Town Planning & Advisory

STATEMENT OF ENVIRONMENTAL EFFECTS

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Subject site:
IRT Towradgi Park
17A Murranar Road, Towradgi

Proposed Seniors Housing Redevelopment

Document Properties	
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Acknowledgment of Country
MMJ acknowledges the traditional custodians of the land to which this Statement of Environmental Effects applies. We pay our respect to all Aboriginal people of this land and to Elders past, present, and emerging.

Contents

The following documents are referred to in this Statement of Environmental Effects and submitted as separate documents:

Report	Author
Aboriginal Heritage	Biosis
Access report	Accessible Building Solutions
Acoustic Report	Harwood Acoustics
Acid Sulfate Management Plan	Douglas Partners
Arboricultural Report	Moore Trees
Architectural Drawings	Gardner Wetherill Associates
BASIX	Greenview Consulting Pty Ltd
Civil Engineering	Jones Nicholson
Demolition Plan	Gardner Wetherill Associates
Detailed Site Investigation	Douglas Partners
Flood Impact Statement	WMA Water
Geotechnical Report	Douglas Partners
Hazardous Materials	Reditus
Landscape Concept Plan	Arcadia
Operational Waste Management Plan	Elephants Foot Recycling Solutions
Quantity Surveyor Report	Altus Group
Remediation Action Plan	Douglas Partners
Riparian Assessment	EMM
Site Auditor's Letter	Senversa
Social/Seniors Housing Operations	IRT
Stormwater Concept Plan	JN
Survey	KF Williams & Associates Pty Ltd
Traffic Engineering	Bitzios
Vegetation Management Plan	EMM
Waste Minimisation and Management Plan	Elephants Foot Recycling Solutions
Water Sensitive Urban Design Strategy	JN

TABLE 1 SUPPORTING DOCUMENTATION

Executive Summary

This Statement of Environmental Effects has been prepared by MMJ Wollongong on behalf of our clients Illawarra Retirement Trust (IRT) to accompany a Development Application (DA) for a Proposed Residential Seniors Housing Redevelopment at 17A Murranar Road, Towradgi.

The proposed development is to be constructed and managed by IRT Group, who specialise in senior's lifestyle products and care solutions. IRT Group began in the Illawarra as a truly community based, nondenominational, seniors lifestyle and care provider, and for over 40 years has maintained this foundation. Today they are now one of Australia's largest community-based seniors' lifestyle and care providers, with a mission "*to create communities where seniors achieve their optimum quality of life*". This proposal is yet another step for IRT Group in reinforcing and investing in that commitment to seniors housing opportunities.

Site Analysis

Site Description

The subject site is located close to Towradgi Beach on the southern side of Murranar Road, east of the intersection with Pioneer Road.

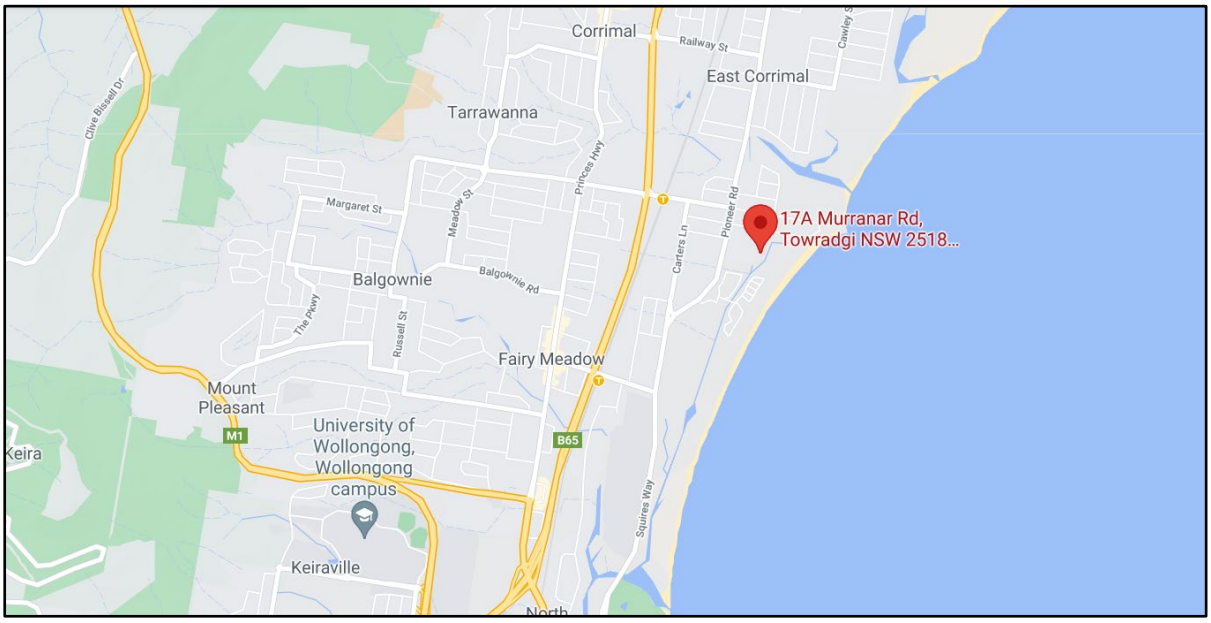

IMAGE 1 SUBJECT SITE (SOURCE GOOGLE MAPS)

The area to be redeveloped includes Lot 300 DP 571212, Lot 100 DP 776493, Lot 39 DP 27386, Lot 505 DP 833242, Lot, 177 DP 13182, Lot 1 DP 704687, Lot 1 SP 11647, Lot 2 SP 11647, Lot 3 SP 11647 & Lot 4 SP 11647.

The land has a site area of approximately 27,493m^2. The site currently comprises the IRT Towradgi Park. All structures and surfaces are proposed to be demolished to support the new development.

The site is bound to the east and west by single detached dwellings of one and two storeys and residential flats on Murranar Road. In the broader context, the site is walking distance to Towradgi Beach, Towradgi Park Bowls Recreation Club, Ray Robinson Oval and Towradgi Train Station.

IMAGE 2 SUBJECT SITE (SOURCE NEARMAP)

Surrounding Context

The site is zoned R2 Low Density Residential.

North	*R2 Low Density Residential*	*One (1) and two (2) storey detached dwellings on Murranar Road*
South	*RE1 Public Recreation*	*Towradgi Beach Park and Noth Dalton Park*
East	*R2 Low Density Residential & RE1 Public Recreation*	*One (1) and two (2) storey detached dwellings on Murranar Road and Towradgi Beach Park*
West	*R2 Low Density Residential*	*One (1) and two (2) storey detached dwellings on Murranar Road, Marlo Road and Edgar Street*

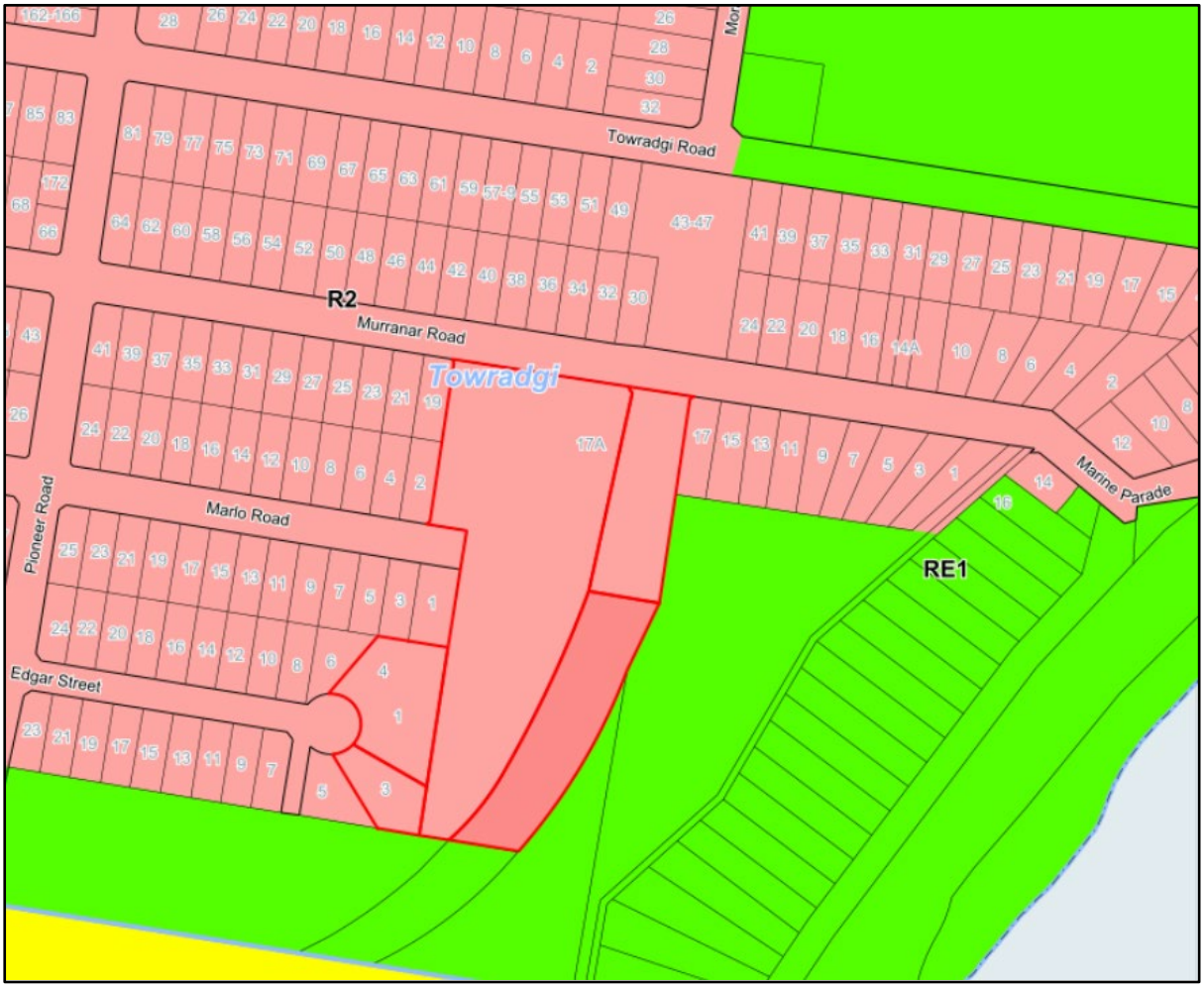

FIGURE 1 SURROUNDING ZONING (SOURCE WOLLONGONG CITY COUNCIL)

Existing Conditions

The site currently comprises the IRT Towradgi Park Village which is an existing Residential Aged Care Facility (with 106 aged care beds) together with 68 one and two bedroom independent living units for people over the age of 55. The existing facility was first constructed in 1972 with additions, however a redevelopment of this site is critical for IRT's Strategic Plan and to provide compliant residential units/facilities for its residents consistent with the vision of IRT.

All structures and surfaces are proposed to be demolished to support the new development. The demolition is proposed to be undertaken in stages to manage the relocation of residents sequentially. All aged care beds are vacant of occupation at present. Some 28 of the independent living units are also vacant currently. These vacant housing products will be demolished to make way for Stages 1 and 2 of the proposed development. It is intended that 40 of the independent living units will remain in place until the year 2028, where Stage 3 construction will take place.

Site Constraints

Site constraints include riparian land, flood risk, acid sulfate soils, easements for drainage and sewerage easement. The overall site design responds to the environmental constraints on site, particularly flooding and the drainage/sewer easements that burden the land. Site planning for roads and residential accommodation have been located in response to the easement locations and in response to flooding risk and riparian land.

Riparian Land
IRT Towradgi Park is adjacent to the headwaters of Towradgi Arm – a minor, vegetated waterway that flows into the Pacific Ocean. The Towradgi Arm straddles the south-eastern boundary of the subject site and is a first order stream.

Coastal Wetland
The minor waterway adjacent to the site is also mapped as coastal wetland with part of the site being affected by coastal wetlands proximity area and coastal use area in State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021.

Flooding
The entire site falls within the “Medium Flood Risk Precinct”. The adjacent Towradgi Arm is classified as “High Flood Risk Precinct” and would also include land within 10 m from the top of the creek bank (shown as 10 m from the property boundary). The entire site is inundated in the 1% AEP event, but not subject to high hydraulic hazard.

Acid Sulfate Soils
Reference to the Wollongong City Council Acid Sulfate Soils Map indicates the site is located in areas where acid sulfate soils are likely to be found greater than 1 metre below the natural ground surface.

Easements
The subject site is affected by a number of existing easements or restrictions on title with regards to sewer, access and stormwater drainage. These are shown in the detail survey plan repaired by KF W extracted below. In the main these restrictions on title are listed as:

- *(A) EASEMENT FOR SEWERAGE PURPOSES 12.19 WIDE (L552343) (R323167)*
- *(B) RIGHT OF CARRIAGEWAY 9.14 WIDE (Q293328)*
- *(C) EASEMENT TO DRAIN WATER 7.62 WIDE C (DP552253)*

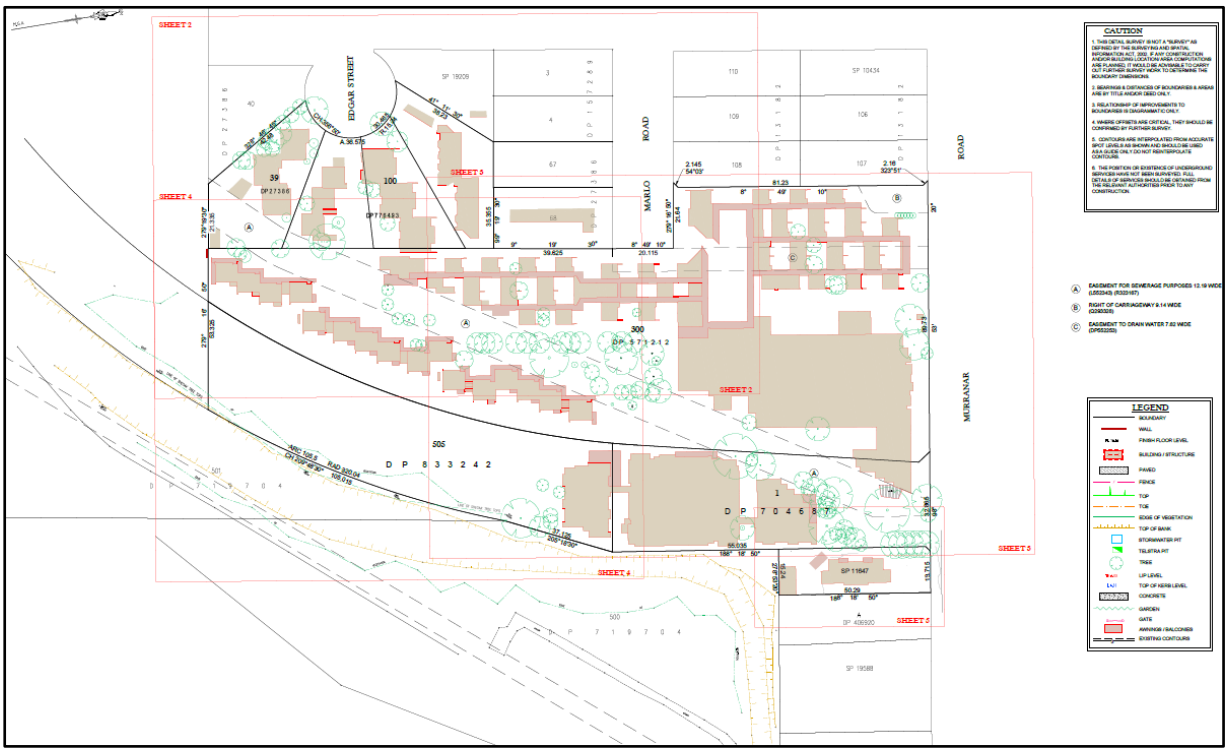

FIGURE 2 SITE SURVEY (SOURCE KFW)

IMAGE 3 IMAGE TAKEN AT THE ENTRY TO IRT TOWRADGI PARK FROM EDGAR STREET (SOURCE MMJ WOLLONGONG)

IMAGE 4 IMAGE TAKEN ACROSS FROM THE SITE FACING THE EXISTING TWO STOREY UNITS IN THE EASTERN SECTION OF THE SITE FACING SOUTH (SOURCE MMJ WOLLONGONG)

IMAGE 5 PHOTO TAKEN OF THE SOUTHERN UNITS FACING SOUTH (SOURCE MMJ WOLLONGONG)

IMAGE 6 PHOTO TAKEN FROM THE INTERNAL ACCESS LOOKING AT EXISTING LOW CARE HOSTEL (SOURCE MMJ WOLLONGONG)

IMAGE 7 PHOTO TAKEN ACROSS FROM THE COUNCIL LAND TO THE EAST OF THE SITE LOOKING TO THE DEVELOPMENT NORTH OF THE SITE (SOURCE MMJ WOLLONGONG)

IMAGE 8 PHOTO TAKEN OF NEW CONTEMPORARY DWELLINGS IN EDGAR PLACE (SOURCE MMJ WOLLONGONG)

IMAGE 9 PHOTO TAKEN FROM THE SITE LOOKING TO THE DEVELOPMENTS SOUTH OF THE SITE (SOURCE MMJ WOLLONGONG)

IMAGE 10 PHOTO TAKEN ACROSS FROM THE SITE LOOKING TO THE DEVELOPMENTS NORTH OF THE SITE (SOURCE MMJ WOLLONGONG)

IMAGE 11 PHOTO TAKEN ACROSS FROM THE VACANT PORTION OF THE SITE TO THE EAST LOOKING TO THE SOUTH/EAST OF THE SITE (SOURCE MMJ WOLLONGONG)

Planning History

It is understood that the site has been used for seniors housing purposes for many years. The historic Development Applications (DA) and Building Applications (BAs) (relating to staged construction of the approved DAs). There is a total of 106 existing aged care beds in the Residential Aged Care Facility, 48 one bedroom units and 20 two bedroom units provided as independent living units.

Previous approvals

DA/BA No.	Description
DA - 1971 407	*Nursing Home Complex and Retirement Centre*
BA - 1972 482	*Retirement Village including:*
	41 Hostel-type unit
	32 one-bedroom self-contained flats
	62 Nursing home beds
DA - 1980 10074	*Additional 18 self-contained units*
DA - 1980 10367	*26 Total Care Hostel units for the aged*
BA - 1981 1701	*Hostel Units*
BA - 1982 2723	*6 Bed Nursing Home Extension*
BA - 1991 251	*Hostel units*
BA - 1991 1966	*Extension to dining room*
DA - 1992 709	*Additions and upgrading of Towradgi Park Village*
BA - 1992 2381	*New laundry and other works*

Prelodgement Consultation

Prior to preparing this development application a pre-lodgement meeting was held with the Wollongong City Council on the 14/10/2018 and again on 26/04/2021.

The main issues are noted as:

- Flooding
- Application of SEPP Seniors
- Purchase of Council-owned land
- Aboriginal heritage
- Potential contamination

The relevant matters from these meetings are addressed below where appropriate.

Council:	***Response:***
Relevant Environmental Planning Instruments	
The provisions of all relevant Environmental Planning Instruments and Development Control Plan(s) must be addressed within the Statement of Environmental Effects (SEE). *The relevant Environmental Planning Instruments and Development Control Plans are:* • *State Environmental Planning Policy No. 55 – Remediation of Land* • *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* • *2004 – dependent on exclusions under Schedule 1* • *Wollongong Local Environmental Plan 2009 (WLEP 2009)* • *Wollongong Development Control Plan 2009 (WDCP 2009)* • *Wollongong City-Wide Development Contributions Plan 2020*	These planning instruments and associated development controls have been addressed within the following sections of this report.
A development contributions levy will apply to the proposed development if approved. A detailed cost estimate report is required to be provided in conjunction with the Development Application. (Please note: Council uses the Cordell's Ecosting Guide to confirm the accuracy of construction cost estimates).	Wollongong City-Wide Development Contributions Plan (2021) applies to the proposed development. The plan is in force and enables the imposition of a condition on certain development consents requiring the payment of a contribution pursuant to Section 7.12 of the EP&A Act. This plan states that Council may allow for exemptions (partial or full) in certain circumstances under Clause 15. In this regard, Clause 15(e) provides that – *An application for a residential care facility carried out under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. IRT Group are a registered community housing provider under the *Housing Act 2001 (NSW)*, and is subject to compliance with the Housing Act, Regulations and registration conditions. The proposed development is to be constructed and managed by IRT Group, who specialise in seniors lifestyle and care solutions. IRT Group began in the Illawarra as a truly community based, nondenominational, seniors lifestyle and care provider, and for over 40 years has maintained this foundation. Today they are now one of Australia's largest community-based seniors' lifestyle and care providers, with a mission "to create communities where seniors achieve their optimum quality of life". This proposal is yet

	another step for IRT Group in reinforcing and investing in that commitment to seniors housing opportunities. The proposed development is applied for under SEPP Seniors, although is not defined as a residential care facility. In this Policy, ***seniors housing*** *is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of—* *(a) a residential care facility, or* *(b) a hostel, or* *(c) a group of self-contained dwellings, or* *(d) a combination of these,* *but does not include a hospital.* For the purpose of this Policy, IRT Group is proposing seniors housing in the form of self-contained dwellings instead, which will still cater for people who have been assessed as being eligible to occupy housing for aged persons provided by this social housing provider. The development will importantly contribute to the public benefit of the community by accommodating seniors (or persons with a disability), and for filling the gap of a much needed housing accommodation shortage for our ageing population. Whilst the proposed seniors housing is not developed and occupied as a residential care facility per se, it was still be managed and operated by IRT Group. Additionally, whilst all dwellings within the proposed development will be independent living units in their own right, the product types and bedroom numbers provided throughout will enable flexibility for live-in carer arrangements should these be required for certain residents at a certain point of their occupation with IRT. The live-in carer will occupy the dwelling on an 'as needed' basis and will be contracted to by the resident either direct or through their home care provider. Given the temporary and intermittent nature of these potential arrangements, BCA classification advice has been sought by Blackett McGuire + Goldsmith to provide an opinion on whether the sole occupancy status of these dwellings changes as a result of live-in carer's stays. It is apparent no change to building classification as required as a result of this live-in care opportunity.

