access to Pioneer Park required by WLEP 2009
- Relationship with existing Howard Court building including the existing 'communal lounge' located in the former clubhouse on proposed Lot 1

RECOMMENDATION

It is recommended the application be approved with conditions contained in Attachment 4.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP No. 65 – Design Quality of Residential Flat Development (SEPP 65)
- SEPP (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors)
- SEPP (Building Sustainability Index : BASIX) 2004
- SEPP (State and Regional Development) 2011

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2014
- NSW Retirement Villages Act 1999.

Other comments / matters to be addressed

Compatibility with DA-2013/1199 '*Residential – Torrens title – two lot subdivision*' deferred commencement consent issued 30 April 2014. The maximum timeframe for satisfying deferred commencement matters/lapse date is 30 April 2015, unless extended by Council. An operational development consent is yet to be issued at date of writing this report.

Relationship between the proposed building and existing Howard Court (Howard Court 1). In particular, current use of part of the former clubhouse for recreation by residents of Howard Court. The applicant has clarified that this area is an annex building alongside the clubhouse that shares a common corridor wall with the clubhouse. This is provided by IRT for use as a lounge to the residents at the existing Howard Court building (Howard Court 1). The lounge incorporates a small kitchenette, an outdoor BBQ area and an internal space for resident meetings. It is connected by way of a covered walkway to the existing Howard Court building (Howard Court 1) and is intended to be retained as an IRT facility. The area above this part of the existing building will be altered to construct the proposed car park. Clause 61 of the NSW Retirement Villages Act 1999 requires development consent to change an aspect of the facility/service regulated in a former consent. As discussed in Council's assessment of deferred commencement consent DA-2013/1199, the approved subdivision had the effect of excising the clubhouse from Howard Court allotment. This in itself did not suspend the recreation use, and the assessment contemplated further development on proposed Lot 1. Under the retirement Villages Act, the operator is required to provide an alternative communal lounge for residents of Howard Court in the event that the existing facility is unavailable. It is not considered appropriate or necessary to integrate that legislative requirement into a determination for this development.

1.2 PROPOSAL

The proposal is comprised of the following:

- Partial demolition of the building on the western boundary.
- Construction of an eight storey seniors living development, incorporating 75 independent living units, 81 car parking spaces, four activity/resident service areas (potential hairdresser etc.) and café
- Building is open to the south to enable pedestrian links between the site and adjoining Pioneer Rest Park

- Pedestrian access is via the Kembla/Stewart Street corner near the café and main entry on Stewart Street
- Vehicle access is via Kembla Street driveway to car park entrance (inc. porte cochere for resident drop off/pick up). Additional vehicle egress on the southern end of Kembla Street.
- Tree removal, including street tree removal on Kembla and Stewart Streets
- New landscaping, including central landscaped courtyard
- Building height 26.23m (where a maximum of 24m is permitted)
- Building gross floor area 9166m², floor space ratio 2.12:1 (where a maximum of 2.58:1 is permitted)

1.3 BACKGROUND

On 4 June 2014, pre-lodgement meeting PL-2014/39 considered the application. The proposal is consistent with the information presented to the pre-lodgement meeting, however some refinements have been made in response to Council's comments.

Council's records indicate numerous applications have been lodged on the land:

Of most relevance to the application are:

- DA-2013/1199 '*Residential – Torrens title – two lot subdivision*' – deferred commencement consent issued 30 April 2014. The consent authorises subdivision of the subject lot (Lot 300 DP 827624) into two allotments. The existing Howard Court facility (Howard Court 1) would be situated on Lot 2 and the proposed Howard Court 2 (the subject application) would be located on proposed Lot 1. The deferred commencement condition relates to creation of an easement for stormwater to be created over existing pipework in Pioneer Park. Several conditions of consent are relevant to the proposed development, including creation of 88b instrument restrictions on the relevant Howard Court 2 allotment. An operational consent has not been issued.
- PL-2014/39 '*Seniors Living - residential development*' - pre-lodgement meeting for the proposed development.

Customer service actions

The property does not have any outstanding customer service actions

1.4 SITE DESCRIPTION

The 8092m² site is located at Howard Court 27A Stewart Street Wollongong and the title reference is Lot 300 DP 827624. The site contains the existing 8 storey Howard Court seniors living building, a 1-2 storey brick building, part of which is currently used as a recreation area for Howard Court residents (Howard Court 1) and associated car parking and landscaped areas. The recreation building was formerly a clubhouse attached to a Bowling Club and is accessed internally from the existing Howard Court (Howard Court 1) ground floor atrium. A large portion of the former clubhouse is not currently used.

If DA-2013/1199 for subdivision of the land into two allotments is executed, the new allotment on which the proposed building would be situated (proposed Lot 1) would be approximately 4319m².

The proposed Lot 1 has a frontage to Kembla Street of 77.53m, 42.78m to Stewart Street and 46.81m to Pioneer Rest Park.

The 1-2 storey building part of which is currently used as a recreation room for Howard Court activities was formerly a bowling green clubhouse and is located adjacent to the southern boundary. The northern part of the site contains a car parking area accessed from the driveway on Stewart Street leading to the Howard Court basement car park.

The land contains vegetation, including perimeter plantings which have the effect of visually enclosing the land when viewed from Kembla Street. Council currently maintains street trees on both Kembla and Stewart Streets. These are required to be replaced to facilitate footpath level corrections. Existing and proposed vegetation is shown on the survey plan and landscaping plan in Attachment 3.

The land is generally flat, with a slight slope upwards toward the southern boundary. In the location of the proposed building, levels are approximately RL 5.2 near the northern boundary, RL5.47 mid-block and RL 4.94 on the southern boundary. The ground level of the building area has a slight increase from west to east.

The site is bordered by Kembla and Stewart Streets to the west and north, respectively.

Neighbouring development includes Pioneer Rest Park to the south (Crown land), the existing Howard Court seniors living building (Howard Court 1) and 1-2 storey commercial premises (Aldi Supermarket and Horizon Credit Union) to the east. Opposite the site on Kembla Street are 1-2 storey commercial premises. No large consolidation of allotments has occurred. Woolworth's supermarket is located diagonally opposite the land and has recently been redeveloped, with a two storey car park built to the street edge on Kembla and Stewart Streets.

DA-2013/1199 Residential - Torrens title – two lot subdivision

Condition 5 of the deferred commencement consent issued under DA-2013/1199 requires a 9m 'no building' zone within the proposed Howard Court 2 allotment (proposed Lot 1). Condition 5 states:

5 *Restricted Building Area*

- a A restricted building area within the boundary of proposed Lot 1 and located a minimum distance of 9 metres from the external face of the western elevation of the Howard Court building must be provided and clearly indicated on the final plan of Subdivision and within the 88B Instrument (as indicated as 'Restriction B' on the approved plans attached to this consent).*
- b The terms of this restriction are required to identify the following requirements with the 88B Instrument:*
 - i The restricted building area applies to any new buildings on Lot 1.*
 - ii The restriction will be written so that Wollongong City Council reserves the right to release, vary or modify the terms of the restriction in perpetuity.*
- Note This restriction is imposed to provide a restricted building zone and to ensure adequate building separation is achieved from the existing Howard Court building in the event of future redevelopment of proposed Lot 1.*

The proposed development is consistent with this requirement. Landscaping works only (no structures) are proposed within the restricted building zone. The consent requires a Construction Certificate for fire protection works to be carried out to the existing 'Old Bowling Club', which is partially to be retained and would be situated on the approved boundary between proposed Lots 1 and 2.

