

**SOUTHERN REGIONAL PLANNING PANEL**  
(Southern Region)

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| Panel Reference   | <b>PPSSTH-222</b>  |
| DA Number   | DA-2022/1357   |
| LGA   | Wollongong City  |
| Proposed Development  | Mixed-use - demolition of existing structures, tree removal and construction of a mixed-use development comprising a permanent group home, centre-based childcare facility and respite day care centre, with associated basement car parking, roadworks and landscaping  |
| Street Address  | Lot 6 DP 29329<br>85 Midgley Street Corrimal   |
| Applicant/Owner   | Ayse Sevgin  |
| Date of DA lodgement  | 23 December 2022   |
| Number of Submissions   | Twenty-five submissions were received, including one petition containing 14 signatures   |
| Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021 | The proposal is for community facilities with a capital investment value of more than \$5 million and accordingly the application is required to be determined by the State Regional Planning Panel pursuant to Section 4.5(b) of the Environmental Planning & Assessment Act 1979. The proposal has a value of \$7.86 million   |
| List of all relevant s4.15(1)(a) matters                                      | <p>List all of the relevant environmental planning instruments:</p> <p>s4.15(1)(a)(1) –</p> <p><u>State Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Housing) 2021</li> <li>○ State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ SEPP (Resilience and Hazards) 2021</li> <li>○ SEPP (Transport and Infrastructure) 2021</li> </ul> <p><u>Local Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> <li>○ Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> <p><u>Other policies</u></p> <ul style="list-style-type: none"> <li>○ NSW Apartment Design Guide</li> <li>○ Child Care Planning Guidelines</li> <li>○ Wollongong City Wide Development Contributions Plan (2022)</li> <li>○ Wollongong Community Participation Plan 2019</li> </ul> <ul style="list-style-type: none"> <li>● Proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority:<br/>s4.15(1)(a)(ii) <ul style="list-style-type: none"> <li>○ Nil</li> </ul> </li> </ul> |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• Relevant development control plan: s4.15(1)(a)(iii) <ul style="list-style-type: none"> <li>◦ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iia) <ul style="list-style-type: none"> <li>◦ Nil</li> </ul> </li> <li>• Regulations: s4.15(1)(a)(iv) eg. Regs 6, 61, 62, 63 <ul style="list-style-type: none"> <li>◦ Reg 61 AS 2601 in respect of any demolition.</li> </ul> </li> <li>• Coastal zone management plan: s4.15(1)(a)(v) <ul style="list-style-type: none"> <li>◦ There is no Coastal Zone Management Plan currently applicable to the land.</li> </ul> </li> </ul> |
| List all documents submitted with this report for the Panel's consideration | <ol style="list-style-type: none"> <li>1. Architectural Plans</li> <li>2. Mills Oakley Letter of Advice</li> <li>3. Apartment Design Guide Assessment</li> <li>4. SEPP 65 Design Verification Report- Applicant</li> <li>5. Child Care Planning Guideline Assessment</li> <li>6. Clause 4.6 Exception to Development Standard Statement – Building Height - Applicant</li> <li>7. Wollongong Development Control Plan 2009 Assessment compliance table</li> <li>8. Site photographs</li> <li>9. Civil Works in Public Domain Plans</li> </ol>   |
| Clause 4.6 requests   | <p>The application includes a Clause 4.6 Exceptions to development standards request for the following development standard:</p> <ul style="list-style-type: none"> <li>• Wollongong Local Environmental Plan 2009 - Clause 4.3 Height of buildings on R2 Low Density Residential zoned land</li> </ul>   |
| Recommendation  | Refusal   |
| Report prepared by  | Nicole Ashton, Senior Development Project Officer   |

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Yes

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? No

#### Conditions

Have draft conditions been provided to the applicant for comment? No

## Assessment Report and Recommendation Cover Sheet

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### Executive Summary

#### Reason for consideration by Southern Regional Planning Panel

The proposal includes private infrastructure and community facilities with a Capital Investment Value (CIV) over \$5 million and is declared as Regionally significant development under section 2.19 and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

The proposal has a value of \$7.86 million. The proposal is therefore referred to the Southern Regional Planning Panel as the consent authority pursuant to Section 4.5(b) of the Environmental Planning and Assessment Act 1979.

#### Proposal

The proposal is for the demolition of existing structures, tree removal and construction of a mixed-use development comprising a permanent group home, centre-based childcare facility and respite day care centre, with associated basement car parking, roadworks and landscaping.

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal consists of a group home, a centre based child care centre and respite day care facility, all of which are permissible with consent in the R2 zone.

#### Consultation

The original proposal was exhibited in accordance with Council's Community Participation Plan from 16 January 2023 to 30 January 2023. Twenty five (25) submissions were received including one petition containing fourteen (14) signatures.

#### Main Issues

The main issues arising from the assessment are:

- Exception to a development standard - Maximum Building Height pursuant to Section 4.3 of WLEP 2009
- Bulk and scale
- Streetscape Impacts
- Impacts on character of area
- Amenity impacts
- Impacts of proposed vegetation removal on biodiversity
- Crime Prevention through Environmental Design
- Waste servicing
- Impacts upon the public domain by way of proposed infrastructure in road reserve
- Apartment Design Guide (ADG) variations with regard to site analysis, side setbacks, public domain interface, the provision of communal open space, visual privacy, pedestrian links, apartment layouts, storage, noise impacts from internal layouts, energy efficiency and waste management
- Child Care Planning Guidelines with regard to site selection and location, local character, streetscape and public domain interface; building orientation, envelope and design; noise and air pollution; traffic, parking and pedestrian circulation and emergency and evacuation procedures
- Proposed variations to retaining walls
- Overdevelopment of the site

#### CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979.

The proposal triggers entry into the Biodiversity Offsets Scheme, however the Biodiversity Development Assessment Report submitted with the application does not correctly identify the correct trigger for entry into the scheme and does not consider the full extent of the area of proposed clearing including that of adjoining land (no landowners consent) necessary to achieve Asset Protection Zone requirements. A legal opinion has been provided that suggests this matter may be conditioned for via Deferred Commencement including required works. Council is not aligned with the opinion as the full ecological impacts of the development are unknown at this point.

The development proposes an exception to the height of buildings development standard pursuant to Section 4.3 of WLEP 2009. The proposed exception is not supported.

The applicant has also not provided justification statements for the variations sought to WDCP 2009 in relation to retaining wall height, location of waste collection and location of a parking space for the ambulance servicing the childcare building.

The proposal is not consistent with the Design Quality Principles of SEPP 65 and the companion Apartment Design Guide, specifically in relation to site analysis, side setbacks, public domain interface/ pedestrian links, the provision of communal open space, visual privacy, apartment layouts, storage, noise impacts from internal layouts, energy efficiency and waste management.

The proposal is not consistent with the SEPP (Transport and Infrastructure) and the companion Child Care Planning Guideline, including inconsistency with the Design Quality Principles and a number of matters for consideration including bulk and scale, site suitability, environmental hazards, public domain interface, streetscape, the extent of excavation, building design, privacy impacts, parking and waste collection and emergency and evacuation procedures.

Council's Landscape, Heritage, Traffic, Environment and Design Officers have provided unsatisfactory referral advice. Council's Contributions, Community Services, Geotechnical and Stormwater Officers have provided conditionally satisfactory referral advice.

The impacts arising from proposed vegetation removal will have an adverse impact on biodiversity, the riparian corridor and the character of the area. Appropriate measures have not been taken to avoid biodiversity impacts from the development in accordance with the Mitigation Hierarchy.

The proposed development has not been designed appropriately given the constraints and characteristics of the site and has the potential to result in significant adverse impacts on the amenity of the surrounding area. The site is not suitable for the proposed development and the development as proposed would set an undesirable precedent. Approval is therefore not considered to be in the public interest.

## **RECOMMENDATION**

It is recommended that DA-2022/1357 be refused.

## **1 APPLICATION OVERVIEW**

### **1.1 PLANNING CONTROLS**

The following planning controls apply to the proposal:

#### State Environmental Planning Policies:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Planning Systems) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Transport and Infrastructure) 2021

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

- NSW Apartment Design Guide
- Child Care Planning Guideline
- Wollongong City Wide Development Contributions Plan (2022)
- Wollongong Community Participation Plan 2019

## **1.2 PROPOSAL**

The proposal comprises the following:

#### Site preparation

- Demolition of existing buildings on site and demolition of Princes Highway vehicular cross over and part of internal existing driveway
- Removal of 60 trees under this development application, 44 of which are from the proposed deceleration lane area affording primary access to the site

#### Deceleration Lane – Princes Highway

- Provision of new vehicular access from Princes Highway requiring construction of a deceleration lane along Western side of Princes Highway
- New pedestrian pathway along western side of deceleration land/Princes Highway
- Retaining wall proposed along western side of new pedestrian pathway

#### Basement Car Park and Parking

- Twenty eight parking spaces including nine staff spaces and seventeen visitor parking spaces plus two accessible spaces
- One loading bay
- Provision of two fire stairs
- Pump room, fire pump room, grease arrestor, main switchboard, garage room, two storage rooms
- Two lifts (one for day program and one for child care)
- Bicycle parking spaces

#### Summary of Proposed Centre-based Child Care Facility

- Outdoor play RL35.00 and RL38.6
  - Lower ground floor comprising 272.71m<sup>2</sup> of outdoor play space immediately accessible from the child care centre and with stair access to a lower outdoor play space, 143.97m<sup>2</sup> in area.
  - Upper ground floor comprising 345.82m<sup>2</sup> of outdoor space.
- First Floor RL38.6
  - Lift, foyer, two (2) fire stairs and bathroom.
  - Indoor playroom for 2 – 3 years for 30 children with associated bathroom.
  - Indoor playroom for 3 – 6 years for 40 children and associated bathroom.
  - Internal storage.
  - Outdoor play area including 22.9m<sup>3</sup> of external storage
- Ground Floor RL35.00
  - Lift, foyer, two (2) fire stairs and foyer, reception room and parent room.

- Indoor playroom for 0 – 2 years for 26 children, two (2) cot rooms, change room, toilet, internal storage.
- Outdoor play space including 9m<sup>3</sup> of external storage.
- Staff room, kitchen, rest area, storage room, bathroom, staff lunch room and laundry.

#### Summary of Proposed Respite Day Program facility

- Day program RL42.20
  - Lift access and two (2) fire stairs one providing external access and the other providing internal access.
  - Foyer with reception and access to outdoor area located to the north east.
  - Day program room including art and craft room, baking and cooking room.
  - Movie room, bathrooms, office and consultant room.
  - Maximum of 6 staff members
  - Participants picked up and dropped off by mini bus or staff vehicles
- Proposed Operation
  - future operator of child care facility is Thrive Early Learning Centres.
  - centre-based childcare centre has a capacity of 96 children, comprising:
    - 26 children aged 0 – 2years
    - 30 children aged 2 -3 years
    - 40 children aged 3 – 6 years
  - proposed hours of operating hours include: 7:00am to 6:00pm, Monday to Friday.
  - centre would include nineteen (19) staff.