	These type of modern independent living seniors housing developments with live-in care opportunities allow residents to age in place, enabling residents to occupy independent living premises for longer and under varying health conditions. Such managed contemporary seniors housing products and estates like this supplement the need for traditional residential care facilities, with live-in carer arrangements increasing in demand and preference for elderly persons. On this basis, the proposed development is expected to assist with and/or facilitate reduced demand and waiting times for residential care facilities in the Illawarra. Therefore, it is considered that IRT Group in this instance are still providing seniors housing that will be consistent with the intent of the levy exemption criteria offered under Clause 15(e) of Wollongong City-Wide Development Contributions Plan (2021) and, as such, request due consideration of this exemption by Council accordingly.
Integrated Development:	
The development application shall confirm whether the proposal is integrated development for the purpose of the Environmental Planning and Assessment Act 1979 (EP and A Act). Based on the information available, the following may apply: • *Where works are proposed within 40m of waterfront land, an activity approval under the Water Management Act 2000 is required, and the development is integrated development.* • *Where impact to a known site of Aboriginal heritage is proposed, an Aboriginal heritage impact permit under National Parks and Wildlife Act 1974 is required, and the development is integrated development.*	Noted. We understand the appropriate referrals will be undertaken as part of the development assessment process.
General planning issues:	
Provision of a public access path between Marlo and Murranar Roads is supported. The applicant has indicated this path will be dedicated to Council. Details are required with the development application.	A dedicated public lane footpath will be established along the western boundary of the site connecting Marlo Road with Murranar Road. This will enable local residents to maintain this existing connection in a formal capacity, in order to gain access to bus services within Murranar Road and the recreational amenity areas

	associated with the Towradgi foreshore area to the east. IRT and the owners of 19 Murranar Road have agreed to partially extinguish the right of carriageway as it relates to the portion of that easement where the laneway will be located in the north west corner of the site. This application has been lodged with LRS for registration. Following this, it is anticipated that on completion on the laneway works can be handed over to Council as a formal dedicated public lane connection. It is envisaged that appropriate conditions of consent can be imposed to accommodate this dedication and handover to Council accordingly.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 does not apply to land listed in Schedule 1 of that policy. It is unclear from the information provided whether the SEPP applies. The applicant is required to carry out investigation as required by Council's stormwater engineer below, in order to determine whether the land is considered to be a 'floodway' or 'high flooding hazard' as described in Schedule 1.	Refer to Flood Assessment prepared by WMA Water.
All allotments within the site are currently zoned R2 Low Density Residential under WLEP 2009.	Noted.
"Seniors housing is permissible in the R2 Low Density zone with consent. Seniors housing is currently defined in the LEP as: seniors housing means a building or place that is— *a) a residential care facility, or* *b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or* *c) a group of self-contained dwellings, or* *d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—* *e) seniors or people who have a disability, or* *f) people who live in the same household with seniors or people who have a disability, or* *g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place but does not include a hospital.* *Note— Seniors housing is a type of residential accommodation—see the definition of that term in this Dictionary.*	The proposed development seeks the construction of seniors housing in the form of independent living units (villas and apartment self-contained dwellings) under the characterisation of SEPP Seniors.

Lot 505 DP 833242 is currently owned by Council, however Council has resolved to sell the allotment to IRT. The land is currently classified 'operational' land under the Local Government Act 1993. If the sale is not complete at time of lodgement owners consent from Council will be required.	This land is now owned by IRT Group.
Details of all fencing is to be shown in the development application. Fencing must be compatible with flood prone land requirements	Refer to the Landscape Concept Plans prepared by Arcadia.
Sections through the site showing the relationship between public land adjoining the site and the proposal are to be provided with the development application. These sections are to include fencing and landscaping.	Refer to Architectural Plans and sections prepared by GW.
A maximum height limit of 9m is currently permitted under WLEP 2009. 'Building height' is currently defined building height (or height of building) means— *a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or* *b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*	The proposed development includes a minor height breach of 700mm. Refer to Appendix B - Clause 4.6 Variation Statement.
It is noted that earthworks are proposed which raise the level of some roads, for example. A survey plan is required to be provided with the development application, which identifies existing ground level, prior to any redefinition of site levels. Sections are required which show the proposed building height for all structures.	Accurate survey has been established by KFW and this detail is shown on the Architectural Plans and sections prepared by GW and Civil Drawings prepared by JN.
WLEP 2009 currently permits maximum floor space ratio of 0.5:1.	The proposed development does not exceed this permitted FSR.
The development application shall include a demolition plan showing all structures to be demolished.	Refer to demolition plan prepared by GW.
A staging plan is required, indicating which aspects of the development are in each stage and providing indicative timeframes. It is noted the development is not a concept development application under the EP & A Act.	Refer to staging plans prepared by GW and commentary provided further herein this report.
The site layout appears heavily influenced by the existing drainage easement and sewerage easement burdening the site. Details of the existing easements are to be provided; including a services survey identifying infrastructure in the easements and	Refer to the contextual analysis, Architectural Plans and sections prepared by GW and Civil Drawings prepared by JN.

advising what development can be undertaken in the easements.	
Preliminary contact with Endeavour Energy is recommended to determine likely electricity servicing requirements.	Refer to a literal supply offer provided by Endeavour Energy.
Lot consolidation is required where buildings straddle allotment boundaries. A subdivision plan is required showing consolidation and/or proposed re-subdivision.	Noted. This can be imposed as a condition of any forthcoming consent.
It is recommended that community consultation be carried out with neighbouring community prior to lodgement of the development application.	Refer to community consultation documentation provided by IRT and commentary provided further herein this report.
It is possible that the determination pathway is by the Southern Regional Planning Panel (SRPP) (if over $5 million and Council owns land within the site). If the sale is not complete at time of lodgement and does not trigger determination by the SRPP it may need to be determined by the WLPP given Council ownership.	This land is now owned by IRT Group.
Site information/constraints:	
A Section 10.7 Certificate should be obtained to clarify details on any constraints affecting the proposed development site. All relevant site constraint reports should be included within the Statement of Environmental Effects. • ***10.7 (2) Certificate -*** *Provides information about the zoning of the property, the relevant state, regional and local planning controls, and other planning affectations such as heritage, land contamination and road widening; and* • ***10.7 (2) and (5) Certificate*** *- Provides additional advice regarding demolition, foreshore building lines, other heritage considerations and general advice.*	Noted.
Stormwater/Flooding:	
a) *The development is subject to Chapters E13 (Floodplain Management) and E14 (Stormwater Management) of Wollongong Development Control Plan 2009 (WDCP 2009), the Fairy & Cabbage Tree Creeks Floodplain Risk Management Study dated 2010, and Clause 7.3 of the Wollongong Local Environment Plan 2009 (WLEP 2009).*	Refer to flood assessment prepared by WMA Water and civil plans prepared by JN.
b) *Council's records indicate the property is coded as 'Flood Risk Precinct Classification under Review'. Information on flooding in the catchment can be found in Council's adopted Fairy and Cabbage Tree Creeks Flood Study dated June 2020 (available on Council's*	As above.

webpage www.wollongong.nsw.gov.au). Site specific flood information for the site can also be obtained via Council's Flood Level Information Request Form found on Council's website or via Council's online services.	
c) *A 2-dimensional flood study will need to be undertaken by a suitably qualified civil engineer in accordance with Chapters E13 and E14 of WDCP 2009 and submitted with the development application.*	As above.
d) *The flood study will need to be calibrated against a recorded storm event or Council's adopted Fairy and Cabbage Tree Creeks flood study, or alternatively the applicant's consulting engineer will need to use Council's adopted flood model for the pre-development base case scenario (freely available from the NSW SES Flood Data Portal).*	As above.
e) *If Council's model is used, it may be necessary to refine the model grid size such that it can identify flood related impacts at a site specific scale, based on the changes proposed as part of the development.*	As above.
f) *The flood study will need to determine pre and post development flood levels, floodway areas, hydraulic hazard, flood risk precincts, and flood impacts for the development, and demonstrate how the proposal will satisfy all floodplain management controls, objectives, and performance criteria in Chapter E13 of WDCP 2009 and Clause 7.3 of WLEP 2009.*	As above.
g) *The design will need to address the requirements of Section 7 of Chapter E13, ensuring no net increase in filling in the floodplain. The design will need to include plans and calculations showing cut/fill volumes proposed below each respective flood surface level, demonstrating no net increase in fill in the floodplain for each respective flood event.*	As above.
h) *The development will need to consider the effects of climate change with respect to determining minimum floor levels etc. in accordance with the recommendations in Council's adopted Fairy and Cabbage Tree Creeks Floodplain Risk Management Study and Plan (2010).*	As above.
i) *Parking areas will need to satisfy the requirements of Section 6.5 of Chapter E13 giving regard to vehicle stability limits in terms*	As above.

	of velocity and depth during inundation by floodwaters. Proposed car parking will need to be within hazard category H1 to ensure no increased risk to vehicle damage.	
j)	*Fencing within the floodplain will need to be designed to satisfy the requirements of Section 6.6 of Chapter E13. Proposed fencing located in the floodplain will need to be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.*	As above.
k)	*An independent detailed survey plan of the site prepared by a registered surveyor to Australian Height Datum (AHD), including lot boundaries, contours/spot levels, existing drainage infrastructure (inc. pit/pipe sizes, alignment, depth, cover, invert levels, etc.), easements, services, roads, drainage depressions, etc. will need to be submitted with the development application.*	As above. Also refer to survey detail provided by KFW.
l)	*A stormwater concept plan will need to be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong DCP2009 and submitted with the development application.*	Refer to civil plans prepared by JN.
m)	*On-site stormwater detention (OSD) will be required unless it can be demonstrate that the net increase in impervious area outside the 5 year ARI flood extent does not exceed 100m2 and/or where it can be demonstrated that runoff from the site can be conveyed through intervening property to 'receiving waters' without adversely impacting flooding of these properties.*	Refer to civil plans prepared by JN.
n)	*Stormwater disposal from the development will need to be in accordance with Section 9.3 of Chapter E14 of the Wollongong DCP2009.*	Refer to civil plans prepared by JN. Discussions are underway with Council's property division with regards to draining stormwater to the creek.
o)	*The proposed development will need to be designed such that it accepts and caters for localised surface runoff and major system stormwater overflows from the upslope land in accordance with Section 9.3.17 of Chapter E14 in a 'failsafe' manner without affecting any other property. This must include major system drainage overflows from the sag point in Murranar Road.*	Refer to civil plans prepared by JN.
p)	*The extent and area (in plan) of the upstream catchment for external flows entering the site and proposed method of managing these*	Refer to civil plans prepared by JN.

flows will need to be included on the stormwater management plans.	
q) *No structures of a permanent nature will be permitted to encroach over a common stormwater lines or easements, including the drainage pipe/easement conveying water from Murranar Road.*	Refer to civil plans prepared by JN.
r) *The landscape and stormwater plans for the development will need to be compatible.*	Refer to civil plans prepared by JN and landscape plans prepared by Arcadia.
Architectural Design:	
a) *The current layout does not appear to make the best use of the site including pedestrian amenity, public-private space relationships, and relationship between buildings. It is recommended that the applicant complete a thorough site analysis (refer to the ADG Site Analysis Checklist), as well as a planning strategy and detailed staging plans. Additionally, consideration should be given to the surrounding context including the cul-de-sacs at Edgar St and Marlo Rd, and the relationship with Towradgi Beach.*	The creation of the new community at IRT Towradgi Park provides opportunities for an inclusive seniors housing residential estate whereby the proposal seeks to incorporate and provide a comprehensive open space network throughout. Much of the design focuses around integration of the development into the natural setting, but at the same time responding to inherit site constraints such as flooding. The design and layout of the development establishes community activity and open space at its core, as well as the creation of a free-flowing road network convenient access to meet resident's needs. Site constraints such as easements across the property are recognised and highlighted through the orientation of the streets and open space network, providing opportunities for varied activities and different groups within the community. A series of residential design and place making principles have been developed to assist in creating a sense of place across the proposal and reinforcing the social strategy which is predominantly community based. A number of focal points are created throughout including the resident clubhouse, the central core communal open space area and even the neighbourhood shop/café which will provide for community gathering assets which are linked by clear and comprehensive pedestrian pathway networks throughout. A pedestrian oriented design is fundamental to the success of the open space network. Pedestrian orientation is focused both as through site links engaging the open space network and along the streets with clear connections to the riparian corridor along the east. Raised pedestrian thresholds and boardwalks are provided to enable a clear hierarchy of pedestrian

	priority across the community estate. The Towradgi Walk is an extended perimeter walkway around the development; a place for the daily stroll, regular exercise regime and dog walking to name a few. The amenity of the street network is enhanced by strong lines of trees to the roadway which provide shade, green amenity and a buffer between the road and the footpath.
b) *The higher/lower concourse is a poor outcome which is not an acceptable solution and creates issues of privacy, access, safety, and more. A more acceptable solution should be proposed.*	The building form and layout of the higher and lower concourse design has been amended with regards to privacy, safety and access to natural daylight and ventilation. We believe the amended application responds to provide a more acceptable solution with regards to Council's comments.
c) *The following comments are presented in the format of the publicly exhibited draft Design and Place State Environmental Planning Policy.*	Noted. Refer to architectural plans prepared by GW. Additionally, the central park or "Village Green" is the heart of the community. The area offers active and passive recreation through open lawn areas, leisure walks, the feature timber arbor garden rooms, a BBQ/ entertainment area and community gardens. This design accommodates informal recreation with substantial open space areas through the proposal designed for creative outcomes in harmony with the natural environment. The design reinforces the sense of place by exploring the existing landscape character. The layout and built form of the proposed seniors housing development is domestic in character and will incorporate dwellings that have been designed to reflect the suburban amenity of the Towradgi coastal area. The overall built form of the proposal provides an appropriate high amenity and urban scale of the two storey form. These residential buildings have a simple, yet interesting elevation, with a combination of materials, articulation and landscape. The shadows cast by the buildings and their form will complement the design and character of these structures. The design of the buildings, the articulation and supporting elements, together with the materials/colours to be used will combine to

	create an attractive visual appearance. The use of the site in respect of both orientation and layout will further provide visual interest for this proposal. All of the dwellings have been designed to satisfactorily meet the required BASIX criteria, thereby providing good thermal performance and ventilation. The individual site areas around the dwellings allow for pleasant ground level private open spaces, together with appropriate privacy for residents internally. The use of well-proportioned outdoor/entertainment areas and their positioning (relative to primary living areas and landscaped gardens) will enhance private open space amenity. In summary, the urban design of the proposed development will be modern/contemporary, and will make a positive contribution to the existing and evolving built forms within the locality. The scale and character of the built form provides an appropriate human scale complemented with developed open space recreational opportunities and streetscapes that encourage a sense of community and association.
Evaluating Good Design Objectives - Objective 1 - Better fit: contextual, local and of its place • *Limited information has been provided as part of this pre-lodgement application, however from the supplied site plan, it would appear as if there a number of issues regarding complex road intersections, residential interfaces, and relationship with context which will need to be addressed. The RL's provided do not seem to have a strong relationship to the topography (from the information provided), and it is confusing that buildings next to one another would have a 1.5m difference in floor heights on a relatively flat site which requires level access throughout. This will need to be resolved or explained in any DA documentation.* • *Additionally, the relationship to the cul-de-sacs at Edgar St and Marlo Road seems under-developed. It is recommended that the applicant respond sympathetically to the interface with the community, particularly in these locations.*	As above and also refer to further commentary provided herein this report with regards to urban design, site analysis, context and character.

Objective 2 - Better performance: sustainable, adaptable and durable • *Currently the design feels dominated by the roadways, unlike the existing development at IRT Towradgi which has a more balanced relationship between landscape and dwellings. While the rationale to place the road over the sewer and drainage is logical, it creates difficult parcels of land between what appear to be overly large roadways. It is recommended the applicant explore alternate outcomes which provide more meaningful public and private space relationships, as well meeting easement requirements.* • *The design will need to include refinement of the streetscape to facilitate safe pedestrian movement as well as accommodate mobility scooters and bicycles. Thought should also be given to pedestrian movement within the village with a detailed landscape plan which demonstrates access and wayfinding between all parts of the village, as well as pedestrian access to Edgar St and Marlo Rd. The potential for pedestrian access to the beach could also be explored.*	As above.
Objective 3 - Better for community: inclusive, connected and diverse • *See comment above regarding wayfinding and walking/cycling/scooter access.* • *In addition, the landscaping spaces currently appear as "left over" spaces and the applicant is encouraged to make sure that villas and apartments respond to a variety of outdoor spaces and the natural landscape.*	As above.
Objective 4 - Better for people: safe, comfortable and liveable • *The co-design process with residents is admirable and highly encouraged, yet this documentation has not been provided, so Council has no way of understanding if the proposed design meets the residents' expectations. It is highly encouraged that the applicant provides documentation of this process and how it led to the desired outcome as part of the site analysis submitted with the DA.* • *The raised and lowered concourse of villas is an unacceptable outcome and is not supported. It is likely to create potentially unsafe spaces, as well as requiring visually*	As above.

bulky and unnecessarily excessive ramping. It is suggested that by moving these villas to the south-western corner (at ground level) a more sympathetic relationship to the Edgar Street cul-de-sac may be provided. The additional apartments may then be located closer to level changes to deal with these through the inclusion of lifts for residents. However, this will need to be explored in conjunction with changes to circulation issues throughout the site.	
Objective 5 - Better working: functional, efficient and fit for purpose • *Insufficient information has been provided to comment on this objective, but it is recommended that the applicant ensures the relationship between indoor and outdoor spaces is meaningful and provides additional amenity to residents, rather than being purely a landscaped backdrop.*	As above.
Objective 6 - Better value: creating and adding value • *provide a variety of 2-3 bedroom villas and apartments which are likely to appeal to downsizers. As mentioned above public space should be further developed and other requirements should be addressed in any DA documentation.*	As above.
Objective 7 - Better look and feel: engaging, inviting and attractive • *While limited information has been provided, the applicant is encouraged to think about point 5, to integrate the easements more meaningfully rather than letting them dominate the planning of the site.*	As above.
Traffic:	
a) *The applicant should refer to Chapter E3 – Car Parking, Access, Servicing/ Loading Facilities and Traffic Management of WDCP 2009.*	Refer to traffic Impact assessment prepared by Bitzios Consulting.
b) *The applicant must provide all internal access dimensions on the site plan, including grades, access widths, parking aisle widths which comply with AS2890.1.*	As above.
c) *Under Austroads Guide to Traffic Management Part 12: Figure 5.1,* • *Developments which generate less than 10 peak hour vehicle movements are not required to undertake a detailed traffic analysis.*	As above.

• *Developments which generate 10-100 peak hour trips need to be supported by a Traffic Impact Statement.* • *Developments which generate over 100 peak hour traffic movements must be supported by a Traffic Impact Assessment, prepared in accordance with the RTA Guide to Traffic Generating development.*	
Access and Manoeuvring	
a) *It is noted that the site currently has two access points and that the proposed development would relocate these two access points along Murranar Road.*	As above.
b) *It is also noted that three additional driveway crossovers are also proposed on Murranar Road. The additional driveways would result in the loss of some casual street parking. This is an issue for the applicant to address as part of a future application, noting that there are opportunities to consolidate access points so as to provide car parking within the site.*	As above.
c) *There are concerns with the angle of the easternmost driveway access which would impede visibility of vehicles, pedestrians and cyclists. This would result in safety implications. The applicant must amend the plans to show the driveway access meeting Murranar Road in a 'perpendicular alignment'.*	As above.
d) *Under Clause 1.3.13 of AS2890.1, the development is classed as a non-domestic development. The width of non-domestic internal driveways must be a minimum of 5.5 metres wide, plus additional clearances adjacent to obstructions to allow vehicles to pass of 300 mm either side. The internal driveway must therefore have a clear travel width of 6.1 metres throughout the development. It is noted that there are some areas which do not comply with this requirement.*	As above.
e) *The access design should ensure that adequate pedestrian and vehicle sight distance is provided as per AS2890.1.*	As above.
f) *Swept paths need to be provided showing a B99 vehicle passing a B85 vehicle on all circulation ramps and parking aisles as required by AS2890.1.*	As above.
g) *There are concerns that the proposed High Street Concourse would not provide adequate*	As above.

aisle width (as per AS2890.1) to allow access to any rear loaded car parking or garaging.	
Parking	
a) *1 car space per dwellings (<70m2) or 1.5 car spaces per dwelling (70-110m2) or 2 car spaces per dwelling (>110m2), plus 0.2 car parking spaces per dwelling for visitors.*	As above.
b) *1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors).*	As above.
c) *1 motorcycle space per 15 dwellings.*	As above.

d) *Stacked Car Parking*
• *Stacked car parking spaces can only be accepted if they meet the points under Clause 7.7 of Chapter E3 of WDCP 2009.*
  ○ *The applicant must demonstrate that there is a need for stacked parking and that the provision of stacked parking will not adversely affect the safe, efficient and effective use of the site;*
  ○ *No more than two cars are parked in a stacked arrangement, so that no more than one vehicle has to move to allow egress of another;*
  ○ *Provision shall be made on site for shifting cars without the movement of vehicles onto public streets; and*
  ○ *Stacked spaces are only permitted where both spaces are utilised by the same dwelling and such spaces do not interfere with common manoeuvring areas.*
	As above.

e) *Garages* • *Double garages are to have minimum internal dimensions of 6 metres by 6 metres (Clause 4.9, Chapter B1 of the DCP).* • *Single garages are to have minimum internal dimensions of 3 metres by 6 metres (Clause 4.9, Chapter B1 of the DCP).* • *The applicant must provide swept paths which show vehicles turning and exiting all garage spaces in a forward direction with no more than a 3-point turn.* • *Internal doors into garages for pedestrian access should be shown opening outwards or as a sliding door.*	As above.
f) *Adaptable dwellings* • *Within a multi dwelling development incorporating more than 6 dwellings, 10% of*	As above.

all dwellings (or at least 1 dwelling) should be adaptable units (Chapter B1 8.16.2 of WDCP 2009). Parking space sizes for adaptable units should comply with the relevant standard. • *The applicant should identify which unit is to be adaptable on the development application plans.* • *Adaptable garage dimensions must comply with AS4299. At-grade spaces must comply with AS2890.6.*	
g) *Residential Bicycle Security* • *The applicant should show the location of residential bicycle parking which provides the appropriate level of security (User Class B) as required by AS2890.3. This should either be provided individually within the dwelling (indicated on plans and not encroaching on garage space) or in a secure communal compound and protected from the weather.*	As above.
h) *Visitor Bicycle Security* • *The applicant should provide any required visitor bicycle spaces in an accessible area within the site. These spaces have lower security requirements (Class C) and can be rails which are protected from the weather.*	As above.
Waste Servicing and Deliveries	
a) *Waste collection details are to be provided, such as the location of the bins for storage and collection, method of collection, and size of collection vehicle.*	Refer to Operational WMP prepared by Elephants Foot.
b) *A development with more than 6 dwellings proposed requires a communal waste facility to be provided within the site. It needs to be accessible by all, well-lit and with adequate manoeuvrability of bins within. More information on the bin requirements and controls relating to communal waste facilities can be found in Chapter E7 of the DCP. The applicant must ensure that transporting the bins from the storage area to the pickup area would not result in any impacts.*	As above.
c) *With the exception of the dwellings fronting Murranar Road, residential waste must be collected from within the site. The applicant will need to provide for waste servicing by Council's waste contractor.*	As above.
d) *Travel paths and turning for waste collection vehicles (no more than 3 turning movements) should be demonstrated using swept paths. Overhead clearances must also be observed.*	As above.