The deferred commencement condition relates to creation of a drainage easement to service proposed Lot 1 (the subject Howard Court 2 site). The easement would be located on Pioneer Park, immediately to the south of proposed Lot 1. As the operational consent for DA-2013/1199 has not been issued, but evidence of support from Crown Lands has been provided, it is appropriate that Council require the drainage easement to be formalised prior to completion of the proposed development. A condition of consent is contained in Attachment 4.

Property constraints

Council records list the site as being affected by the following constraints:

- acid sulfate soils - Class 5
- flood affected – uncategorised flood risk precinct
- Coastal zone map

There are no restrictions on the title. Deferred commencement development consent DA-2013/1199 imposed 88b restrictions and easements relating to drainage, no building zone and reciprocal rights of way on the proposed Lot 1 (site of the subject proposed development). The subdivision has not been

registered and therefore these restrictions and easements have not been formalised. Notwithstanding, the proposed development is consistent with the proposed easements and restrictions.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Community services Officer

Council's Community Services Officer has reviewed the application and given a satisfactory referral. Matters raised relate to safety, general pedestrian amenity, footpath and kerb standards and public seating. No specific conditions of consent have been recommended.

Geotechnical Engineer

Council's Geotechnical Engineer has reviewed the Douglas Partners geotechnical report and advised they concur with the recommendations of the report. These matters are conditions of consent contained in Attachment 4.

Heritage Officer

Pioneer Rest Park to the south of the site is an item of local heritage significance listed in Wollongong Local Environmental Plan 2009. Council's Heritage Officer reviewed documentation prepared by archaeological consultant Archaeology and Heritage Pty Ltd and has recommended conditions of consent regarding archaeological monitoring. These conditions are contained in Attachment 4.

Landscape Architect

Council's Landscape Officer has reviewed the application and given a satisfactory referral subject to conditions at Attachment 4. This is further discussed at clause 2.3 below.

Property Officer

Council's property officer was consulted regarding status of the drainage easement over the adjoining Crown Land (Pioneer Rest Park) required by deferred commencement consent DA-2013/1199. They requested that the drainage easement is formalised prior to use of the proposed development. A relevant condition of consent is contained in Attachment 4.

Safer Community Action Team (SCAT) Officer

Council's SCAT Officer provided comments in relation to pedestrian and traffic safety. These matters have been addressed in the project design and by footpath improvements. No specific conditions of consent are required.

Stormwater Engineer

The land is identified as flood affected. Council's Stormwater Engineer has reviewed the preliminary drainage design prepared by GHD and recommended conditions of consent. These conditions are contained in Attachment 4.

Traffic Engineer

Council's Traffic Engineer has reviewed the proposed plans and supplementary information provided by the applicant and recommended conditions of consent which are contained in Attachment 4. This is further discussed under clause 2.3 below.

1.5.2 EXTERNAL CONSULTATION

Nil

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 79C ASSESSMENT

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

<i>(a) the provisions of:</i>	
<i>(i) any environmental planning instrument, and</i>	See section 2.1
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	See section 2.2
<i>(iii) any development control plan, and</i>	See section 2.3
<i>(iiia) 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, and</i>	See section 2.4
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	See section 2.5
<i>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i>	See section 2.6
<i>that apply to the land to which the development application relates,</i>	
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	See section 2.7
<i>(c) the suitability of the site for the development,</i>	See section 2.8
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
<i>(e) the public interest.</i>	See section 2.10

2.1 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is:*
 - (a) land that is within an investigation area,*

- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The applicant has provided a 'Contamination and Acid Sulfate Soil Assessment' dated January 2014 and prepared by GHD. Soil sampling did not reveal evidence of contamination. The report recommends conditions of consent regarding acid sulfate soil management plan and treatment of excavated spoil. These conditions are contained in Attachment 4. Following implementation of the above, Council can be satisfied that the land will be suitable in for the purpose for which the development is proposed to be carried out.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

The application is subject to the provisions of SEPP 65. The Policy came into effect on 26 July 2002.

Residential flat buildings are defined:

'residential flat building' means a building that comprises or includes:

- (a) *3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) *4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),*

The building contains 75 units over 6 levels.

Clause 50 of the Environmental Planning and Assessment Regulation 2000 states:

- (1A) A development application that relates to a residential flat development, and that is made on or after 1 December 2003, must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:*
- (a) *that he or she designed, or directed the design, of the residential flat development, and*
 - (b) *that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.*

The application was accompanied by a design verification statement in accordance with Clause 50. The proposal must be evaluated in accordance with the design quality principles, and the Residential Flat Design Code.

Clauses 9-18 of the SEPP set out the ten design quality principles. These are:

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The applicant provided 'conceptual diagrams' prepared by Marchese Architects. The plan shows the main connections with Kembla and Stewart Streets and Pioneer Rest Park. Opportunities to bring external amenities into the site (for example the southern courtyard opening into Pioneer Rest Park) optimise the favourable aspects of the site location. The proposed building height is marginally above the maximum height prescribed for the site but the proposed floor space ratio is below the maximum.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The development proposes a height in excess of that permitted in WLEP 2009 (26.23m in part where a maximum of 24m is permitted). Council's Pioneer Rest Park building height plane control is designed to preserve adequate sunlight within the Park. The applicant has ensured compliance with this control, and proposed an increase in the northern part of the building to offset the reduced height required by the height plane control and desire to maximise sunlight to existing Howard Court units. The proposed building floor plate (generally an 'L' shape) emphasises the street edge and includes openings to the north and south. Building separation generally complies with Wollongong Local Environmental Plan 2009 requirements.

Principle 3: Built form

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

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

The building alignment follows the street edge, with a significant opening to the south facilitating access between the development and Pioneer Rest Park. The building steps back from Pioneer Rest Park in accordance with the sun access controls in WLEP 2009.

The treatment of the Kembla Street was raised with the applicant during the pre-lodgement meeting. Council advised it did not support a blank wall to this elevation, which was then proposed as a response to the location of the ground floor and Level 1 car park. The treatment of this elevation has been improved to provide an architectural treatment as detailed on the schedule of external finishes which shows the treatment of the western facade, with the ground floor treatment to comprise a naturally ventilated wall as part of an architectural screen whilst incorporating space for artwork. On balance, the Kembla Street frontage treatment is considered to result in a public domain and streetscape that will not detract from the streetscape.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The development is below with the maximum floor space ratio (FSR) permitted for the land.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The proposal is considered acceptable with regard to sustainable design as follows:

- BASIX Certificate has been provided indicating minimum requirements are met.
- A Site Waste Management and Minimisation Plan has been provided
- The proposal is an efficient use of land in a location that is close to services and public open space.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate,

tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character; or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The applicant has provided arborist report and landscape plans, which show public street trees and on-site vegetation. Council's landscape officer has confirmed the required footpath and kerb works to bring the land into compliance with Australian Standards preclude retention of existing street trees. Compensatory planting of advanced tree stock is recommended.

The proposal provides suitable landscaped areas and communal open space that will improve the amenity of the occupants and moderate the appearance of the fixed building elements from adjoining properties and the public domain.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

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

Amenity for future residents has been provided by way of ground floor support areas, café and meeting spaces. All units have private open space, and a communal open space terrace is located on the north-eastern corner of Level 5. The principal private open space area is the central ground floor courtyard, which has views to and from Pioneer Rest Park.

Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposal is satisfactory with regard to safety and security. Secure access is provided to residential floors and parking areas associated with each of the commercial and residential uses.