#### Summary of Proposed Group Home

- development of a three-storey permanent group home containing six (6) homes under the provisions of the Housing SEPP and WLEP 2009
- Ground Floor RL36.80
  - Two (2) homes (Unit 1 and 2) that includes 1 x two (2) bedroom (Unit 1) and 1 x one (1) bedroom (Unit 2), living/dining area, kitchen and laundry. Each home has access to a private balcony that faces north
  - Large communal / administration area including office/OOA room, kitchen, living area, laundry and bathroom
  - Lift and staircase that grants access to the upper floors
- First Floor RL39.90
  - Two (2) homes (Unit 3 and 4) that includes 1 x two (2) bedroom (Unit 4) and 1 x one (1) bedroom (Unit 3), living/dining area, kitchen and laundry. Each home has access to a private balcony that faces north
  - Lift and staircase that provides access to ground and second floor
  - Garage located to the south west with internal access to foyer
- Second Floor RL43.00
  - Two (2) homes (Unit 5 and 6) that include includes two (2) bedrooms, living/dining area, kitchen, laundry, and bathroom. Each home has access to a private balcony that faces north.
  - Lift and staircase that grants access to the lower floors.

#### Waste Collection

- Group Home (residential waste)

- Council will be engaged to collect the residential waste, recycling and FOGO in accordance with Council's collection schedule.
- On collection days, the Collection Vehicle will park on Princes Hwy near the Bin Collection Area. The waste collection staff will leave the vehicle and collect the Bins from the Bin Collection Area via a collect and return arrangement.
- Child care/respice day care centre
  - A private waste collection contractor will be engaged to service the childcare centre bins per an agreed schedule
  - private waste collection contractor engaged for the childcare centre will collect the bins outside of business operating hours and from the proposed deceleration lane only when entry to the site's basement is closed.

**Note:** The development also requires the provision of an Asset Protection Zone, 52 metres wide to the north and 25 metres wide to the west, for the purposes of bush fire protection over the adjoining land to the north, known as Lot 31 DP 1006012. The creation of the Asset Protection zone will require the removal of 112 trees from the adjoining site. Consent is not sought as part of this subject application for the use of the adjoining site as an APZ for the proposed development or for the tree removal on this land. South Bulli Colliery is located on Lot 31 and the land is owned by Wollongong Coal Limited. This matter is further discussed below in Section 1.3.

## 1.3 BACKGROUND

### Development History

The development history of the site is as follows:

| Application Number                               | Description   | Decision  |
|--|---|-----------|
| <u>Building Applications</u>                     |   |           |
| BA-1995/656                                      | Alterations And Additions To Office Building - Da95/138   | APPROVED  |
| <u>Development Applications</u>                  |   |           |
| DA-1987/376                                      | Additions To Amenities & Existing Office  | APPROVED  |
| DA-1995/138                                      | Additions To Existing Offices & Internal Alterations  | APPROVED  |
| DA-1980/10310                                    | Extension of offices  | APPROVED  |
| DA-2012/343                                      | Change of use of building to use as a rehabilitation centre for disabled children   | APPROVED  |
| DA-2012/343/A                                    | Change of use of building to use as a rehabilitation centre for disabled children - modification to condition of consent  | WITHDRAWN |
| DA-2013/763                                      | Change of use - from respite day care centre to a transitional group home on the first floor to accommodate up to 3 persons with a disability and staff members and fire safety upgrade works | APPROVED  |
| DA-2020/590                                      | Residential - demolition of existing dwelling, tree removals, construction of multi dwelling housing - seven (7) townhouses - associated landscaping and infrastructure                       | REFUSED   |
| Review of Determination<br>RD-2020/590/A         | Residential - demolition of existing dwelling, tree removals, construction of multi dwelling housing - seven (7) townhouses - associated landscaping and infrastructure                       | WITHDRAWN |
| <u>Applications issued by Private Certifiers</u> |   |           |
| PC-2013/131                                      | Change of use of building to use as a rehabilitation centre for disabled children   | APPROVED  |

|                               |  |           |
|-------------------------------|--|-----------|
| PC-2017/1057                  | Proposed demolition  | APPROVED  |
| <u>Pre-lodgement meetings</u> |  |           |
| PL-2017/146                   | Residential - multi dwelling housing   | COMPLETED |
| PL-2022/24                    | Demolition of existing structures and construction of a Group Home to provide specialist disability accommodation and a child care centre for children with a disability | COMPLETED |
| PL-2022/104                   | Demolition of existing structures and construction of a Group Home to provide specialist disability accommodation and a child care centre for children with a disability | COMPLETED |

#### Customer service actions

There are no outstanding customer service requests of relevance to the development.

#### Works on adjoining land and withdrawal of identification of application as “Integrated Development”

The development application was lodged as “Integrated Development”, requiring a Bush Fire Safety Authority under the Rural Fires Act 1997. The proposed land uses are also considered to be development for a Special Fire Protection Purpose (SFPP) under Planning for Bush Fire Protection 2022.

Correspondence issued by Council on 19 May 2023 indicated that a range of matters had been identified by the NSW Rural Fire service following the referral of the proposal as Integrated Development, including the need to provide documentation demonstrating that the required Asset Protection Zone (APZ) on the adjoining mine site can be lawfully established and maintained for the life of the development.

Council further required the inclusion of the adjoining site in the development application and requested the associated provision of owners consent for the lodgement of the development application on that land.

A Letter of Advice from Mills Oakley dated 28 June 2023, and included at **Attachment 2**, was provided indicating that the development application could not be considered as Integrated Development for the purposes of obtaining a Bush Fire Safety Authority under the Rural Fires Act 1997, and indeed that the NSW Rural Fire service could not issue such an Authority.

The applicant subsequently withdrew the nomination of the application as “Integrated Development”.

Further advice was provided by Mills Oakley that the development application need not include in the application land the use of which is necessarily involved in the subject of the application. The advice states that the provision of the easement over Lot 31 - and obtaining any required development consent over the easement area within Lot 31- can be the subject of deferred commencement conditions, provided that the environmental impacts of the use of Lot 31 as an APZ are fully evaluated in the course of determining the application. Accordingly, adjoining Lot 31 has not been included in the development application, and owners consent not provided.

The assessment of the proposed development has included consideration of the potential environmental impacts of the proposed development, and has found them to be unacceptable.

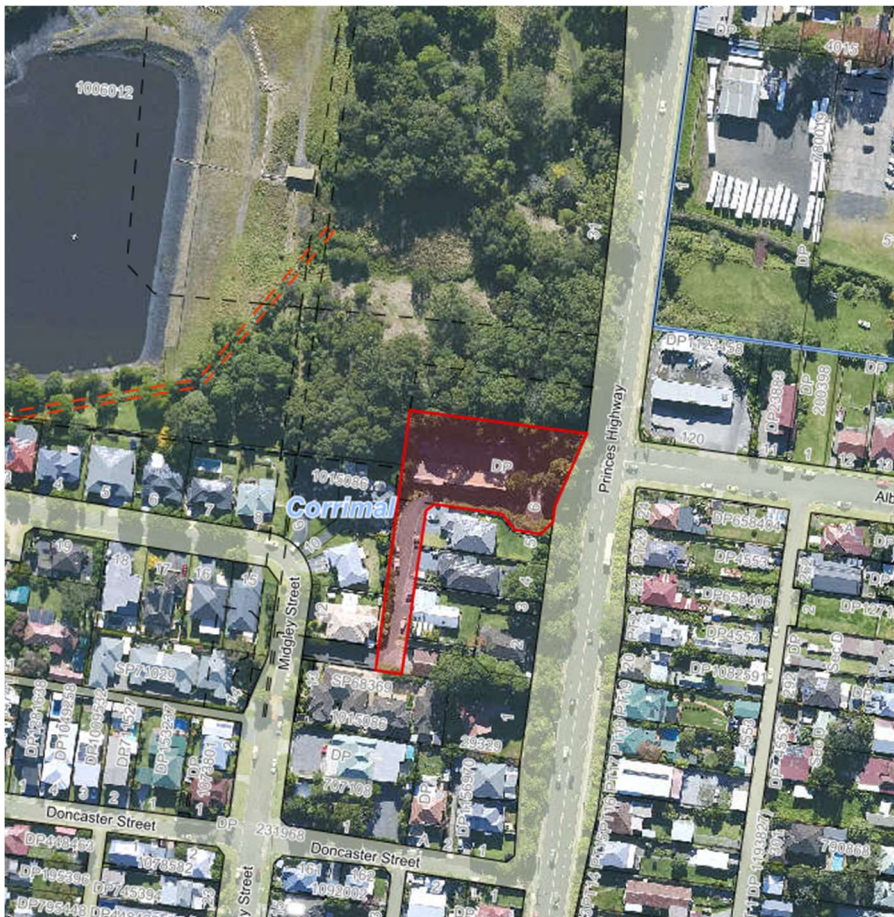
## **1.4 SITE DESCRIPTION**

The site is known as Lot 6 DP 29329 No 85 Midgley Street, Corrimal. The site is located on the western side of the Princes Highway and falls to the north. The site contains a building previously used as medical and administration offices associated with the adjoining mine site. The site has a total area of

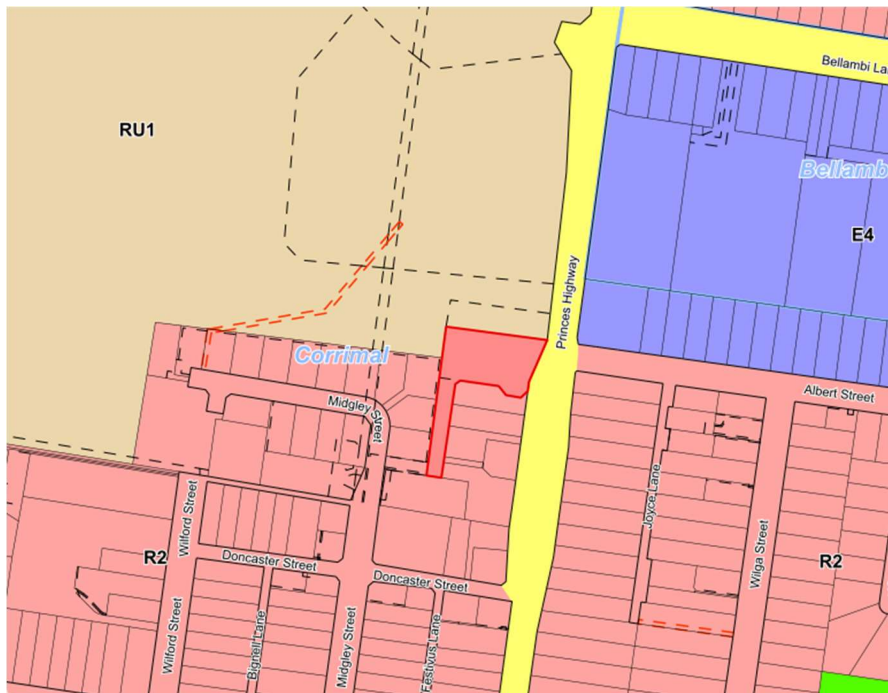
Vehicular access to the site is available from the Princes Highway, and also via a right of carriageway over Lot 13 DP 1015086 to Midgley Street. The right of carriageway is detailed in D944459, which is attached to the Land Title documents for Lot 6 DP 29329. D944459 verifies that the right of carriageway from the subject site to Midgley Street is appurtenant to the subject site and therefore the proposal has rights to utilise this carriageway for access.