The dimensions and operating clearances for garbage trucks can be found within Chapter E7 of WDCP 2009.	
e) *AS2890.2 provides a maximum grade of 15.4% for service vehicles which should also be taken into consideration.*	As above.
Landscape:	
a) *All landscaping shall be compatible with the flood constraints of the site.*	Refer to landscape concept plans prepared by Arcadia.
b) *Existing established trees on the site are to be treated as a site constraint and retained. An Arboricultural Impact Assessment shall be submitted with the application to address existing trees on the site to recommend building/infrastructure offsets and methods of construction.*	Refer to arborist report prepared by Moore Trees.
c) *The massing and layout of the proposed buildings should demonstrate adequate light permeability for amenity of the occupants, the successful establishment of landscaping and retention of vistas to the escarpment and creek corridor.*	Refer to landscape concept plans prepared by Arcadia.
d) *The design should incorporate a footpath along the edge of the riparian corridor to enhance connection to the natural environment.*	As above.
Environment:	
a) *The site is partially mapped under Clause 7.2 of WLEP 2009 as Natural Resource Sensitivity – Biodiversity. If any impacts are proposed in these areas, an assessment against the objectives of this clause must be included in the Statement of Environmental Effects (SEE).*	Refer to further commentary provided herein this report.
b) *The site is mapped as Class 3 Acid Sulfate Soils and there appears to be a considerable level of excavation and earthworks for the development. Therefore Clause 7.5 of WLEP 2009 is to be addressed in the SEE and appropriate precautions and management proposed.*	Refer to acid sulphate soils management plan prepared by Douglas Partners.
c) *The site is adjacent to a Category 3 watercourse under Chapter E23 of WDCP 2009. This requires a 10m buffer either side of the watercourse measured from the top of bank. All works shall be outside of the riparian corridor.*	A 10 metre buffer setback has been provided to all riparian corridor interfaces.
d) *The site is located within the Coastal Environment Area and Coastal Wetlands Buffer and is subject to SEPP (Coastal*	Refer to further commentary provided herein this report.

	Management) 2018. This must be addressed in the SEE to ensure the objectives of the SEPP are met. Key considerations will be any potential impacts on groundwater and hydrology.	
e)	*If any trees are proposed for removal or will potentially have their root zone impacted by the development, an Aboricultural Impact Assessment will be required in accordance with Chapter E17 of WDCP 2009.*	Refer to arborist report prepared by Moore Trees.
f)	*The site is adjacent to lands mapped on the Biodiversity Values map under the NSW Biodiversity Conservation Act 2016. Therefore, the removal of ANY native trees or vegetation within the area mapped on the BV map will trigger entry into the Biodiversity Offset Scheme and require the preparation of a Biodiversity Development Assessment Report (BDAR).*	Refer to FFA riparian assessment prepared by EMM.
g)	*Historical aerial photos show that there appears to have been partial filling of Lot 505 DP 833242 associated with the realignment of the creek. Accordingly, a Detailed Site Investigation will be required to be submitted in accordance with Chapter E20 of WDCP 2009.*	Refer to PSI prepared by Douglas Partners. Additionally, we are advised that Douglas Partners are also currently undertaking a DSI at the site including the targeted investigation of the developed areas of the site. It is expected this will be made available to Council in the near future.
h)	*The existing structures proposed to be demolished are of an age that indicates the likely presence of hazardous materials. A demolition plan in accordance with Chapter E21 of WDCP 2009 will be required to be accompanied by a hazardous materials assessment and management plan.*	Refer to HAZMAT prepared by Reditus.
i)	*A Site Waste Minimisation and Management Plan prepared in accordance with Chapter E7 of WDCP 2009 is required. Any hazardous materials identified in the hazardous materials assessment shall be included in the waste plan.*	Refer to operational WMP provided by Elephants Foot.
j)	*A detailed Erosion Sediment Control Plan prepared in accordance with Chapter E22 of WDCP 2009 is required due to the sensitive coastal location of the proposal.*	Refer to civil plans prepared by JN.
k)	*The design of the development should consider the principles of Ecologically Sustainable Development as outlined in Chapter A2 of WDCP 2009. How the proposal seeks to achieve this is to be included in the SEE.*	Refer to further commentary provided herein this report.

l) *Note that Wollongong Council has declared a Climate Emergency and adopted a target of zero carbon emissions for the LGA by 2050. In line with this, Council urges the proposal to consider the use of low emission technology in all facets of its development and operation.*	Noted.
Heritage:	
There is a known Aboriginal site mapped in the vicinity of the proposal as well as a number of other known sites within 1km of the subject site. A basic AHIMs Report generated by Council has confirmed there is a known Aboriginal site on the subject land.	Refer to ACHAR and Aboriginal Due Diligence Assessment prepared by Biosis.
On the 30 October 2017 Council resolved to reclassify Lot 505 DP833242 as operational land. As part of this process Biosis prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) on behalf of Council.	As above.
The Report recommended a known site be remapped on AHIMS, however it is unclear whether this action has been followed through by Biosis and NSW Heritage. Therefore, any works on the site, including demolition, will require an Aboriginal Heritage Impact Permit under the NSW National Parks and Wildlife Act 1974 to impact the recorded site until this issue is resolved.	As above.
Due to the timeframe that has elapsed between the preparation of the Report, as well as the limited study area of the Biosis work, a full Aboriginal Cultural Heritage Assessment Report is to be prepared for the proposal. The ACHAR should clarify the location of the known site and provide an assessment of archaeological potential for the broader development area as well as undertake any recommended additional archaeological testing across the site.	As above.
The ACHAR will be notified to Heritage NSW for comment. If a known Aboriginal site is proposed to be impacted by the works, the proposal should be lodged as an Integrated Development under the NSW National Parks and Wildlife Act 1974.	As above.
Any development application will be referred to the local Aboriginal Community under Clause 5.10(8) of WLEP 2009 for a period of 28 days.	As above.
Property:	
Lot 505 DP 833242 *Council has resolved to reclassify and sell Lot 505 DP 833242 to IRT.*	IRT Group now own this property.
The reclassification has recently been completed and Lot 505 DP 833242 is now classified as 'operational land' under the Local Government Act 1993.	Noted.

IRT will now need to liaise with Statutory Property staff to complete the transaction.	IRT Group now own this property.
If the transaction is not complete prior to lodgement of a development application, IRT will need to obtain owner's consent from Council (as owner of Lot 505 DP 833242) in order to lodge the application.	As above.
Pedestrian walkway from Marlo Road to Murranar Road *The original development consent in 1971 for the subject site contained a condition that required IRT to maintain a pedestrian access route through the subject site between Marlo Road and Murranar Road.*	This pedestrian walkway is proposed to be retained within the current concept and dedicated to Council as a public lane in future.
The pedestrian access route has been maintained by IRT since 1971 until recently, when the subject site was partially decommissioned and the access route was temporarily closed. The closure of the access route led to a number of objections from members of the community. In response to those objections and after consultation with Council, IRT made a commitment to the community to ensure that a permanent pedestrian access route between Marlo Road and Murranar Road would be incorporated into the redevelopment of the subject site.	As above.
The proposed location for the pathway a shown on "Drawing A0502 revision P13" appears to be suitable.	As above.
In order to ensure that the walkway is formalised in perpetuity, Statutory Property will require IRT to grant a right of carriageway in favour of Council over the proposed pathway. In due course, IRT should contact the Statutory Property team to discuss.	As above.

Previous Development Application

A recent Development Application (DA-2021/1313) was Submitted to Council on 11 October 2021 for "*Demolition of the existing structures and construction of a seniors housing development of 81 independent living units and amenities including a neighbourhood shop with café and resident clubhouse*". The application was categorised as Regional Development under Clause 2 Schedule 6 State Environmental Planning Policy (Planning Systems) 2021 – general development over $30 million.

This application was exhibited from 3 December 2021 – 28 January 2022 and a total of eighteen submissions were received. 17 submissions objected to the application and 1 submission was in support of the application.

Additional information was requested by Council to address potential impacts of the development including flooding, stormwater, tree retention, landscaping, and privacy. The documents requested were being prepared and the design was modified by the Architects to

respond to Council's requests relating to Flood Risk Management including increased floor heights.

Council staff reported the application to the Southern Regional Planning Panel for determination prior to the additional information being submitted on 27 September 2022. Because of the delay, the assessment timeframes could not be met. The application was subsequently withdrawn before a determination was made to enable the additional information to be considered through a new Development Application to Council.

The main issues are noted as:

- *Non-compliance with flood planning controls*
- *Stormwater disposal on public community land*
- *Incomplete biodiversity assessment*
- *Extensive tree removal*
- *Insufficient visitor parking*
- *Provision of a public walkway between Murranar Road and Marlo Road*
- *Privacy impacts on adjoining residential neighbours*
- *Information requested but not provided*

The relevant matters from councils request for further information have been addressed in the resubmission of the application and the supporting documentation. Further assessment of these matters are provided in this SEE report with a summary of the main clarification requests tabled below:

1. Landscape Officer	
Council Comments	**MMJ Comments**
a) In review of the Arboricultural Impact Assessment (AIA) by Moore Trees, dated June 2021, the site contains 126 trees, all but two (street trees) are proposed to be removed due to the extent of bulk earthworks imposed by flooding requirements. The Landscape Plan and the Landscape Masterplan (LMP) conflict with the Tree Protection Plan within the AIA in relation to the street trees. The AIA shows both Street trees being retained, but the LMP shows the Murranar Rd street tree being retained and Landscape Plan shows no trees retained. Please amend the plans to show the intended retention/removal of trees and amend any adjacent infrastructure to accommodate the retention of the trees, respecting the TPZ as designated within the AIA.	The project team have reviewed Council's feedback and trees have been retained where possible. Refer to the submitted Landscape Plan and Arborist Report.
b) In review of the Arboriculturally Impact Assessment (AIA) by Moore Trees, dated June 2021, the site contains 126 trees, all but two (street trees) are proposed to be removed due to the extent of bulk earthworks imposed by flooding requirements. The Landscape Plan and the Landscape Masterplan (LMP) conflict with the Tree Protection Plan within the AIA in relation to the street trees. The AIA shows both Street trees	Refer to the submitted Landscape Plan. Street tree at Murranar Road is proposed to be retained.

being retained, but the LMP shows the Murranar Rd street tree being retained and Landscape Plan shows no trees retained. Please amend the plans to show the intended retention/removal of trees and amend any adjacent infrastructure to accommodate the retention of the trees, respecting the TPZ as designated within the AIA.	
c) Many of the trees on site are healthy mature specimens. Tree removal could be considered if an equal number of super-advanced trees were planted in compensation	Refer to the amended Landscape Plan and the plant schedule which includes a number of super advanced trees proposed to be planted in compensation.
d) The paths and entries are to be redesigned to accommodate the retention of the existing street trees to be retained in Edgar St and Murranar Road.	Existing street trees have been retained where possible.
e) The pedestrian paths that begin in Edgar Street have no separation from the adjoining residential lots, a landscape buffer between the development and the fence will be required.	Refer to Site Plan which provides a buffer between the development and the fence. Landscape Plan has been amended to include a landscape buffer between the development and fence.
f) Are the Landscape beds are limited to the ground floor? It is unclear if there are voids that allow visual connection and light to the ground plane or if the ground level is completely in shade, covered by the upper concourse. It is requested that the relationship between the ground floor landscape elements and the upper level concourse is clarified through sections.	Refer to Architectural Sections provided as well as 3D fly through model.
2. Environment Officer	
Council Comments	**MMJ Comments**
a) Submit the detailed site investigation (DSI) (to also include groundwater quality assessment) referred to in the Statement of Environmental Effects prepared by MMJ Wollongong dated 9 November 2021 and if necessary, based on the DSI, submit a remedial action plan (RAP). The DSI and RAP are to be prepared, or reviewed and approved, by a certified contaminated land consultant and are to be prepared in accordance with State Environmental Planning Policy No 55–Remediation of Land (SEPP 55) and the associated Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land (NSW Department of Urban Affairs and Planning and NSW Environment Protection Authority, 1998), the Contaminated Land Management Act 1997 (NSW), Consultants Reporting on Contaminated Land (EPA 2020) and Chapter E20: Contaminated Land Management of Wollongong Development Control Plan 2009 (WDCP 2009). The certified contaminated land consultant is to provide a clear statement either in the executive summary or conclusion of the DSI and the RAP (if required) that the consent authority may be satisfied the required considerations of Clause 7	Refer to the Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) provided.

of SEPP 55 are satisfied for the following reasons: -…. Note: A certified contaminated land consultant is a contaminated land consultant certified under one of the following: i. the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) (CEnvP (SC)) scheme; or ii. the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.	
b) Engage a NSW accredited site auditor and submit an "Interim Site Auditor's Advice letter" to Council for the proposed development. The appointed site auditor as part of their peer review of site contamination assessment and validation reports must concur with the certified contaminated land consultant's statements addressing Clause 7 of SEPP 55.	Refer to Interim Site Auditor's Advice Letter.
c) Submit a Demolition Work Plan as required by clause 5.1 of Chapter E21: Demolition and Hazardous Building Materials Management of WDCP 2009.	Refer to Demolition Plan and Waste Management Plan.
d) Where stormwater outlets are proposed on land mapped on the NSW Government Biodiversity Values Map, a Biodiversity Development Assessment Report from an accredited assessor is required.	Amendments have been made to the proposed stormwater outlet location to avoid land mapped on the NSW Government Biodiversity Values Map. Council's drainage pipe is proposed to be reconstructed and stormwater discharge is proposed towards the South of the site. Refer to Biodiversity Values Map and Threshold Report submitted.
e) According to Chapter E23 of WDCP 2009, the total riparian corridor width required for each side of a Category 3 watercourse is 10 metres measured from the top of bank. The design of the proposed development should allow for a 10 metre wide riparian corridor measured from the top of bank containing native vegetation. Note: The Natural Resources Access Regulator's Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors containing provisions for non-riparian uses and offsetting relate to applications for controlled activity approvals under the Water Management Act 2000 and are general and state wide.	Refer to Riparian Assessment submitted which notes: *A 10 m VRZ is required for the redevelopment, in accordance with the WM Act, NRAR guidelines and Wollongong DCP. The VRZ is based on a 10 m setback from the top of the bank, shown on Figure 4.1. This includes an inner and outer VRZ, each comprising 50% of its width (ie 5 m each)* … *NRAR developed a riparian corridor matrix (Table 5.1) to assist applicants in determining activities that represent minimal harm to waterfront land. Where applications conform with activities in the riparian corridor matrix and other controlled activity guidelines, the NRAR will assess them under a streamlined*

	process, reducing approval timeframes… *As the Towradgi Arm is a first order stream, the permitted uses within the VRZ comprise:* *• cycleways and paths no wider than four metres (within the outer 50% of the VRZ only);* *• detention basins (the outer 50% of the VRZ or online where indicated);* *• stormwater outlet and essential services;* *• stream re-alignment; and* *• road crossings.* (pg. 15)
f) Consideration of the retention of tree 119 River she oak (Casuarina cunninghamiana).	The project team have reviewed the potential retention of tree 119 as noted by Council. This would require pushing the proposed path to the west by min.4.4m to clear the TPZ area. This will conflict with the private terraces of the two closest units as well as reduce the overall detention capacity of the site as all battering and water detention will need to happen outside of the TPZ zone. The amended landscape plans include proposed similar replacement planting.

3. Stormwater Engineer	
Council Comments	**MMJ Comments**
a) The flooding report by WMA Water (dated 28 September 2021), and the design of the development, applies residential flood planning controls to the development. However, the development is not classified as Residential development in the context of applying flood planning related controls. Rather, the proposal (Seniors Housing) is classified in Appendix A – Land Use Categories, of Chapter E13 of the WDCP 2009 as 'Critical Utilities'. In this regard, the flood report and design of the development needs to be amended to address the flood planning controls for 'Critical Utilities'. b) In relation to the above, it is noted that 'Critical Utilities' are classified as an unsuitable land use within the Medium Flood Risk Precinct, and therefore a proposal for 'Critical Utilities' would not normally be supported for the site, being wholly classified as Medium Flood Risk Precinct. However, Council also notes that the site has historically been used for a purpose that already classifies as 'Critical Utilities' and has been used for this purpose for many years. Therefore, Council is willing to be flexible in this instance in relation to the 'in principle' use of the land for 'Critical Utilities', and apply a merit-based assessment approach subject to the following matters being satisfactorily addressed by the applicant: c) It must be clearly demonstrated that the proposed use is not more intense than the existing use, in terms of the overall number of people residing on the site, by way of a detailed comparison between the existing approved uses and proposed development; and d) The proposal must satisfy the controls for 'Critical Utilities' within the Low Flood Risk Precinct, as per Schedule 5 of Appendix C of Chapter E13 of the Wollongong DCP2009, which are normally applied in circumstances where Seniors Housing is allowed within the floodplain e) The application of the flood planning controls for 'Critical Utilities' within a Low Flood Risk Precinct (as above) will require among other things all floor levels to be equal to or greater than the PMF flood level plus 0.5 metres freeboard, being above a level of RL 5.45 metres AHD. Significant design changes are required to comply with this requirement.	Refer to the submitted Flood Assessment and Architectural Plans that have been amended to respond to Council's Feedback. The Flood Assessment has been amended to consider the proposed development as "Critical Utilities".

f)	The proposed method of addressing evacuation as described in the flooding report by WMA Water (dated 28 September 2021) is considered unacceptable. Evacuation to the club house is considered unsafe. Taking refuge within the proposed villas/units is considered inappropriate because many of the villas/units (as proposed) do not satisfy Council's requirements for a flood refuge area, as defined in Section 3 of Chapter E13: **Flood Refuge Area** — An onsite refuge above the PMF that provides reasonable shelter for the likely occupants of the development commensurate with the period of time that refuge is likely to be required in floods up to the PMF. Note: In general, it is not acceptable to rely on a refuge provided by or on other development sites. In all cases where an onsite refuge is provided, it is to be both intrinsically accessible to all people on the site, sheltered and an integrated part of the development (i.e. a second storey with internal stair access). The route to the refuge is to be fail safe, plainly evident and self-directing.	As detailed in the submitted Flood Assessment, the proposed building floor levels on site are at 5.45 mAHD, which is 0.5 m above the PMF level. As such, the buildings are not expected to be inundated above floor in any flood event. This means that each building provides a flood refuge area for its occupants, in accordance with the DCP definition. In the event of a flood, the safest option for residents, contractors and visitors on site is to remain within the buildings on site. Flood evacuation management on site will be consistent with the NSW State Emergency Services (SES) policy and requirements and supported by a suitably qualified expert to prepare a Flood Emergency Response Plan. Should Council include a condition to require the preparation of Flood Emergency Response Plan this is acceptable to IRT. Each building provides flood refuge during a flood event to facilitate shelter in place. If early warning is available, evacuation can be undertaken as directed by SES during the flood event.
g)	In particular, the flood refuge area needs to be above the PMF level. Council notes that compliance with the floor level controls for 'Critical Utilities' (as above) will ensure a suitable flood refuge area within each proposed dwelling. Subject to meeting those controls, the flood response strategy needs to be amended to clearly and definitively direct residents to remain on site within their dwellings during a flood event, and not attempt to travel through floodwaters.	Refer to Architectural Plans and Flood Assessment, the proposed building floor levels are at 5.45m AHD which is 0.5m above the PMF level.
h)	Insufficient information has been provided to enable assessment of the proposal in relation to proposed finished surface levels, cut/fill, and drainage. As per Section 9(3)(4) of Chapter E13 of WDCP 2009, a design plan shall be provided showing design surface levels to AHD with 0.25m contour intervals. A copy of the design surface for the design of the development and used in the flood modelling in GIS format (e.g. a DEM '.asc' file) would also assist in Council's assessment of the proposal.	Refer to Flood Modelling submitted.