Principle 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The proposal provides 75 x 2 and 3 bedroom units as self-contained seniors living accommodation. All units are accessible via a lift and have been designed as adaptable units. Informal meeting places are provided indoors and in the outdoor central courtyard, promoting family and friend socialising. The relationship between the existing Howard Court building and the proposed facility has been considered. As noted earlier, the legislation regulating operation of Howard Court is the NSW Retirement Villages Act 1999. Clause 61 requires that loss of the any 'communal lounge' be offset elsewhere on the land. It is anticipated that some residents of Howard Court may be concerned that the existing lounge will not be available. However, as stated above the annex building alongside the clubhouse will continue to be used as a resident lounge to the residents at the existing Howard Court building (Howard Court 1).

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The general building form, site layout and internal and spatial arrangement is satisfactory. The external finishes comprise a variety of materials and textures. It is noted that neither the Kembla nor Stewart

Street frontages are identified as requiring 'active street frontages' in WDCP 2009. The treatment of the southern section of Kembla Street is satisfactory. In this location, no openings are proposed, and instead the elevation would be 'wrapped' in a decorative architectural finish.

30 Determination of development applications

- (2) *In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):*
- (a) *the advice (if any) obtained in accordance with subclause (1), and*
 - (b) *the design quality of the residential flat development when evaluated in accordance with the design quality principles, and*
 - I *the publication Residential Flat Design Code (a publication of the Department of Planning September 2002).*

An assessment of the application against the Residential Flat Design Code is contained in Attachment 6.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The existing Howard Court seniors housing building was constructed prior to SEPP (Seniors) and the preceding SEPP 5 - Housing for Older People or People with a Disability. Both buildings contain seniors housing for the purpose of the SEPP. The aims of the Policy are:

2 Aims of Policy

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
- (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
 - (b) *make efficient use of existing infrastructure and services, and*
 - (c) *be of good design.*

Clause 10 'Seniors housing'

The proposed development is defined 'seniors housing', which under the SEPP includes:

In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) *a residential care facility, or*
 - (b) *a hostel, or*
 - (c) *a group of self-contained dwellings, or*
 - (d) *a combination of these,*
- but does not include a hospital.*

Self-contained dwellings are defined:

(1) General term: "self-contained dwelling"

In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking sleeping and washing are included in the dwelling or part of the building but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

(2) Example: "in-fill self-care housing"

In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

(3) Example: “serviced self-care housing”

In this Policy, serviced self-care housing is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care

The applicant has confirmed the proposed development would operate as ‘infill self-care housing’.

Clause 18 Restrictions on occupation of seniors housing allowed under this Chapter

Required conditions of consent nominating permitted types of residents are contained in Attachment 4.

Clause 19 Use of seniors housing in commercial zones

No residential use is proposed on the ground floor.

Clause 24 Site compatibility certificates required for certain development applications

A site compatibility certificate is not required

Clause 26 Location and access to facilities

Specific location criteria regarding proximity to shops, bank, retail and commercial services, community services and recreation facilities and general practitioner apply to the development. All services are provided within the required distance and at acceptable grades.

Clause 28 Water and sewer

The development would be connected to reticulated water and dispose of sewage via a reticulated system. In its assessment of deferred commencement consent DA-2013/1199, Council considered water and sewer availability to the land.

Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

Council is required to consider whether the proposed development is compatible with the surrounding land uses with regard to:

- (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
- (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
- (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

The proposed development is considered satisfactory. No adverse impacts are anticipated. All works in the public domain and private utility connections will be at the developer’s expense. The proposed building form has regard to the zoning of the land and amenity of adjoining development.

Clause 30 Site analysis

Adequate site analysis documentation has been provided.

Clause 31 Design of in-fill self-care housing

The provisions of ‘Seniors Living Policy: Urban Design Guideline for Infill Development’ published by the Department of Infrastructure, Planning and Natural Resources in March 2004 have been considered.

Clause 32 Design of residential development

The proposed development demonstrated satisfactory regard to the principles set out in clauses 33-39.

Clauses 33-39

Details of compliance are contained in Attachment 6.

Clause 40 Development standards – minimum sizes and building height

Details of compliance are contained in Attachment 6.

Clause 41 Standards for hostels and self-contained dwellings

Details of compliance are contained in Attachment 6.

Clause 45 Vertical villages

Not applicable – the proposal does not seek bonus floor space attributable to vertical villages.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

Details of compliance are contained in Attachment 6.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX : BASIX) 2004

BASIX certificate 566225M dated 7 August 2014 has been submitted with the application. Commitments have satisfactorily been shown on the development application plans.

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The development is required to be referred to the Joint Regional Planning Panel pursuant to clause 21 of the SEPP (development with a capital value exceeding \$20 million). The JRPP inspected the site on 21 October 2014.

2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B4 Mixed Use

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

The proposal is satisfactory with regard to the above objectives. The site is in a location central to retail, public parks and transport and business development. The existing Howard Court building (Howard Court 1) reinforces the residential character of the land.

The land use table permits the following uses in the zone.

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

Advertising structures; Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition

homes; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing Service stations; Shop top housing Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

The proposal is categorised as ‘seniors housing’ and ‘commercial premises’ as described below and is permissible in the zone with development consent.

Clause 1.4 Definitions

The development incorporates residential accommodation in the form of independent living units (as defined by SEPP (Seniors)), a ground floor café/restaurant and the four activity spaces. Whilst all components would ordinarily be part of a seniors living development, each element has been separately defined for the sake of clarity.

Residential accommodation

seniors housing means a building or place that is:

(a) a residential care facility, or

(b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or

(c) a group of self-contained dwellings, or

(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

(e) seniors or people who have a disability, or

(f) people who live in the same household with seniors or people who have a disability, or

(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of residential accommodation—see the definition of that term in this Dictionary.

Café

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following

(a) a restaurant or café,

(b) take away food and drink premises,

(c) a pub,

(d) a small bar.

Note. Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following

- (a) bulky goods premises,*
- (b) cellar door premises,*
- (c) food and drink premises,*
- (d) garden centres,*
- (e) hardware and building supplies,*
- (f) kiosks,*
- (g) landscaping material supplies,*
- (h) markets,*
- (i) plant nurseries,*
- (j) roadside stalls,*
- (k) rural supplies,*
- (l) shops,*
- (m) timber yards,*
- (n) vehicle sales or hire premises,*

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of commercial premises—see the definition of that term in this Dictionary

Activity spaces

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) a service is provided directly to members of the public on a regular basis,*

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of commercial premises—see the definition of that term in this Dictionary.

For the purpose of the definition, the applicant advises the proposed accommodation would be in the form of self-contained dwellings.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The maximum height permitted for the land is 24 metres. The proposed maximum building height is 26.23m, which occurs in part of the building (refer section B-B). Drawing DA2.01 shows the portion of the building exceeding 24 metres. The proposed height constitutes a development departure, which is considered to have regard to the objectives of the clause and is discussed in clause 4.6 below. The applicant's variation statement is contained in Attachment 5.

Clause 4.4A Floor space ratio – Wollongong city centre

The maximum FSR permitted on the land for a building only used for residential purposes is 2.5:1, and where it is used only for non-residential purposes the maximum is 3.5:1. Where a proposed building

incorporates a mixture of residential and non-residential floor space, the formula detailed in subclause 4 applies. The proportion of land use mix is 90.64% residential and 9.36% commercial. For the purpose of the calculation, 'residential' floor space refers to the residential units only, and 'non-residential' applies to all other floor area, including the café, activity spaces and lobby.

The formula for devising the maximum permitted FSR for the site is as follows:

$$(3.5 \times 9.36/100) + (2.5 \times 90.64/100) = 0.32 + 2.26 = \text{FSR } 2.58:1$$

An FSR of 2.58:1 in relation to the proposed subdivision allotment size of 4319m² allows for gross floor area of 11143.02m². The proposed gross floor area is 9166m², (i.e. FSR 2.12:1), which does not exceed the maximum.