The site is located on the periphery of an established residential area, with low density residential development to the west and south. The South Bulli coal mine is located to the north, and the Princes Highway is located to the east.





**Figure 1:** Aerial photograph (2023)



**Figure 2:** WLEP 2009 zoning map

#### Property constraints

- Contamination – Council's records indicate the subject site as being "potentially contaminated land due to previous land uses.

- Heritage - The subject site is located adjacent the Bulli mine site which is identified as being a heritage item (Item no. 5928) of local significance.
- The site is benefitted by an easement for drainage (of effluent from septic tanks) over Lot 31 DP 1006012
- The site is benefitted by an easement for services over Lot 13 DP 1015086.
- The site is burdened by a right of way that benefits Lots 1-5 DP 29329
- The site is also benefitted from a right of way over Lot 13 DP 1015086.

There are no restrictions on the title that preclude assessment of the application.

## 1.5 SUBMISSIONS

The application was exhibited in accordance with Council's Community Participation Plan 2019. Twenty-five (25) submissions were received, including one petition containing 14 signatures. The issues identified are discussed below.

**Table 1: Submissions**

| Concern                                    | Comment   |
|--|---|
| 1. Insufficient time frame for submissions | The proposal was notified in accordance with the Community Participation Plan 2009, which provides for a 14 day notification period for this type of development. The amended plans and information received in June/July 2019 were not placed on notification as the amendments proposed were not significant, with the majority of issues raised remaining relevant to the amended proposal.  |
| 2. Site Description                        | The proposed development is situated over one lot being No 85 Midgley Street Corrimal. The site is also known as No 39 Princes Highway Corrimal. The legal description of the land is Lot 6 DP 29329 and the proposed development is able to be considered under the one development application.   |
| 3. Traffic Impacts                         | <p>Council's Traffic Engineer has reviewed the submitted Traffic &amp; Parking Impact Assessment and concurs with the findings that the traffic generated by the proposed development can be accommodated within the local road network and that estimated peak hour traffic generation will be of low impact on the Princes Highway, Midgley Street and the surrounding road network.</p> <p>The interpretation of the RMS Guide to Traffic Generating Development – 2002 in the calculation of traffic movements is consistent with industry practice and the intent of the Guide.</p> <p>The proposal will have minimal demand for on street parking and will therefore be unlikely to place additional parking demands on Midgley Street.</p> |
| 4. Deceleration Lane                       | <p>The proposed deceleration lane has been assessed by Council's Traffic Engineer as being satisfactory with respect to the majority of traffic safety matters and is consistent with the applicable road standards.</p> <p>Vehicles traveling from the north and wishing to access the centre will utilise the local road network to gain entry via the deceleration lane.</p> <p>Access into and out of the child care centre via the deceleration lane may be impacted by traffic incidents at the intersection of Princes Highway and Albert Street, however traffic incidents in any location have the potential to impact access to private properties. It is anticipated that a serious</p>  |

| Concern   | Comment   |
|---|---|
|   | <p>incident in this location would be accompanied by suitable traffic control until the area is cleared.</p> <p>Although the deceleration lane is acceptable in relation to road safety, the retaining wall infrastructure and future maintenance costs as well as vegetation removal required to facilitate the construction of the deceleration land is not supported.</p>  |
| 5. Vehicular access and parking for group home  | <p>Only vehicles accessing the group home portion of the development would be utilising the Midgley Street accessway. The traffic volumes anticipated for the group home are estimated to be 3 peak hour vehicle trips which is not a significant impact on the accessway and is also within the capacity of the local road network – vehicles accessing the group home would operate in a similar manner to vehicular movements for a single residential dwelling and access via Midgley Street for the group home is seen as an appropriate outcome in this instance. Manoeuvring and emergency vehicle access to the group home are also compliant.</p> <p>The submitted Plan of Management makes provision for visitor access and parking to the group home, which will generally be on a “call ahead” system.</p> <p>Council's Traffic Engineer has reviewed the Traffic &amp; Parking Impact Assessment and concurs with the findings and recommendations with respect to the group home and access via Midgley Street.</p> |
| 6. Vehicular access and parking for child care/respice day care centre  | <p>The proposed parking arrangements have been amended, and following review by Council's Traffic Engineer, are acceptable with regard to the number of spaces, configuration, manoeuvring and ceiling heights.</p> <p>The proposal to stack parking has been removed from the development.</p> <p>The majority of occupants of the car park will be parking their vehicles so as to accompany children into the centre where they must be signed in and similarly signed out. The aisle widths allow for vehicles to pass each other.</p>  |
| 7. Impacts of construction  | <p>Prior to any works commencing on the site, a suitable Construction Environmental Management Plan and detailed dilapidation surveys would be required to be undertaken on all structures and infrastructure within the zone of influence of the excavation. Vibration monitoring would also be required to ensure any transmitted vibration is within suitable limits.</p> <p>Council's Geotechnical Engineer notes the concerns of objectors can be addressed by the implementation of the recommendations from the submitted geotechnical consultant's report, and staging the development to carry out earthworks, drainage and retaining wall construction first.</p>   |
| 8. Tree removal   | <p>The proposed tree removal is not supported due to the adverse impacts arising on biodiversity and the amenity and character of the area.</p>   |
| 9. Overdevelopment of the site with respect to height exceedance, front and side setbacks, impacts on vegetation, alteration to | <p>The scale of development and its impacts are discussed throughout this assessment report, noting that the proposed development is not supported for a number of reasons including the majority of the matters listed.</p>  |

| Concern   | Comment  |
|---|--|
| Princes Highway, visual impact and traffic impacts  |  |
| 10. Impact on adjoining properties  | <p>An Acoustic Report was provided with the application submission that identifies a number of recommendations to mitigate potential acoustic impacts upon adjoining properties.</p> <p>Overlooking impacts from the group home to the residential property to the west are limited as a result of the offset of the buildings in relation to each other. Windows along the group home western elevation on the upper storeys relate to service areas or bedrooms. Potential overlooking impacts could be further resolved through the provision of a compliant western side boundary setback.</p> <p>The lower level of the group home has windows from the common area/kitchen addressing the side boundary, and although the floor level is raised above existing ground level, these windows are located beyond the rear boundary of the adjoining lot and only limited sight lines area available from this angle.</p> <p>Overlooking impacts from the child care/respite day care centre to the residential property to the south are likely from the upper floor where windows to a kitchen area overlook the private open space of the adjoining dwelling. These overlooking impacts are unacceptable, particularly considering that the respite day care facility operates over 7 days.</p> <p>Overshadowing impacts have been demonstrated by shadow and view from the sun diagrams. The development does not adversely impact on solar access to the adjoining dwellings to the extent that solar access to living room windows and private open space areas is less than three hours mid-winter.</p> <p>The visual impacts on adjoining properties arising from the height, bulk and scale of the proposal are unacceptable.</p> |
| 11. Location of proposal in relation to South Bulli Colliery  | The application submission has not demonstrated that the air quality in this location is suitable when considering the proposed use of the site.   |
| 12. Impact on the existing 375 dia. high pressure water supply mains currently running south to north in Midgley Street | The proposal was referred to Sydney Water who provided a conditionally satisfactory referral response. In the event that consent was issued for the development, conditioning would require further consultation with Sydney Water for a Section 78 Certificate.   |
| 13. Stormwater plans – insufficient detail  | Council's Stormwater Engineer has assessed the proposed stormwater disposal as conditionally acceptable  |
| 14. Pedestrian access   | <p>There is no pedestrian access proposed to the Midgley Street via the accessway for the occupants of the group home. Access is proposed from the Princes Highway via a walkway along the southern boundary of the site. The form of the walkway is not supported as it does not provide for safe and equitable access.</p> <p>Pedestrian access to the child care/respite day care centre is via the Princes Highway frontage, where there is access to public transport and pedestrian connectivity to the Corrimal town centre to the south.</p>   |

| Concern   | Comment   |
|---|---|
|   | <p>A bus stop is located at the front of the development site, and is proposed to be retained albeit relocated a short distance to the north.</p> <p>Given the proposed users of the development and the ease of access to a bus service, it is unlikely train services will be the preferred method of public transport in most cases.</p> |
| 15. Waste Collection  | <p>All waste collection is proposed at the Princes Highway frontage, with no collection occurring via Midgley Street.</p> <p>The proposal for waste collection to occur from within the deceleration lane is not supported on the basis of road safety and is inconsistent with the requirements of WDCP 2009.</p>                          |
| 16. Emergency Evacuation Procedures                           | <p>The submitted Emergency Evacuation Procedures for the proposed child care centre do not satisfy the Child Care Planning Guidelines as detailed in this report.</p> <p>Separate emergency and evacuation procedures have not been provided for the respite day care centre and the group home.</p>  |
| 17. Hours of operation 24 hours, 7 days per week not suitable | <p>The group home is proposed to operate 24hrs/7 days per week by default as it a place of residence to a number of occupants. The respite day care centre proposes 7 days per week operation. The operational impacts of the respite day care centre are unlikely to adversely impact the amenity of the surrounding area.</p>             |

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

#### **Geotechnical Engineer**

Council's Geotechnical Officer has reviewed the application and provided a conditionally satisfactory referral response.

#### **Community Safety**

Council's Community Services Officer has reviewed the application and provided a conditionally satisfactory referral response.

#### **Contributions Officer**

Council's Contributions Officer has provided a Development Contributions condition should the application be supported.

#### **Design Expert**

Council's Design Expert has reviewed the application and provided an unsatisfactory referral response.

#### **Environment Officer**

Council's Environment Officer has reviewed the application and provided an unsatisfactory referral response.

Initial concerns were raised in relation to the lack of supporting information regarding flora and fauna assessment and tree removal required for the proposed Asset Protection Zone, and a request for retention of hollow-bearing trees.

Following the provision of additional information, Council's Environment Officer considers that:

- The Biodiversity Development Assessment Report (BDAR) does not identify the correct trigger for entry into the Biodiversity Offsets Scheme as the area threshold, and has not considered the

full extent of the proposed clearing of native vegetation that would be required for the deceleration lane

- the development has not been designed and sited to avoid potential adverse environmental impacts arising from the removal of trees
- the required APZ will extend into the minimum total riparian corridor and is not located and managed within the defined limits of the development as required by Chapter E23 WDCP 2009

### **Heritage Officer**

Council's Heritage Officer has reviewed the application. Concerns are raised relating to the impacts of the proposed development on the adjoining heritage item and the character of the area that are likely to arise as a result of proposed variations to planning controls, including a non-compliant building height development standard.