i)	The architectural and landscape plans do not appear to be compatible with the stormwater design and flood modelling for the development. For example, the landscape and architectural plans propose ramps, raised planter beds, and 'Garden Rooms' at a level of RL 3.35 m AHD within an area modelled as an open channel flood storage area at a level of approximately RL 2.15 m AHD. It is suggested that the architect and landscape architect consult with the flood and stormwater consulting engineers, to ensure the design being presented on the landscape and architectural plans is consistent with what has been modelled in the flood assessment. The proposed design including features/structures and levels will need to be consistently reflected throughout the architectural, landscape, stormwater plans and flood modelling for the development. Flood storage areas and vegetated open channels will need to be kept clear of obstructions/structures to ensure they can be maintained and function as stormwater conveyance and flood storage areas, as modelled. This will be further assessed by Council upon receipt of amended plans including details of the design surface levels and contours (as above).	The architectural and landscape plans have been amended to respond to Council's feedback.
j)	Please provide a plan showing unit numbers so that the units (as labelled on the elevation plans) can be identified on a plan.	Amended architectural plans include unit numbers on plan.
k)	The elevations plans are inconsistent with flood report by WMA Water (dated 28 September 2021). The elevation plans show fully enclosed sub-floor areas on buildings that have been modelled in the flood report as 'raised buildings' without enclosure of the sub-floor areas.	Refer to amended Architectural Plans.
l)	The design of the development and flood report by WMA Water (dated 28 September 2021) does not make allowance for climate change in accordance with Clause 5.21 of the WLEP 2009 and the recommendations of Council's adopted Fairy and Cabbage Tree Creeks Floodplain Risk Management Study and Plan dated 2009. Measure No. 2.4 of the adopted Floodplain Risk Management Plan, which was recommended as a high priority measures, requires under measure 2.4(6):	Refer to Architectural Plans and Flood Assessment.

m) As an interim measure to incorporate climate change flood risk for the Fairy and Cabbage Tree Creeks floodplain, and until such time as additional climate change investigations are complete and policies are resolved at the LGA level, apply the following interim adjustments to the mapping available in 2010: i. in areas adjacent to the coast where flood levels are dominated by sea levels, existing flood levels are increased by 0.4m for Year 2050 and 0.9m for Year 2100; ii. in areas distant from the coast where sea level does not influence flood levels, existing flood levels are increased by 0.15m for Year 2050 and 0.3m for Year 2100; and n) in between (a) and (b), flood level increases are determined by interpolation; In relation to this measure Council notes that policies have not yet been resolved at an LGA level (in relation to flood planning for climate change) and in this regard, the above interim measure is currently being applied by Council. Council also notes that further climate change modelling was undertaken as part of Council's recently adopted Fairy and Cabbage Tree Creeks Flood Study dated 2020, which indicates (in Figure 34-1) a 20% increase in rainfall intensity and 0.9 metre rise in sea level would result in an increase in the 1 % AEP flood level at the site of between 0.1 and 0.25 metres. In relation to this matter, compliance with the controls for 'Critical Utilities' within the Low Flood Risk Precinct (as described above) will sufficiently account for climate change. There are concerns that overflows from Marlo Road in the event of blockage/overload of the piped drainage system may be obstructed by the development, particularly during more localised storms where flooding at the site and Marlo Road is not dominated by backwater effects. Such potential localised impacts would not be identified in the submitted flood modelling, because it only considers impacts at the peak of the 20% AEP, 1 % AEP, and PMF event applied at a catchment wide level and where flooding at the site is governed primarily by backwater effects. Design amendments and additional information is required to ensure that the capacity of the site to accept localised overflows from Marlo Road will not be reduced by the proposal. The proposal includes a significant amount of fill and a triple cell box culvert over the top of an existing Council stormwater asset within a drainage easement benefiting Council. The redevelopment of the site may have impacts on the design life of the existing culvert. The redevelopment and construction of the proposed internal access road and triple cell box culvert will likely trigger a need for the developer to reconstruct the existing box culvert. This will be addressed with a condition of consent.	Refer to Architectural Plans and Flood Assessment. The development proposes reconstruction of Council's existing culvert as agreed with Council. Given the existing outlet is located in an area mapped as Coastal Wetlands in the State Environmental Planning Policy (Resilience and Hazards) 2021 and Biodiversity Values mapping, the existing stormwater is proposed to be reconstructed and is proposed to drain to the south of the site away from the coastal wetlands mapped area.

4. Property Officer	
Council Comments	**MMJ Comments**
a) Proposal to drain water to Towradgi Arm The stormwater site plan lodged with the development application shows a proposal to drain water to the Towradgi Arm located on adjoining Council-owned community land (Lot 504 DP 719704, Lot 206 DP 241908 and Lot 501 DP 719704). The Towradgi Arm is a natural watercourse. Council's Statutory Property division has advised the applicant that a natural watercourse does not satisfy the definition of a "facility" of Council which means Council is unable to grant an easement over community land in accordance with s.46(1)(a1) of the Local Government Act 1993 (NSW). Further, the applicant has been advised that the proposed headwall and scour protection would not be under the surface of the ground, which also does not satisfy the requirements for s.46(1)(a1).	The proposed stormwater management has been amended to drain water to the south of the site away from the Council-owned land mapped as coastal wetlands in the State Environmental Planning Policy (Resilience and Hazards) 2021.
b) Pedestrian walkway from Marlo Road to Murranar Road If the application is supported, Council would propose a condition of consent requiring registration of a right of carriageway under the Conveyancing Act 1919, for public access.	Noted, IRT Group support the registration of a right of carriageway if required. It is proposed that the pedestrian walkway will be dedicated to Council.

The revised development application has been formulated following consideration of the issues arising from the various meetings and advice and amendments are reflected in the plans, reports and documentation submitted.

Site Planning Process

IRT Group and the Project Team have worked over the last few years to step through a considered and responsive site planning process for the proposed redevelopment. In the main, key steps have included:-

1. Identification of key masterplan site constraints; identified as flooding and registered easements/encumbrances on the land.
2. Detailed site survey of existing levels and buildings to inform current flood storage, site flows and easement locations.
3. Preliminary engagement with Council on flood design master planning constraints including flood storage, overland flow characteristics, flood evacuation / refuge opportunities on site, and flood planning levels and modelling.
4. Incorporation of this overlay detail into site planning including:
    a. Definition of proposed site levels and topography that meet current flood storage and does not push flows to other properties.
    b. Set floor levels above the Flood Planning Level (1% PMF plus 0.5m freeboard) for the dwellings and greater than PMF for the Clubhouse (refuge to shelter in place).
    c. Roads to rise up to the Clubhouse to enable evacuation to it.
    d. Suspended slabs to enable water flow under with ground levels below buildings 1 metre or less than 1% PMF to maintain the medium risk for flooding
    e. Entry to basement carparks at the Flood Planning Level.
    f. Provide for overland flow from Marlo and Murranar Roads.
    g. Ensure no adverse impacts from the development on flooding to neighbouring properties.
5. Observe the riparian and higher-risk flooding zone, being 10m from top of creek bank where possible.
6. Engagement of specialist subconsultants to review varying environmental and impact assessment matters, and provide input into design related considerations.
7. Consideration of construction phasing/staging of project relative to product release and impacts/transition for existing residents.
8. Locate the Clubhouse to provide equitable access for all residents and ease of evacuation if necessary.
9. Review of massing surrounding site and existing on site, and locate single and double storey building forms sympathetically with regards to context.
10. Further review of external engagement on desired services, and provide for café/convenience shopping on-site.
11. Site the café on the predominant street frontage to maximise community integration and offering for both seniors residents and the local neighbourhood.
12. Establish minimum dwelling yield required to create a sufficient seniors housing community and to absorb costs for community infrastructure (eg. clubhouse and café/neighbourhood shop built form) and services (eg Allied Health infrastructure).
13. Design development of dwellings types in response to community engagement outcomes and their priorities and needs, and reserve external community spaces by way of introducing 2 storey elements in locations that accord with massing

analysis, while respecting base masterplan overlays governed by flooding and evacuation requirements.

14. Design development of external communal spaces to support healthy living and re-ablement principles.
15. Further engagement with Council around site planning layout and DA assessment requirements and feedback.
16. Finalise input from specialist consultants with regards to environmental and design matters for consideration.

Community Consultation

IRT Group has undertaken a process of master planning and design for the redevelopment of IRT Towradgi Park. Over a series of pop-ups, online focus groups, workshops and surveys, they offered opportunities for residents and the broader community to submit their ideas or aspirations for the seniors living redevelopment through a collaborative design process.

Its purpose was simply to – "*Engage, consult and design, creating IRT communities that are customer-centric, forward thinking and enable a thriving seniors population*". This consultation was undertaken in consideration of the following engagement principles:

- *It ensures our communities can participate in the decisions that affect them.*
- *It strengthens and enhances the relationship between IRT and the community.*
- *It responds to a focus on community engagement; informing redevelopment of existing communities.*
- *It utilises a collaborative design approach on projects to bound and contain risks.*
- *It explores innovative community elements; optimal amenity utilisation; meeting needs of our future customer.*
- *It provides a forum for those who want to be heard. Tell us your concerns. Our opportunity to safely obtain diverse views, opinions and ideas.*
- *It grounds our process; ensures we validate concept design; additional rigour and good governance.*

Information was gathered through a variety of consultative methods and distilled into insights used to validate ideas and supplement the judgement of experts, providing a structured approach to decision making. Feedback has also been sought from participants on their preferences for how Towradgi Park Village can support Ageing in Place and what services that they see themselves requiring. This process strengthens reliability and conviction for the master planning undertaken.

IRT has heard and reviewed their feedback which has helped understand the needs and desires of older Australians and how IRT Towradgi Park can positively contribute to the local community. Some key points considered during the feedback related to:

- Important features to improve retirement living
- Current gaps in IRT's retirement living offering
- Any opportunities that could exist for local seniors

This consultation process identified the following key findings:

- People spend their time primarily on; supporting family & friends, visiting family & friends, physical activities and individual hobbies. This was true regardless of respondent age, gender or where they live.
- Overall, respondents strongly feel that Retirement Village and Aged Care Centres should be integrated on the one site or situated close by.

- Respondents reported a reasonably high willingness to move or consider moving as they age. In saying this, when respondents were asked how important it is to them that their home in retirement will be able to cater for their needs as they age, an overwhelming majority reported it is very important to them, they only want to have to move once.
- When considering design features that are important to people, there is a clear preference reported across the board for full amenities – a full kitchen, bathroom + ensuite, separate laundry, and a garage rather than a parking space. Conversely, people consistently report a preference for smaller indoor and outdoor living spaces.
- Combining the insights on design features and type and size of residence, we learn that in retirement living, people are looking for moderately sized homes that offer some space from other residents, full amenities for convenience and smaller living spaces which minimise the need for cleaning and maintenance.
- Both Residents and Community Members report a preference for medium sized residences, being 2 Bed + Study or 2 Bed. This finding is consistent with research previously conducted for IRT.
- The majority of respondents, both Residents and Community Members, reported that their first choice of residence is villa-style dwellings, over apartments, townhouses or houses. Residents report a stronger second preference for an Apartment than do Community Members.
- Services that hold most importance for people are; an emergency response system, general home maintenance and technology support. This holds true regardless of age, gender and location. Holiday travel services and concierge services were consistently reported as least important. Residents over 85 years and those on an Aged Pension place high value on a shared bus service.
- The facilities consistently reported as having highest value to respondents are storage space and visitor parking. A garden, café/bar and library are also consistently reported as high value with some variation in the order of priority seen across subgroups. A comparison of Resident and Community groups shows that while both groups value a library and café/bar, a garden is of significantly more value to Community Members than it is to Residents. Accessibility and convenience are important to people. When they downsize, it is important that they have space to store their belongings, and they want it to be easy for people to visit them.

Following on from the initial co-design process for the Towradgi Park Village redevelopment, a master plan concept was developed for further discussion and consideration. Two online Focus Groups plus an additional 8 follow up interviews were conducted to test the draft Product Designs that have been produced. The main feedback received from the master plan concept is noted below:

Masterplan

- The participants were mostly positive with their feedback on the masterplan and 3D flythrough
- 90.4% of participants wanted a more direct access to be created to the beach
- 71.4% were interested at buying at Towradgi Park Village

Product Design

- The Ground Villa option was the most popular, followed by the Upper Villa, then Lower Villa
- Participants favoured the Ground Villa due to access, noise and privacy concerns
- There was support for the Upper and Lower Villa concept and respondents liked that there were no stairs, however, concerns were raised about tight driveways and corners and using the pedestrian ramp with limited mobility and in all weather types
- 95.2% of participants were interested in a villa compared with an apartment
- 85.7% of participants indicated that the prices discussed were aligned with their capacity to pay. Further, when preferences were compared to prices, participants indicated that they would pay for what they wanted in most cases
- For the floorplans the participants liked:
    - The spacious open plan living space
    - The size of the kitchen
    - The separate laundry in the garage and separate drying areas
    - The double ensuite model between bedrooms 1 and 3

Ageing Preferences

- Participants across both focus groups and the interviews found it difficult to deliberate on the need for a higher level of care as it is something that many do not yet see themselves as ever needing. A majority of respondents (53.3%) were not interested in having a live in carer, whilst 33.3% were interested in a live in carer, and 12.3% did not know.
- 61.9% of respondents expect IRT to assist at the time of needing care. 19.5% reported a desire to have their villas future proofed now, and a further 19.5% wanted to come up with their own care solution.
- By a large majority, participants prioritised a 24/7 shared carer (85.7%). The inclusion of a Home Care office (38.1%) into the clubhouse or the addition of an adaptable garage (33%) were sought after far less. There is a distinct gap between the expectations placed on IRT, and the foresight to prepare early and in a cost effective manner for care.

Service Preferences

- 68.4% of respondents were happy to share the Clubhouse with the broader community
- Respondents' first preference for usage of the clubhouse was for Exercise Classes and Workshops (50%) followed by hosting Allied Health Practitioners (38.9%) and then allowing the space to be used by Community Groups such as Rotary, CWA, Probus etc at 16.7%. When the first and second preferences for Clubhouse use were combined, Allied Health had more support in total.
- When questioned if the Clubhouse space should be reduced to facilitate these activities, the majority (47.4%) placed maintaining the Clubhouse size as their first preference. 31.57% would consider a reduction in the space to host Allied Health, and 21% to host Home Care.
- Both the Community Bus Services and the Part-time Community Coordinator were most desired, with 84% of respondents selecting these features. A Full-time

Coordinator was the least popular as it was seen that this was excess to the need. Meal availability was also popular and considered a great service, as was a Nurse.

- 76% of participants do not currently have a smart home setup, but there was strong support for Smart Technologies to support Ageing in Place now and in the future.
- Participants were asked to select what Smart Technologies they want and when they would require them. Fall Detection Technology and a Communication App were most desired by participants, with Voice Activated features, the tracking of Medication, Meals and bathroom routines, and automatic door locks, the least desirable. Most of the desired technologies were wanted to be provided on move in.

Environmental Sustainability

- The participants were in favour of supporting environmentally sustainable development. 100% of responses were in favour of solar panels being on their roofs. However, only 71.4% were in favour of battery storage (due to concerns about cost and maintenance).
- When asked how important is environmental sustainability in deciding to buy in a Seniors Living Community? (10= Very Important, 0 = not important) the average of the responses was 7.7 with 84.2% of respondents giving a score of at least 7.

The Proposal

The proposal is for Demolition of the existing structures and construction of a seniors housing development of 85 independent living units and amenities including a neighbourhood shop with café and resident clubhouse. The development is to be undertaken in three stages.

The proposal is detailed in the architectural drawings prepared by Gardner Wetherill Associates and described in the following sections of this SEE.

Key development details include:

- Demolition of all existing buildings/structures;
- Construction of a new two (2) storey IRT containing 85 Independent Living Units with a unit mix consisting of:

Proposal	No. Units
17 one storey villas	
2 bed+ study	8
3 bed	9
22 apartments with garages	
2 bed + study	13
3 bed+ single garage	4
3 bed+ double garage	5
48apartments	
2 bed	22
3 bed	24
Total	**85**

- Clubhouse and neighbourhood shop with associated café;
- Provision of 120 x resident car spaces and 19 x visitor car spaces; and
- Associated communal open space facilities, landscaping and stormwater drainage.

The proposed development is to be constructed and managed by IRT Group, who specialise in seniors lifestyle and care solutions. IRT Group began in the Illawarra as a truly community based, nondenominational, seniors lifestyle and care provider, and for over 40 years has maintained this foundation. Today they are now one of Australia's largest community-based seniors' lifestyle and care providers, with a mission "to create communities where seniors achieve their optimum quality of life". This proposal is yet another step for IRT Group in reinforcing and investing in that commitment to seniors housing opportunities.

All dwellings within the proposed development will be independent living units, the product types and bedroom numbers provided throughout will enable flexibility for live-in carer arrangements should these be required for certain residents at a certain point of their occupation with IRT. The live-in carer will occupy the dwelling on an 'as needed' basis and will be contracted to by the resident either direct or through their home care provider. Given the

temporary and intermittent nature of these potential arrangements, BCA classification advice has been sought by Blackett McGuire + Goldsmith to provide an opinion on whether the sole occupancy status of these dwellings changes as a result of live-in carer's stays. It is apparent no change to building classification as required as a result of this live-in care opportunity.

These type of modern independent living seniors housing developments with live-in care opportunities allow residents to age in place, enabling residents to occupy independent living premises for longer and under varying health conditions. Such managed contemporary seniors housing products and estates like this supplement the need for traditional residential care facilities, with live-in carer arrangements increasing in demand and preference for elderly persons. On this basis, the proposed development is expected to assist with and/or facilitate reduced demand and waiting times for residential care facilities in the Illawarra.

A comparison of the existing approved development on site and the proposed development is provided below in Table 1. The existing development was constructed in 1972 with additions, with a total of 106 aged care beds, 32 x one bedroom units and 20 x two bedroom units. The existing development generates a high number of visitors/contractors through the existing care facility through allied health, daily visitors, commercial kitchen, waste management and ongoing care arrangements. IRT Group have advised that approximately 110 staff of Permanent, Full Time and Casual staff are employed to operate the existing Residential Aged Care Facility (RACF).

TABLE 2: COMPARISON OF EXISTING AND PROPOSED DWELLING AND RESIDENT NUMBERS

Existing	**No.**	**1 beds**	**2 beds**	**3 beds**	**Bedrooms**	**People**
RACF (Beds)	106					106
Hope Jowett Place	24	8	16		40	32
Jarman Court	8	8	0		8	11
Murranar Lodge	4	0	4		8	5
TPV	32	32	0		32	43
Total	**174**				**88**	**196**
Proposal	**No.**	**1 beds**	**2 beds**	**3 beds**	**Bedrooms**	**People**
17 one storey villas						
Typical						
2 bed+ study	8		8		16	10
3 bed+single garage	9			9	27	12
22 apartments with garages						0
2 bed + study	13		13		26	17
3 bed+ double garage	9		9		27	12
48 three storey apartments						0
2 bed	22		22		44	31
3 bed	24			24	72	29
Total	**85**				**212**	**111**
					Existing Residents	196
					Minus Proposed Residents	111
					Total Deficit	**86**

The proposed development proposes Independent Living Units (ILUs) only and does not include a RACF. The number of long terms residents allocated to the existing and proposed development is summarised below. The number of people per unit/villa/apartment is 1.3 per dwelling regardless of the bedroom number. ILU's are typically occupied by 1-2 people. The total number of people residing on site is anticipated to reduce from 196 people to 111 people. This results in a deficit of 86 residents which clearly demonstrates that the proposed redevelopment for independent living units is less intense than the existing RACF, hostel units and ILUs.

The number of visitors will reduce from the existing development given the removal of the RACF. Visitors, carers and allied health professionals will still attend the site on a regular basis to visit residents in their villas/apartments, at the clubhouse or café/restaurant, however the ratio of visitors/employees attending the site will be relative to the number of people residing on the site in a reduced care model. 15 car spaces are provided on site for visitors, 15-30 are expected to visit the site at any one time.

As detailed above, there may be some arrangements for a small percentage of units requiring live in care and overnight stays by family members are expected to be occasional given the licenced occupation arrangement.

IMAGE 12 EXCERPT OF SITE PLAN GROUND FLOOR (GARDENER WEATHERILL ASSOC.)