Clause 4.6 Exceptions to development standards

As noted above, the proposal incorporates a part building height of 26.23m, where 24m is the maximum permitted for the land.

Accordingly, the development departure process specified in clause 4.6 applies:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant submitted a variation statement which is contained in Attachment 5. Council has the Minister of Planning's assumed concurrence, and therefore the statement was not required to be referred to the Department of Planning. In relation to 3(a), strict compliance with the height standard specified by the LEP is considered to be both unnecessary and unreasonable for the following reasons:

- The height of the proposed building is consistent with the heights of neighbouring buildings, and is in keeping with the desired character as detailed in WDCP 2009,
- The exceedance in height is a direct result of the massing of the building towards the corner of the site. This has the desired effect of reinforcing the street edge, and protecting the sun plan to Pioneer Rest Park and provides a satisfactory level of separation to the existing Howard Court building (Howard Court 1).
- The proposed departure does not result in the loss of amenity to the adjoining properties and the proposed height is considered to be acceptable.
- The height exceedance is contained within of the top most storey of the building (Level 7) and is oriented to the street corner i.e. the building does not benefit from a full additional storey above the height limit. Furthermore, level 7 has a limited building footprint of 770m², in comparison to the lower level which has building footprints of up to 1794m².

In relation to 3(b), the proposed development is considered to be justified on the following environmental planning grounds:

- It maximises the use of the land, through the logical and co-ordinated development of the site for the proposed use.
- The proposed floor space ratio is under the maximum permissible in this location. A reduction in the height of the building will result in a further re-distribution of floor space at other locations on the site.
- The proposal results in the introduction of an additional Seniors Housing development and associated services in close proximity to transport, infrastructure, and the Wollongong City Centre which is consistent with current planning policy at state, regional and local levels.
- The proposal will result in improvements to the physical appearance of the site through the partial demolition of existing site buildings and the introduction of an architecturally designed building which responds to site context and local planning policy.
- The architectural form of new development is sympathetic to the heritage in the vicinity of the site.

Clause 4.6 specifies that prior to consent being granted, Council must be satisfied that

4(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

In relation to 4(a)(i), the applicant satisfactorily addresses matters raised in subclause (3) for both building height and separation. The proposed building height exceedance occurs in the northern part of the floor plate, only on the top level (Level 7). The design intent accommodates a number of limiting factors in addition to the sun plane control (e.g. the desire to provide landscape connection through the site from Pioneer Rest Park to Stewart Street, the need for comfortable separation between the proposed building and existing Howard Court (Howard Court 1) and desire to limit overshadowing into the central courtyard). Provision of an alternative complying design would have likely resulted in a deeper floor plate which did not incorporate the central courtyard and which cast a longer shadow over the subject building and existing Howard Court (Howard Court 1). Similarly, provision of a 20m separation to the southern section of Levels 2-4 is unnecessary as none of the relevant rooms has openings on the eastern elevation. Privacy, noise transmission and general amenity will not be adversely affected by the reduced distance.

In relation to 4(a)(ii), it is considered that the objectives of both the building height and separation clauses are satisfied.

In relation to 4(b) Council has the Secretary's assumed concurrence.

The proposed development departure in relation to clause 8.6 (Building separation) has been considered in the discussion of that clause as outlined below.

Part 5 Miscellaneous provisions

Clause 5.5 Development within the coastal zone

The land is not identified as being impacted by coastal hazards and there are not expected to be any adverse impacts on the coastal environment as a result of the application.

(3)(d) the proposed development will not:

(i) be significantly affected by coastal hazards, or

(ii) have a significant impact on coastal hazards, or

(iii) increase the risk of coastal hazards in relation to any other land.

Clause 5.9 Preservation of trees or vegetation

The submitted landscape plans show vegetation proposed to be removed and provided. As noted earlier, Council's landscape officer and the applicant's arborist agree that essential works required to bring the footpath into compliance with Australian Standards would necessarily intrude on the 'planting spaces' of the street trees and would render retention of the trees unviable. As the visual contribution of the street trees is valued, it is recommended that a condition of consent is applied requiring advanced street trees to be provided in both Kembla and Stewart Streets. This is reflected in the landscape plans and is noted in conditions at Attachment 4.

Clause 5.10 Heritage conservation

Pioneer Rest Park to the south of the site is identified as an item of local heritage significance in Schedule 5 of WLEP 2009. The land is referenced '*Former Cemetery, Bank Street – Pioneer Rest Park – item 61038*'. The heritage item is considered to have high archaeological potential. It is considered that Clause 5.10(7) of the WLEP 2009 does not strictly apply to the site, as there is no clear evidence that the subject site contains 'relics' and is therefore a 'potential archaeological site' and not a 'known archaeological site'. However, the subject site, although not part of the former cemetery, may contain archaeological material if interment at the edge of the cemetery occurred. It is noted that the cemetery boundary was not fenced.

Council's heritage officer has reviewed the application including the applicant's heritage assessment report. Council's officer has advised it is appropriate to impose conditions of consent requiring a s.149

exemption under the Heritage Act and archaeological monitoring. These conditions are contained in Attachment 4. In relation to the interface with the Rest Park, it is noted that the subject building has been set back 6m from the park boundary and has a height of 16m at this point (where 24m is permitted), approximately 50% of this area is turf. There is a significant opening to the south facilitating a visual connection and access between the development and Pioneer Rest Park. The building steps back from Pioneer Rest Park in accordance with the sun access controls in WLEP 2009.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The land is currently serviced by electricity, water and sewage services.

It is recommended conditions of consent are imposed requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site. These conditions are contained in Attachment 4.

Clause 7.3 Flood planning area

The land is identified as being flood affected. A preliminary stormwater drainage design has been submitted. Council's Stormwater Engineer has assessed the application and has not raised any objections subject to appropriate conditions of consent. These conditions are contained in Attachment 4.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulfate soils. An acid sulfate soil report has been provided. It is recommended an acid sulfate soils management plan is prepared prior to works commencing. This condition of consent is contained in Attachment 4.

Clause 7.6 Earthworks

No basement excavation is proposed. Conditions of consent regarding sediment and erosion control, geotechnical stability, and soil disposal are contained in Attachment 4.

Clause 7.13 Ground floor development on land within business zones

The proposed development satisfactorily does not locate residential accommodation on the ground floor. Both Kembla and Stewart Streets have openings facing the street. The north-western corner of the building incorporates large areas of glazing to the café, separate retail and resident entries, lobby and activity spaces. It is expected this area will be used frequently by residents and visitors.

Clause 7.14 Minimum site width

Whilst the building is not defined 'residential flat building', it is considered appropriate to have regard to the objectives of this clause. The land has minimum width exceeding 24m.

Clause 7.18 Design excellence in Wollongong City Centre and at key sites

The objective of this clause is '*to deliver the highest standard of architectural and urban design*' and applies to the development. Clause 7.18(4) sets out specific design matters.

Clause 7.18(5) specifies that a Design Review Panel must consider applications for buildings exceeding 35 metres or where on a key site. As neither factor applies, a Design Review Panel has not been convened.

The specific design requirements are set out in subclause (4).

(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

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

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

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

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

(i) the suitability of the land for development,

(ii) existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

(vi) street frontage heights,

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

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

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

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

As required by subclause (3), development consent must not be granted unless in the opinion of the consent authority, the proposed development exhibits design excellence. Having regard to matters discussed above, Council is of the opinion that the project satisfactorily achieves design excellence.