The amended plans, including the reduced but remaining non-compliant building height, do not sufficiently address these concerns.

### **Landscape Architect**

Council's Landscape Officer has reviewed the application and provided a referral response indicating that the proposed development is unsatisfactory.

Initial concerns were held in relation to the significant amount of existing vegetation that was required to be removed to construct the deceleration lane, retaining walls and footpath and the likely resulting impact on the streetscape and property. The applicant was requested to provide additional information to address the proposed public domain works.

Following reconsideration of the additional information provided, Council's Landscape Architect notes that:

- both the proposed tree removal and tree removal required to establish the APZ is significant and would have an adverse impact on the streetscape and the local flora and fauna within the Illawarra Lowland Red Gum Grassy Forrest community
- landscape design for the site should reinforce the identified natural attributes of the site including, but not limited to, views, vistas and significant trees
- remnant native vegetation should be retained, managed and incorporated into the landscape design. The proposed tree removal on the adjoining site is extremely significant and cannot be compensated for on the subject site and is therefore not supported.

### **Traffic Engineer**

Council's Traffic Engineer has reviewed the application and provided an unsatisfactory referral response noting the following:

- Dedication of the proposed crib block retaining wall located in the road reserve is not supported. The wall represents a significant maintenance liability and cost burden to Council that is not in the public interest.
- The proposed waste collection from the deceleration land is not supported. Child care centres require private waste collection *on site* in accordance with section 7.6.2 of Chapter C5 WDCP 2009.
- An ambulance must be able to access the site in case of an emergency and be able to turn and exit in a forward direction - the proposed ambulance stop in the deceleration lane is not supported. Provision of one parking bay for an ambulance is required within the car parking area, in accordance with section 7.6.2 of Chapter C5 WDCP 2009. A headroom of 3.5 metres is required.

### **Stormwater Engineer**

Council's Stormwater Engineer has reviewed the application and provided a conditionally satisfactory referral response.

## 1.6.2 EXTERNAL CONSULTATION

### NSW Rural Fire Service

The NSW Rural Fire Service (NSW RFS) have provided a conditionally satisfactory referral response, noting the requirement for the provision of a suitably worded instrument in accordance with Section 88b of the Conveyancing Act 1919, required for the establishment and maintenance of APZs as indicated in the map titled "Schedule 1 – Bushfire Protection Measures" in the referenced Bushfire Assessment Report. The APZ is to be managed in accordance with Appendix 4.1.1 of Planning for Bush Fire Protection 2019 for perpetuity, or until the hazard is removed or adjoining land is developed.

### Transport for NSW (TfNSW)

Transport for NSW have provided a conditionally satisfactory referral response, noting that the Princes Highway is not a classified road in this location.

### Sydney Water

Sydney Water have provided a conditionally satisfactory referral response.

### Endeavour Energy

Endeavour Energy have provided a conditionally satisfactory referral response.

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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### 2.1 SECTION 1.7 APPLICATION OF PART 7 OF BIODIVERSITY CONSERVATION ACT 2016 AND PART 7A OF FISHERIES MANAGEMENT ACT 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

#### NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the [Biodiversity Conservation Act 2016](#) (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land being 449m<sup>2</sup>. An approximate area of 0.52 hectares of vegetation is proposed to be cleared for the development.

Further it is noted that part of the adjoining lot to the north is identified on the Biodiversity Values Map and the proposed APZ to the north of the proposed development extends into land mapped on the Biodiversity Values Map.

A Biodiversity Development Assessment Report (BDAR) prepared by an accredited assessor, George Plunkett of Travers Bushfire & Ecology, dated 24 March 2023 has been submitted. The BDAR has used the Biodiversity Values Map trigger as the reason for the preparation of a BDAR, rather than the area threshold trigger. The BDAR has also not considered the full extent of the proposed clearing of native vegetation that would be required for the deceleration lane, and is therefore unacceptable.

Further, the proposal is inconsistent with the Biodiversity Mitigation Hierarchy in that appropriate measures have not been taken to avoid biodiversity impacts arising from the development.

### 2.2 SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT—CERTAIN BUSH FIRE PRONE LAND

The proposed development was referred to NSW RFS for their consideration, noting that the Bush Fire Protection Assessment provided by Travers Bushfire & Ecology and dated 13 December 2022



included a performance solution as a means of satisfying Planning for Bush Fire Protection 2019. Following a request for additional information, the NSW RFS issued General Terms of Approval and a Bush Fire Safety Authority (BSA) for the proposal as a Special Fire Protection Purpose development.

As stated above, the BSA was issued such that any consent for the proposal is based on a deferred commencement basis that will ensure that a suitably worded instrument in accordance with section 88b of the Conveyancing Act 1919 is obtained for the establishment and maintenance of APZs as indicated in the map titled "Schedule 1 – Bushfire Protection Measures" in the above referenced Bushfire Assessment Report. The APZ is to be managed in accordance with Appendix 4.1.1 of Planning for Bush Fire Protection 2019 for perpetuity, or until the hazard is removed or adjoining land is developed.

## **2.3 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

### **2.3.1 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

#### **Chapter 3 Koala habitat protection 2020**

##### Part 3.1 Preliminary

##### *3.3 Land to which the Chapter applies*

This Chapter applies to that part of the adjoining Lot 31 over which the APZ is required, and is zoned RU1 Primary Production.

##### Part 3.2 Development control of koala habitats

##### *3.5 Land to which this Part applies*

The Part applies to land in relation to which a development application is made, and that has an area greater than 1 hectare.

The land over which the APZ is required is not the subject of this development application, however the APZ is required to facilitate the development, and therefore the likely impacts of the overall development must be considered under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

The proposal is considered under this Chapter to determine if the development application has satisfactorily addressed the likely impacts arising from the proposal.

##### *3.6 Step 1—Is the land potential koala habitat?*

The Biodiversity Development Application Report REF: 19KEN06.3 identifies that the site is potential Koala habitat on the basis that two Koala use tree species, *Eucalyptus pilularis* and *Eucalyptus saligna*, make up greater than 15% of the total number of trees in the assessment area.

##### *3.7 Step 2—Is the land core koala habitat?*

The BDAR further notes that a koala was recorded in the vicinity of the land and other recordings exist within 10kms of the site and that this, combined with the presence of the Koala use tree species, indicates that it is possible the site is core Koala habitat.

##### *3.8 Step 3—Can development consent be granted in relation to core koala habitat?*

This section requires a Plan of Management to be prepared in accordance with Part 3 for land that is core koala habitat prior to the granting of a consent.

Whilst consent is not sought under this development application for works within the adjoining RU1 zoned land, Council cannot be satisfied that the creation of the Asset Protection Zone will be consistent with an appropriate Plan of Management prepared in accordance with Part 3 and that there will not be adverse impacts arising on an area of natural vegetation that potentially provides habitat for koalas.

#### **Chapter 4 Koala habitat protection 2021**

##### Part 4.1 Preliminary

##### *4.4 Land to which Chapter applies*

The chapter applies to the land the subject of this development application.



## Part 4.2 Development control of koala habitats

### *4.10 Development assessment process—other land*

Council's Environment Officer has advised that the determining authority can be satisfied that the land consisting of the road reserve forming part of the development footprint and Lot 6 DP 29329 is not core koala habitat.

## **2.3.2 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

The proposed group home is BASIX affected development to which this policy applies. In accordance with Section 27 Division 1 Part 3 of the Environmental Planning and Assessment Regulation 2021, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

## **2.3.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021**

### **Chapter 1 Preliminary**

#### *4 Interpretation – general*

“Group home” is not defined in the SEPP (Housing) 2021 dictionary. In accordance with 4(2), “group home” has the same meaning as in the standard instrument as follows:

**group home** means a permanent group home or a transitional group home. **Note - Group homes are a type of residential accommodation**

**group home (permanent) or permanent group home** means a dwelling—

- (a) *that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) *that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,*

*but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.*

**Note - Permanent group homes are a type of group home**

#### *7 Land to which Policy applies*

The proposal is located on land to which the Policy applies.

### **Chapter 3 Diverse Housing**

#### Part 2 Group Homes

##### *60 Definitions*

The R2 Low Density Residential zone is a prescribed zone for the purposes of this Chapter.

##### *61 Development in prescribed zones*

The proposal is not carried out on behalf of a public authority and therefore is permitted only with consent in a prescribed zone.

##### *62 Determination of development applications*

###### *(1) A consent authority must not-*

*(a) refuse consent to development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home, or*

*(b) impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.*

*(2) This section applies to development for the purposes of a group home that is permissible with consent under this or another environmental planning instrument.*

The following commentary was provided by Council's Community and Cultural Planner in relation to community need for the group home:

*Group homes provide temporary or permanent accommodation for people with a disability or people that are socially disadvantaged. Corrimal is good location for one as is an established area, well serviced by public transport and is reasonably close to essential services like doctors and supermarkets etc.*

*The proportion of people with needs for assistance in the Corrimal area and surrounds (Woonona, Russell Vale, Fairy Meadow, Balgownie, Tarrawanna, Fernhill, Corrimal, East Corrimal, Bellambi) is 7.5%. This is higher than the proportion of people with needs for assistance in the Wollongong LGA, which is 6.7%*

*The need for appropriate housing for people with disability is mentioned in Council's Draft Housing Options Paper, as follows:*

### **3.5 Housing for People with disability**

The need for assistance (ABS Census, 2016) is a measure of the number of people with profound or severe disability, defined as people who need assistance in their day to day lives with any or all of the following core activities: self-care; mobility; or communication because of a disability, long-term health condition or old age. It is applicable to all persons. In 2016, Wollongong LGA had 6.4% of residents needing such assistance. Additionally, the Australian Bureau of Statistics reports that the percentage of individuals with disability increases significantly with age (ABS, 2012). Given the ageing population of Wollongong and increase in the proportion of residents identifying as needing assistance in the 10 years since 2006, new housing should ensure it can respond to changes in occupants needs.

SEPP (Housing for Seniors or People with a Disability) 2004 provides standardised development controls for both seniors housing and people with disability. The term Seniors Housing (as defined under the SEPP) includes residential accommodation that is intended to be used permanently for seniors or people with a disability.

Data from the Institute of Health and Welfare shows that a significant number of younger people enter aged care each year. In Australia in 2017-18 more than 2,500 people under 65 entered aged care. A key reason younger people are entering aged care is the lack of suitable housing. There is a significant gap in the market for highly specialised disability accommodation. As at September 2018, the Department of Health reported there were 5905 younger people in Australia aged 65 and under living in aged care. 4000 of these younger people had been deemed eligible for assistance via the National Disability Insurance Scheme (NDIS) and only 32 of these young people had been approved for Supported Disability Accommodation. Supported Disability Accommodation (SDA) is housing for people who require specialist housing to assist with the deliver support to people with very high needs. Improving access to SDA under the NDIS is key to reducing the number of younger people living in aged care. The Australian Government have developed a *Younger People in Residential Aged Care – Action Plan* to improve the existing situation. There is currently a shortfall in the availability of SDA for younger people who required this level of support. The SDA accommodation market is not yet mature, with very limited supply, land for demand data for potential investors, and significant lead-time required for development of new stock.

