

JRPP No.	2015STH015
DA No.	DA-2015/852
Proposal	Seniors Housing Development Including 100 Self Contained Dwellings, Ancillary Resident Recreational Facility, Associated Car Parking and Site Landscaping.
Property	260 Kanahooka Road, KANAHOOKA Lot 2 DP 851407 William Beach Gardens, 286 Kanahooka Road, KANAHOOKA Lot 5 DP 249038
Applicant	MMJ Wollongong
Responsible Team	Development Assessment and Certification – City Wide Planning Team (NK)

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to Joint Regional Planning Panel pursuant to Schedule 4A (3) of the *Environmental Planning and Assessment Act 1979* as the Capital Investment Value (CIV) is greater than \$20 Million.

Proposal

The proposal is for construction of 100 self-contained dwellings within a Seniors Housing residential development. The proposal includes an ancillary resident recreation facility, associated car parking and landscaping.

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009 (WLEP 2009). The proposal is categorised as Seniors housing and is permissible in the zone with development consent.

Consultation

Exhibition:

The proposal was exhibited in accordance with Appendix 1 - Public Notification and Advertising Procedures of Wollongong Development Control Plan (WDCP) 2009 and received no submissions.

External:

Details of the proposal were referred to the NSW Office of Water and Sydney Water. Satisfactory referral advice, comment and/or recommended conditions were provided in each instance. Endeavour Energy was notified of the proposal and no comments were received.

Internal:

Details of the proposal were referred to Council's Stormwater, Traffic, Environment, SCAT, Landscape, Strategic and Heritage Officers. In each instance, conditionally satisfactory referral advice has been received. Community Services provided comments on the Men's Shed which has since been removed from the proposal.

Main Issues

The main issues identified during the assessment process included stormwater and water quality control matters, potential impact on Endangered Ecological Communities, and design/amenity issues. It is considered that these matters have been addressed in the amended design and/or through conditions of the draft consent at Attachment 7.

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies and found to be satisfactory.

Seniors housing is permitted with development consent pursuant to Clause 2.3 of the Wollongong Local Environmental Plan 2009. The proposal is considered to be consistent with the objectives of the R2 Low Density Residential Zone pursuant to WLEP 2009.

The proposal involves a variation to the private open space development controls identified in Chapter B1 of the WDCP 2009. The variation has been justified by a satisfactory variation statement and is supported.

All relevant external and internal referrals are satisfactory and there are no outstanding issues. It is considered that the proposed development has been designed appropriately given the constraints and characteristics of the site and is unlikely to result in adverse impacts on the character or amenity of the surrounding area.

RECOMMENDATION

It is recommended that development application DA-2015/852 be approved pursuant to Section 80 and 89 of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions at Attachment 7.

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 71 – Coastal Protection
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2015

1.2 PROPOSAL

The development will involve the construction of:

- **100 self-contained units** (7 different types) all with appropriate facilities for in-fill self-care housing, garages and private open space areas.
- **Resident recreation facility** for the private use of residents to meet and schedule activities, including a kitchen, toilets, store room, BBQ area, and decking.
- 5 outdoor communal open spaces areas
- **Car parking:** 119 off street spaces of which 100 are resident garages and 19 are visitor spaces.
- **Landscaping**, including deep soil planting, site features, sculptures and grassed areas.
- **Kanahooka Rd upgrade:** a right turn lane with pedestrian refuge.

The development is to be phased to permit the release of the self-contained dwellings at appropriate times and subject to market demands, as follows:

- **Phase 1:** 23 x self-contained dwellings, together with entry road, communal roads/areas and roundabout.
- **Phase 2:** 22 x self-contained dwellings, together with extension of central spine road, landscaping and communal roads/areas
- **Phase 3:** 21 x self-contained dwellings, together with resident recreation facility, car park, landscaping and communal roads/areas.
- **Phase 4:** 34 x self-contained dwellings, together with landscaping and communal roads/areas. This stage will also include any required final finishes/works associated with the overall development completion.

1.3 BACKGROUND

For the current proposal, two (2) pre-lodgment meetings were held between Council staff and the proponent on 1 December 2014 and 13 May 2015. Matters identified at the meeting have been reasonably addressed within the amended application submission.

Customer service actions

There are no outstanding customer service requests that would preclude the development.

1.4 SITE DESCRIPTION

The site is located at 260 and 286 Kanahooka Road, Kanahooka and the title references are Lot 2 DP 851407 and Lot 5 DP 249038.

The site is irregularly shaped and is owned by the Illawarra Retirement Trust (IRT). The site shares a boundary with the Kanahooka Rd (south-west), the F6 Freeway (north), the Lakeside Crematorium (south), and private residential land holdings to the east and across the road to the south. The total landholding is approximately 16.53 hectares.

Lot 5 DP 249038 has a total area of more than 12.31 hectare and a large electricity easement traverses the eastern boundary of the site. The site has a split zoning of E3 and R2, with all development (excavation) contained within the R2 portion of the site. This parcel of land contains the William Beach Retirement Gardens.

Lot 2 DP 851407 is currently vacant and previously contained stables. This land has a split zone of R2 Low Density Residential and E3 Environmental Protection however all the development works are contained within the R2 portion of the land.

Property constraints

Council records identify the land as being potentially impacted by:

- Flood Hazard: Council's Stormwater Officer has reviewed the application in this regard providing a satisfactory referral subject to conditions.
- Riparian land: The proposal was referred to the NSW Office of Water due to the site's frontage to riparian lands. The Office advised in correspondence dated 26 August 2015 that works are not considered to be occurring on waterfront land and a Controlled Activity Approval is not required.
- Acid sulphate soils (ASS): Council's Environment Officer has reviewed the submitted Acid Sulfate Soils Assessment for the site, demonstrating the absence of acid sulphate conditions at the site within the developable area. A satisfactory referral subject to conditions was received noting that an ASS Management Plan is not required for the proposal.
- Council records identify the land as being located within the Coastal zone. No adverse impacts are expected on the coastal environment as a result of the development and there are no coastal hazards that affect the land which would preclude the development.
- Heritage item: The site is located within the vicinity of a known Aboriginal site - Mullet Creek which is a place of cultural significance. Council's Heritage Officer has reviewed the Aboriginal Heritage Due Diligence Assessment and provided satisfactory referral advice subject to recommended conditions of consent.
- Natural resource sensitivity – biodiversity: Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity" in the form of Freshwater wetlands on coastal floodplains at the northern end of the site, within the portion of site zoned E3 – Environmental Management. Details of the proposal were referred to Council's Environment Officer to assess the likely impacts in this regards. No objection was raised subject to recommended conditions of consent.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Details of the proposal were referred to Council's Stormwater, Traffic, Environment, SCAT, Landscape, Strategic and Heritage Officers. In each instance, satisfactory referral advice, comment and/or recommended conditions were provided. Community Services provided comments on the Men's Shed which has since been removed from the proposal. Assessment considerations of internal groups as relates to relevant Chapters of the WDCP 2009 are presented at section 2.3.1 of the report.

1.5.2 EXTERNAL CONSULTATION

Office of Water

The proposal was lodged and initially considered as Integrated Development requiring a Controlled Activity Approval pursuant to Section 91 of the *Water Management Act 2000*. A response received on

26 August 2015 identified that the Office does not consider the proposal integrated as the development site is not considered to extend to the waterfront land. Consequently the proposal does not trigger the requirement to obtain a Controlled Activity Approval.

Sydney Water Corporation

Given the proposed development contains 100 residential units for aged care accommodation and the requirements of Section 78 of the *Sydney Water Act 1994*, the consent authority must give the Corporation notice of the application. Correspondence received on 18 August 2015 indicated that services are available to the site and requested a condition for a Section 73 Certificate to be included within any consent issued.

Access Reference Group (ARG)

The application was referred to the ARG as it proposed residential development lodged under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. No comments were received.

Aboriginal Heritage groups

The application was referred to the Aboriginal reference groups as it proposes development within the vicinity of known Aboriginal Heritage items and a culturally significant location. No comments were received.

Endeavour Energy

The application was referred to Endeavour Energy and re-referred upon amended information being provided. No response has been received to date.

More than 21 days has passed since the notice was given. Whilst no response has been received from Endeavour Energy in regards to the proposal, correspondence was provided by the applicant with their application submission from Endeavour Energy dated 21 April 2015, indicating that minor excavation under the transmission easement is considered acceptable.

Notwithstanding, given the proposal involves works within the easement area, draft condition 28 is proposed requiring that approval for the proposed works be obtained from Endeavour Energy prior to the issue of any Construction Certificate.

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 (STATE AND REGIONAL DEVELOPMENT) 2011

State Environmental Planning Policy (State and Regional Development) 2011 applies to certain development that is considered to be of significance to the state. For the purpose of clause 89C of the *Environmental Planning and Assessment Act 1979* development is declared to be of state significance if:

8 (1)(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and

(b) the development is specified in Schedule 1 or 2.

Schedule 1 of SEPP (State and Regional Development) 2011 lists the types of development that are regarded as state significant development. The subject development does not fall within any of these categories.

As the proposal has a capital investment value (CIV) of over \$27 million and relates to Seniors Housing, determination by the JRPP is not triggered by the SEPP.

The proposal does however require determination by the JRPP pursuant to Schedule 4A (6)(b) of the *Environmental Planning and Assessment Act 1979* as the proposal has a CIV of more than \$20 million generally.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Division 5 – Electricity transmission or distribution

Clause 45 – Determination of development applications other development

The proposal involves works on Lot 5 DP 249038 within an easement for electricity purposes and the works proposed on Lot 2 DP 851407 immediately adjoin the same easement. The easement exists on the site and is in the form of overhead electricity lines. The works proposed within the easement area consist of minor excavations up to 700mm proposed to offset the fill required to provide for the building platform of the northernmost independent living units. Notification of the proposal was sent to Endeavour Energy upon lodgement of the application. No response was received by Council and more than 21 days has passed since the notice was given. Notwithstanding, given the proposal involves works within the easement area, draft condition 28 is proposed requiring that approval for the proposed works be obtained from Endeavour Energy prior to the issue of any Construction Certificate.

Division 17 Roads and traffic

Clause 101 Development with frontage to classified road

The site adjoins the M1 Motorway along its western boundary that is a classified road. However, vehicular access to the site is available from Kanahooka Road and is not proposed to be altered as part of this proposal. It is considered that the proposed works will not result in a significant increase in traffic flow from the site. No impacts on road safety are expected.

Council's Traffic Engineer has also assessed the proposal against the requirements of this clause and is satisfied that traffic generation is unlikely to have adverse impacts on the operation of the local road network. A number of conditions are recommended to be imposed in this respect.

Clause 102 Impact of road noise or vibration on non-road development

This clause applies to development for residential purposes on land which is adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles and which the consent authority considers there is potential for adverse impacts as a result of road noise or vibration. The subject lot adjoins the M1 Princes Motorway road corridor which is expected meet the traffic flow thresholds. However, given the site constraints and land use zoning pattern, the proposed development is located more than 200m from this corridor at the nearest point. Notwithstanding, an acoustic report formed part of the application submission and demonstrated that the noise emanating from the nearby road corridor and other surrounding uses was not unreasonable and that the persons residing on the site would not be unreasonably impacted by the noise, subject to compliance with the recommendations of the report. Council's Environment Officer has considered the submitted report and recommended conditions requiring compliance with the recommendations of the report.

The following commentary has also been provided by Council's Environment Officer:

Traffic noise levels have been measured at the site for both proposals at varying distances from the motorway and the measured levels have been used to calculate predicted levels at each of the proposed buildings. These measured traffic noise levels have been used to determine compliance with the NSW Department of Planning and Infrastructure's "Development near Rail Corridors and Busy Roads – Interim Guidelines" 2008, for proposed living units. Consideration is also given to Australian Standard AS 2107:2000 "Acoustics – Recommended design sound levels and reverberation times for building interiors" for the proposed development and recommended acoustic treatment (Section 6.0) for wall, ceiling and ventilation has been provided.

The proposal is therefore considered to satisfy the requirements of this clause.