The building incorporates a variable height and setbacks mindful of the location of adjoining Howard Court and Pioneer Rest Park. Amenity for residents is anticipated to be high. The scale of the development is in keeping with the desired character as detailed in WDCP 2009. The facades provide articulation and break up the massing internally and to the public domain by use of balconies, links to Pioneer Rest Park, and location of the commercial facilities. Landscape elements are a crucial element in the design, and provide links to Pioneer Rest Park and amenity for residents by way of the internal courtyard and terrace plantings. Street trees will be replanted to restore their contribution to the public domain.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong City Centre

The objectives of this Part are as follows:

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

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

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

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

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

(f) to promote housing choice and housing affordability,

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

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

The application meets these objectives. The proposal is for permissible seniors housing with associated commercial areas, and is situated in a business zone. The site is well located in relation to existing commercial development and public transport, and this proximity would provide benefit to residents. Housing choice is promoted by the provision of SEPP (seniors). The heritage values of adjoining Pioneer Rest Park been acknowledged in the design of the development.

Clause 8.2 Wollongong City Centre – land to which Part applies

The land is located within the Wollongong City Centre

Clause 8.3 Sun plane protection

Pioneer Rest Park (referred to as Pioneer Park in this clause) is one of four locations in the City Centre that are protected by sun access controls. The intent of the clause is to ensure development on adjoining sites does not overshadow specified public open space to an unacceptable degree.

(7) Pioneer Park

The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “Pioneer Park” is:

(a) 24 metres above the point, or

(b) if the point is within 19 metres of the boundary of Pioneer Park $16 + (0.6154 \times (D - 6))$ metres above the point,

where D is the shortest distance in metres between the point and the boundary of Pioneer Park.

The subject site adjoins Pioneer Rest Park to the south and is therefore affected by the sun plane controls. The architectural plans show the required sun access has been fully provided.

Clause 8.4 Minimum building street frontage

The objectives of this clause are satisfied. The land exceeds 24m street frontage. Proposed Lot 1 in deferred commencement consent DA-2013/1199 has a frontage to Stewart St of 42.78m and a frontage to Kembla Street of 77.53m.

Clause 8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use

The objective of this clause is to *‘ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access’*.

The relevant control is:

(3) Despite subclause (2), if a building contains a dwelling all habitable parts of the dwelling including any balcony must not be less than:

(a) 20 metres from any habitable part of a dwelling contained in any other building and

(b) 16 metres from any other part of any other building

The effect of the Clause is to encourage commercial development on the ground floor by allowing reduced side setbacks. However, once there are residential components on adjoining properties that also contain residential at the same level then part (3) of this Clause is required to be met which requires a separation of 20 metres from any habitable part of a dwelling contained in any other building, and 16 metres from any other part of any other building. The non-compliances are discussed below:

Ground floor

The footprint of that part of the clubhouse building that is to be retained is not proposed to change; the separation between the clubhouse and the proposed building is approximately 3m. It is unreasonable to require the existing building to comply with minimum separation distances in consideration that the clubhouse is proposed to be retained for existing Howard Court residents (Howard Court 1) and car parking.

Level 1

As the subject building does not contain any dwellings at this level, and clause 8.6(2) would require a nil separation in this instance. However, the application of a nil separation at this level is considered to be inappropriate due to the residential function of the existing Howard Court building (Howard Court 1) at all levels, which necessitates separation for privacy and sunlight purposes.

Levels 2-4

The proposed separation on the southern section of Levels 2-4 is approximately 14m to the residential balconies of existing Howard Court (Howard Court 1), where 20m is required. However as there are no

windows on the eastern elevation of the subject building at corresponding levels therefore amenity and privacy are not considered to be compromised.

The application otherwise complies with the setback controls contained within SEPP 65 and Residential Flat Design Code at the interface level with the adjoining residential development. The application also complies with setback requirements contained within the DCP at the interface level to the existing Howard Court (Howard Court 1).

On review of the current controls and objectives for the commercial core and the applicants justification it is considered that compliance with the development standard in this case is considered unreasonable and unnecessary and is acceptable on environmental planning grounds.

Clause 8.7 Shops in Zone B4 Mixed Use

The objective of this clause is satisfied. None of the proposed commercial areas exceed 400m².

2.2 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT

Nil.

2.3 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency.

A compliance table is contained in Attachment 6.

As discussed in Attachment 6, the proposal incorporates several non-compliances in relation to Chapter D13. These are:

- Building depth (19m provided where maximum 18m)
- Vehicular footpath crossing (two vehicle access points are proposed where maximum 1 is required)
- Driveway width (existing driveway on Stewart Street exceeds 2.7m, and rear service lane is wider to accommodate turning path from car park)
- Residential basement storage (storage provided within units, where basement storage is required)

With regard to building depth, the minor variation does not result in adverse shadowing of adjoining properties or reduced internal resident amenity. The development meets the requirements of SEPP (Seniors) for kitchen daylight, solar access and cross ventilation. Acoustic privacy or private open space is not compromised.

The vehicular access points occur on different streets and one is existing and required to be retained to satisfy a proposed 88b condition on DA-2013/1199. Council's traffic engineer has reviewed the Traffic and Parking Assessment and concluded the development is likely to be a low traffic generator and the proposal is satisfactory.

The applicant has noted the lack of basement storage. It is considered the demand for basement storage is not as acute in a Seniors development and the generic application of basement storage requirement to a seniors housing development is not necessary. The proposed variations are considered satisfactory.

CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES

The development is located in a business zone and therefore this chapter is applicable to the development. It is noted that provisions of Chapter D13 Wollongong City Centre prevail where there is any inconsistency. An assessment against the relevant sections is outlined below.

2 Objectives

The development is consistent with the objectives of development in business zones.

5 Planning requirements for development in the regional city and major regional centres

5.1 Wollongong City Centre

The specific planning requirements for development upon any land within the Wollongong City Centre are contained in Part D13 of this DCP.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

An Access Report prepared by Accessibility Solutions has been provided, which examines all parts of the development, including residential, retail, recreation and car parking areas. The report confirms the requirements of SEPP (Seniors) and Australian Standards AS1428 Design for Access and Mobility and AS4299 Adaptable Housing have been satisfactorily addressed.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The Statement of Environmental Effects provides an assessment of Crime Prevention Through Environmental Design (CPTED) principles as they relate to the development. The proposal is satisfactory having regard to the principles, as detailed below:

- Casual surveillance opportunities are provided from balconies overlooking Stewart and Kembla Streets and the internal courtyard.
- The building entrances are clearly defined.
- Secure access is provided to the parking and lifts
- Disabled spaces are located on ground level

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

In terms of traffic generation, the proposed development is likely to be a low traffic generator based on RMS Guidelines. Approximately 15 peak hour trips are expected to be generated which is roughly 1 every 4 minutes during the peak.

In terms of car parking, the requirements of Chapter E3 mirrors the parking requirements of SEPP (Seniors) in that development would require 0.5 spaces per bedroom or 1 car parking space per 5 dwellings where provided by a social housing provider. The applicant has clarified that IRT is a Social Housing Provider.

A social housing provider would require 15 resident car spaces, plus 4 spaces for the commercial component. A non-social housing provider would require 84 resident parking, plus 4 spaces for the commercial component.

Car parking has been provided for 81 cars (76 residential, 5 retail) over two levels (ground floor and Level 1). Designated commercial parking spaces are located on the ground floor, 1 of which is accessible and 4 are in the rear loading laneway in a stacked formation. Resident parking is located on both ground level and Level 1.

The applicant has indicated that car parking has been provided to allow flexibility for the proponent to meet the housing needs of a broad sector of the community.