Social Futures Australia and the Summer Foundation prepared the *Specialist Disability Accommodation in Australia* report released in March 2019. This report indicated that the shortfall in specialist disability accommodation in the Illawarra is 93 places. The SDA housing market is new and is expected to create new dwellings for people with disability over the next few years. There is an opportunity for Council to host/or co-host activities to raise awareness about developing this type of specialist housing.

Group Homes are currently permitted with consent in all residentially zoned land throughout Wollongong LGA.

Adaptable and liveable housing development controls provide scope for Council to regulate change.

The community need for group homes within the Local Government area as detailed above and acknowledged, however on balance, the development as proposed does not provide acceptable development outcomes, results in adverse environmental impacts and is not in the public interest. Additionally, the site is not considered to be suitable for the mixed use development as proposed.

## 2.3.4 STATE ENVIRONMENTAL PLANNING POLICY NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

### Part 1 Preliminary

#### 4 Application of Policy

The policy applies to the proposed development as it is a mixed use development, with a residential accommodation component with at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and the building concerned contains at least 4 or more dwellings.

The proposed group home has three storeys and six dwellings within. The SEPP applies to the group home portion of the building only.

#### 5 Land to which this Policy applies

The proposal is located on land to which the Policy applies.

### Part 4 Application of design principles

#### 28 Determination of development applications

*(2) In determining a development application for consent to carry out development to which this Policy applies, 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 from the design review panel, and*

The proposed development was not referred to the Design Review Panel, as the initial proposal contained a number of threshold matters that would prevent the proposal from progressing. In addition, issues with the proposed development were identified that would likely result in a significant redesign to satisfactorily resolve. The proposal was considered by Council's Design Expert who raised a number of design matters requiring further resolution.

Following submission of the amended plans, a number of assessment matters were identified that would result in a recommendation for refusal of the application.

The application is accompanied by a design quality statement by a qualified designer in accordance with Section 29 of the Environmental Planning and Environment Regulation 2021. See **Attachment 4**.

*(b) the design quality of the development when evaluated in accordance with the design quality principles, and*

Schedule 1 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to Section 28(2)(b) of the Policy. The proposal is considered to be inconsistent with the requirements of this Policy as per below:

#### Principle 1: Context and neighbourhood character

*Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*

*Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

Corrimal is identified as having a low to medium density residential character, comprised by a mix of residential housing types including one to two storey detached dwelling houses, circa 1920s-1930s inter war bungalows, as well as newer larger brick and tile dwelling-houses. Medium density villas and townhouses development is seen throughout the area, with a preference for concentration closer to the Corrimal town centre. The site is located in an area where larger, newer single dwellings of one and two storeys are prevalent, having compliant setbacks providing good building separation.

The area is not one anticipated to undergo significant change, although housing pressures may result in an increase in dual occupancy and medium density housing proposals. The desired future character of the area is to retain the low density character, where new development should be designed to be sympathetic to the prevailing streetscape as well as any adjoining dwelling house.

The site is located at the R2 Low Density Residential zone interface with RU1 Primary Production zoned land adjoining. The design response has been to mass the built form in the south western corner of the site, the boundaries shared with adjoining R2 zoned land. The proposed group home is three storeys and proposes a non-compliant maximum building height. The group home as part of an overall development on the site does not reflect the low density residential character of the area and does not provide an appropriate response to the site context.

## **Principle 2: Built form and scale**

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*

*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation 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 scale, bulk and height of the proposed group home are not reflective of development in a low density residential setting. The proposal does not reflect the desired future character of the area or the existing developments on adjoining sites. The proposed variations to building setbacks, building height, apartment layout, pedestrian links and communal open space results in a built form that has adverse amenity impacts internally and externally, and does not respond well to surrounding existing development.

## **Principle 3: Density**

*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*

*Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

The building height significantly exceeds 9m maximum building height permitted for the site under WLEP 2009, without exceeding the maximum permissible floor space ratio for the site.

The multiple land uses on the site have varying design requirements that are not able to co-located. As such, the site does not have the capacity to provide for built form outcomes that satisfy the controls for all of the proposed land uses at a residential scale.

## **Principle 4: Sustainability**

*Good design combines positive environmental, social and economic outcomes.*

*Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

A BASIX Certificate has been provided indicating minimum requirements with regard to energy and water efficiency and thermal comfort will be achieved.

However the development requires the provision of a significant APZ on the adjoining Lot 31 that will result in the removal of 112 trees from that land, and will result in significant adverse environmental outcomes on biodiversity and the character of the area. The site is not considered to be suitable for the proposed development.

## **Principle 5: Landscape**

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*

*Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.*

The application does not satisfy communal open space requirements of the ADG, and does not provide for required side boundary setbacks to adjoining residential development. Landscaping compliance for the communal open space and landscaped area has not been clearly demonstrated.

The development will result in a loss of tree canopy, habitat values and vegetation community that the landscaping on the subject site is not able to compensate for.

#### **Principle 6: Amenity**

*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.*

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

Variations to the ADG were noted with regard to internal acoustic privacy, storage and apartment layout. These matters should be resolved to ensure amenity for the occupants of group home. Apartment and private open space size should be clearly demonstrated.

Additional compliant building setbacks are warranted to minimise the impacts of the built form on adjoining properties.

#### **Principle 7: Safety**

*Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.*

*A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.*

The application has not been supported by a Crime Prevention through Environmental Design Report. Most noticeably, the pedestrian accessway from the group home to the street frontage at the Princes Highway does not satisfy CPTED principles such that it includes sharp corners, areas for entrapment, and the height of adjoining retaining walls and the walls of the development result in a tunnel like passageway that is not provided with good casual surveillance.

#### **Principle 8: Housing diversity and social interaction**

*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.*

*Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.*

The development has been designed as specialised disability accommodation. As such, the provision of a mix of one and two bedroom dwellings provides sufficient housing diversity.

Internal and external communal areas are provided that encourage social interactions between occupants, visitors and carers.

#### **Principle 9: Aesthetics**

*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

*The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

A mixture of materials and finishes is provided to the proposed group home, however the proposed development does not reflect existing or future the character of the area.

*(c) the Apartment Design Guide*

Assessment of the proposal against the Apartment Design Guide is provided at **Attachment 3**. The proposal is considered to be inconsistent with the Guide in relation to site analysis, side setbacks, public domain interface, communal open space, pedestrian links, apartment layouts, storage, acoustic privacy, energy efficiency and waste management.

## **2.3.5 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021**

### **Chapter 2 State and regional development**

#### *Part 2.4 Regionally significant development*

The proposal is for community facilities with a capital investment value of more than \$5 million and accordingly the application is required to be determined by the State Regional Planning Panel pursuant to Section 4.5(b) of the Environmental Planning & Assessment Act 1979. The CIV for the development is \$7.86 million.

## **2.3.6 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

### **Chapter 4 Remediation of land**

#### 4.6 Contamination and remediation to be considered in determining development application

A Detailed Site Investigation (DSI) prepared by EI Australia dated 8 August 2022 was provided in support of the proposal, with findings indicating that contamination was likely not present on the site. The DSI was referred to Council's Environment Officer and was considered to be conditionally acceptable. As such, the determining authority can be satisfied that Section 4.6 matters are satisfied as relates to the intended land use.

## **2.3.7 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

### **Chapter 3 Educational establishments and child care facilities**

#### Part 3.3 Early education and care facilities—specific development controls

##### *3.23 Centre-based child care facility—matters for consideration by consent authorities*

An assessment of the proposal against the applicable provisions of the Child Care Planning Guideline- Matters for Consideration is provided at Attachment 5.

Consideration of the proposal against the Child Care Planning Guideline – Design Quality Principles is provided below. The proposal is inconsistent with the requirements of this Policy in relation to the following matters:

#### **Principle 1: Context**

*Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.*

*Well-designed child care facilities take advantage of its context by optimising access by walking and public transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.*

The child care centre does not respond to the surrounding context- a three storey building with non compliant building height is proposed, with building massing occurring along the southern boundary at the interface with adjoining low density residential development. The proposal

The Centre requires the provision of an APZ over adjoining land. Tree removal required for the APZ will have a significant visual impact on the appearance of the bushland on Lot 31 and the curtilage of the South Bulli Colliery, an item of local environmental significance.



Environmental hazards arising from the adjoining Colliery land use have not been considered in the application submission.

## **Principle 2 - Built form**

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.*

*Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.*

*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.*

*Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.*

The height, bulk and scale of the proposed child care centre are not appropriate with respect to the existing or desired future character of the area, being a low density residential environment.

The excessive excavations, façade presentation and building height exceedance will result in a dominance of the built form at the Princes Highway streetscape, with an associated loss of a significant amount of vegetation. The proposed built form is not supported.

## **Principle 3 - Adaptive learning spaces**

*Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces' fit-out.*

*Good design achieves a mix of inclusive learning spaces to cater for all children and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.*

The learning spaces appear to be of high quality. The relationship of indoor play area to outdoor play area on each level of the building is not resolved and results in a cohort of children having to access outdoor play on a level lower than their allocated indoor area. This is logistically problematic when maintaining staffing ratios and raises safety concerns as young children will be required to navigate stairs multiple times a day.

## **Principle 4 – Sustainability**

*Sustainable design combines positive environmental, social and economic outcomes.*

*This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

*Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.*

The proposed development incorporates a number of sustainable features such as solar roof top panels, good ventilation and solar access to the play areas. The Operational Waste Management Plan indicates that waste will be recycled as part of waste management in the centre.

## **Principle 5 – Landscape**

*Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*

The proposed child care centre does not provide a contextual fit with the existing character of the streetscape and area. The environmental impacts of the proposal extend off site, and the development will result in a loss of tree canopy, habitat values and vegetation community that the landscaping on the subject site is not able to compensate for.

#### **Principle 6 – Amenity**

*Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of children and staff.*

*Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.*

The proposed child care centre is subject to overlooking impacts from the eastern balcony windows of the group home.

The submitted acoustic report made a number of recommendations for inclusion in the development that provide for acoustic privacy both to and from the development.

#### **Principle 7 – Safety**

*Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.*

*Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).*

*Well designed vehicular parking and access minimise traffic safety risks on children and staff.*

Access to the child care centre does not appear to be sufficiently separated from that provided for the respite day care centre, and this is also true for emergency egress from the building.

The Emergency Evacuation Plan also contains a number of shortfalls, most notably the distance of the assembly area from the child care centre and uncertainty around supervision of children at the assembly area.

The application has not demonstrated the provision of ongoing safety for the intended occupants of the development who are considered as vulnerable.