Clause 104 Traffic-generating development

Clause 104 of this SEPP applies to development specified in Column 1 of the Table within Schedule 3. 'Seniors Housing' is not identified within Column 1 within the Table

The table does however state that 'areas used exclusively for parking or any other development having ancillary parking accommodation' and 'parking'. The development includes ancillary parking.

Column 2 of the Table requires a size or capacity with access to any road of more than 200 vehicles before referral to the RMS is required. The application proposes 119 car parking spaces and as such, does not meet the threshold within Column 2.

Column 3 of the Table relates to development of any size or capacity, where the site has access to a classified road or to a road that connects to a classified road where access to the classified road is available within 90m of the connection measured along the alignment of the connecting road. The Princes Motorway (M1) is identified as a classified road within Council's Land Mapping system. Whilst the property technically shares a common boundary with the M1, access is not available from the development to the classified road given the site constraints and allotment layout. Access from the property to the classified road would be available via Kanahooka Road. The distances of this connection has been measured to be over 400m. As such, the subject site does not meet the minimum distance where the proposal would be considered traffic generating development requiring concurrence from the NSW RMS in accordance with this clause.

2.1.3 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).*

A preliminary Site Investigation (PSI) resolved that the site has a low potential for contamination and all the site is considered suitable for the use as a proposed Seniors Living Housing. All the samples analysed for identified contaminants of concern reported results less than the quantitation limit and no asbestos was detected.

This information was reviewed by Council's Environment Officer and is considered satisfactory subject to conditions. An Unexpected Finds Protocol requirement will be conditioned as a matter of due diligence and a Site Contamination Validation Report required prior to the issue of a Construction Certificate.

Therefore, it is considered the land will be suitable for its proposed use.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – COASTAL PROTECTION

The proposal is satisfactory with regard to the aims outlined in schedule 2 of this policy and the matters for consideration outlined at schedule 8 as follows:

- the site is not located on the coastal foreshore
- the proposal does not involve substantial construction works
- the site does not provide public access to recreation areas
- no significant flora or fauna are proposed to be disturbed by the proposal
- no overshadowing or loss of views is anticipated
- no adverse stormwater runoff is expected

The proposal is satisfactory with regard to this policy as outlined below.

2 Aims of Policy

- (a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- I *to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*

- (d) *to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) *to ensure that the visual amenity of the coast is protected, and*
- (f) *to protect and preserve beach environments and beach amenity, and*
- (g) *to protect and preserve native coastal vegetation, and*
- (h) *to protect and preserve the marine environment of New South Wales, and*
- (i) *to protect and preserve rock platforms, and*
- (j) *to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and*
- (k) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- (l) *to encourage a strategic approach to coastal management.*

8. Matters for consideration

The matters for consideration are the following:

Matters for consideration	Comment
(a) the aims of this Policy set out in clause 2,	The proposal is not expected to have unreasonable negative impacts on the coastal environment and is consistent with the objectives outlined in Clause 2.
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	The proposal will not affect existing public access to the coastal foreshore.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	The site is not in close proximity to the coastal foreshore.
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	The proposal complies with Council's planning requirements and is consistent with the zone. There are not expected to be unreasonable negative impacts on the amenity of the locality and the proposal is considered to be suitable for the location.
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	The proposal is not expected to detrimentally affect the coastal foreshore.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	The proposal is not expected to impact on the scenic values of the NSW coast.
(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,	The site is mapped to contain endangered ecological communities, with Freshwater wetlands on coastal floodplains located towards the northern end of the site. Council's Environment

	Officer has reviewed the Preliminary Flora & Fauna Assessment Report and found that no significant flora or fauna will be affected by the proposal.
(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	There are not expected to be negative impacts on fish or marine vegetation and their habitats from the proposal.
(i) existing wildlife corridors and the impact of development on these corridors,	No wildlife corridors are impacted by the proposal.
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	The proposal is not expected to impact on or be affected by coastal processes or hazards.
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	The proposal is not expected to result in conflicts between land and water based coastal activities.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	The proposal is not expected to impact on items of cultural importance.
(m) likely impacts of development on the water quality of coastal waterbodies,	The proposal is not expected to impact on the water quality of any coastal waterbodies.
(n) the conservation and preservation of items of heritage, archaeological or historic significance,	No items of heritage, archaeological or historic significance are likely to be affected by the proposal. Council's Heritage Officer has reviewed the submitted Aboriginal Cultural Due Diligence report and conditions are recommended to account for any unanticipated finds.
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	Not applicable.
(p) only in cases in which a development application in relation to proposed development is determined:	
(i) the cumulative impacts of the proposed development on the environment, and	There are not expected to be negative cumulative impacts from the proposal.
(ii) measures to ensure that water and energy usage by the proposed development is efficient.	The proposal will not result in excessive energy or water usage.

Conclusion

The application is overall considered to be consistent with the aims of this policy and there are no significant issues in regard to the matters for consideration.

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

Seniors housing is permissible within the R2 Low Density Residential Zone under the WLEP 2009. The applicant is not relying on the provisions of Chapter 3 of the SEPP to enable the development to be permissible or to contravene a development standard. Therefore, while the policy does not strictly apply to the development, Council considers that the provisions of the Chapter should be considered as a merit assessment.

The proposal complies with the controls relating to visual and acoustic privacy, solar access and design for climate, stormwater, crime prevention, accessibility and waste management. The proposal does not rely on the provisions of Clause 45 in terms of granting consent with bonus floor space as the FSR proposed for the site is below the maximum permitted under the WLEP 2009.

In accordance with Clause 31, the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development has been taken into consideration within the assessment of the proposal.

A full assessment of the proposal against the SEPP and the Seniors Living Policy is provided at Attachment 6.

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

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

2.1.7 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 R2 Low Density Residential/E3 Environmental Management. No works are proposed within the E3 zone.

Clause 2.3 – Zone objectives and land use table

The objectives of the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is satisfactory with regard to the above objectives.

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

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; **Seniors Housing**; Shop top housing; Signage; Veterinary hospitals*

The proposal is categorised as **Seniors Housing** as described below and is permissible in the zone with development consent.