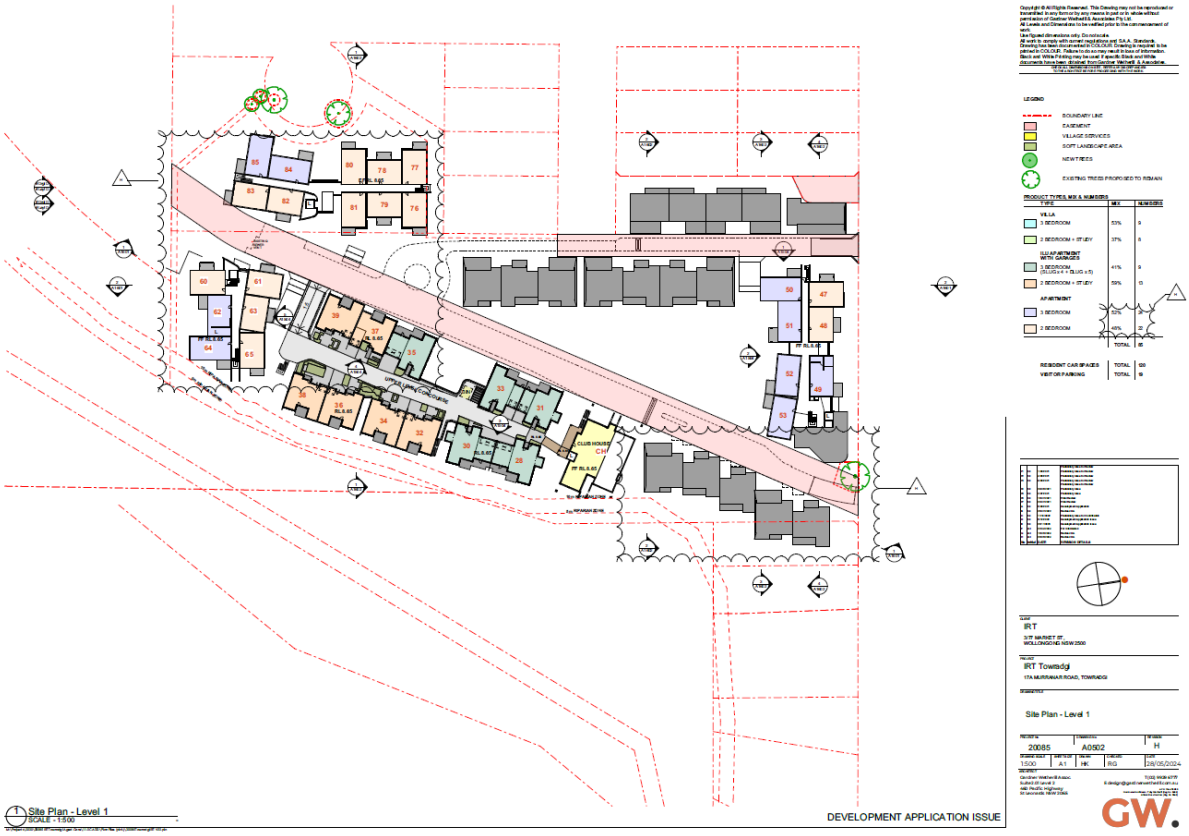

IMAGE 13 EXCERPT OF SITE PLAN LEVEL 1 (GARDNER WEATHERILL ASSOC.)

IMAGE 14 EXCERPT OF NORTH, EAST AND WEST ELEVATIONS (GARDNER WEATHERILL ASSOC.)

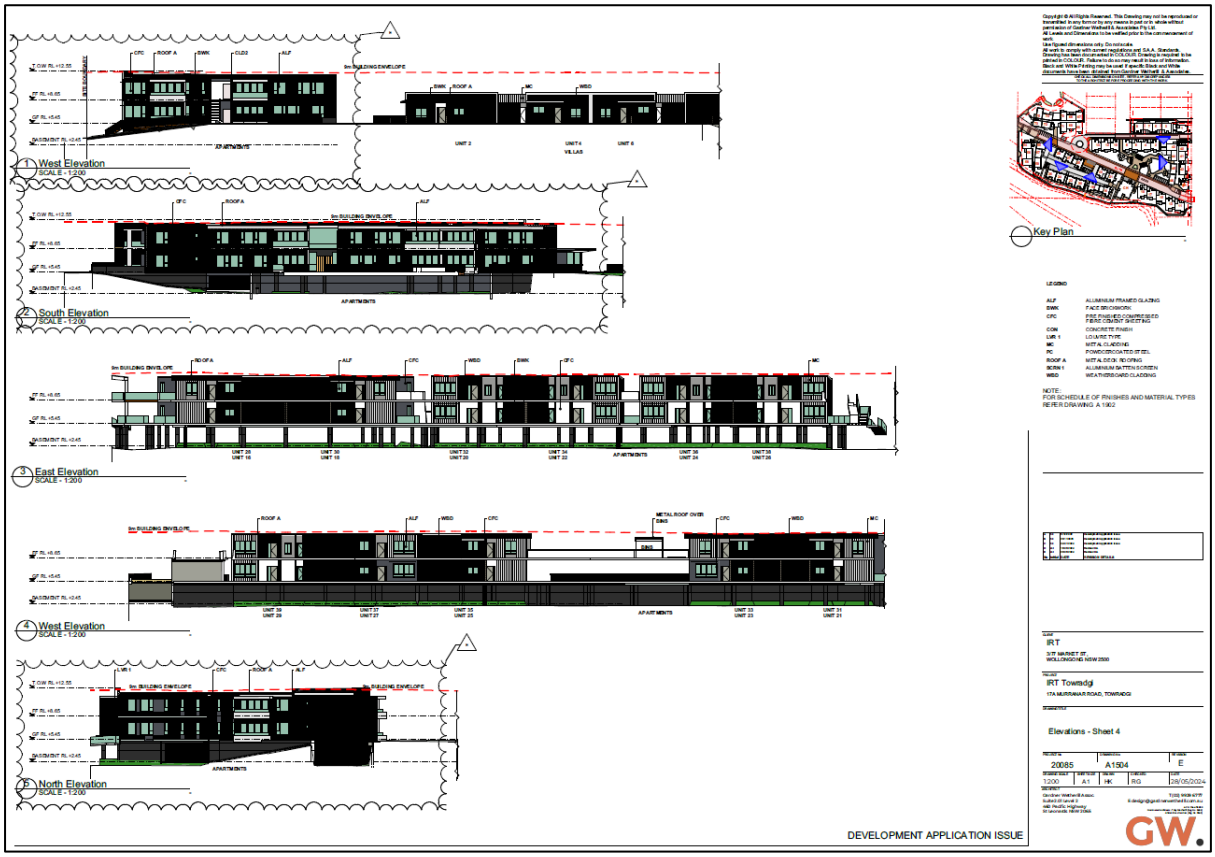

IMAGE 15 EXCERPT OF EAST, SOUTH, NORTH AND WEST ELEVATIONS (GARDNER WEATHERILL ASSOC.)

Independent Living Products

The construction of 85 x self-contained dwellings, ranging in different product types and styles (varying in position and orientations). All dwellings include the appropriate facilities for in-fill self-care housing such as bedrooms, bathrooms, kitchens, dining/living spaces, plus laundry and storage areas. The internal areas vary throughout product types, ranging between 109m2 to 171m2. All proposed dwellings will include garages to accommodate at least 1 x undercover car space, together with external private open space (POS) areas in the form of either courtyards or balconies. Many housing products include dual POS areas at the front and rear of each dwelling.

Resident Clubhouse

The construction of a two storey resident clubhouse facility. This building is a private facility for the benefit of the future residents and their families and will act as a communal meeting place for visitors and schedules activities. Daily activities for residents are conducted from the building, which will generally include craft, yoga, carpet bowls, concerts, quiz/word games. These are organised by IRT's Lifestyle Services Manager or the residents themselves and provides an opportunity for social engagement with others. Appropriate facilities are included in terms of amenities, kitchen, storerooms, and BBQ area. This building has been deliberately positioned at the eastern end of the subject site to take advantage of the coastal outlook available at this location, with external terrace areas are provided as communal open space to enjoy this outlook also. It should be noted that this facility is not open to the general public.

Neighbourhood Shop/Café

The construction of a single storey neighbourhood shop/café building fronting Murranar Road. Whilst this will be ancillary to the overall seniors housing development by IRT, it will service the day-to-day needs of both residents and the greater community by providing general merchandise, food and drink products. It is likely the café component will incorporate on-site cooking facilities and seating areas to dine in or take away and is expected to create a local hub where seniors residents can engage with the local community.

The subject building and use has been deliberately positioned to the front of the site to maximise community engagement between seniors residents and local neighbourhood, and offer a meeting place to boost social experience. The building is oriented towards Murranar Road, with an external alfresco deck area on 3 sides to enable seating and gathering to spill out onto the frontage and create some level of streetscape activation at this location.

Master Plan Evolution

The master planning of the site is a result of a lengthy community engagement process including pop up information stalls at the Towradgi Bowling Club, Fairy Meadow Coles, and other online forums. Extensive engagement was undertaken involving local residents in Towradgi and IRT have a waiting list of community members that would like to live in the IRT Towradgi Park following the redevelopment. Feedback from existing and future residents has influenced the design of the village to provide a suitable village and dwellings that meet market and resident demands, including direct vehicular access to dwellings and providing a village that connects seamlessly with the surrounding community and responds to the local natural assets in Towradgi.

The proposed development concept has been further developed in response to Council feedback, development controls, site and flood levels and relevant consultant recommendations.

Urban Design

The creation of the new community at IRT Towradgi Park provides opportunities for an inclusive seniors housing residential estate whereby the proposal seeks to incorporate and provide a comprehensive open space network throughout. Much of the design focuses around integration of the development into the natural setting, but at the same time responding to inherit site constraints such as flooding. The design and layout of the development establishes community activity and open space at its core, as well as the creation of a free-flowing road network convenient access to meet resident's needs.

Site constraints such as easements across the property are recognised and highlighted through the orientation of the streets and open space network, providing opportunities for varied activities and different groups within the community. A series of residential design and place making principles have been developed to assist in creating a sense of place across the proposal and reinforcing the social strategy which is predominantly community based. A number of focal points are created throughout including the resident clubhouse, the central core communal open space area and even the neighbourhood shop/café which will provide for community gathering assets which are linked by clear and comprehensive pedestrian pathway networks throughout.

A pedestrian oriented design is fundamental to the success of the open space network. Pedestrian orientation is focused both as through site links engaging the open space network and along the streets with clear connections to the riparian corridor along the east. Raised pedestrian thresholds and boardwalks are provided to enable a clear hierarchy of pedestrian priority across the community estate. The Towradgi Walk is an extended perimeter walkway around the development; a place for the daily stroll, regular exercise regime and dog walking to name a few.

The amenity of the street network is enhanced by strong lines of trees to the roadway which provide shade, green amenity and a buffer between the road and the footpath.

The central park or "Village Green" is the heart of the community. The area offers active and passive recreation through open lawn areas, leisure walks, feature timber arbour garden rooms, a BBQ/ entertainment area and community gardens.

This design accommodates informal recreation with substantial open space areas through the proposal designed for creative outcomes in harmony with the natural environment. The design reinforces the sense of place by exploring the existing landscape character.

The layout and built form of the proposed seniors housing development is domestic in character and will incorporate dwellings that have been designed to reflect the suburban amenity of the Towradgi coastal area. The overall built form of the proposal provides an

appropriate high amenity and urban scale of the two storey form. These residential buildings have a simple, yet interesting elevation, with a combination of materials, articulation and landscape. The shadows cast by the buildings and their form will complement the design and character of these structures.

The design of the buildings, the articulation and supporting elements, together with the materials/colours to be used will combine to create an attractive visual appearance. The use of the site in respect of both orientation and layout will further provide visual interest for this proposal.

All of the dwellings have been designed to satisfactorily meet the required BASIX criteria, thereby providing good thermal performance and ventilation. The individual site areas around the dwellings allow for pleasant ground level private open spaces, together with appropriate privacy for residents internally. The use of well proportioned outdoor/entertainment areas and their positioning (relative to primary living areas and landscaped gardens) will enhance private open space amenity.

In summary, the urban design of the proposed development will be modern/contemporary and will make a positive contribution to the existing and evolving built forms within the locality. The scale and character of the built form provides an appropriate human scale complemented with developed open space recreational opportunities and streetscapes that encourage a sense of community and association.

Community Connections

The connection between the IRT Towradgi Park village is important to provide an open, intergenerational community with pedestrian links to the Towradgi community including proposed community vegetable garden with school programs, walking trails, public access to the clubhouse/neighbourhood shop/cafe and avoiding a gated community with balancing security/privacy issues with pedestrian links to community areas.

The site planning creates a series of spaces that encourage community connection and interaction and allows for expression of congregation of individuals, small and larger groups.

In particular, IRT operators have acknowledged traditional connections through the site historically (informally or otherwise) and looked to maintain and improve those connections as part of the proposed redevelopment. A dedicated public lane footpath will be established along the western boundary of the site connecting Marlo Road with Murranar Road. This will enable local residents to maintain this existing connection in a formal capacity, in order to gain access to bus services within Murranar Road and the recreational amenity areas associated with the Towradgi foreshore area to the east. Refer extract images below.

IRT and the owners of 19 Murranar Road have agreed to partially extinguish the right of carriageway as it relates to the portion of that easement where the laneway will be located in the north west corner of the site. This application has been lodged with LRS for registration. Following this, it is anticipated that on completion on the laneway works can be handed over to Council as a formal dedicated public lane connection. It is envisaged that appropriate

conditions of consent can be imposed to accommodate this dedication and handover to Council accordingly.

Construction Staging/Phasing

It is proposed to undertake the construction of this development in flexible stages to allow for the release of the self-contained dwellings at the appropriate times. Prior to the construction of the dwellings, the land development infrastructure works associated with the entry portion of the access road and servicing will be undertaken first. All earthworks associated the dwelling sites will then be undertaken to provide appropriate finished surface levels for construction. This is detailed within the Staging Plan prepared by GW and attached to the application. In general, this staged release programme can be summarised as follows:-

- *Stage A:* Demolition of existing structures, bulk earthworks, services and roads within the defined Stage A1 and A2 areas.

- *Stage A1:* 14 x apartments and 17 villas, together with neighbourhood shop/café, western access road from Murranar Road, landscaped areas and pedestrian lane connection from Murranar Road to Marlo Road.

- *Stage A2:* 22 x apartments with garages, resident clubhouse, eastern central spine access road from Murranar Road, primary communal open space areas; landscaping and associated boardwalks.

- *Stage B:* demolition of existing structures, earthworks, and construction of 32 x self-contained apartments, together with landscaping and communal roads/areas.

Existing Residents

The abovementioned construction staging and phasing of the development over time has been prepared mindful of the impacts and transition for existing residents which still occupy the site at the southern end of IRT Towradgi Park. At this stage, it is envisaged that residents within this part of the site (Stage B area) will remain until the year 2028, following which transition to alternative accommodation will be managed.

It is essential that IRT Towradgi Park (both new and existing as construction transitions) will be managed as one Retirement Living community. To ensure appropriate integration of these residents with Stages A1 and A2, and at the same time mitigate construction impacts, the following temporary arrangements will be put in place:

- Temporary Community Room will be provided until the Clubhouse is operational at completion of Stage A2.
- A new temporary pedestrian access to Murranar Road (bus stop) will be provided during construction along the eastern boundary of the site.
- Landscape and site beautification treatment of the interface between the new works and existing site will be undertaken.

Live-In Care

Whilst all dwellings within the proposed development will be independent living units in their own right, the product types and bedroom numbers provided throughout will enable flexibility for live-in carer arrangements should these be required for certain residents at a certain point of their occupation with IRT. The live-in carer will occupy the dwelling on an 'as needed' basis and will be contracted to by the resident either direct or through their home care provider.

Given the temporary and intermittent nature of these potential arrangements, BCA classification advice has been sought by Blackett McGuire + Goldsmith to provide an opinion on whether the sole occupancy status of these dwellings changes as a result of live-in carer's stays. It is apparent no change to building classification as required as a result of this live-in care opportunity.

Demolition and Site Preparation

Site preparation works include demolition of existing buildings and removal existing hard stand on the site, as well as bulk earthworks (cut and fill) to provide finished terrain levels to accommodate the proposed development.

The existing structures proposed to be demolished are of an age that indicates the potential presence of hazardous materials. For this purpose, a hazardous materials (HAZMAT) assessment and management plan has been prepared for the site by Reditus to determine the existence of hazardous material (type and extent), and provide recommendations for removal, containment or treatment where applicable. In this regard, Reditus provides the following general recommendations:

> *・Remove all hazardous materials identified and recorded in Section 5 above, prior to demolition of the subject area;*
> *・Prior to demolition a destructive assessment of areas of the site that were not accessible during this assessment should be completed; and,*
> *・Should any previously unidentified suspect hazardous materials be identified during demolition, works should cease, and the materials should be inspected by an experienced Environmental Consultant / Occupational Hygienist.*

In light of the hazardous materials assessment and recommendations, EFRS has been tasked to prepare a waste management plan (WMP) for the management of construction and demolition waste generated. This Construction and Demolition WMP is attached to the application for Council's consideration and incorporates a range of waste management provisions around roles and responsibilities, monitoring, reporting, excavation, safety, recycling, procedures, servicing and transport. Waste management strategies and auditing are a requirement on construction sites to promote strong sustainability outcomes, and ensuring robust procedures are in place is being promoted within this application.

In terms of bulk earthworks, cut and fill procedures are to be put in place during site preparation to ensure that appropriate terrain levels are generated throughout the site to accommodate future residential seniors housing. This work is a balanced approach for managing flood risk throughout the development.

Contamination
Refer to the Detailed Site Investigation (DSI), Remediation Action Plan (RAP) and Interim Auditor's Advice Letter provided.

Based on the results of the DSI and the comments provided in Section 11 (of the DSI report), the following recommendations are made:

- *A full access and destructive pre-demolition Hazardous Building Materials Survey should be undertaken prior to demolition of site structures;*
- *An inspection of the building footprints to visually assess the underlying fill for consistency with previously observed fill and / or signs of potential contamination, should be undertaken following demolition of site structures and subsequent clearance of the resultant footprints by an Occupational Hygienist;*
- *The subsurface fill where asbestos has been identified, is considered to require treatment, management, or offsite disposal in accordance with a Remedial Action Plan (RAP);*
- *Where asbestos has not been identified but construction and demolition materials were identified, the presence of construction and demolition materials is considered indicative of the potential for further asbestos to be present. As such, the subsurface fill in these locations may require treatment, management, or offsite disposal if asbestos impacted fill is identified during remediation and or construction;*
- *The RAP should include an unexpected finds protocol (UFP) for implementation during the remediation and subsequent construction; and*
- *Any soils requiring off-site disposal are to be subject to a waste classification assessment prior to removal from site. Reference should be made to the NSW EPA Waste Classification Guidelines 2014 for waste classification assessments.*

Based on the results of the DSI and subject to the implementation of the above recommendations, it is considered that the site can be rendered suitable for the proposed aged care redevelopment development from the contaminated land perspective in the context of Clause 7 of SEPP 55.

External Materials and Finishes (Character)
The external materials and finishes are detailed on the architectural drawings and will comprise a combination of facebrick, weatherboard cladding, metal roofing, powder coated painted steel, pre finished fibre cement sheeting and aluminium louvres and framed glazing (refer to the materials and colours schedule prepared by Gardner Wetherill Associates). Therefore, the development will have a modern appearance. The vertical arrangement of panels, vertical and horizontal articulation elements containing glass and cladding, all contribute to a modulated façade.

The external details have been carefully considered with Gardner Wetherill Associates undertaking a comprehensive site analysis not only in terms of built form but also materials to ensure that the development, will integrate with the existing setting but also provide a benchmark for future development in the area. Towradgi is a small beachside residential suburb with a relatively low density residential character and comprises predominantly of

weatherboard, fibro and brick veneer dwelling-houses. The new dwellings have been individually designed with this coastal architectural theme in mind.

Services and Infrastructure
The site is situated within an existing urban area and accordingly the development will be connected to the existing public utility infrastructure available (i.e. power, water, sewer, gas, telecommunications and the like). It is understood there is sufficient capacity to accommodate the needs of the proposal subject to appropriate augmentation works. An electrical substation has been provided to the front of the site to support the proposed development.

As aforementioned, the site is affected by a number of current restrictions on title associated with access, drainage and sewer easements. The location and type of these easements in question has fundamentally influenced the design response by the architects and helped inform a layout which respects the requirements of the relevant service authorities/community benefiting from these encumbrances over the land.

The easement for sewerage is over 12 metres wide which has encapsulated the primary access road into the site, bringing together a combination of vehicle, pedestrian and landscape treatments throughout this corridor. The easement to drain water is located at the western end of the site and is over 7 metres wide, and again similarly incorporates the secondary egress road. These spines through the development create semi-streetscapes, modulated in a way where urban form can interact to create a sense of openness and sharing, while offering a degree of privacy for residents.

Energy Efficiency/Sustainability
The proposed development has been designed to achieve relevant requirements and the appropriate BASIX certification has been attached to demonstrate compliance in this regard by Greenview Consulting Pty Ltd. In addition, solar panels are proposed on the Clubhouse building for energy efficiency and in response to renewable energy climate change initiatives.

Further to this, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.

Accessibility
A key feature of the proposed development is to provide equitable access and travel paths throughout, so that all residents can easily access communal spaces and other dwellings to maximise community engagement and sense of place. A Statement of Compliance/Access Report has been prepared by Accessible Building Solutions to address compliance is required with the following:

- The Access Provisions of the BCA 2019
- The Access To Premises Standard

- AS1428 suite of Standards
- AS2890.6 for car parking
- AS1735.12 for lifts
- AS4299 Adaptable Housing
- SEPP Housing for Seniors or People with a Disability
- Council's DCP relating to Access for People with a Disability

The building work comprises of seniors housing units and villas and a community centre

Under the BCA the building is classified as follows,

- Class 1a (detached house or attached dwellings such as townhouse or villas)
- Class 2 (building containing more than 2 SOUs i.e. sole-occupancy units)
- Class 7a (car park)
- Class 9b (assembly building)

Note there are no BCA access requirements for the Class 1a villas.

The report concludes that based on the basis of the assessment, the proposal can achieve compliance with the access provisions of the BCA and the Access to Premises Standard & SEPP Seniors Living.

Traffic, Parking and Vehicular Access

The subject site at present has access to 3 public roads being Murranar Road, Marlo Road and Edgar Street. Murranar Road is a local road located at the northern end of the property, whilst Edgar Street and Marlo Road are dead end cul-de-sac streets located to the west.