The applicant has provided a Traffic and Parking Assessment in support of the application. It acknowledged that people have more transport options if near to bus routes, train stations and public parking and would have less reliance on private vehicles. Council's traffic engineer has reviewed the parking plans and supporting Traffic and Parking Assessment Report and has no objection, subject to conditions. Having regard to the above matters it is considered that the provision of Chapter E3 are satisfied.

CHAPTER E6: LANDSCAPING

Several arborist documents and landscape plans form part of the application. Of particular interest to Council was the potential for retention of street trees in Kembla Street together with required footpath

correction works. In this regard, Council's landscape officer advises that the current footpaths around the site will require rebuilding in order to comply with the access requirements under AS1428.1 as they are currently too steep (up to 9% crossfall, they should be 2.5% maximum). The reconstruction of the footpath will require removal of the structural roots of the street trees, as any new footpath will be well below the level of the existing footpath on Kembla Street and Stewart Street. The applicant's arborist concurs with this approach. In this regard, Council's officer has recommended conditions of consent requiring compensatory advanced street tree planting consisting of super-advanced 400 litre specimen trees on Kembla Street and 200 litre trees on Burelli Street which will ensure the reinstatement of the tree canopy whilst addressing the footpath safety.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided. Additional correspondence from Remondis waste service contractor confirms the site could be serviced internally or from the public footpath. The required service truck is a medium rigid vehicle.

Council's traffic engineer has reviewed the proposed loading and waste areas and has no objection, subject to conditions of consent. These conditions are contained in Attachment 4.

CHAPTER E11 HERITAGE CONSERVATION

As noted earlier, Pioneer Rest Park to the immediate south of the site is an item of local heritage significance as identified in WLEP 2009. Council's heritage officer has reviewed the proposal and the consultant report tasked with analysing the archaeological potential of the site. The report author concludes that there is some potential for excavation works to encounter archaeological material, and therefore archaeological monitoring is recommended. Council's heritage officer concurs with this recommendation. The requirement for monitoring is contained in Attachment 4.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

A geological report prepared by Douglas Partners has been provided. Council's geotechnical engineer has reviewed the report and the proposed plans in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended. These conditions are contained in Attachment 4.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The land is identified as 'flood affected – uncategorised flood risk precinct'.

Council's stormwater engineer has reviewed the proposed plans, including a preliminary drainage plan and storm event analysis and has no objection, subject to conditions of consent. These conditions are contained in Attachment 4.

Deferred commencement consent DA-2013/1199 for the subdivision of the land required a drainage easement to be obtained over existing pipework servicing the existing Howard Court (Howard Court 1) located in Pioneer Rest Park. Neither the subdivision nor the proposed development requires amplification or other works to occur in the Park. The easement is required simply to enable the proponent to legally drain through Crown land. As DA-2013/1199 has not been commenced, but Crown lands and Council have indicated their support, it is recommended a condition of consent is applied requiring the easement to be registered prior to occupation.

CHAPTER E14 STORMWATER MANAGEMENT

As above.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

As noted earlier, existing street trees in Stewart and Kembla trees would be irreversibly affected by the required footpath works. Council's landscape officer has recommended advanced trees be planted to offset the loss of these street trees. The landscape plan and arborist documentation identifies on-site landscaping that would be removed and retained.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

Part of the existing former bowling clubhouse situated in the southern part of the site is proposed to be demolished. The section retained would continue to be used as a resident lounge to the residents at the existing Howard Court building (Howard Court 1) as well as becoming part of the car park. It is possible

given the age of the building that asbestos may be found in the building. As a result, it is recommended that conditions of consent regarding safe removal and disposal are imposed. These conditions are contained in Attachment 4.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

A Contamination and Acid Sulfate Soils Assessment prepared by GHD has been provided. Conditions of consent are contained in Attachment 4 regarding sediment and erosion control and excavated soil disposal.

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2014)

Council's contributions plan requires developer contributions at a variable rate of 0.5-2% where the value of development exceeds \$100,000.00. The estimated cost of the development is \$33,672,000.00. Several exemptions are provided for in the Plan. Of relevance is exemption '13f', detailed below:

'The following Directions under Section 94E of the Environmental Planning and Assessment Act 1979 have been made by the Minister for Planning that require that a Section 94A levy cannot be imposed on development:

....f Seniors living development under SEPP Seniors Housing 2004 by a Social Housing Provider (14/9/07)'

For the purpose of this Policy, the proponent Illawarra Housing Trust is a social housing provider, and therefore no contribution is payable. Councils Contributions planner has provided a satisfactory referral in this instance.

2.4 SECTION 79C 1(A)(IIIA) 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

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

2.5 SECTION 79C 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

(1) For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

(a) in the case of a development application for the carrying out of development:

(i) in a local government area referred to in the Table to this clause, and

(ii) on land to which the Government Coastal Policy applies,

the provisions of that Policy,

(b) in the case of a development application for the demolition of a building the provisions of AS 2601.

The application involves partial demolition of the existing activities building/former clubhouse. Accordingly, the provisions of AS 2601-2001: The Demolition of Structures apply. A draft condition in this regard is contained in Attachment 4.

The site is located within the Coastal Zone however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA.

93 Fire safety and other considerations

(1) This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding alteration, enlargement or extension of a building

- (2) *In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use*
 - (3) *Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use*
- Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.*
- (4) *Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).*
 - (5) *The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.*
- Not applicable

94 Consent authority may require buildings to be upgraded

(cf clause 66B of EP&A Regulation 1994)

- (1) *This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where*
 - (a) *the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building as it was before any such work was commenced, measured over its roof and external walls, or*
 - (b) *the measures contained in the building are inadequate*
 - (i) *to protect persons using the building and to facilitate their egress from the building in the event of fire, or*
 - (ii) *to restrict the spread of fire from the building to other buildings nearby.*
 - (c) *(Repealed)*
- (2) *In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*
- (2A), (2B) *(Repealed)*
- (3) *The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.*

The existing recreation /former clubhouse building is to be partially retained. The Statement of Environmental Effects does not detail Building Code of Australia compliance. A condition of consent requiring compliance with the BCA is contained in Attachment 4.

2.6 SECTION 79C 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

Council has undertaken preliminary coastal hazard mapping as part of development of a Coastal Zone Management Plan. The land is not identified as being subject to any coastal hazards and there are not expected to be any adverse impacts on the coastal environment arising from the development.

2.7 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

The proposal has been assessed in relation to the applicable planning controls, internal referrals and community consultation and is considered to be acceptable in regard to the likely impacts.

Context and Setting

The proposed development is compatible with the immediate neighbourhood, to the extent that it is situated in an area of variable heights, densities and uses.

The proposed variation to height and building separation is considered acceptable and will not result in adverse impacts on adjoining properties or the public streetscape.

Solar access, bulk, scale, setbacks, privacy and accessibility are satisfactory. The development will result in some shadowing of the existing Howard Court building (Howard Court 1), however solar access is maintained as required by SEPP (Seniors).

In regard to visual impact, the development is considered to be compatible with the surrounding buildings and character of the street. The area is characterised by a mixture of 1-2 storey development in Kembla and Stewart Streets, with the exception of the existing 8 storey Howard Court building (Howard Court 1). It is likely that medium to high density developments will occur in future given the potential for allotment consolidation, height and FSR maximums for the area.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

On-site parking for 81 vehicles is proposed in the car park on the ground floor and Level 1. On-site waste collection is proposed and designated waste collection and general loading areas are shown on the ground floor plans. Council's traffic engineer has advised they have no objection to the proposal, subject to conditions of consent. These conditions are contained in Attachment 4.