Clause 1.4 Definitions

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.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building heights do not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

FSR provided: $8511.4/36,117 = 0.24:1$

Note: Site area comprises of the R2 zoned land on Lot 2 DP 851407, refer to discussion below in Clause 4.5.

Clause 4.5 Calculation of floor space ratio and site area

The proposed works on Lot 5 DP 249038 (minor earthworks) does not comprise of any gross floor area and thus not considered to be significant development to be carried out on this lot and excluded from the site area.

Therefore, the floor space ratio has been calculated based on Lot 2 DP 851407. The total site area is 16.53 hectares however, the R2 land comprises of 36,117sqm. The remaining area of this lot is zoned E3 and has been excluded from the site area as the proposed seniors housing is prohibited under WLEP 2009.

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 adverse impacts on the coastal environment as a result of the application.

Clause 5.9 Preservation of trees or vegetation

All trees on the site are proposed for removal. Council's Landscape and Environment Officers have reviewed the proposal and no objection is raised.

Clause 5.10 Heritage conservation

The site of the proposed development is not of heritage interest in its own right, however, it is located within the vicinity of a known Aboriginal site, and is within close vicinity to Mullet Creek, a known place of cultural significance to the local Aboriginal Community. The applicant completed an Aboriginal Heritage Due Diligence Assessment in accordance with the Office of Environment and Heritage guidelines.

The conclusions of the Due Diligence Assessment are that:

No known Aboriginal objects or places will be impacted by the proposed works. The likelihood of unknown Aboriginal objects or places being impacted within the Project Area is assessed as low.

The report also proposes the following conditions of consent to this development application:

- **Recommendation 1: No further archaeological assessment is required**
No further archaeological work is required in the Project Area due to the entire Project Area being assessed as having low archaeological potential.

- **Recommendation 2: Discovery of Unanticipated Aboriginal Objects**
All Aboriginal objects and Places are protected under the NSW National Parks and Wildlife Act 1974. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Office of Environment and Heritage (OEH). Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the OEH and Aboriginal stakeholders.

- **Recommendation 3: Discovery of Aboriginal Ancestral Remains**
Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:
 1. *Immediately cease all work at that location and not further move or disturb the remains*
 2. *Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location*
 3. *Not recommence work at that location unless authorised in writing by OEH.*

Council's Heritage Officer has reviewed the application submission and has recommended that the conditions be included within any consent issued.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The subject site has existing connections to electricity, water and sewage services. Draft conditions are proposed at Attachment 7 requiring separate approval from the relevant authorities for the connection of utilities to service the site.

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity" in the form Freshwater wetlands on coastal floodplains at the northern end of the site, within the portion of site zoned E3 – Environmental Management. Details of the proposal were referred to Council's Environment Officer to assess the likely impacts in this regards. No objection was raised and draft conditions of consent are proposed at Attachment 7.

It should be noted that all the development proposed is wholly located within the R2 zoned portion of the site.

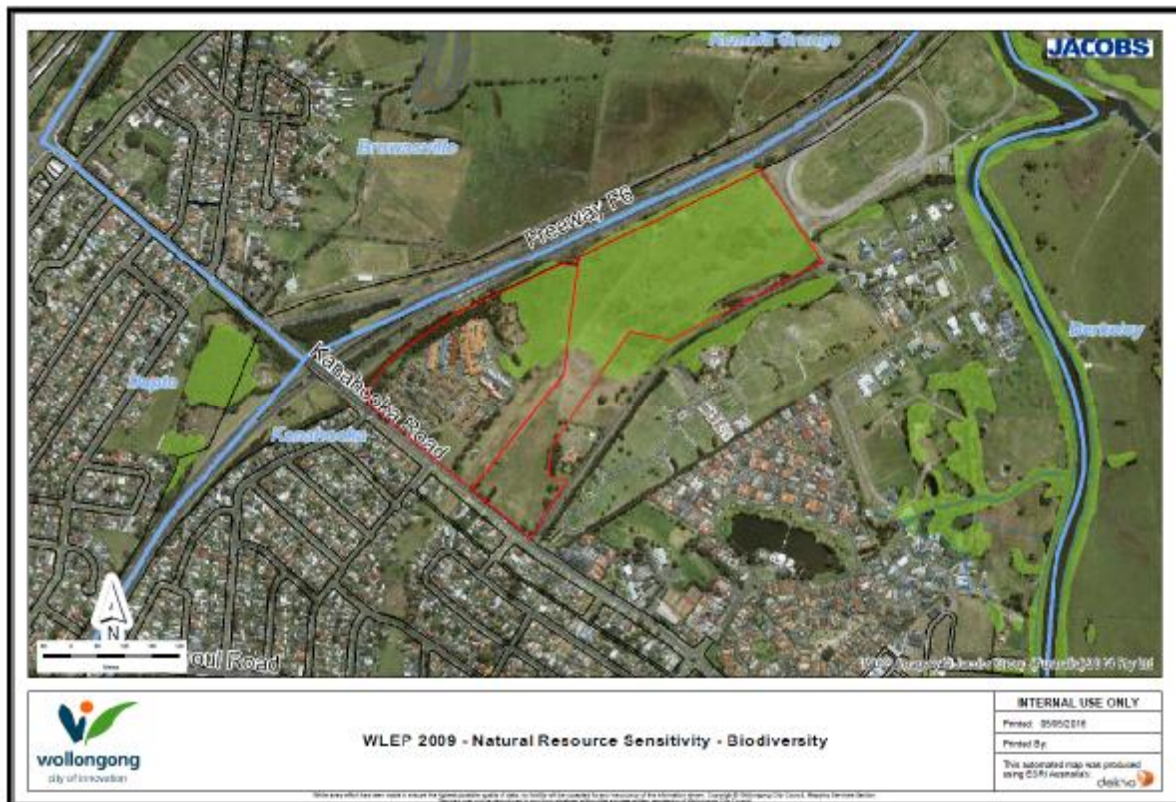


Figure 1: WLEP 2009 Natural resource sensitivity – biodiversity map

Clause 7.3 Flood planning area

The land is identified as being flood hazard affected. Council's Stormwater Officer has assessed the application details of the proposal in this regard and has not raised any objections subject to draft conditions.