To understand the inherit site traffic conditions that exist and are likely as a result of the proposed redevelopment, Bitzios Consulting (Bitzios) has been engaged to undertake a traffic impact assessment (TIA). The report provides an estimation of the proposed development's traffic generation and qualitative assessment of the impacts on the surrounding road network. In summary, the TIA concludes:

The key findings from the above traffic impact assessment are as follows:

- *The proposed seniors living development will consist of 89 self-contained dwellings*
- *The site proposes 101 resident car spaces and 18 visitor car spaces exceeding the requirements*
- *The site is considered well serviced by the existing public transport network and routes and does not warrant the need for additional services or infrastructure*
- *The site is well serviced by existing and highly connected active transport infrastructure and does not trigger the need for modifications to existing facilities or new facilities*
- *The geometric layout of the proposed plan is deemed adequate providing sufficient manoeuvrability for residents and servicing*

- *Swept paths demonstrate that a 10.5m front loader refuse collection vehicle and 12.5m HRV are capable of entering and exiting the site in a forward gear*
- *Alternative transport provisions are expected to be adequate and the provision for pedestrian and cycle connectivity to the existing network.*
- *The proposed accesses are provided generally in accordance with the relevant requirements of AS2890.1 and the Council's DCP in terms of form, location and sight distances.*

Based on the above assessment, it is concluded that there are no significant traffic or transport impacts associated with the proposed development to preclude its approval and relevant conditioning on transport planning grounds.

As identified by Bitzios Consulting, it is expected that the seniors living developments which presently exists at the subject site would generate a similar traffic generation. As such, there is minimal to no net increase in traffic generation by the proposed development. While it is acknowledged the proposed development is only accessed via Murranar Road with the removal of existing vehicular accesses on Edgar Street, the increase in development traffic on Murranar Road is deemed negligible and does not warrant detailed analysis or investigation of nearby intersections.

Tree removal and Landscaping

The subject site incorporates several trees which are required to be removed in order to facilitate the proposed redevelopment. All trees in the Wollongong Local Government Area are protected and cannot be removed without the adequate assessment being undertaken. Specifications relating to what can and cannot be removed are detailed in the Wollongong City Council Development Control Plan (DCP), 2009 in Chapter E17 *'Preservation of trees & management of trees and vegetation'*. This DCP protects all trees above three (3) metres in height with a girth of twenty (20) centimetres or more, measured at a distance of one hundred (100) centimetres above the ground.

The site includes approximately 126 trees that required an assessment of health and condition, and for this purpose, Moore Trees have undertaken an Arboricultural Report and assessment. Given the existing flood conditions and required earthworks to accommodate redevelopment, the majority of these trees will be required to be removed accordingly. Two existing trees will be retained.

The tree removal recommendations have been taken into regard for the delivery of this development and it is expected that these will be taken into consideration by Council.

In light of the proposed vegetation removal, strong emphasis has been placed on achieving an optimal landscape vision for the proposed development in order to re-establish a natural localised character for future residents and the community. To assist in this vision a Landscape Plan has been prepared by Arcadia, who understand the importance of creating a community landscape which promotes healthy living and well-being. A central focus of their landscape strategy has been to provide a strong indoor-outdoor connection to increase the exposure of residents to green spaces, and create communal spaces that are flexible to support a variety of uses.

IMAGE 16 EXCERPT OF LANDSCAPE MASTERPLAN

The landscape design focuses on three main design strategy areas:

A Healthy Campus
Create an environment that:

- *encourages daily movement*
- *promotes physical exercise*
- *improves mental and physical health*
- *improves wellbeing*

An Intergenerational Landscape

- *Public realm is the glue that binds communities together*
- *Let's create an environment that is inclusive for young and old*

A Connected Community

- *Create a series of outdoor spaces that:*
  - *encourages social interaction*
  - *brings residents out of their homes for living and learning entices locals to visit, stay and play*
  - *caters for active and passive users*

Connectivity and circulation throughout has been a prime focus of the landscape concept, to ensure future residents can conveniently access and have affinity with key places. This

incorporates a perimeter walking track with a series of nodes and gardens at focal points, entry statements at primary access/egress locations, a village green central hub, as well as garden rooms and green terraces – all offset from primary vehicle access corridors throughout. Refer below to circulation and space analysis:

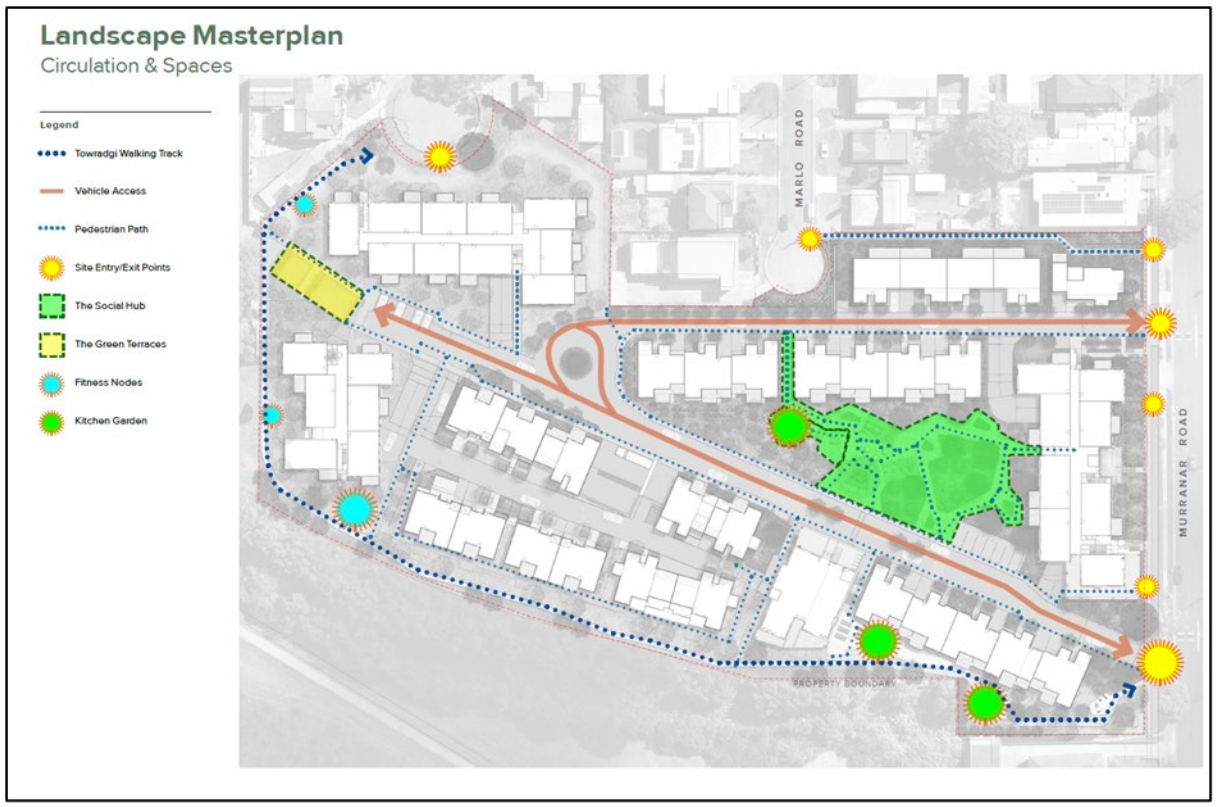

IMAGE 17 EXCERPT OF LANDSCAPE MASTERPLAN

The following key places and descriptions are provided by Arcadia in order to help explain the vision and future village environment:

- ***The Village Green:***
  - *The Village Green serves an important role as the common ground for all new residents and the local community.*
  - *It supports the everyday activities; exercise classes, community group gatherings and also has the ability to host larger functions and events. Pop-up markets, flower stalls and temporary exhibitions.*
  - *A large, level lawn is a great kick-a-bout area for children and group activities. A social terrace adjacent to the lawn provides all covered, entertainment; BBQ spaces and seating to foster social interaction and connection.*
  - *The Village Green is accessible via ramps and walkways, which serves as a loop track around the lawn.*
  - *Adjacent to the lawn are sheltered "garden rooms"; intimate spaces with views out to flexible lawn space.*
  - *An arbor increases comfort and amenity to the Green in the space during the warmer and cooler months.*

- ***The Garden Rooms:***
  - *The Garden Rooms are smaller, more intimate zones to embrace a slower living lifestyle. They are complementary spaces adjacent to*
  - *the Village Green and dispersed through the development.*
  - *Environmental comfort is provided through large shade trees that hug each Garden Room.*
  - *Paving texture will be warm coloured, detailed and will connect to the residential feel of the site. Ample seating areas provides places to sit, chat or wait for visitors.*

- ***The Green Terraces:***
  - *The green terraces are split across two levels of open space to create a vital link between the main street and Towradgi Walk.*
  - *The terraces are to remain open for solar access. The open nature of this zone also allows for smaller, organised events while an Astro turf surface treatment would encourage inter-generational play and exercise for residents.*
  - *Stairs that transition pedestrians between the two terraces may also provide informal seating amenity, while generous decking zones will also cater to formal seating elements to encourage comfortable site enjoyment.*
  - *The planting scheme will include mostly native species, showcasing plants that visibly change with the season and which stimulate a sensory experience and add to the welcoming and relaxing feelings created by the landscape approach. The planting palette will also include locally native species from the surrounding environment, accentuating this beautiful and unique landscape setting.*

- ***Towradgi Walk:***
  - *The Towradgi Walk is an extended perimeter walkway around the development; a place for the daily stroll, regular exercise regime and dog walking to name a few.*
  - *Importantly, along the journey there are nodes of alternating activities to cater for residents and locals:*
  - *Fitness stations: Allow residents to incorporate a regular exercise regime into their lifestyle with varying equipment.*
  - *Rest points: To stop, rest and reflect.*
  - *Kitchen gardens: Raised planters for vegetable and herb growing are positioned along the perimeter walk for residents to grow their own produce. Local educational programs have been considered as part of a healthy lifestyles regime; partnering with local schools allow for the opportunity of intergenerational activities and learning about plants. These kitchen gardens vary in size, with two larger zones including worksheds to store tools and other elements.*

- *By encouraging movement within the landscape, we hope this will enhance resident's connection to nature and have long term physical and mental health benefits.*

Operational Waste Management

An Operational WMP has been prepared by Elephants Foot Recycling Solutions and is attached to the application for Council's consideration. The operational WMP identifies the different waste streams likely to be generated during the operational phase of the development, as well as how the waste will be handled and disposed, details of bin sizes/quantities and waste rooms, descriptions of the proposed waste management equipment used, and information on waste collection points and frequencies.

Sufficient storage of waste is available within each of the dwellings whereby residents may then dispose of waste in their individual waste storage facility. The residents will be provided with areas within their properties to house their waste and recycling bins. Residents will be responsible for correct waste segregation and housing their bins within their properties in areas that does not affect neighbouring properties. Residential common areas such as lobbies, amenities and circulation areas will be supplied with suitably branded waste and recycling bins where considered appropriate. These areas generate minimal waste, however general waste and recycling receptacles should be placed in convenient locations.

On the nominated collection days, residents will be responsible for transporting the 240L MGBs to the waste collection areas located throughout the site on ground level.

To service the bins, a Council or private contractor collection vehicle will enter the site from Murranar Road and service the bins at each waste collection area. Once the bins are serviced, the collection vehicle will exit the site onto Murranar Road in a forward direction. It is the responsibility of the residents and property management to ensure that loading areas are clear of any vehicles or obstructions prior to waste collection. When waste collection is complete, each resident will return the bins to within their properties to resume operational use.

A private waste collection contractor will be engaged to service the commercial/retail waste and recycling bins per an agreed schedule. On the day of service, a private waste collection vehicle will enter the site from Murranar Road and park in the loading bay. Once the bins are serviced, the collection vehicle will exit the site onto Murranar Road in a forward direction.

Aboriginal Heritage

Council have advised there is a known Aboriginal site mapped in the vicinity of the proposal as well as a number of other known sites within 1km of the subject site. A basic AHIMs Report generated by Council has confirmed there is a known Aboriginal site on the subject land. – Site card has been updated

By virtue of historic ownership and development extend across the existing site, separate investigations into aboriginal heritage have been undertaken over recent years. For Lot 505 DP 833242 an Aboriginal Cultural Heritage Assessment report (ACHAR) was undertaken by Biosis for Council for the proposed sale and possible future development of this land for IRT.

Recommendations regarding the archaeological value of the site, and the subsequent management of Aboriginal cultural heritage is provided in the archaeological report.

For the remainder of the site where the current IRT development exists, and Aboriginal Due Diligence Assessment (ADDA) was also undertaken by Biosis for the proposed residential redevelopment in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010a) (Due Diligence Code). Based on the results of the field investigation, background review and the previous test excavations conducted in the adjacent lot, the proposed works have been determined to impact areas with the potential to contain low levels of Aboriginal sites, objects and cultural values.

Therefore, no further assessment is required prior to works commencing.

Geotechnical & Acid Sulfate Soils

The subject proposal requires bulk earthworks to render the site suitable for residential redevelopment in light of existing flood conditions. As such, geotechnical investigation was required to provide information on subsurface conditions for planning and design purposes including site classification, site preparation and earthworks, foundation, aggressivity to concrete and steel and acid sulfate soil conditions.

For this purpose, a geotechnical investigation was undertaken by Douglas Partners to provide preliminary comments with respect to reactivity, site classification, site preparation, earthworks and foundations, pavements and acid sulfate soils. The investigation included cone penetration tests (CPT's), the drilling of boreholes with in-situ sampling and testing, followed by laboratory testing of selected samples, engineering analysis and reporting. The details of the field work are presented in this report, together with comments and recommendations

Based on the results and recommendations, it was envisaged that earthworks for the proposed development could disturb potential Acid Sulfate Soils (ASS). As such, Douglas partners were further engaged to prepare an Acid Sulfate Soil Management Plan (ASSMP) to provide a framework for achieving environmental objectives to minimise the risk of harm to human health and the environment during and following the construction works.

The ASSMP provides acid sulfate soil management strategies, a monitoring program for soil and water quality, and contingency procedures.

Flooding & Stormwater

As identified, the subject site is identified as being affected by flood. The entire site falls within the "Medium Flood Risk Precinct". The adjacent Towradgi Arm is classified as "High Flood Risk Precinct" and would also include land within 10 m from the top of the creek bank (shown as 10 m from the property boundary). The entire site is inundated in the 1% AEP event, but not subject to high hydraulic hazard.

For this purpose, a flood impact assessment and flood risk management plan has been prepared by WMA Water and is attached to the application for Council's consideration. This assessment presents background information about the nature of flood risk at the site, and the factors that were considered in developing the risk management plan

The key features of the design related to flooding include the following:

- *Retention of adequate flood storage achieved through the provision of dedicated flood storage areas, ranging from approximately RL 1.5 mAHD at the southern end of the site to RL 2.5 mAHD at the northern end of the site.*
- *Ability for water to be stored and flow under buildings without basements.*
- *Ground levels below building undercroft areas set to a level of RL 2.75 mAHD to allow only 1.2 m of water below each raised building in the 1% AEP event. This keeps the hazard below H4 (for low flow velocities) beneath the buildings.*
- *Residential building floor levels at a minimum of RL 5.45 mAHD (Flood Planning Level = RL 5.45 mAHD).*
- *Underground carpark entrances at RL 5.45 mAHD (Flood Planning Level).*
- *Internal roads raised to RL 5.45 mAHD, except where they tie into the existing levels on Murranar Road. Culverts are provided to allow floodwater flow under these roads. The culverts are sized to convey local runoff without off-site impacts, and also ensure sufficient conveyance to fill the available flood storage areas, including consideration of blockage.*
- *No fencing proposed on the eastern and southern boundaries that are adjacent to the Towradgi Arm, allowing free flow between the creek and the site.*

The primary use of the site will be residential housing for retirees that are capable of maintaining and occupying the dwelling themselves with a reasonable level of self-sufficiency. These are independent living units – That is, the proposed site use is for over 55's who are capable of maintain and occupying the dwelling themselves without the provision of care by the aged care provider.

The flood depth on Murranar Road, outside the site, is approximately 0.5 m in the 20% AEP event and 0.7 m in the 1% AEP event. Evacuation off-site is not considered viable in the 20% AEP events and greater. In the 20% AEP and 1% AEP events, dwelling floor levels will not be inundated and internal access roads will not be flooded, providing access within the site and safe refuge within each dwelling.

In terms of flood management, a shelter-in-place strategy is recommended. It is considered the safest option to remain in the building occupied when the storm commences. This reduces the risks associated with navigating intense storm conditions outside. Depth of water in villas will be a maximum of 0.5 m and given the low flood velocities on site, it is considered safe for the short duration of flooding expected.

This 'shelter-in-place' strategy is considered viable since flooding on Murranar Road is likely to be hazardous to vehicles entering and leaving the site, plus the duration of flooding is expected to be short. The longest critical storm duration at the site is 6 hours, and hence flooding is not expected to last long. This is all detailed in the flood management plan prepared by WMA Water and included with the application.

Overall, the proposed development of IRT Towradgi Park has been designed to be compliant with the flood related development controls specified by Council's LEP and DCP for the medium flood risk precinct within which the site is situated. The number of people per

unit/villa/apartment is 1.33 per dwelling regardless of the bedroom number. ILU's are typically occupied by 1-2 people. The total number of people residing on site is anticipated to reduce from 196 people to 118 people. This results in a deficit of 78 residents which clearly demonstrates that the proposed redevelopment for independent living units is not more intense than the existing approved us which includes a RACF, hostel units and ILUs.

In consultation with the flood management and flood design controls implemented throughout the development, a civil engineering strategy for the site has been developed which provides a best fit solution within the constraints of the existing landform, structures and pavements, and the proposed architectural layout. A Stormwater Concept design has been prepared by JN in accordance with WDCP 2009 Chapter E13 and Chapter E14 (attached to the application).

Further to this, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.

Flora, Fauna and Watercourses

There is no significant flora and fauna within the subject site. However, IRT Towradgi Park is adjacent to the headwaters of Towradgi Arm – a minor, vegetated waterway that flows into the Pacific Ocean. Towradgi Arm sits within Coastal use areas and Coastal Wetland areas mapped in State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP).

The Towradgi Arm is a first order stream. The recommended VRZ width for first order streams is 10 m on each side of the stream, measured from the top of the highest bank. The VRZ contains an inner and outer area, each comprising 50% of its width (ie 5 m). The proposed development also falls within the Coastal Management SEPP mapping (Figure 4.2). While the proposed development will not impact on a coastal wetland, it falls within land mapped within the proximity area for coastal wetland.

For this purpose, EMM were engaged to prepare a riparian assessment to inform discussions with the Natural Resources Access Regulator (NRAR) and Council. In their assessment, EEM confirm that the Towradgi Arm is an open channel with limited engineering, some remnant, and some planted vegetation, confirming that it would satisfy the objectives of a 1st order stream, in minimising sedimentation and nutrient transfer, providing bank stability, improving water quality and projecting native vegetation. The Riparian Assessment concluded the following:

> *A 10 m VRZ is required for the redevelopment, in accordance with the WM Act, NRAR guidelines and Wollongong DCP. The VRZ is based on a 10 m setback from the top of the bank, shown on Figure 4.1. This includes an inner and outer VRZ, each comprising 50% of its width (ie 5 m each) …*

NRAR developed a riparian corridor matrix (Table 5.1) to assist applicants in determining activities that represent minimal harm to waterfront land. Where applications conform with activities in the riparian corridor matrix and other controlled activity guidelines, the NRAR will assess them under a streamlined process, reducing approval timeframes…

As the Towradgi Arm is a first order stream, the permitted uses within the VRZ comprise:
• cycleways and paths no wider than four metres (within the outer 50% of the VRZ only);
• detention basins (the outer 50% of the VRZ or online where indicated);
• stormwater outlet and essential services;
• stream re-alignment; and
• road crossings. (pg. 15)

If required, it is anticipated that a VMP can be conditioned within any forthcoming development consent provided to Council prior to the issue of a construction certificate and consistent with the recommendations of EMM accordingly.

Cost of Works

The cost of works for the purpose of determining the DA fee for the proposed development has been calculated in accordance with Clause 255(1) of the EPAR 2000 and is $62, 293, 720 excluding GST. The cost of works is detailed in the Quantity Surveyors Cost Estimate prepared by Altus Group and is attached for reference.

Planning Assessment

This section provides an assessment of the proposal in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

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

1(a)(i) the provisions of any environmental planning instrument

SEPP (Biodiversity and Conservation) 2021

The purpose of the SEPP is to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide.

Chapter 2 Vegetation in non-rural areas

The aims of this Chapter are:

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

This Chapter applies to land zoned R2 Low Density Residential and therefore applies to the development. The location of the stormwater outlet has been modified and is now located south of the development and will connect to an existing drainage outlet at this location. This revised location is not within an area mapped on the Biodiversity Values map and the proposed clearing of native trees is below the 0.25 HA clearing threshold for land with a minimum lot size of less than 1HA. Thus, the BOS is not triggered, refer to the submitted Biodiversity Values Map and Threshold Report and the Arborist report for details of native and exotic trees proposed to be removed.

SEPP (Building Sustainability Index: BASIX) 2004

This policy aims to encourage sustainable residential development (i.e. the BASIX scheme). It seeks to deliver equitable, effective water and greenhouse gas reductions across the State.

The SEPP operates in conjunction with the EPAR 2000 to ensure the effective introduction of BASIX in NSW.

In accordance with Clause 6(1) of the SEPP, BASIX applies to BASIX affected development as defined by the Regulations. The proposed development is defined as BASIX affected development as it involves the erection of a BASIX affected building (i.e. a building that contains one or more dwellings but does not include a hotel or motel).

The proposal has been designed to achieve the appropriate BASIX classification as required and the relevant certification by Greenview Consulting is attached for consideration.

SEPP Resilience and Hazards 2021

Chapter 2 Coastal management

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: Coastal Wetlands and Littoral Rainforests Area; Coastal Environment Area; Coastal Use Area; and Coastal Vulnerability Area.