Public Domain:

Kerb and footpath upgrade works are required to bring the Kembla and Stewart Street public footpaths in to compliance with relevant Australian Standards. These works will see the footpath lowered to present a more accessible path of travel from the existing road pavement to the boundary of the site. The landscape plan has accommodated these works and as a result street trees in both streets will be affected. Compensatory planting of advanced trees is recommended. This is reflected in conditions of consent contained in Attachment 4.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

This is discussed at clause 5.10 above. Pioneer Rest Park to the immediate south of the land is an item of local heritage significance listed in WLEP 2009. The sun access plane control contained in WLEP 2009 has been satisfied. Council's heritage officer has no objection to the development, subject to conditions of consent. These conditions are contained in Attachment 4.

Other land resources:

Geotechnical conditions have been addressed in the Geotechnical report prepared by Douglas Partners. Council's geotechnical engineer has no objection to the proposed development subject to conditions. These conditions are contained in Attachment 4.

Water:

The existing Howard Court development (Howard Court 1) is currently serviced by Sydney Water. It is expected that services can be extended to meet the requirements of the proposed development. A section 73 Certificate from Sydney Water is required prior to issue of the Construction Certificate.

Methods of reducing water consumption are addressed in the BASIX Certificate.

Soils:

The Contamination and Acid Sulfate Soil Assessment prepared by GHD confirms the land contains acid sulfate soils, however no contamination was recorded. Basement excavation is not proposed. It is recommended conditions of consent are applied regarding sediment and erosion measures and disposal of excavated soil. These conditions are contained in Attachment 4.

Air and Microclimate:

The proposal is not expected to have an adverse impact on air or microclimate. Wind effects have been considered and are satisfactory.

Flora and Fauna:

There is no significant or endangered flora or fauna proposed to be removed. Street tree removal is required to facilitate necessary public footpath improvements. Compensatory landscaping will be required. Other on-site vegetation is proposed to be removed, as shown in the landscape plan.

Waste:

Separate resident and retail waste rooms are provided on the ground floor. On-site waste collection by a medium rigid vehicle can occur.

Residents and retail tenants would be required to take their garbage to their respective waste storage room for collection by a private contractor.

Energy:

The proposal is not expected to result unreasonable energy consumption. Methods to reduce energy consumption are detailed in the BASIX certificate.

Noise and vibration:

The proposal would result in noise and vibration impacts during construction, which could be mitigated through consent conditions. There is a potential for noise impacts emanating from private open space areas and the Level 5 communal terrace, however this has been reduced by providing separation distance from the existing Howard Court balconies (Howard Court 1) of minimum 42m and 34m, respectively.

Natural hazards:

The land is identified as flood affected. Council's stormwater engineer has reviewed the application and advised they have no objection, subject to conditions of consent. These conditions are contained in Attachment 4.

Technological hazards:

The land is identified as containing acid sulfate soils. No contamination has been recorded.

Safety, Security and Crime Prevention:

Council's Safe Community Action Team officer reviewed the application. CPTED principles have been satisfactory implemented.

Social Impact:

The proposal would provide 75 self-care infill housing units for seniors or people with a disability. The development incorporates retail and ancillary support space and recreation areas. Links with Pioneer Rest Park are provided.

Economic Impact:

The proposal is not expected to result in adverse economic impact. The proposed building incorporates commercial and residential floor space in the Wollongong City Centre.

Site Design and Internal Design:

The application seeks consent for development incorporating a number of departures from Council's planning controls. Variation statements have been provided and the departures are considered satisfactory.

Construction:

Construction impacts are likely to be experienced primarily by residents of the existing Howard Court building (Howard Court 1). It is recommended that conditions of consent are imposed regarding hours of work, impacts on public roads and sediment and erosion controls.

Cumulative Impacts:

The proposal is an extension of the existing seniors housing development on the site operated by IRT. The provision of seniors housing within the Wollongong City Centre is considered to provide positive social benefits. The proposed use is permissible in the B4 Mixed Use zone and has regard to the objectives of the zone. The development opens itself to the adjoining Pioneer Rest Park, providing amenity for occupants and additional services for users of the Park. Opportunities for casual interaction between residents and Park users have potential social benefit.

2.8 SECTION 79C 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to result in adverse impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.9 SECTION 79C 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application was notified to adjacent and adjoining properties including existing residents of Howard Court between 25 August 2015 and 11 September 2015, in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising.

Three submissions have been received (2 support and 1 objection) and the issues identified are discussed below.

Table 1: Submissions

Subject	Comment
1. Support	
<i>'This development will preserve the Amendment of 14th September 1994, Development consent No. D92/633(AM) (Quote) Item 27...the residents at a meeting held on Monday 28th July 2014 unanimously voted their support'.</i>	<p>The submission from an existing Howard Court resident representative refers to condition 27 of consent DA-1992/633/C, 77 units for the Aged and the Re-Instatement of a Portion of the 'Howard Court' Clubhouse to be used as a café/bistro which states:</p> <p><i>'Development consent is issued subject to the existing building located on the subject land being at all times used in conjunction with the proposed units as a communal recreation facility and café/bistro. However, as well as residents and guests of the retirement village, the café/bistro may be patronised by members of the general public'.</i> The proposed development would result in the clubhouse being partly demolished. As stated above the annex building alongside the clubhouse will continue to be used as a resident lounge to the residents at the existing Howard Court building (Howard Court 1) with the remainder to be used for car parking purposes. The subdivision</p>

Subject	Comment
	<p>approved in deferred commencement consent DA-2013/1199 formally separated the clubhouse and existing Howard Court building (Howard Court 1). No 88b restrictions were imposed which would maintain access to the building for existing residents of Howard Court (Howard Court 1). In that regard, the proposed use is consistent with DA-2013/1199 and access to the retained clubhouse building would be regulated by IRT and their obligations under the NSW Retirement Villages Act 1999. The Act requires IRT to provide alternative facilities if the communal lounge use is discontinued.</p>
<p>2. Support</p> <p><i>'At its meeting on 3rd September the Forum resolved to support the DA... In doing so it noted that Wollongong Development Control Plan 2009 Chapter E3 on Car Parking unlike all other residential accommodation, does not seem to give a concession for Senior's housing within the Wollongong City Centre. Accordingly, it requests you to review these provisions.'</i></p>	<p>Any review of WDCP 2009 will occur separate to Council's assessment of the development application. Car parking is discussed at Section 2.3.</p>
<p>3. Objection</p> <p>a) Omissions/errors in documents. Various inconsistencies and/or detail not shown on plans.</p>	<p>These matters are considered minor and do not affect assessment of the application.</p>
<p>b) Exterior ground floor not activating street frontage. The proposed parking podium creates an unbroken blank wall to Kembla Street. Non-compliance with WDCP 2009 clause 4.7.2 requirement for ground level active street frontages. Graffiti will override artworks. No passive surveillance. Artwork will require maintenance. And not effectively articulate façade.</p> <p>Blank walls/service rooms to Pioneer Park and Stewart Street.</p> <p>Raised floor level on Stewart Street impedes street activation.</p> <p>Padmount substation is shown in Kembla Street frontage. Will this generate noise?</p> <p>Recessed balconies fail to provide articulation to frontages.</p>	<p>As noted earlier, Kembla Street is not identified in WDCP 2009 as requiring an active street frontage. The practical limitations of the use are acknowledged. Provision of openings into the car park would visually interrupt and diminish the architectural intent of the Kembla Street external finishes. This elevation is considered an opportunity to create a dynamic and interesting street presence, and one which has the ability to extend the connections with the art gallery on the northern side of Stewart Street and the public open space to the south.</p> <p>All building access complies with Australian Standards.</p> <p>From experience on other sites, it is unlikely the substation will adversely affect amenity.</p> <p>Council's WDCP 2009 does not require projecting balconies.</p>
<p>c) Security</p> <p>Access to Pioneer Park and covered public space. If freely accessed by general public, it will be shortcut to Bank Street. Concern regarding security of residents. If gated, it will change whole appearance of this elevation.</p>	<p>The project philosophy is to open up links between the existing public open space (Pioneer Rest Park) and the seniors housing. This is considered to have positive benefit of maximising use of the Park by residents and</p>