Clause 7.4 Riparian lands

The proposal was lodged and initially considered as Integrated Development requiring a Controlled Activity Approval pursuant to Section 91 of the *Water Management Act 2000*. The NSW Office of Water advised in correspondence dated 26 August 2015 that the Office does not consider the proposal to be integrated as the development site is not considered to extend to waterfront land. Consequently the proposal does not trigger the requirement to obtain a Controlled Activity Approval.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by acid sulphate soils, classes 2, 4 and 5. An Acid Sulphate Soils Assessment plan has been prepared by Douglas Partners dated March 2015 demonstrating the absence of acid sulphate conditions at the site within the developable area. Council's Environment Officer has reviewed the submitted Acid Sulfate Soils Assessment for the site and provided a satisfactory referral subject to conditions, noting that an Acid Sulfate Soil Management Plan is not required for the proposal.

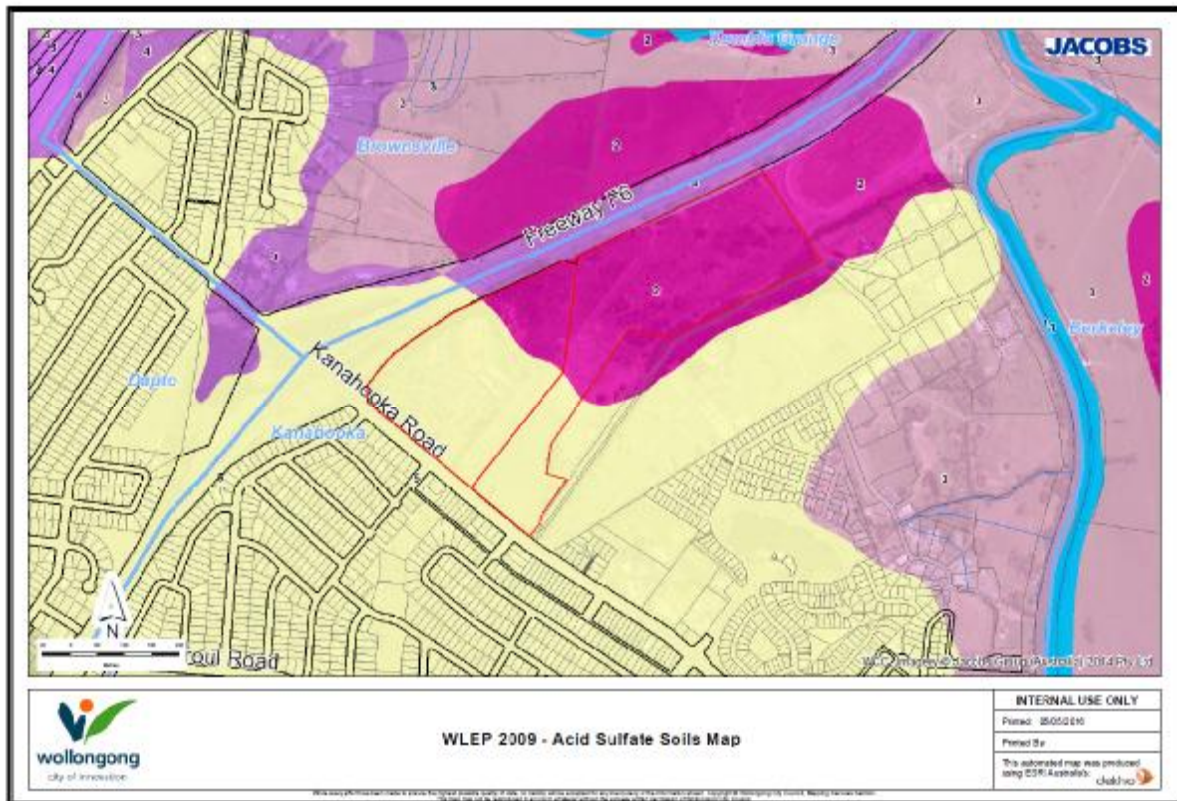


Figure 2: WLEP 2009 Acid sulfate soil map

Clause 7.6 Earthworks

The proposal comprises earthworks to prepare the site for construction. This is comprised of fill up to 2m to raise levels above the 100 year (PMF) level and compensatory excavations of up to 0.7m. The compensatory excavations are proposed to offset the amount of fill that the subject development proposes to introduce into the flood plain. The earthworks are proposed in the adjacent lot of land, owned by the Illawarra Retirement Trust (IRT), underneath the existing Endeavour Energy controlled 132KV powerlines.

Whilst no response has been received from Endeavour Energy in regards to the proposal, correspondence was provided by the applicant with their application submission from Endeavour Energy dated 21 April 2015, indicating that minor excavation under the transmission easement is considered acceptable.

Notwithstanding, given the proposal involves works within the easement area, draft condition 28 is proposed requiring that approval for the proposed works be obtained from Endeavour Energy prior to the issue of any Construction Certificate.

The earthworks are proposed to be undertaken in a way that is not expected to result in unacceptable impacts on environmental functions and processes, neighbouring properties or the nearby Heritage Item.

Council's Stormwater & Environment Officers have reviewed details of the proposal and advised that the proposed earthworks are considered to be satisfactory conditionally.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

5 Attached dwellings and multi dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width</u>	The subject site has a minimum site width of more than 100m.	Yes
<u>5.2 Number of Storeys</u>	The proposal is single storey.	Yes
<u>5.3 Front Setbacks</u>	The controls within this section detail that a minimum 6m setback applies from the front boundary of the property to the front façade of the building. The proposal achieves a minimum 6m front setback.	Yes.
<u>5.4 Side & Rear Setbacks</u>	The proposal exceeds all minimum side and rear setback requirements.	Yes.
<u>5.5 Building Character and Form</u>	The applicant has provided an Architectural Design Statement from the Architect and Retirement Living Demand response from IRT to address design issues, in support of the application. This is provided at Attachment 5. These statements detail how the proposal has been designed in a way that is responsive to the constraints on the site and also provides for the requirements of prospective customers. The proposed materials are high quality and the proposed entrance to each building is clearly identifiable. In considering the needs of the development, the future occupants and the surrounding area, the built character and form of the proposal is considered to be appropriate.	Yes.
<u>5.6 Access / Driveway Requirements</u>	The proposal is consistent with the controls set out in this clause. Council's Traffic Officer has reviewed the proposal and has raised no objection subject to conditions.	Yes.