##### **3.25 Centre-based child care facility—floor space ratio**

The proposed floor space ratio for the development in the R2 Low Density Residential zone does not exceed 0.5:1.

##### **3.26 Centre-based child care facility—non-discretionary development standards**

The development standards detailed in this section in relation to location, indoor and outdoor space, site area and site dimensions and colour of building materials or shade structures are satisfied by the proposed development.

##### **3.27 Centre-based child care facility—development control plans**

Only those matters not detailed in this section have been considered in the assessment of the proposal against Chapter B5 of WDCP 2009, which is included at Attachment 7.

The assessment against Chapter B5 indicates that the method of waste collection and provision of ambulance parking within the deceleration lane are contrary to the Chapter and are not supported.

## **2.3.8 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

### **Clause 1.4 Definitions**

***mixed use development*** means a building or place comprising 2 or more different land uses.



**Centre-based child care facility** means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW))

**group home (permanent) or permanent group home** means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

**Note** - Permanent group homes are a type of **group home**

**group home** means a permanent group home or a transitional group home.

**Note** - Group homes are a type of residential accommodation

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

## **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.

### Clause 2.3 – Zone objectives and land use table

The objectives of the 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 proposed development partially satisfies the objectives of the R2 Low Density Residential zone in that the group home provides for housing needs of the community, and the child care and respite day care centre provide both facilities and services to meet the day to day needs to residents. However, the development overall does not reflect the low density character of the surrounding area that contains predominantly detached single dwellings with compliant building heights and setbacks in a landscaped setting. Whilst other developments in the area are of a compatible scale with the surrounding low density residential context, the development as proposed is not consistent with the low density residential setting, particularly at its interface with adjoining and adjacent residential development.

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

Attached dwellings; Bed and breakfast accommodation; Boat launching ramps; **Centre-based child care facilities**; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; **Group homes**; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; 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; Tank-based aquaculture; Veterinary hospitals

The proposal is categorised as a mixed use development comprising a group home, centre- based child care centre and respite day care centre as defined above that is permissible in the zone with development consent.

#### Section 2.7 Demolition requires development consent

Demolition of a building may be carried out only with development consent. Consent is sought for the demolition of the existing structures on site.

### **Part 4 Principal development standards**

#### Clause 4.3 Height of buildings

This Section prescribes a maximum height of 9 metres for the Site, as shown on the Height of Buildings Map. The proposed development has a maximum building height of 10.7m (for the lift overrun), 10.2 metres for the child care/respite day care centre and approximately 10.2 metres for the group home.

An exception to a development departure request statement has been provided by the applicant addressing Section 4.6 of WLEP 2009. A copy is provided at **Attachment 6**. This request is not supported.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area: 3167 m<sup>2</sup>

GFA: 1579.92m<sup>2</sup>

FSR: 0.5 (0.498):1

The proposal does not exceed the maximum permissible floor space ratio for the land.

#### Clause 4.5 Calculation of floor space ratio and site area

The floor space ratio has been determined in accordance with the definition of floor space ratio and site area contained within this Clause.

#### Clause 4.6 Exceptions to development standards

Section 4.6 of the Wollongong LEP *Exceptions to development standards* provides that development consent may, subject to this Section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument, where certain matters are met.

In this instance, a departure is sought in respect of Section 4.3 Height of Buildings. An exception to a development departure request statement has been provided by the applicant addressing Section 4.6 of WLEP 2009. A copy is provided at **Attachment 6**.

The development departure is dealt with as follows.

| WLEP 2009 Clause 4.6 proposed development departure assessment           |   |
|--|---|
| Development departure  | <p>Clause 4.3 Height of Buildings:</p> <p>Section 4.3(2) states that the maximum height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. A maximum height of buildings of 9m applies.</p> <p>The proposed development has a maximum building height of 10.7m (for the lift overrun), 10.2 metres for the child care/respite day care centre and approximately 10.2 metres for the group home.</p> |
| Is the planning control in question a development standard               | Yes   |
| 4.6 (3) Written request submitted by applicant contains a justification: |   |
| that compliance with the development standard is                         | Yes   |

|  |  |
|--|--|
| unreasonable or unnecessary in the circumstances of the case, and  |  |
| that there are sufficient environmental planning grounds to justify contravening the development standard.             | Yes  |
| 4.6 (4) (a) Consent authority is satisfied that:   |  |
| the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and | <p>The applicant's written request seeks to justify that compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of this case as follows:</p> <p><i>Site specific</i></p> <ul style="list-style-type: none"> <li><i>The site measures to be approximately 3,168m<sup>2</sup>, and is a substantial landholding within an R2 Low Density Residential zone. The buildable area of the site (i.e., excluding the access handle) is also over 35m in width, and over 40m at its eastern extent. The non-compliant portions of the development are therefore able to be well confined within the site. The site is more than double the width and size of other nearby residential properties (and, in many instances, more than triple).</i></li> <li><i>In this instance, the site is located at the northern edge of the R2 zone with land to the north lying within the RU1 zone. Given the fall of the land, the impacts of the height non-compliance would be most readily perceived on the RU1 land. However, the site that immediately adjoins to the north is not only within the RU1 land, but it is also part of an extremely large landholding used for the purposes of a colliery. The land to the north, especially the land within the visual catchment, is very rarely frequented by people, and the site is well positioned such that height non-compliances are not readily perceived. In addition, all outdoor spaces are oriented towards the north, meaning that excellent solar access is available and that all acoustic and visual privacy impacts are oriented towards a property not highly frequented by people.</i></li> <li><i>The site is also situated on an arterial road and diagonally opposite land within the E4 zone. The area is unlikely to be highly frequented by pedestrians, and the assembly or congregation of people in this context is unlikely. Any perceived visual impacts associated with the height non-compliance will not be experienced for long periods by any casual observers.</i></li> <li><i>The site is unusually large and is provided with two vehicular access points. It is therefore highly suitable for multiple land uses outside of those commonly expected in the R2 zone, such as dwelling houses and dual occupancies. The size of the site improves the economies of scale for providing a community development that would be unlikely to be viable on a landholding of a size.</i></li> <li><i>Despite the height non-compliance, as the site falls away to the north, the maximum RLs of the development is lower than the RLs of neighbouring buildings. The maximum RL of the development which immediately adjoins to the south is RL 48.93, which is over 1.5m higher than the maximum RL of the subject development, being RL 47.37. The height non-compliance will not be perceived from any nearby residential properties.</i></li> </ul> <p><i>Land use specific</i></p> |

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|  | <p><i>Given the site specific reasons described above, the development is well positioned to provide three land uses that are traditionally opposed when located centrally within an R2 zone. The three uses are community uses that provide a wider social planning benefit; despite that, the inevitable acoustic, traffic, and management impacts are often problematic for these land uses. However, the acoustic and visual and traffic impacts are all either oriented towards the north, away from the residential zone, and rarely frequented by any people, or to the east, along an arterial road. The subject site provides an excellent opportunity to deliver community infrastructure.</i></p> <p><i>The child care and respite day care land uses both require larger areas of outdoor space that are well connected to large areas of indoor space. The large balconies that are proposed are very typical of these land uses. Furthermore, the land uses also have specific access needs, meaning that lifts are required. The non-compliance is largely associated with the overall size of the building, which is a directly derived from the need for large indoor and outdoor areas, as well as the need for a lift and lift overrun. Non-compliant lift overruns should not be unexpected in a zone which permits residential flat buildings, but limits their height to 9m.</i></p> <p><i>In addition, these land uses also require very high numbers of parking spaces, meaning that a basement is required. This limits the opportunities for further reducing the height of the development, especially on a site with a significant slope. It should also be noted that other land uses permissible in the zone, such as multi dwelling housing, typically provide at grade car parking, which increases the overall size of the building. In this instance, the bulk and scale associated with parking and manoeuvring is able to be hidden within the basement. The basement is only viable (both from an economic and an engineering perspective), especially considering the slope of the site, if it serves a development of this size.</i></p> <p><i>Further, the provision of a basement requires that the level above be flat. There are no realistic opportunities to provide stepped level developments, responding to the fall of the land, above a basement, especially a single storey basement. Above the basement, only three floors are proposed. Given a 9m height limit applies (whereby buildings of 3 storeys would be expected) and the variety of other site specific and land use specific reasons given for the non-compliance, the provision of a three storey building on the site is a reasonable and efficient use of the subject land.</i></p> <p><i>The applicant's request is based on the rationale that the site has capacity to support the three community-based land uses that provide a wider social benefit, and that the adjoining RU1 zoned land will absorb the majority of the impacts.</i></p> <p><i>The variation is attributed to the child care and respite day care centre requiring large areas of both indoor and outdoor space as well as a high number of car parking spaces. The high number of parking spaces require basement parking across much of the site, which is only viable serving a development of this size. Basement parking in turn results in an inability to step the development down the site.</i></p> <p><i>The Statement further asserts that only three storeys are proposed above the basement parking which is to be expected in an area that permits 9m high development.</i></p> |
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|   | <p>The written request does not justify the contravention by adequately demonstrating the matters required to be addressed under subclause (3).</p> <p>The basis of the justification centres around the child care centre/respice day care and the development needs associated with those land uses, failing to discuss the height exceedance of the group home building. The variation to the height of the group home, on the basis of the applicant's argument, results from the basement parking required to service the child care/respice day care centre on site. In this regard, the site does not demonstrate capacity to provide appropriate development outcomes for the three separate land uses proposed given the individual needs for each land use.</p> <p>The child care centre will have a significant impact on the Princes Highway frontage and will be highly visible to the users of this busy road- the built form and its ancillary infrastructure will dominate the intersection with Albert Street. Further, it is at the Princes Highway that the three storey form and building height of the child care centre will be most noticeable, as the bulk of the façade dominates the site frontage. Even with the massing of the building along the southern side of the site, a height variation exists on both sides of the façade.</p> <p>The bulk and scale of the development as proposed is inconsistent with the bulk and scale of nearby low density residential development in the locality and has the potential to result in significant adverse impacts on the amenity of the surrounding area. The written request does not satisfy WLEP 2009 Section 4.4(1)(c).</p>  |
| <p>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</p> | <p>There is a public benefit to maintaining the maximum building height standard in the area, given the existing, generally compliant nearby development, the high visibility of the site, and the likely pressures on the development standard that will arise over time as the area undergoes future redevelopment. In addition, visually obtrusive development in the area has the potential to adversely impact on the adjoining heritage item and its curtilage.</p> <p>In relation to the development standard objectives for building height, whilst the proposed development does not exceed the permissible floor space ratio for the land, noting that it is at the maximum of 0.5:1, it appears that the building does derive some small areas of additional floor space from the building height non compliance, such as areas in the group home.</p> <p>Further, the proposed height exceedance is not used to facilitate a high quality urban form, as demonstrated by discussion in this report in relation to unsupported variations and areas of deficiency that would require redesign.</p> <p>Finally, the proposed development will impact on the existing views to the sky enjoyed by the adjoining property at No 83 Midgley Street, and will result in a much reduced vista. Adequate solar access to the adjoining property, again while significantly reduced, will however be compliant.</p> <p>The proposed development is partially consistent with the objectives of the R2 Low Density Residential zone in that the group home provides for housing needs of the community, and the child care and respice day care centre provide both facilities and services to the meet the day to day needs to residents. However, the development overall does not reflect the low</p> |

|   |   |
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|   | <p>density character of the surrounding area that is seen in the predominantly detached, single dwellings with compliant building heights and setbacks in a landscaped setting. Other similar developments in the area are of a scale that is compatible with surrounding development- the proposed development has a bulk and scale that is not consistent with this character, particularly at its interface with residential development.</p> <p>Compliance with the building maximum building height standard is not considered to be unreasonable or unnecessary in the circumstances of the case, and the environmental planning grounds specific to the site are not sufficient to warrant support of the proposal. The exceedance of the maximum building height arises from an overdevelopment of the site. The site has capacity in terms of land area to provide for appropriate and compliant development outcomes for forms of development that are permissible with consent in the R2 Low Density Residential Zone. However in combination, the mixed use development as proposed is not suitable for the site.</p> |
| the concurrence of the Secretary has been obtained. | <p>In accordance with Planning Circular PS 18-003 dated 21 February 2018 <i>Variations to development standards</i>, a regional planning panel may assume the concurrence of the Secretary where development standards will be contravened, except where it is proposed to vary lot size standards for dwellings in rural areas.</p>  |

The departure to the development standard for building height is not supported.