Subject	Comment
	integrating residents into the broader community through informal social encounters. No gate is proposed.
<p>d) Accessibility report</p> <p>Refers to ground floor self-contained dwelling, of which there are none.</p> <p>Fails to address lack of toilets on the ground floor to service activity rooms. Café toilets are not accessible if café closed.</p> <p>States laundries are in shared bathrooms, which is inconsistent with floor plans. Location of laundries varies (kitchen, hallway, living room). Units should have separate laundry facilities.</p> <p>Are there any designated drying areas?</p>	<p>The discrepancies are noted. Notwithstanding, the criteria specified in SEPP (Seniors) and Australian Standards have been addressed.</p> <p>A ground floor toilet is available adjacent to the reception area.</p> <p>Drying areas are not specified on the plans. The seniors housing provider would ordinarily regulate the location of outdoor clothes drying, i.e. whether balcony or ground level.</p>
<p>e) Unit design</p> <p>Plans are unclear if bedrooms have wall, door or window to a balcony. Appears some units have no natural light.</p> <p>Are windows double glazed to the street to stop traffic and late night noise?</p> <p>Where are air conditioning motors? Central system or individual?</p> <p>No awning/shade provided to western windows, dark brick on western elevation. This will generate a lot of heat in summer.</p> <p>Does not appear to be a lot of storage in each unit. Where are linen closets?</p> <p>How will maintenance of planter boxes on higher levels be undertaken?</p>	<p>Specification of window treatment and schedule, air conditioning and landscape maintenance is not generally provided at DA stage.</p> <p>The design of the western elevation (Kembla Street) does not incorporate awnings or window hoods. Balconies and windows are located on Levels 2-7.</p> <p>Storage is provided in the form of built-in wardrobes. SEPP (Seniors) does not require linen closets.</p>
<p>f) Parking, manoeuvring and servicing issues – general</p> <p>Southern exit opposite George Street may cause delay in exiting and unsafe truck reversing/stack park reversing into the intersection</p> <p>Café waste and loading area encourages stopping in the manoeuvring area. Traffic report says it will be likely standard vehicle in a normal space, however no space is allocated for this purpose.</p> <p>How will access to the car park be controlled? Are there spaces for visitors? Café will need controller.</p> <p>How will deliveries to café access loading area if car park secured. Elevations show no door or boom gate. Is there adequate area west of doors to queue while the doors open?</p> <p>Garbage pickup arrangement (truck drives through carpark, stops in exit and manually loads) is not appropriate. Would truck driver move truck if resident needed to access or leave their parking spot?</p> <p>Café food waste will likely need to be removed daily.</p>	<p>Council's traffic engineer has reviewed the traffic, parking and waste reports. The proposed variations to driveway location, and driveway dimensions are supported.</p>

Subject	Comment
<p>Will this be separate contract?</p> <p>Has noise generated by garbage truck in early hours of the morning been addressed?</p> <p>Manoeuvring appears very tight to access ramp. Cars accessing ramp have to cut across those exiting. Sight distances when exiting may be inadequate and present a danger to pedestrians.</p> <p>Designated loading area blocks the south exit.</p>	
<p>g) DCP and SEPP (Seniors) – parking and manoeuvring non-compliance</p> <p>Minimum 4.5m height clearance is required for medium rigid vehicle (garbage truck), however plans show only 3.6m is provided in the ground floor car park.</p> <p>No loading/unloading in car park area. Must be separate from manoeuvring areas. Proposed that garbage pickup will occur in the car park and this will impede vehicles leaving or entering some spots and affect manoeuvring of others.</p> <p>Parking for café is inadequate, effectively staff only. No parking for patrons and use of stack parking. Café is restaurant in LEP definition, therefore should be 1 per 4 staff and 1 per 6m².</p> <p>Parking for café is based on GFA of 100m². Café is actually closer to 200m² as it must include toilets and kitchen.</p> <p>Parking is 7.5 spaces short of what is required for 0.5/bedroom (83.5 spaces required). Does not comply with SEPP (Seniors) for residents parking.</p> <p>Concerned about lack of visitor spaces.</p> <p>Rigid truck manoeuvring will block existing traffic ground floor north exit.</p> <p>Does not comply with DCP requirement for building exteriors.</p> <p>How does garbage bin get from storage bin to stopping area in car park? Truck pulled tight against cars on east side of car park at stopping area.</p> <p>Sections indicate a rise of 0.85m from Kembla Street as a gradual slope up from road. Rise would be from boundary. Is this a dirt batter as shown in section or retaining wall as shown in elevations?</p>	<p>As noted above, Council's traffic engineer is satisfied the proposal meets relevant Australian Standards and is acceptable having regard to WDCP 2009.</p> <p>Additional visitor parking is not required.</p> <p>The building exterior (Kembla Street elevation) has been discussed earlier in the report.</p> <p>Boundary levels have been considered in relation to required public domain footpath improvements.</p>
<p>h) Misc.</p> <p>Proposed design does not interact or connect with Howard Court 1. I would envisage that this precinct of Howard Court 1 & 2 will create and nourish an active and friendly seniors community. I am concerned that the stark difference between the two complexes will limit or restrict an open interaction between residents.</p> <p>Internal letterboxes – has Australia Post agreed to</p>	<p>The relationship between the two facilities has been considered in terms of legislative requirements. There is no requirement for the two buildings to operate in concert with each other.</p> <p>Letterbox location and design would ordinarily be confirmed with Australia Post requirements.</p> <p>Ramp access to Stewart Street is a response to</p>

Subject	Comment
this?	design requirements of Australian Standards.
Is the right of access way off Stewart Street required for Howard Court 1 or just as access to the court yard? Does it need to be this wide, may be a security issue and require a gate?	Details have not been provided of lift design. A preliminary drainage design has been provided.
Really long ramp to access foyer from Stewart Street, residents and visitors may be tempted to walk through car park entry (safety) if not secured with garage door.	Pedestrian access is considered acceptable.
Is the lift under strung - appears very little/no overrun.	
How is roof drained, no details in sections. Also no eaves or gutters are indicated on plans.	
The cafes south-west entry/exit directs pedestrians across the vehicular entry to car park.	
<u>Submissions from public authorities</u>	
Nil	

2.10 SECTION 79C 1(E) THE PUBLIC INTEREST

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and approval is therefore consistent with the public interest.

3. RECOMMENDATION

This application has been assessed having regard to Section 79C(1) of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposal is permissible with consent in the B4 Mixed Use zone under the provisions of Wollongong Local Environmental Plan 2009 and is consistent with applicable provisions of the LEP with the exception of the variations identified in this report. It is also consistent with the requirements of Wollongong Development Control Plan 2009 with the exception of the variations identified in this report. The variations sought have been assessed in detail and are considered to be reasonable. The concerns raised in submissions have been addressed above.

There being no outstanding issues or unreasonable additional impacts from the proposal, it is recommended that DA-2014/956 be approved, subject to the draft conditions contained in Attachment 4.

ATTACHMENTS

1. Aerial Photograph
2. Zoning Map Wollongong Local Environmental Plan 2009
3. Plans
4. Draft conditions of consent
5. Clause 4.6 variation request
6. Compliance table