<u>5.7 Car Parking Requirements</u>	The proposal has been designed in a way that ensures the car parking within the development will meet all of the requirements set out within this clause. Councils Traffic Officer has reviewed the application submission and advised they have no objections to the proposal, subject to conditions.	Yes.
<u>5.8 Landscaping Requirements</u>	More than 30% of the site area is proposed to be landscaped. Council's Landscape Officer has reviewed the application submission and advised that they have no objections to the proposal, subject to conditions.	Yes.
<u>5.9 Deep Soil Zone</u>	The proposal incorporates a deep soil zone in excess of this clause. This equates to 25% of the R2 zone.	Yes.
<u>5.10 Communal Open Space (COS)</u>	Five communal open space areas are proposed. These areas include paving, gazebos, seating and gardens for use of residents. Over 1120m ² of COS is provided in total which exceeds the minimum requirements of 5m ² per dwelling. Solar access to these areas is compliant.	Yes.
<u>5.11 Private Open Space (POS)</u>	The controls within this clause require a minimum of 20m ² POS area is to be provided for each unit and this area is not to extend forward of the front building setback by greater than 900mm. Each proposed unit is provided with a POS of 15m ² . A satisfactory variation request has been submitted in regard to this and the departure is not considered to result in increased negative impacts on the immediate area. It is noted that the under the SEPP (Housing for Seniors or People with a Disability) 2004 a minimum of 15sqm is required for private open space in which the proposal is consistent with.	No – variation requested to WDCP 2009. This variation has been considered and is supported.
<u>5.12 Solar Access Requirements</u>	The applicant has provided shadow diagrams for the proposal which indicate that the proposal complies with the provisions of this section. All dwellings are single storey and no adverse overshadowing impacts are anticipated.	Yes.

<u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u>	A mixture of 2 and 3 bedroom units are proposed within the development.	Yes.
<u>5.14 Additional Control for Multi Dwelling Housing – Adaptable Housing</u>	All units are designed to accommodate for disabled or elderly residents.	Yes.
<u>5.15 Additional Controls for Multi-Dwelling Housing – Crime Prevention through Environmental Design</u>	The design of the proposal is considered to be satisfactory in regard to safety and crime prevention controls. Council's Safer Community Action Team Officer has reviewed the proposal and advised that they have no objection subject to conditions.	Yes.

CHAPTER D1 – CHARACTER STATEMENTS

Kanahooka

Additional seniors housing developments are anticipated within the future character of the area and the proposal is therefore considered to be consistent. The proposal is acceptable with regards to the desired low density, single storey suburban character of the immediate area. Proposed materials are face brickwork as suggested by the chapter.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The proposal is for a seniors housing and the provision of access for people with a disability is of particular importance. The applicant has submitted an Access Report by Accessible Building Solutions dated 15 June 2015 which states that the proposal can comply with the BCA requirements for wheelchair access, disabled car parking and general controls such as access to common areas, accessible paths of travel, signage and adaptable housing. The proposal has also been assessed by Council's Community Services Officer who has provided conditionally satisfactory referral advice. The Access Reference Group were notified of the application however no comments were received.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Details of the application submission were referred to Council's SCAT Officer who has reviewed the application and given satisfactory referral advice subject to conditions.

The following compliance table relates to the controls within this Chapter:

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Draft conditions require the entrances to buildings and internal road network and communal areas to be suitably illuminated.	Yes – to be conditioned for
<u>3.2 Natural surveillance and sightlines</u>	The design of the proposal with houses clustered around communal open spaces is conducive to passive surveillance. The orientation of the front row of houses facing Kanahooka Rd also permits natural surveillance.	Yes.

<u>3.3 Signage</u>	Vehicular flow signage is proposed accounted for in the draft consent at condition 45.	Yes, conditioned.
<u>3.4 Building design</u>	The design of the development is considered to be satisfactory and responsive to the constraints. Building entrances are clearly defined with areas of entrapment minimised.	Yes.
<u>3.5 Landscaping</u>	The Landscape Concept Plan submitted with the application is considered to be appropriate for the site and does not propose landscaping which has the potential to screen building entrances. No gravel paths are proposed and all surfaces are designed in a way that will allow access for disabled and mobility impaired people. Council's Landscape and SCAT Officer have reviewed the application submission and indicated that they do not object to the proposal, subject to conditions.	Yes.
<u>3.6 Public open space and parks</u>	The proposal incorporates areas of communal open space, which are designed to be accessible for the residents of the village. Garden beds are provided for residents' use. Seating areas and gazebos are also proposed within the garden areas which are easily accessed and visible from the adjacent streets. Council's Community Services Officer has reviewed the application and raised no objections to the design of the open spaces.	Yes.
<u>3.7 Community facilities and public amenities</u>	The proposal is for the construction of a Seniors housing development. Despite there being a number of open areas including the recreation facility for the residents. The proposal does not incorporate any community facilities.	N/A.
<u>3.8 Bus stops and taxi ranks</u>	The site is located within 150m from a major bus stop on Kanahooka Rd.	Yes.

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

Details of the proposal were referred to Council's Traffic Officer who has provided conditionally satisfactory referral advice.

The following table demonstrates compliance in terms of the number of car parking spaces required to be provided in accordance with this chapter.

<i>Car Parking</i>	<i>Rate</i>	<i>Calculation</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Seniors housing	<i>Self-contained dwellings:</i> 0.5 car parking space per bedroom or 1 car parking space per 5 dwellings where social housing. Note: The parking	96 x 2 bedroom villa are proposed and 4 x 3 bedroom villas.	(0.5 x 2 x 96) + (0.5 x 3 x 4) =102	100 resident spaces plus 19 visitor*.	Yes.

	rates are based on the maximum rates indicated in SEPP (Housing for Seniors or People with a Disability) 2004				
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*The 19 visitor spaces are located throughout the development, with 6 located at the residential recreation facility.