The proposed development is within the mapped Coastal Environment and Coastal Use Area. Adjoining land to the east and south is mapped as Coastal Wetlands and Littoral Rainforests Area. The development proposal will not impact the land mapped as coastal wetlands and littoral rainforests (blue shaded area) however the existing and proposed development is within the proximity to coastal wetlands area.

FIGURE 3: COASTAL WETLANDS AND LITTORAL RAINFOREST AREA MAP (*SOURCE: COASTAL MANAGEMENT SEPP 2018 MAPS)

Clause 2.7 of the SEPP states that development may only be carried out on land within coastal wetlands and littoral rainforests area can only be undertaken with development consent and works under Clause 1 except for environmental protection works are declared to be designated development:

> *(1) The following may be carried out on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent—*

(a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,
(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,
(c) the carrying out of any of the following—
(i) earthworks (including the depositing of material on land),
(ii) constructing a levee,
(iii) draining the land,
(iv) environmental protection works,
(d) any other development.
Note—
Clause 17 provides that, for the avoidance of doubt, nothing in this Part—
(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or
(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.
(2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.
(3) Despite subclause (1), development for the purpose of environmental protection works on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in—
(a) the relevant certified coastal management program, or
(b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or
(c) a plan of management under Division 3.6 of the Crown Land Management Act 2016.
(4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.
(5) Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the Biosecurity Act 2015.
(6) This clause does not apply to the carrying out of development on land reserved under the National Parks and Wildlife Act 1974 if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.

Clause 2.8 of the SEPP states that development consent on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the *Coastal Wetlands and Littoral Rainforests Area Map* unless the consent authority is satisfied that the proposed development will not significantly impact on —

(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.
(2) This clause does not apply to land that is identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map.

EMM have prepared a Riparian Assessment of Towradgi Arm riparian corridor and the mapped coastal wetlands. Several recommendations are included to address the riparian corridor through the Water Management Act 2000 including development setback, conforming activities, offsetting, and other approvals relevant to the riparian corridor. EMM conclude that "The measures outlined above to satisfy the WM Act are considered to satisfy the Coastal Management SEPP."

The proposal includes the construction of two culverts to allow for stormwater drainage into the Towradgi Arm. Both proposed culverts will be located within mapped areas within proximity to coastal wetland and will avoid surrounding mapped coastal wetland and littoral rainforest. These culverts have the potential to impact on coastal wetland however, particularly as the Towradgi arm flows in a southerly direction and is a tributary to Fairy Creek to the south.

As the works will not involve development within a mapped Coastal Wetland Clause 2.7 of the SEPP does not apply. The proposed mitigation measures outlined in this report will ensure the development protects the biophysical, hydrological and ecological integrity of the areas adjacent to the development mapped as Coastal Wetlands.

FIGURE 4: COASTAL ENVIRONMENT AREA MAP (*SOURCE: COASTAL MANAGEMENT SEPP 2018 MAPS)

Clause 2.10 of the SEPP states that development consent must not be granted to development on land within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

> *'(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
> *(b) coastal environmental values and natural coastal processes,*
> *(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
> *(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
(f) Aboriginal cultural heritage, practices and places,
(g) the use of the surf zone.'

The proposed development will not result in any adverse impacts outlined in sub-clauses a-c above. In particular, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN to provide water quality improvements poster development. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.

FIGURE 5: COASTAL USE AREA MAP (*SOURCE: COASTAL MANAGEMENT SEPP 2018 MAPS)

Clause 2.11 of the SEPP provides that development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores;
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands;
(iv) Aboriginal cultural heritage, practices and places;
(v) cultural and built environment heritage, and
(b) is satisfied that:
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
(ii) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or
(iii) if that impact cannot be minimised - the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposed development will not result in any adverse impacts outlined in sub-clauses a-c above. The development has been designed and sited to avoid any direct impact to land mapped as any adverse impact in this regard. It will also be appropriately managed to ensure that the proposal is acceptable with respect to the afore-mentioned provisions. The visual amenity and scenic quality of the surrounding environment will be maintained, as a result of the proposal.

The development has been designed and sited to avoid any adverse impact in this regard. It will also be appropriately managed to ensure that the proposal is acceptable with respect to the afore-mentioned provisions.

Chapter 4 Remediation of Land

The objective of this Chapter is to provide a consistent approach to the remediation of contaminated land across NSW. *Clause 4.6* requires Council to consider whether or not the land is contaminated and if so, it must be suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is to be carried out.

Clause 4.6 reads as follows:-

> *"**4.6 Contamination and remediation to be considered in determining development application***
>
> *(1) A consent authority must not consent to the carrying out of any development on land unless:*
>
> *(a) it has considered whether the land is contaminated, and*
> *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
> *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
>
> *(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

Before determining an application for consent to carry out development that would involve a change of use, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Refer to the Detailed Site Investigation (DSI), Remediation Action Plan (RAP) and Interim Auditor's Advice Letter provided.

Based on the results of the DSI and the comments provided in Section 11 (of the DSI report), the following recommendations are made:

- *A full access and destructive pre-demolition Hazardous Building Materials Survey should be undertaken prior to demolition of site structures;*
- *An inspection of the building footprints to visually assess the underlying fill for consistency with previously observed fill and / or signs of potential contamination, should be undertaken following demolition of site structures and subsequent clearance of the resultant footprints by an Occupational Hygienist;*
- *The subsurface fill where asbestos has been identified, is considered to require treatment, management, or offsite disposal in accordance with a Remedial Action Plan (RAP);*
- *Where asbestos has not been identified but construction and demolition materials were identified, the presence of construction and demolition materials is considered indicative of the potential for further asbestos to be present. As such, the subsurface fill in these locations may require treatment, management, or offsite disposal if asbestos impacted fill is identified during remediation and or construction;*
- *The RAP should include an unexpected finds protocol (UFP) for implementation during the remediation and subsequent construction; and*
- *Any soils requiring off-site disposal are to be subject to a waste classification assessment prior to removal from site. Reference should be made to the NSW EPA Waste Classification Guidelines 2014 for waste classification assessments.*

Based on the results of the DSI and subject to the implementation of the above recommendations, it is considered that the site can be rendered suitable for the proposed aged care redevelopment development from the contaminated land perspective in the context of Clause 7 of SEPP 55.

SEPP (Housing) 2021

Part 5 Housing for seniors and people with a disability

An assessment of Part 5 of the SEPP (Housing 2021) is provided below.

Table 2: Compliance Table – Assessment against SEPP Seniors

Design Criteria	Requirement	Comment	Compliance
Division 1 Land to which Part applies			
79 Land to which Policy applies	This Part applies to land in the following zones— (a) Zone RU5 Village, (b) Zone R1 General Residential, (c) Zone R2 Low Density Residential, (d) Zone R3 Medium Density Residential, (e) Zone R4 High Density Residential, (f) Zone B1 Neighbourhood Centre, (g) Zone B2 Local Centre, (h) Zone B3 Commercial Core, (i) Zone B4 Mixed Use, (j) Zone B5 Business Development, (k) Zone B6 Enterprise Corridor, (l) Zone B7 Business Park, (m) Zone B8 Metropolitan Centre, (n) Zone SP1 Special Purposes, (o) Zone SP2 Infrastructure, (p) Zone RE2 Private Recreation.	The site is zoned R2 Low Density Residential and dwelling houses are permitted on the land.	**Yes**
80 Land to which Part does not apply—general	(1) This Part does not apply to the following land— (a) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan, (b) land described in Schedule 3. (2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because— (a) the land is identified under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, or (b) in relation to land used for the purposes of an existing registered club—the land is described in another environmental planning instrument as— (i) private open space, or (ii) open space where dwellings or dwelling houses are permitted.	 N/A N/A The land is identified as being land identified under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2 however this is not an exclusion for the application of the SEPP. N/A	 **N/A** **N/A** **Yes** **N/A**
81 Seniors housing permitted with consent	Development for the purposes of seniors housing may be carried out with development consent— (a) on land to which this Part applies, or	Consent is being sought through this application	**Yes**

	(b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.		
Division 2 Preliminary			
82 Definitions	Noted		
83 Amendments to the bush fire evacuation risk map	N/A	The site is not identified as being affected by bushfire.	**Yes**
Division 3 Development standards			
84 Development standards—general	(1) This section applies to development for the purposes of seniors housing involving the erection of a building. (2) Development consent must not be granted for development to which this section applies unless— (a) the site area of the development is at least 1,000m2, and (b) the frontage of the site area of the development is at least 20m measured at the building line, and (c) for development on land in a residential zone where residential flat buildings are not permitted— (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site. (3) The servicing equipment must— (a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and (b) be limited to an area of no more than 20% of the surface area of the roof, and (c) not result in the building having a height of more than 11.5m. (4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following— (a) the Aboriginal Housing Office or the Land and Housing Corporation, (b) another social housing provider.	Noted The size of the site is 27,493 square metres. The site frontage is greater than 20 metres wide measured at the building line. N/A - Residential flat buildings are permitted. (a) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (b) be limited to an area of no more than 20% of the surface area of the roof, and (c) does not result in the building having a height of more than 11.5m. The application is being made by the Illawarra Retirement Group (IRT) who are a registered social housing provider.	**Yes** **Yes** **Yes** **Yes**

85 Development standards for hostels and independent living units	(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4. (2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.	Refer to assessment against Schedule 4 below The application is being made by IRT Towradgi	**Yes** **Yes**
86 Development standards for seniors housing—Zones RE2, SP1, SP2 and RU5	N/A	The site is zoned R2 Low Density Residential	**N/A**
87 Additional floor space ratios	(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if— (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or (b) the development is carried out on land in Zone B3 Commercial Core. (2) Development consent may be granted for development to which this section applies if— (a) the site area of the development is at least 1,500m2, and (b) the development will result in a building with the maximum permissible floor space ratio plus— (i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or (ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or (iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and (c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.	Residential flat buildings are permitted. The size of the site is 27,493 square metres. The allowable FSR for development on the site is 0.5.1 (13,746.5sqm). The development proposes an FSR of 0:404:1 (11,096sqm). The proposed development is not seeking any additional FSR through clause 87.	**Yes** **Yes**

88 Restrictions on occupation of seniors housing	(1) Development permitted under this Part may be carried out for the accommodation of only the following— (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part. (2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.	The application is being made by IRT Group and will be occupied by those residents/staff described in a), b) and c).	**Yes**
89 Use of ground floor of seniors housing in business zones	N/A	The site is zoned R2 Low Density Residential.	**N/A**
90 Subdivision	(1) Development consent may be granted for the subdivision of land on which development has been carried out under this Part. (2) Development consent must not be granted for the subdivision of a building resulting from development carried out under this Part on land in Zone B3 Commercial Core	Subdivision is not proposed.	**N/A**
91 Fire sprinkler systems in residential care facilities	(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system. (2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.	All building work will be carried out in accordance with Clause 69 of the *EPAR 2000*, which requires the consent authority to consider the provisions of the Building Code of Australia (BCA).	**Yes**
92 Development on land used for the purposes of an existing registered club	(1) Development consent must not be granted for development under this Part on land used for the purposes of an existing registered club unless the consent authority is satisfied that— (a) the development includes appropriate measures to separate the club from residential areas to avoid land use conflicts, and (b) an appropriate protocol will manage the relationship between the seniors housing and the gambling facilities on the site of the club to minimise harm associated with the misuse and abuse of gambling activities by residents of the seniors housing. Note— The Gaming Machines Act 2001 provides for gambling harm minimisation measures.	The site does not contain an existing registered club. The development does not propose a registered club.	**N/A**

	(2) For the purposes of subsection (1)(a), appropriate measures include the following— (a) separate pedestrian access points for the club and the residential areas of the seniors housing, (b) design principles underlying the building aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the seniors housing.		
Division 4 Site-related requirements			
93 Location and access to facilities and services—independent living units	(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services— (a) by a transport service that complies with subsection (2), or (b) on-site.	Access to facilities and services is available within proximity of the site and there are transport services including Buses available to residents.	**Yes**
	(2) The transport service must— (a) take the residents to a place that has adequate access to facilities and services, and (b) for development on land within the Greater Sydney region— (i) not be an on-demand booking service for the transport of passengers for a fare, and (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and (c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday.	Towradgi Park, Towradgi Beach, Towradgi, Rockpool, Towradgi Surf Club and Towardgi Park Bowls and Recreation Club and Ray Robinson Oval are located within walking distance of the site. Shops, bank service providers, retail and general practitioners are available near Towradgi Station and the adjoining town centre Corrimal.	**Yes**
	(3) For the purposes of subsections (1) and (2), access is adequate if— (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and (b) the distance is accessible by means of a suitable access pathway, and (c) the gradient along the pathway complies with subsection (4)(c). (4) In subsection (3)— (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and		

	(b) the distance is to be measured by reference to the length of the pathway, and (c) the overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than— (i) 1:12 for a maximum length of 15m at a time, or (ii) 1:10 for a maximum length of 5m at a time, or (iii) 1:8 for a maximum length of 1.5m at a time. (5) In this section— facilities and services means— (a) shops and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. provide a booking service has the same meaning as in the Point to Point Transport (Taxis and Hire Vehicles) Act 2016, section 7. Note— Provide a booking service is defined as carrying on a business taking bookings for taxis or hire vehicles to provide passenger services, whether immediately or at a later time, and communicating the bookings to drivers for passenger services or providers of passenger services.		
94 Location and access to facilities and services—residential care facilities	(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services— (a) on-site, or (b) by a transport service other than a passenger service. (2) In this section— facilities and services—see section 93. passenger service has the same meaning as in the Point to Point Transport (Taxis and Hire Vehicles) Act 2016. Note— A passenger service is defined as the transport, by a motor vehicle other than a bus, of passengers within, or partly within, this State for a fare.	As above	**Yes**
95 Water and sewer	(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—	The site will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	**Yes**

	(a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of sewage. (2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority— (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development. (3) In this section— relevant authority means the public authority responsible for water and sewerage services in the area in which the seniors housing is located.	Services will be augmented to connect to the consent authorities provisions where available or otherwise provided by private service providers as required. Noted	**Yes**
96 Bush fire prone land	N/A	The site is not identified as being affected by bushfire.	**Yes**
Division 5 Design requirements			
97 Design of in-fill self-care housing	In determining a development application for development for the purposes of in-fill self-care housing, a consent authority must consider the Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004, published on the Department's website.	Noted	
98 Design of seniors housing	A consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.	Refer to Assessment against Division 6 below	**Yes**
Division 6 Design principles			
99 Neighbourhood amenity and streetscape	Seniors housing should be designed to— (a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and (b) recognise the desirable elements of— (i) the location's current character, or (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and (c) complement heritage conservation areas and heritage items in the area, and	The proposed development— (a) recognises the operational, functional and economic requirements of residential care facilities (b) recognises the desirable elements of the location's current character in that new buildings contribute to the quality and identity of the area	**Yes**

	(d) maintain reasonable neighbourhood amenity and appropriate residential character by— (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and (e) set back the front building on the site generally in line with the existing building line, and (f) include plants reasonably similar to other plants in the street, and (g) retain, wherever reasonable, significant trees, and (h) prevent the construction of a building in a riparian zone.	(d) Maintains reasonable neighbourhood amenity and appropriate residential character by— (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and (e) designed so that the front building of the development is set back in sympathy with the existing building line, and (f) includes plants reasonably similar to other plants in the street, and (g) retains, wherever reasonable, significant trees, and (h) prevent the construction of a building in a riparian zone.	
100 Visual and acoustic privacy	Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by— (a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The proposed development considers the visual and acoustic privacy of neighbours in the vicinity and residents by— (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	**Yes**
101 Solar access and design for climate	The design of seniors housing should— (a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	The proposed development where possible — (a) ensures adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting.	**Yes**
102 Stormwater	The design of seniors housing should aim to— (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing	A Stormwater Concept design has been prepared by JN in accordance with WDCP 2009 Chapter E13 and Chapter E14 (attached to the application).	**Yes**

	driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	Further to this, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.	
103 Crime prevention	Seniors housing should— (a) be designed in accordance with environmental design principles relating to crime prevention, and (b) provide personal property security for residents and visitors, and (c) encourage crime prevention by— (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The development has been designed to comply with the principles of Crime Prevention Through Environmental Design.	**Yes**
104 Accessibility	Seniors housing should— (a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The proposed development — (a) has obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provides attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	**Yes**
105 Waste management	Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	A WMP has been prepared by Elephants Foot Recycling Solutions and is attached to the application for Council's consideration. The SWMMP addresses demolition and construction. It also outlines how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques. Sufficient storage of waste is available within each of the dwellings whereby residents may then dispose of waste in their individual waste storage facility. The	**Yes**

		residents will be provided with areas within their properties to house their waste and recycling bins. Residents will be responsible for correct waste segregation and housing their bins within their properties in areas that does not affect neighbouring properties. Residential common areas such as lobbies, amenities and circulation areas will be supplied with suitably branded waste and recycling bins where considered appropriate. These areas generate minimal waste, however general waste and recycling receptacles should be placed in convenient locations. On the nominated collection days, residents will be responsible for transporting the 240L MGBs to the waste collection areas located throughout the site on ground level. To service the bins, a Council or private contractor collection vehicle will enter the site from Murranar Road and service the bins at each waste collection area. Once the bins are serviced, the collection vehicle will exit the site onto Murranar Road in a forward direction. It is the responsibility of the residents and property management to ensure that loading areas are clear of any vehicles or obstructions prior to waste collection. When waste collection is complete, each resident will return the bins to within their properties to resume operational use. A private waste collection contractor will be engaged to service the commercial/retail waste and recycling bins per an agreed schedule. On the day of service, a private waste collection vehicle will enter the site from Murranar Road and park in the loading bay. Once the bins are serviced, the collection vehicle will exit the site onto Murranar Road in a forward direction.	
Division 7 Non-discretionary development standards			
106 Interrelationship of Division with design principles in Division 6	Nothing in this Division permits the granting of consent to development under this Part if the consent authority is satisfied that the design of the seniors housing does not demonstrate that adequate consideration has been given to the principles set out in Division 6.	Adequate consideration has been given to the principles set out in Division 6 as noted above.	**Yes**

107 Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15	(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of hostels and residential care facilities that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. (2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities— (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building, (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m, (c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, (d) internal and external communal open spaces with a total area of at least— (i) for a hostel—8m2 for every bed, or (ii) for a residential care facility—10m2 for every bed, (e) at least 15m2 of landscaped area for every bed, (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site, (g) for a hostel—at least 1 parking space for every 10 beds in the hostel, (h) for a residential care facility—at least 1 parking space for every 15 beds in the facility, (i) at least 1 parking space for every 2 employees who are on duty at the same time,	Noted N/A – no hostels or residential care facilities are proposed.	**Yes**

	(j) at least 1 parking space for the purpose of ambulance parking.		
108 Non-discretionary development standards for independent living units—the Act, s 4.15	(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. (2) The following are non-discretionary development standards in relation to development for the purposes of independent living units— (a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building, (b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m, (c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less, (d) for a development application made by a social housing provider—at least 35m2 of landscaped area per dwelling, (e) if paragraph (d) does not apply—at least 30% of the site area is landscaped, (f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site, (g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces, (h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building—	Noted **(a) most of the building is below 9.5m except a small height breach relating to the upper roof ridge. The maximum height of building is 9.5m at this point.** **(b) there is no servicing equipment that exceeds the building height of more than 9.5m** **(c) the FSR is 0.404% which is below 0.5:1.** **(d) IRT is not submitting this day as a social housing provider.** **(e) at least 30% of the site area is landscaped,** **(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,** **(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,** **(h) areas above the minimum private space areas are provided.**	**Yes, however a small section of the building is 9.7m which exceeds 9.5m.**

	(i) at least 15m2 of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor, Note— The open space needs to be accessible only by a continuous accessible path of travel, within the meaning of AS 1428.1, if the dwelling itself is an accessible one—see Schedule 4, section 2.		
	(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— (i) an area of at least 10m2, or (ii) for each dwelling containing 1 bedroom—an area of at least 6m2,	**(i) areas above the minimum private space areas are provided.**	
	(j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,	**(j) N/A**	
	(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.	**(k) at least 0.5 parking spaces for each bedroom is provided.**	

Wollongong Local Environmental Plan 2009 (WLEP 2009)

The *Wollongong Local Environmental Plan 2009 (WLEP 2009)* aims to make local environmental planning provisions for land in Wollongong in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

The following matters of *WELP 2009* are of particular relevance to the development as follows:

Permitted or Prohibited Development (Clause 2.1 – Clause 2.3)
The site is zoned R2 Low Density Residential under *WLEP 2009* as shown in the extract from the Land Zoning Map.

Seniors Housing is permitted with consent and compatible with the objectives of the R2 Low Density Residential zone which seek in particular to provide for the housing needs of the community within a low density residential environment.

The development also includes a residents clubhouse and a neighbourhood shop (general store) with associated café. These additional land use activities are considered ancillary to the dominant use of the site, being seniors housing. On this basis, reference is made to *NSW Planning Circular PS 13-001 How to characterise a development* (see attached), which states the following:-

"An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land. To put it simply:
• if a component serves the dominant purpose, it is ancillary to that dominant purpose;
• if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development."

In light of the above, it is clear that seniors housing is the dominant purpose of the site and the associated clubhouse, neighbourhood shop/café are deemed subservient to this dominant purpose. As such, the proposed land uses are permitted with Council's consent.

Further to this, it is clear that the proposed development is consistent with the objectives of the R2 zone, and also providing for a combination of uses that provide facilities or services to meet the day to day needs of residents reinforces the strategic plan intent for such a site.

Height of Building (Clause 4.3)
The subject site allows a maximum building height of 9m and proposes a maximum building height of 9.7m. As such, it is not within the afore-mentioned maximum height limit of 9m and does not comply with the applicable development standard in this regard. A Clause 4.6 Variation is included in Appendix B for the proposed 7.75% variation to the maximum building height.