## **Part 5 Miscellaneous provisions**

### Clause 5.10 Heritage conservation

The subject site is located adjacent to the local heritage item, South Bulli Colliery, and the proposed development has been considered by Council's Heritage Officer regarding potential heritage impacts as required under this Clause.

Council's Heritage Officer noted that the existing 1960s building on the subject site was previously used as offices for the mining industry but is not a listed heritage item or part of the colliery complex, and has been extended and modified over time. The structure itself is not considered to have heritage significance, however the proposed development is significantly changing the historic nature of the site's association with the Colliery that has existed for over 60 years.

The proposal has various planning variations including an exceedance of the maximum building height standard, which will impact on the visual relationship between the site and the heritage item, as well as the character of the area..

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

The site is already serviced by electricity, water and sewerage services. Augmentation of public utility infrastructure would likely be required to support the proposal. Advice received from Sydney Water Endeavour Energy indicates the proposal is conditionally satisfactory.

### Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate that parts of the adjoining Lot 31 are mapped as "Natural Resource Sensitivity - Biodiversity", coinciding with the mapping of native vegetation as having *Support for Primary Conservation/ Conservation Enhancement* significance.

The application was referred to Council's Environment Division to assess likely impacts of the proposed development as the required APZ will extend into the mapped area, requiring the removal of native vegetation. Council's Environment Officer has confirmed that the proposal is contrary to the objectives of the Clause in this regard, noting that the development has not been designed and sited to avoid potential adverse environment impacts.

#### Clause 7.4 Riparian lands

The Riparian Land Map indicates the adjoining Lot 31 contains riparian land, corresponding to a Category 2 watercourse. The minimum riparian corridor width for each side of a Category 2 watercourse is 30 metres from the top of bank, consisting of a 20 metre wide core riparian zone and a 10 metre wide vegetated buffer.

The APZ required over adjoining Lot 31 extends into the required riparian corridor width. Whilst the works on the adjoining site are not included in this application, the impacts of the proposed development must still be considered under s4.15 of the EP&A Act 1979.

Council's Environment Officer has reviewed the application and advised that the APZ is required to be located and managed within the defined limits of the development site and outside of the minimum total riparian corridor width. The development as proposed will result in adverse impacts on the riparian corridor on the adjoining Lot 31.

#### Clause 7.6 Earthworks

The proposal comprises significant earthworks on the subject site, with excavations up to approximately 7 metres and retaining walls proposed up to 6.3 metres high. Significant excavations within the road reserve to enable the provision of the deceleration lane also require retaining, with walls up to 6.79 metres high proposed in this location.

The proposed excavation in the road reserve and the associated vegetation removal will significantly change the features of the surrounding land, impacting on the streetscape along Princes Highway. Further, the extensive on-site excavations and retaining are not appropriate in a residential land context, and have also resulted in unresolved design challenges along the southern boundary of the site.

Concerns were raised in submissions in relation to the use of rock hammers for excavation and the impacts of vibration and noise during construction could be addressed through the provision of dilapidation reports for adjoining structures and a construction environmental management plan.

#### Section 7.14 Minimum site width

This Section prescribes a minimum site width of 24m for residential flat buildings. The site width exceeds 24 metres for the full length of the building envelope, being approximately 37 metres wide.

## **2.4 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

None applicable.

## **2.5 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

### **2.5.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

The development has been assessed against the relevant chapters of WDCP2009 and found to be unsatisfactory with regards to retaining walls, waste management, parking requirements for emergency vehicles, character of the area, privacy, built form, preservation and management of trees and vegetation, Crime Prevention through Environmental Design, heritage conservation, biodiversity impacts, earthworks and riparian land management.

Variation justification statements have not been provided in support of the variations.

A full compliance table against the controls of WDCP 2009 is provided at **Attachment 7**.

### **2.5.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2022)**

The Wollongong City-Wide Development Contributions Plan applies to the subject property. Where consent is issued for a development, the City-Wide Plan levies a contribution based on the estimated cost of development. A levy rate of 1% applies to development where the proposed cost is greater than \$200 001.

## **2.6 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

## **2.7 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

### **Environmental Planning and Assessment Regulation 2021**

#### 2 Savings

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation. 2000 Regulation means the Environmental Planning and Assessment Regulation 2000 as in force immediately before its repeal on 1 March 2022.

#### 61 Additional matters that consent authority must consider

The proposed demolition of existing structures has been considered against Australian Standard AS 2601—2001: *The Demolition of Structures* and is considered to be generally consistent with the Standard.

## **2.8 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT**

### Context and Setting:

The subject site is located in an existing low density residential area that includes a mixture of residential building types, whilst sharing a boundary with the Bulli mine site. The application proposes a variety of DCP non-compliances that are considered to be inconsistent with the surrounding area and would create an undesirable precedent for future development.

The proposed group home, child care centre and respite day care centre are all land uses that are commonly seen within a residential context. In regard to the matter of context, the planning principle in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The proposed development exceeds the 9 metre maximum building height for the land and each building is three storeys. The site is located at the periphery of low density residential setting where the predominant built form is one of detached single dwellings of one or two storeys that are compliant with the building height requirements for the land. The site also has an interface with land zoned RU1 Primary Production that presents to the Princes Highway as a heavily vegetated large parcel of land that provides a large curtilage to the Colliery operations located in the escarpment. The existing road reserve in front of the subject site and extending to the south is well vegetated, providing excellent screening to the residential dwellings to the west of the Highway.

The development is proposing to obtain primary vehicular access via the Prince Highway frontage for the child care/respite day care centre. This proposed vehicular access has a two-fold effect. The provision of the access requires the removal of a significant amount of vegetation from the road reserve to facilitate the deceleration lane that is required for safe access to the development. This in turn will result in the exposure of the rear of existing residential lots to the Princes Highway and also serves to interrupt the vegetated appearance of that part of the Princes Highway which currently serves to provide a continuation of the "urban/remnant bushland" character of the Colliery site.



In response to the second question, matters such as the proposed exceedance of the building height maximums, bulk, scale and setbacks are relevant to the proposed development.

The visual impact of the proposed development is significant, both when viewed from the Princes Highway and also when viewed from surrounding residential dwellings to the south, west and south west. The proposal is a long expanse of two, three storey buildings with massing of the structures along the southern boundary, most closely adjoining existing adjoining low density residential development.

The scale of the proposed development is analogous to commercial development rather than a low density residential development that is reflective of the existing character of the area. When viewed from the Princes Highway, the scale is significantly greater than that of the dwellings located on the eastern side of the highway and also the nearby industrial development along the Princes Highway and Albert Street.

As such, the proposal will adversely impact on the setting and is not in keeping with the context of the area.

Access, Transport and Traffic:

Council's Traffic Officer has assessed the application submission and considered the proposal conditionally satisfactory with regard to impacts on the local road network and the provision of onsite parking and manoeuvring.

The proposal however is unsatisfactory with respect to ambulance parking in the deceleration lane, waste collection in the deceleration lane and the maintenance liability and cost burden of the infrastructure proposed within the road reserve, with specific reference to the retaining wall.

Public Domain:

There are significant works proposed in the public domain including the provision of the deceleration lane and relocation of the bus stop. The application submission does not include any detail in relation to the proposed bus shelter.

The extent of tree removal and the proposed retaining wall within the road reserve are not supported.

Utilities:

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

Heritage:

Council's Heritage Officer has noted that the visual relationship between the subject site and the adjoining South Bulli Colliery, an item of local environmental heritage, is likely to be adversely impacted by a non-compliant proposal. The proposal will also impact on the character of the area, as well as setting undesirable precedent.

The proposed removal of a significant number of trees for the creation of the required APZ in the south east corner of the adjoining Colliery site are unacceptable and will have an adverse visual impact on the bushland setting of the curtilage of the Colliery.

Other land resources:

The proposal is not envisaged to impact upon 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.

A BASIX certificate was provided for the group home, with water tank appropriately provided. The application submission indicates that the development will satisfy Water Sensitive Urban Design standards for water quality.

Soils:

The removal of trees to provide the APZ over the adjoining Lot 31 is shown as being required within the riparian corridor for a Category 2 watercourse. The removal of a large number of trees and

vegetation from this area will potentially result in soil erosion and sedimentation, impacting on the water quality of the watercourse. The proposed development has not been sited to reduce adverse impacts on soils.

Air and Microclimate:

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

However, the proposal adjoins the South Bulli Colliery, where aboveground stockpiles are located in proximity to the subject site, and the subject site has frontage to the Princes Highway which is a busy road - an air quality assessment has not been provided to demonstrate that the proposed child care facility can meet required air quality standards.

Flora and Fauna:

The proposal was referred to Council's Landscape and Environment Officers, who noted the proposed tree removal is significant which will have an adverse impact on the streetscape and the local flora and fauna within the Illawarra Lowland Red Gum Grassy Forrest community. Further, the tree removal on the adjoining Lot 31 is extremely significant and cannot be compensated for on the subject site and it is not supported.

Significant vegetation is proposed to be removed from land mapped as both Natural Resource Sensitivity and Support for Primary Conservation/Conservation Enhancement for the creation of the required APZ on adjoining Lot 31.

The proposed development also triggers entry into the Biodiversity Offset Scheme, and Council's Environment Officer has indicated that the submitted BDAR is incomplete as it does not account for the full extent of the area for the deceleration lane.

The APZ is required over land that can be considered to be core koala habitat –there is the potential for adverse impacts arising on an area that potentially provides habitat for koalas. The application does not demonstrate that these impacts can be mitigated or carried out in accordance with an appropriate Plan of Management.