CHAPTER E6: LANDSCAPING

A Landscape Concept Plan and arborist report were submitted, considered and found conditionally satisfactory by Council's Landscape Officer. The landscape plan provides for removal of all existing trees. Significant landscaping is proposed to compensate for tree removal and to enhance the development and increase amenity for residents.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan have been provided with the application submission.

The plan details the site will be serviced by a private contractor. Waste collection vehicles will enter the site from Kanahooka Rd and bins will be collected from the rear of the site. The development has incorporated bin storage areas accessible for residents that can allow easy collection from transport to the communal bin area by staff. This arrangement has been reviewed by Council's Traffic Officer who has not indicated any objections.

CHAPTER E10 ABORIGINAL HERITAGE

The site of the proposed development is not of heritage interest in its own right, however it is located within the vicinity of a known Aboriginal site, and is within close vicinity to Mullet Creek, a known place of cultural significance to the local Aboriginal Community. The applicant completed an Aboriginal Heritage Due Diligence Assessment in accordance with the Office of Environment and Heritage guidelines. Council's Heritage Officer has reviewed the application submission and has recommended conditions to be included within the draft consent related to unexpected finds.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is listed as being flood hazard affected. Council's Stormwater Officer has indicated no objection to the proposal, subject to draft conditions.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Stormwater Officer has reviewed the proposal and has indicated no objection to the proposal, subject to conditions.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

Water Sensitive Urban Design (WSUD) has been incorporated into the development design. Council's Environment Officer has reviewed the WSUD report submitted and concurs with the recommended conditions which are incorporated into the draft consent at Attachment 7.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

All trees on the site are proposed for removal. Council's Landscape and Environment Officers have reviewed the proposal and no objection is raised.

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity" in the form of grassy wetlands at the northern end of the site, within the portion of site zoned E3 – Environmental Management. Details of the proposal were referred to Council's Environment Officer to assess the likely impacts in this regards. No objection was raised and draft conditions of consent are proposed at Attachment 7. It is noted that all development proposed is located wholly within the R2 zoned portion of the site.

CHAPTER E18 THREATENED SPECIES

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity" in the form of Freshwater wetlands on coastal floodplains at the northern end of the site, within the portion of site zoned E3 – Environmental Management. Details of the proposal were referred to Council's Environment Officer to assess the likely impacts in this regard, reviewing the Preliminary Flora &

Fauna Assessment Report and found that no significant flora or fauna will be affected by the proposal. No objection was raised and draft conditions of consent are proposed at Attachment 7.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal comprises earthworks to prepare the site for construction. This is comprised of fill up to 2m to raise levels above the 100 year (PMF) level and compensatory excavations of up to 0.7m. The compensatory excavations are proposed to offset the amount of fill that the subject development proposes to introduce into the flood plain. The earthworks are proposed in the adjacent lot of land, owned by the Illawarra Retirement Trust (IRT), underneath the existing Endeavour Energy controlled 132KV powerlines.

The earthworks are proposed to be undertaken in a way that is not expected to result in unacceptable impacts on environmental functions and processes, neighbouring properties or the nearby Heritage Item.

Council's Stormwater & Environment Officers have reviewed details of the proposal and advised that the proposed earthworks are considered to be satisfactory conditionally.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

A preliminary Site Investigation (PSI) resolved that the site has a low potential for contamination and all the site is considered suitable for the use as a proposed Seniors Living Housing. All the samples analysed for identified contaminants of concern reported results less than the quantitation limit and no asbestos was detected.

This information was reviewed by Council's Environment Officer and is considered satisfactory subject to conditions. An Unexpected Finds Protocol requirement will be conditioned as a matter of due diligence and a Site Contamination Validation Report required prior to the issue of a Construction Certificate.

Therefore, it is considered the land will be suitable for its proposed use.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Standard conditions are proposed to manage soil erosion and sediment control on the site during excavation and construction works including the requirement for a site management plan.

CHAPTER E23: RIPARIAN LAND MANAGEMENT

The proposal was lodged and initially considered as Integrated Development requiring a Controlled Activity Approval pursuant to Section 91 of the *Water Management Act 2000*. The NSW Office of Water advised in correspondence dated 26 August 2015 that the Office does not consider the proposal to be integrated as the development site is not considered to extend to waterfront land. Consequently the proposal does not trigger the requirement to obtain a Controlled Activity Approval.

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2015)

The estimated cost of works is \$25,000,000 and a levy is applicable under this plan as the threshold figure is \$100,000. Condition 63 of the draft consent at Attachment 7 accounts for this matter.

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?

No demolition is required.

The site is located within the Coastal Zone however this policy only applies in the Illawarra to the offshore component of the coastal zone, extending three nautical miles seaward from the open coast high water mark.

93 Fire safety and other considerations

As the proposal is for the construction of new buildings, this clause does not apply.

94 Consent authority may require buildings to be upgraded

As the proposal is for the construction of new buildings, this clause does not apply.

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

At the time of preparing this report, no coastal zone management plan applied to the site. Coastal Processes have, however, been previously considered in Section 2.1.4.

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

Context and Setting:

The proposal meets the zone objectives in that it is providing for the housing needs in the local area, particularly through providing accommodation for an ageing population. The total FSR of the development is 0.24:1 which is well within the development standard and the height of the proposed structures are all below the maximum 9m permitted in the LEP height control. The proposal is considered to be an appropriate development on the site and in context with the surrounding area.

The applicant has provided an Architectural Design Statement from the Architect and a Retirement Living Demand response from IRT to address design issues, in support of the application. This is provided at Attachment 5. These statements detail how the proposal has been designed in a way that is responsive to the constraints on the site and also provides for the requirements of future occupants.

Access, Transport and Traffic:

Council's Traffic Officer has assessed the proposal and raised no objection to the development's access parking and layout. The proposal provides a total of 119 car parking spaces: 100 garage spaces and 19 visitor parking spaces.

The surrounding road network is considered capable of absorbing the increase in traffic expected to result from the proposed development. Potential impacts on the local road network are minimised through the layout of the site and the inclusion of internal roads and the single site access. Upgrades to Kanahooka Rd and footpaths are included in the traffic management plan and are supported by Council's Traffic Officer.

Public Domain:

The proposal is expected to have a positive impact on the public domain of the area, particularly through the construction of a new public footpath within the Kanahooka road reserve, and upgraded road design.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities can be augmented to accommodate the proposal.

Heritage:

The site of the proposed development is not of heritage interest in its own right, however, it is located within the vicinity of a known Aboriginal site, and is within close vicinity to Mullet Creek, a known place of cultural significance to the local Aboriginal Community. The applicant completed an Aboriginal Heritage Due Diligence Assessment in accordance with the Office of Environment and Heritage guidelines. Council's Heritage Officer has reviewed the application submission and has recommended conditions to be included within the draft consent.

No European heritage items will be impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

Soils:

The proposal will have minimal impact on the soils on site. The site is listed as being affected by acid sulphate soils. Council's Environment Officer has reviewed the submitted Acid Sulfate Soils Assessment for the site, demonstrating the absence of acid sulphate conditions at the site within the developable area. A satisfactory referral subject to conditions was received noting that an ASS Management Plan is not required for the proposal.

Air and Microclimate:

The proposal is not expected to have negative impact on air or microclimate.

Flora and Fauna:

All trees on the site are proposed for removal. Council's Landscape and Environment Officers have reviewed the proposal and no objection is raised. Sufficient landscaping is proposed to mitigate any loss and to enhance amenity for occupants.

The site is mapped as 'Natural Resource Sensitivity – Biodiversity' and therefore clause 7.2 of the WLEP 2009 applies. Council's Environment Officer is satisfied that the proposal is unlikely to have an adverse impact on the biodiversity of the site

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction. The waste collection arrangements have been reviewed by Council's Traffic Officer who has not indicated any objections.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. A BASIX certificate has also been submitted by the applicant demonstrating that the proposed scheme achieves the BASIX targets.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

Council records list the site as being flood hazard affected. Council's Stormwater Officer has assessed the application and has found it to be satisfactory subject to conditions.

Technological hazards:

Council records list the site as acid sulphate soils affected, however the excavations proposed are not expected to lower the water table in the area. Council's Environment Officer has assessed the proposal given a conditionally satisfactory referral response.

The site is located adjacent 132kV transmission lines. The applicant's consultant has liaised with Endeavour Energy who provided advice that there is no evidence that the location of the powerlines will pose a potential negative health impact on residents in the immediate vicinity. This has been reviewed by Council's Environment Officer and found to be conditionally satisfactory.

Safety, Security and Crime Prevention:

This application does not result in increased opportunities for criminal or antisocial behaviour. CPTED matters have been considered as discussed in section 2.3 above. Details of the application submission were referred to Council's SCAT Officer who has reviewed the application and provided a satisfactory referral advice subject to draft conditions.

Social Impact:

The proposal is anticipated to result in positive social impacts in the areas. Details of the proposal were referred to Council's Community Services Officer who has reviewed the application and provided satisfactory referral advice subject to conditions.

Economic Impact:

The proposal is not expected to result in negative economic impacts.

Site Design and Internal Design:

The application does not result in any departures from development standards. Variation requests to Council's development control plans have been considered and discussed previously in Section 2.3.1 and relate to private open space provision. Reasonable residential amenity is expected to be achieved as a development outcome. The applicant has provided an Architectural Design Statement from the Architect and a Retirement Living Demand response from IRT to address design issues, in support of the application. This is provided at Attachment 5. These statements detail how the proposal has been designed in a way that is responsive to the constraints on the site and also provides for the requirements of future occupants.

Construction:

Conditions are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, and use of any crane, hoist, plant or scaffolding.

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

Cumulative Impacts:

The proposal is not expected to result in negative cumulative impacts.

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 have negative 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 exhibited in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. No submissions were received.

Submissions from public authorities

Office of Water

The proposal was lodged and initially considered as Integrated Development requiring a Controlled Activity Approval pursuant to Section 91 of the *Water Management Act 2000*. The NSW Office of Water advised in correspondence dated 26 August 2015 that the Office does not consider the proposal to be integrated as the development site is not considered to extend to waterfront land. Consequently the proposal does not trigger the requirement to obtain a Controlled Activity Approval.

Sydney Water Corporation

Given the proposed development contains 100 residential units for aged care accommodation and the requirements of Section 78 of the *Sydney Water Act 1994*, the consent authority must give the Corporation notice of the application. Correspondence received on 18 August 2015 indicated that services are available to the site and requested a condition for a Section 73 Certificate to be included within any consent issued.

2.10 SECTION 79C 1(E) THE PUBLIC INTEREST

The application is not expected to result in cumulative negative impacts on the environment or the amenity of the locality. It is further considered that the proposal is appropriate with regard to the zoning objectives and the character of the area and is therefore considered to be in the public interest.

3. CONCLUSION

The application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies and found to be satisfactory.

Seniors housing is permitted with development consent pursuant to Clause 2.3 of the Wollongong Local Environmental Plan 2009. The proposal is considered to be consistent with the objectives of the R2 Low Density Residential Zone pursuant to WLEP 2009.

The proposal involves a variation to the private open space development controls identified in Chapter B1 of the WDCP 2009. The variation has been justified by a satisfactory variation statement and is supported.

All relevant external and internal referrals are satisfactory and there are no outstanding issues. It is considered that the proposed development has been designed appropriately given the constraints and characteristics of the site and is unlikely to result in adverse impacts on the character or amenity of the surrounding area.

4. RECOMMENDATION

It is recommended that approval be granted to DA-2015/852, subject to the draft conditions contained in Attachment 7 of this report.

5. ATTACHMENTS

- 1 Aerial Photograph (2014)
- 2 Wollongong Local Environmental Plan 2009 - Zoning Map
- 3 Site Photographs
- 4 Architectural Plans
- 5 Architectural Design Statement and Retirement Living Demand response
- 6 Assessment against State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004
- 7 Draft Conditions of Consent