Overall, the development has not been designed and sited to avoid potential adverse impacts on flora and fauna.

Waste:

An Operational Waste Management Plan has been provided with the application submission. Waste collection from the deceleration lane for the separate land uses on the site is unacceptable and likely to result in adverse road safety impacts. The child care centre waste collection from the road is also contrary to WDCP 2009.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. Solar panels are proposed over each roof. The group home is subject to BASIX compliance and a certificate has been provided in this regard.

Noise and vibration:

An acoustic report was provided that assessed noise impacts to and from the child care centre. The report contained a number of recommendations that are capable of being implemented by the proposed development.

Issues in relation to noise and vibration were raised in submissions and addressed at section 1.5.

Natural hazards:

Although not mapped as bushfire prone land, the site is subject to bushfire risk arising from the proximity to significant vegetation on the adjoining site to the north. An APZ is required to be provided in accordance with the Bush Fire Hazard Assessment submitted with the application, and the conditions provided by the NSW Rural Fire Service.

Whilst the likely impacts arising from the creation of the APZ on the biophysical environment are not fully demonstrated, the impacts that are detailed in the application submission are unacceptable.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal. A Detailed Site Investigation provided with the application indicates that the site is suitable for its intended uses subject to meeting the report recommendations.

Safety, Security and Crime Prevention:

This proposed development results in opportunities for criminal and antisocial behaviour. A Crime Prevention through Environmental Design Report has not been provided in support of the proposal to demonstrate that the development provides safety, security and crime prevention.

Social Impact:

The intended use of the site in part addresses a social need within the community and the wider Local Government area for group homes, child care centres and respite day care centres.

However, the proposal will also result in external costs to current and future generations. The development has an adverse social impact arising from the ongoing maintenance liability and cost burden associated with the retaining wall proposed within the road reserve. These costs are not internalised by the developer, even though there is a private benefit to the retaining wall (and deceleration lane) being in place.

The proposal includes a number of planning variations that will result in poor outcomes for the occupants of the development, the wider community and the physical environment. The social impacts cannot be supported.

Economic Impact:

The proposal is envisaged to have a negative economic impact arising from the ongoing maintenance burden and costs associated with the retaining wall in the road reserve.

Site Design and Internal Design:

The application submission requests an exception to the height of buildings development standard pursuant to Section 4.3 of WLEP 2009. This request is not supported.

The application as proposed also requests a number of other variations that have been detailed within the report. It is considered that the proposed design does not adequately respond to the constraints of the site and will likely have adverse impacts on the surrounding area in terms of height, bulk and scale, as well as significant environmental impacts.

Construction:

Construction issues, including those raised by submissions, could be managed through the provision and implementation of a robust Construction Environmental Management Plan.

Cumulative Impacts:

The development as proposed is likely to have significant adverse cumulative impacts on the character of the area, the occupants of the developments and the environment.

## **2.9 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is not consistent with the locality in terms of height, bulk and scale. The proposal will adversely impact on the streetscape and the amenity of the area and would create an undesirable precedent for development in the area.

The application has not demonstrated that air quality is appropriate for the intended child care centre land use, given the proximity of the subject site to the South Bulli Colliery and Princes Highway.

The proposal does not fit in the locality.

### Are the site attributes conducive to development?

The vegetation on the adjoining Lot 31 creates a bush fire hazard- vegetation removal proposed in response to that hazard is not compatible with protecting ecological communities, and will result in other adverse environmental impacts described in this report.

The proposed development has not provided a suitable design response to the topography of the site and the site setting in a low density residential environment.

The location of the subject site with frontage to the Princes Highway calls for the safe provision of access to the development- the deceleration proposed in response results in unacceptable vegetation removal and an unacceptable maintenance liability and cost burden.

As such, the site attributes are not conducive to the development as proposed.

## **2.10 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

See Section 1.5 of this report.

## **2.11 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

The proposed development is likely to result in adverse social impacts, as well as negative impacts on the environment and the amenity of the locality. The proposal is considered inappropriate with consideration to site constraints, contrary to the relevant planning controls and in the current form, approval would not be in the public interest.

## **3 CONCLUSION**

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The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979.

The proposal triggers entry into the Biodiversity Offsets Scheme, however the Biodiversity Development Assessment Report submitted with the application does not correctly identify the correct trigger for entry into the scheme and does not consider the full extent of the area of proposed clearing including that of adjoining land (no landowners consent) necessary to achieve Asset Protection Zone requirements. A legal opinion has been provided that suggests this matter may be conditioned for via Deferred Commencement including required works. Council is not aligned with the opinion as the full ecological impacts of the development are unknown at this point.

The development proposes an exception to the height of buildings development standard pursuant to Section 4.3 of WLEP 2009. The proposed exception is not supported.

The applicant has also not provided justification statements for the variations sought to WDCP 2009 in relation to retaining wall height, location of waste collection and location of a parking space for the ambulance servicing the childcare building.

The proposal is not consistent with the Design Quality Principles of SEPP 65 and the companion Apartment Design Guide, specifically in relation to site analysis, side setbacks, public domain interface/ pedestrian links, the provision of communal open space, visual privacy, apartment layouts, storage, noise impacts from internal layouts, energy efficiency and waste management.

The proposal is not consistent with the SEPP (Transport and Infrastructure) and the companion Child Care Planning Guideline, including inconsistency with the Design Quality Principles and a number of matters for consideration including bulk and scale, site suitability, environmental hazards, public domain interface, streetscape, the extent of excavation, building design, privacy impacts, parking and waste collection and emergency and evacuation procedures.

Council's Landscape, Heritage, Traffic, Environment and Design Officers have provided unsatisfactory referral advice. Council's Contributions, Community Services, Geotechnical and Stormwater Officers have provided conditionally satisfactory referral advice.

The impacts arising from proposed vegetation removal will have an adverse impact on biodiversity, the riparian corridor and the character of the area. Appropriate measures have not been taken to avoid biodiversity impacts from the development in accordance with the Mitigation Hierarchy.

The proposed development has not been designed appropriately given the constraints and characteristics of the site and has the potential to result in significant adverse impacts on the amenity

of the surrounding area. The site is not suitable for the proposed development and the development as proposed would set an undesirable precedent. Approval is therefore not considered to be in the public interest.

## 4 RECOMMENDATION

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It is recommended that DA-2022/1357 be refused for the following reasons:

1. Insufficient information has been provided to enable a complete assessment of the environmental impacts of the proposed development, including land owners consent for works involved with the creation of the required Asset Protection Zone to satisfy Planning For Bushfire Protection measures for the proposed development on the adjoining Lot 31 DP1006012, which are likely to include significant vegetation removal and intrusion into the riparian corridor for which it is understood a Controlled Activity Approval is required to be issued by Department of Planning and Environment, Water.
2. Pursuant to the provisions of Section 1.7 of the Environmental Planning and Assessment Act 1979, the proposal is not consistent with the Mitigation Hierarchy established by the Biodiversity Conservation Act 2016 (sections 1.3 and 6.4) in that appropriate measures have not been taken to avoid biodiversity impacts from the development.
3. Pursuant to the provisions of Section 1.7 of the Environmental Planning and Assessment Act 1979, the application submission fails to fully consider the extent to which the development exceeds the biodiversity offsets threshold and fails to consider the full impact of the proposed development arising from vegetation removal in the deceleration lane.
4. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate the development is consistent with State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development with respect to the principles of the Apartment Design Guide.
5. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate the development is consistent with State Environmental Planning Policy (Transport and Infrastructure) 2021 with respect to the principles and matters of consideration of the Child Care Planning Guideline
6. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate the development is consistent with State Environmental Planning Policy (Biodiversity and Conservation) 2021 and may result in adverse impacts on core Koala habitat.
7. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is not consistent with the objectives of the R2 zone of Wollongong Local Environmental Plan 2009 as the application submission fails to demonstrate the development provides for a low density residential environment and is consistent with existing and desired future character of the area.
8. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate consistency with Wollongong Local Environmental Plan 2009 with respect to:
  - a. Clause 1.2 Aims of Plan (d), (e), (f) and (g)
  - b. Clause 2.3 Zone Objectives
  - c. Clause 4.3 Height of buildings
  - d. Clause 4.6 Exceptions to development standards
  - e. Clause 5.10 Heritage Conservation
  - f. Clause 7.2 Natural resource biodiversity – biodiversity
  - g. Clause 7.4 Riparian Lands
  - h. Section 7.6 Earthworks
9. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009 with respect to the following chapters:

- Chapter B1 - Residential Development
  - Chapter C5 - Child Care Centres
  - Chapter D1 - Character Statements
  - Chapter E2 - Crime Prevention through Environmental Design
  - Chapter E3 - Car Parking, Access, Servicing/ Loading Facilities and Traffic Management
  - Chapter E6 - Landscaping
  - Chapter E7 - Waste Management
  - Chapter E11 - Heritage Conservation
  - Chapter E17 - Preservation and Management of Trees and Vegetation
  - Chapter E18 - Native Biodiversity Impact Assessment
  - Chapter E19 - Earthworks
  - Chapter E23 - Riparian Land Management
10. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate the likely impacts of the proposed development will not be adverse with respect to:
- bulk and scale and vegetation removal on the amenity and character of the area
  - ambulance parking and waste collection from the deceleration lane on road safety
  - the proposed infrastructure works for the deceleration lane on the public domain
  - vegetation removal and the proposed height variation on the adjoining heritage item and its curtilage
  - vegetation removal on the riparian corridor and water quality
  - air quality for the occupants of the development
  - vegetation removal on biodiversity
  - waste management impacts on road safety
  - addressing natural hazards on the existing vegetation, biodiversity, riparian corridors and the character of the area
  - safety, security and crime prevention for the occupants of the development and visitors to the site
  - social and economic impacts arising from the ongoing maintenance burden and costs associated with the retaining wall in the road reserve
  - cumulative impacts
11. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate the site is suitable for the development proposed.
12. Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, it is considered that having regard for public submissions, the development proposal is unsuitable with respect to:
- Character of the area
  - Overdevelopment of the site
  - Vegetation removal
  - Impacts on road safety
  - Pedestrian access to the group home
  - Privacy/overlooking impacts

- Proximity of the child care centre to South Bulli Colliery
  - Waste collection
  - Emergency Evacuation procedures
13. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.

## **5 ATTACHMENTS**

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| 1 | Plans  |
| 2 | Mills Oakley Letter of Advice- Applicant   |
| 3 | Apartment Design Guide Assessment  |
| 4 | SEPP 65 Design Verification Report- Applicant  |
| 5 | Child Care Planning Guideline Assessment   |
| 6 | Clause 4.6 Exception to Development Standard Statement – Building Height - Applicant |
| 7 | Wollongong Development Control Plan 2009 Assessment compliance table                 |
| 8 | Site photos – Applicant  |
| 9 | Civil Works in Public Domain Plans   |