Floor Space Ratio (FSR) (Clause 4.4)
The site area is 27, 493m2 with an allowable FSR for development on the site is 0.5.1 (13,746.5m2). The development proposes an FSR of 0:404:1 (11,096m2) and as such, the development is within the afore-mentioned FSR of 0.5:1 and complies with the applicable development standard in this regard.

Controls relating to miscellaneous permissible uses (clause 5.4)
If development for the purposes of a *neighbourhood shop* is permitted under this Plan, the retail floor area must not exceed 105 square metres. The development proposes a neigbourhood shop located towards Murranar Road and does not exceed 105sqm.

Heritage Conservation (Clause 5.10)
The site is not within a conservation zone and does not contain a listed Schedule 5 heritage item, nor does it directly adjoin or is within the visual curtilage of such an item. Council have advised there is a known Aboriginal site mapped in the vicinity of the proposal as well as a number of other known sites within 1km of the subject site. A basic AHIMs Report generated by Council has confirmed there is a known Aboriginal site on the subject land.

An Aboriginal Due Diligence Assessment has previously been prepared for the site prepared by Biosis and concludes:

5.1 Conclusions

Based on the results of the field investigation and background review, it is unlikely Aboriginal people utilised the study area for occupation or resource gathering. The high levels of previous disturbance throughout the extent of the study area, observed during the field investigation suggests that there is low potential for intact Aboriginal deposits to be present within the study area. This is further corroborated through the results of the 2017 test excavations, which illustrate that the land directly adjacent to the east of the study area, possessing the same geological, hydrological and topographical factors, recovered no Aboriginal artefacts. These excavations were also conducted in an area of minimal visible disturbance, confirming that the extensive development within the study area would have removed any potential for Aboriginal sites, objects or Places to remain present. Therefore the study area has been assessed as containing low archaeological potential (Figure 7, Figure 8).

The report provides recommendations developed relevant to the study area and influenced by:

- *Predicted impacts to Aboriginal cultural heritage.*
- *The planning approvals framework.*
- *Current best conservation practise, widely considered to include:*
    - *Ethos of the Australia ICOMOS Burra Charter (2013).*
    - *The code.*

Flood Planning (Clause 5.21)

As identified, the subject site is identified as being affected by flood. The entire site falls within the “Medium Flood Risk Precinct”. The adjacent Towradgi Arm is classified as “High Flood Risk Precinct” and would also include land within 10 m from the top of the creek bank (shown as 10 m from the property boundary). The entire site is inundated in the 1% AEP event, but not subject to high hydraulic hazard.

For this purpose, a flood impact assessment and flood risk management plan has been prepared by WMA Water and is attached to the application for Council’s consideration. This assessment presents background information about the nature of flood risk at the site, and the factors that were considered in developing the risk management plan

The key features of the design related to flooding include the following:

- *Retention of adequate flood storage achieved through the provision of dedicated flood storage areas, ranging from approximately RL 1.5 mAHD at the southern end of the site to RL 2.5 mAHD at the northern end of the site.*
- *Ability for water to be stored and flow under buildings without basements.*
- *Ground levels below building undercroft areas set to a level of RL 2.75 mAHD to allow only 1.2 m of water below each raised building in the 1% AEP event. This keeps the hazard below H4 (for low flow velocities) beneath the buildings.*
- *Residential building floor levels at a minimum of RL 5.45 mAHD (Flood Planning Level = RL 5.45 mAHD).*
- *Underground carpark entrances at RL 5.45 mAHD (Flood Planning Level).*
- *Internal roads raised to RL 5.45 mAHD, except where they tie into the existing levels on Murranar Road. Culverts are provided to allow floodwater flow under*

these roads. The culverts are sized to convey local runoff without off-site impacts, and also ensure sufficient conveyance to fill the available flood storage areas, including consideration of blockage.

- *No fencing proposed on the eastern and southern boundaries that are adjacent to the Towradgi Arm, allowing free flow between the creek and the site.*

The primary use of the site will be residential housing for retirees that are capable of maintaining and occupying the dwelling themselves with a reasonable level of self-sufficiency. These are independent living units – that is, the proposed site use is for over 55's who are capable of maintain and occupying the dwelling themselves without the provision of care by the aged care provider.

This 'shelter-in-place' strategy is considered viable since flooding on Murranar Road is likely to be hazardous to vehicles entering and leaving the site, plus the duration of flooding is expected to be short. The longest critical storm duration at the site is 6 hours, and hence flooding is not expected to last long. This is all detailed in the flood management plan prepared by WMA Water and included with the application.

Overall, the proposed development of IRT Towradgi Park has been designed to be compliant with the flood related development controls specified by this Clause.

Natural resource sensitivity — biodiversity (Clause 7.2)
This objective of this clause is to protect, maintain or improve the diversity and condition of the native vegetation and habitat. Biodiversity is indicated throughout the eastern boundary of the site. The proposed development will not result in the removal of any native vegetation within the riparian land.

The site is adjacent to a Category 3 watercourse. This requires a 10m buffer either side of the watercourse measured from the top of bank. All works shall be outside of the riparian corridor. The application includes a review of Riparian Land on and adjoining the site.

The riparian assessment incorporates the following design and approval recommendations.:

5.1 Water Management Act 2000
5.1.1 Required development setback
5.1.2 Conforming activities in the VRZ
5.1.3 Offsetting
5.2 Wollongong DCP
5.2.1 Required development setback
5.2.2 Other requirements
5.3 Coastal Management SEPP
5.4 Other approvals

The proposed works can be satisfied relative to Clause 7.2 of the LEP. As details above, the proposed development does not trigger entry into the Biodiversity Offset Scheme.

Riparian lands (Clause 7.4)
The objective of this clause is to ensure that development does not adversely impact upon riparian lands. The proposed development area occurs adjacent to riparian land as outlined within the Wollongong LEP. The impact of the proposed development on the land must be considered, including any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on that land.

EMM have reviewed the riparian considerations for this land, and advise that the proposal considers the opportunity for rehabilitation of riparian vegetation and habitat by:

- minimising and avoiding direct disturbance to the riparian land by avoiding removal of existing native vegetation. This avoids the direct impact and therefore requirement for rehabilitation in the form of planting. Any planting within the riparian land would contradict the VMP requirements set out by the Wollongong DCP to minimise flood affectation upon surrounding properties in the locality; and

- the provision of a Landscape Plan (Arcadia Landscape Architecture) which is consistent with the objectives of the Wollongong LEP and VMP required under the Wollongong DCP.

Further to this, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN to improve water quality measures poster development. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.

Thus, Council can be satisfied with regards to the provisions of Clause 7.4 of the LEP.

Acid Sulfate Soils (Clause 7.5)
The site is mapped ASS Class 3 - (Works more than 1m below the natural ground surface)

An Acid Sulfate Soils Management Plan has been prepared for the site prepared by Douglas Partners to provide a framework for achieving environmental objectives to minimise the risk of harm to human health and the environment during and following proposed bulk earthworks at IRT Towradgi Park, 17A Murranar Road, Towradgi for a proposed redevelopment comprising demolition of re-construction of buildings, car parks and pavements. The ASSMP provides acid sulfate soil management strategies, a monitoring program for soil and water quality, and contingency procedures.

Earthworks (Clause 7.6)
The objectives of this clause are to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

The development proposes earthworks associated with the provision of foundations and associated infrastructure which can be undertaken using standard engineering practices.

The consent authority can be satisfied that all relevant matters have been addressed.

Foreshore building line (Clause 7.7)
The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

The site is distant from the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

1(a)(ii) the provisions of any proposed instrument

None applicable.

1(a)(iii) the provisions of any development control plan

Wollongong DCP 2009

The purpose of the Wollongong Development Control Plan 2009 (WDCP 2009) is to outline built form controls to guide development. This DCP supplements the provisions of Wollongong Local Environmental Plan 2009, Wollongong Local Environmental Plan (West Dapto) 2010, Wollongong Local Environmental Plan 1990 and Wollongong Local Environmental Plan No 38 (1984). In the event of any inconsistency between this DCP and the relevant LEP, the LEP will prevail.

Under Section 79C of the Environmental Planning and Assessment Act 1979, the consent authority is required to take into consideration the relevant provisions of this DCP in determining a Development Application for development in the City of Wollongong.

The DCP also contains administrative provisions including details on how Development Applications will be publicly notified and what meetings may be available, to enable stakeholders to discuss any issues concerning an application.

The following matters of *WDCP 2009* are of particular relevance to the development as follows with a detailed assessment of *WDCP 2009* addressed in Appendix B.

Wollongong DCP 2009 Chapter A02 - Ecologically Sustainable Development
Wollongong DCP 2009 Chapter B01 - Residential Development
Wollongong DCP 2009 Chapter D01 - Character Statements
Wollongong DCP 2009 Chapter E02 - Crime Prevention Through Environmental Design
Wollongong DCP 2009 Chapter E03 - Car Parking Access Servicing Loading Facilities
Wollongong DCP 2009 Chapter E06 - Landscaping
Wollongong DCP 2009 Chapter E07 - Waste Management
Wollongong DCP 2009 Chapter E12 - Geotechnical Assessment of Slope Instability
Wollongong DCP 2009 Chapter E13 - Floodplain Management

Wollongong DCP 2009 Chapter E14 - Stormwater Management
Wollongong DCP 2009 Chapter E17 - Preservation and Management of Trees and Vegetation
Wollongong DCP 2009 Chapter E18 - Threatened Species Impact Assessment
Wollongong DCP 2009 Chapter E19 - Earthworks
Wollongong DCP 2009 Chapter E20 - Contaminated Land Management
Wollongong DCP 2009 Chapter E21 - Demolition
Wollongong DCP 2009 Chapter E23 - Riparian Land Management

The proposed development involves minor variations to the controls contained within DCP *Subsection 4.15(3A) of the Act* enables Council to be flexible in applying the provisions and controls of the DCP and to allow reasonable alternative solutions that achieve the objectives of those controls/standards for dealing with that aspect of the development. The DCP aims to allow flexibility in the application of such development controls to promote innovation and design excellence.

Wollongong City-Wide Development Contributions Plan 2021

Wollongong City-Wide Development Contributions Plan (2021) applies to the proposed development. The plan is in force and enables the imposition of a condition on certain development consents requiring the payment of a contribution pursuant to Section 7.12 of the EP&A Act. This plan states that Council may allow for exemptions (partial or full) in certain circumstances under Clause 15.

In this regard, Clause 15(e) provides that – *An application for a residential care facility carried out under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. IRT Group are a registered community housing provider under the *Housing Act 2001 (NSW)*, and is subject to compliance with the Housing Act, Regulations and registration conditions. The proposed development is to be constructed and managed by IRT Group, who specialise in seniors lifestyle and care solutions. IRT Group began in the Illawarra as a truly community based, nondenominational, seniors lifestyle and care provider, and for over 40 years has maintained this foundation. Today they are now one of Australia's largest community-based seniors' lifestyle and care providers, with a mission "to create communities where seniors achieve their optimum quality of life". This proposal is yet another step for IRT Group in reinforcing and investing in that commitment to seniors housing opportunities.

The proposed development is applied for under SEPP Housing 2021, although is not defined as a residential care facility. In this Policy:

> ***seniors housing*** *is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of—*
> *(a) a residential care facility, or*
> *(b) a hostel, or*
> *(c) a group of self-contained dwellings, or*
> *(d) a combination of these,*
> *but does not include a hospital.*

For the purpose of this Policy, IRT Group is proposing seniors housing in the form of self-contained dwellings instead, which will still cater for people who have been assessed as being eligible to occupy housing for aged persons provided by this social housing provider. The development will importantly contribute to the public benefit of the community by accommodating seniors (or persons with a disability), and for filling the gap of a much needed housing accommodation shortage for our ageing population. Whilst the proposed seniors housing is not developed and occupied as a residential care facility per se, it was still be managed and operated by IRT Group.

Additionally, whilst all dwellings within the proposed development will be independent living units in their own right, the product types and bedroom numbers provided throughout will enable flexibility for live-in carer arrangements should these be required for certain residents at a certain point of their occupation with IRT. The live-in carer will occupy the dwelling on an 'as needed' basis and will be contracted to by the resident either direct or through their home care provider. Given the temporary and intermittent nature of these potential arrangements, BCA classification advice has been sought by Blacket McGuire + Goldsmith to provide an opinion on whether the sole occupancy status of these dwellings changes as a result of live-in carer's stays. It is apparent no change to building classification as required as a result of this live-in care opportunity.

These type of modern independent living seniors housing developments with live-in care opportunities allow residents to age in place, enabling residents to occupy independent living premises for longer and under varying health conditions. Such managed contemporary seniors housing products and estates like this supplement the need for traditional residential care facilities, with live-in carer arrangements increasing in demand and preference for elderly persons. On this basis, the proposed development is expected to assist with and/or facilitate reduced demand and waiting times for residential care facilities in the Illawarra.

Therefore, it is considered that IRT Group in this instance are still providing seniors housing that will be consistent with the intent of the levy exemption criteria offered under Clause 15(e) of Wollongong City-Wide Development Contributions Plan (2021) and, as such, request due consideration of this exemption by Council accordingly.

1(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement under section 7.4.

There are no planning agreements existing or proposed to be entered into under Section 7.4 of the EP&A Act.

1(a)(iv) the provisions of the regulations that apply to the land to which the development application relates.

All relevant information to be included in the DA has been provided in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000 (EPAR 2000)*. Furthermore, all building work will be carried out in accordance with Clause 98 of the *EPAR*

2000, which requires the consent authority to consider the provisions of the Building Code of Australia (BCA).

1(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Section 4.15(1)(b) requires the consideration of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

This development application will have the following impacts:

Environmental Impacts

Solar Access
The proposed development incorporates a range of products in various locations and orientation throughout. A strong emphasis has been placed into the design work by GW to ensure that each dwelling receives an appropriate level of solar access throughout the winter solstice and other months of the year. Various measurable is for appropriate solar access are contained within the SEPP (Housing for Seniors or People with a Disability) 2004 and Wollongong DCP 2009, of which all compliance controls have been exceeded. This incorporates not only internal solar access to primary living areas such as living, dining and kitchen spaces, but also external private open space areas and courtyards/balconies proposed. It is considered that the proposed development design is responsive to solar access and optimal residential amenity objectives in this regard.

Overshadowing
Due to the orientation of the site, appropriate setbacks have been considered to adjoining properties at the western boundary to ensure that any overshadowing impacts are limited. The designers of the development have taken this into account in maintaining reasonable setbacks and have provided shadow diagrams that show the existing development to the south of the site will maintain sufficient solar access. None of the adjoining properties will be impacted notably by overshadowing given the excessive setbacks adopted to the western edge in order to respect the existing properties and built forms located at this position.

Cross Ventilation
85% of dwellings within the proposed development are to be cross ventilated. This is an extraordinarily high percentage for a development of this nature and is a credit to the project architects GW in accommodating a development layout and building breaks that responds to passive heating and cooling objectives.

Privacy and Amenity
The development has been designed to ensure the privacy of adjoining development is maintained. Windows have been offset where possible or appropriate design treatments to ensure there will be no loss of amenity to the adjoining property owners.

The proposed setback distances are sufficient to provide a reasonable separation between the buildings and the built form has been articulated to ensure there is appropriate spacing between the units. The extensive landscaping and deep soil zone located at the sides and rear of the site will mitigate adverse impacts on these elevations.

Accordingly, these measures will ensure the privacy and amenity of future occupants is protected, along with that of the adjoining property owners surrounding the site.

Landscaping & Tree Removal

The subject site incorporates a number of trees which are required to be removed in order to facilitate the proposed redevelopment. The site includes approximately 126 trees that required an assessment of health and condition, and for this purpose, Moore Trees have undertaken an Arboricultural Report and assessment. Given the existing flood conditions and required earthworks to accommodate redevelopment, the majority of these trees will be required to be removed accordingly. Two existing trees will be retained.

Notwithstanding this tree removal, a strong emphasis has been placed on achieving an optimal relandscape vision for the proposed development in order to offset this tree removal and re-establish a natural localised character for future residents and the community. To assist in this vision a Landscape Plan has been prepared by Arcadia, who understand the importance of creating a community landscape which promotes healthy living and well-being. A central focus of their landscape strategy has been to provide a strong indoor-outdoor connection to increase the exposure of residents to green spaces, and create communal spaces that are flexible to support a variety of uses.

Proposed landscape concept will provide a high level of residential amenity for future residents and visitors, and create a natural environment to complement the urban form and long-term use of the land for seniors housing.

As identified, the subject site is identified as being affected by flood. The entire site falls within the “Medium Flood Risk Precinct”. The adjacent Towradgi Arm is classified as “High Flood Risk Precinct” and would also include land within 10 m from the top of the creek bank (shown as 10 m from the property boundary). The entire site is inundated in the 1% AEP event, but not subject to high hydraulic hazard.

For this purpose, a flood impact assessment and flood risk management plan has been prepared by WMA Water and is attached to the application for Council’s consideration. This assessment presents background information about the nature of flood risk at the site, and the factors that were considered in developing the risk management plan

The key features of the design related to flooding include the following:

The key features of the design related to flooding include the following:

- *Retention of adequate flood storage achieved through the provision of dedicated flood storage areas, ranging from approximately RL 1.5 mAHD at the southern end of the site to RL 2.5 mAHD at the northern end of the site.*

- *Ability for water to be stored and flow under buildings without basements.*
- *Ground levels below building undercroft areas set to a level of RL 2.75 mAHD to allow only 1.2 m of water below each raised building in the 1% AEP event. This keeps the hazard below H4 (for low flow velocities) beneath the buildings.*
- *Residential building floor levels at a minimum of RL 5.45 mAHD (Flood Planning Level = RL 5.45 mAHD).*
- *Underground carpark entrances at RL 5.45 mAHD (Flood Planning Level).*
- *Internal roads raised to RL 5.45 mAHD, except where they tie into the existing levels on Murranar Road. Culverts are provided to allow floodwater flow under these roads. The culverts are sized to convey local runoff without off-site impacts, and also ensure sufficient conveyance to fill the available flood storage areas, including consideration of blockage.*
- *No fencing proposed on the eastern and southern boundaries that are adjacent to the Towradgi Arm, allowing free flow between the creek and the site.*

The primary use of the site will be residential housing for retirees that are capable of maintaining and occupying the dwelling themselves with a reasonable level of self-sufficiency. These are independent living units – That is, the proposed site use is for over 55's who are capable of maintain and occupying the dwelling themselves without the provision of care by the aged care provider.

The flood depth on Murranar Road, outside the site, is approximately 0.5 m in the 20% AEP event and 0.7 m in the 1% AEP event. Evacuation off-site is not considered viable in the 20% AEP events and greater. In the 20% AEP and 1% AEP events, dwelling floor levels will not be inundated and internal access roads will not be flooded, providing access within the site and safe refuge within each dwelling.

In terms of flood management, a shelter-in-place strategy is recommended. It is considered the safest option to remain in the building occupied when the storm commences. This reduces the risks associated with navigating intense storm conditions outside. Depth of water in villas will be a maximum of 0.5 m and given the low flood velocities on site, it is considered safe for the short duration of flooding expected.

This 'shelter-in-place' strategy is considered viable since flooding on Murranar Road is likely to be hazardous to vehicles entering and leaving the site, plus the duration of flooding is expected to be short. The longest critical storm duration at the site is 6 hours, and hence flooding is not expected to last long. This is all detailed in the flood management plan prepared by WMA Water and included with the application.

Overall, the proposed development of IRT Towradgi Park has been designed to be compliant with the flood related development controls specified by Council's LEP and DCP for the medium flood risk precinct within which the site is situated. The number of people per unit/villa/apartment is 1.33 per dwelling regardless of the bedroom number. ILU's are typically occupied by 1-2 people. The total number of people residing on site is anticipated to reduce from 196 people to 118 people. This results in a deficit of 78 residents which clearly

demonstrates that the proposed redevelopment for independent living units is not less intense than the existing approved us which includes a RACF, hostel units and ILUs.

In consultation with the flood management and flood design controls implemented throughout the development, a civil engineering strategy for the site has been developed which provides a best fit solution within the constraints of the existing landform, structures and pavements, and the proposed architectural layout. A Stormwater Concept design has been prepared by JN in accordance with WDCP 2009 Chapter E13 and Chapter E14 (attached to the application).

Further to this, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.

Biodiversity & Riparian Corridor
EMM have reviewed the riparian considerations for this land, and advise that the proposal considers the opportunity for rehabilitation of riparian vegetation and habitat by:

- minimising and avoiding direct disturbance to the riparian land by avoiding removal of existing native vegetation. This avoids the direct impact and therefore requirement for rehabilitation in the form of planting. Any planting within the riparian land would contradict the VMP requirements set out by the Wollongong DCP to minimise flood affectation upon surrounding properties in the locality; and

- the provision of a Landscape Plan (Arcadia Landscape Architecture 2021) which is consistent with the objectives of the Wollongong LEP and VMP required under the Wollongong DCP.

Further to this, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN to improve water quality measures poster development. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.

Soil Resources
Construction activities have the potential to impact on soil resources by way of erosion and sedimentation. Conditions of consent should be imposed, if consent is granted, in relation to soil and water management controls to be implemented during construction. Satisfactory implementation of these controls will prevent significant impacts on soil resources.

Acoustic

An Acoustic Assessment has been prepared by Harwood Acoustics to assess noise intrusion into the development from nearby road traffic as well as noise emission arising from the operation of the mechanical plant servicing the apartments and the acoustical provisions of Part F7 of the Building Code of Australia 2022. The Acoustic Assessment concludes the following:

The internal noise limits set by Clause 2.120 of the State Environmental Planning Policy (Transport & Infrastructure) 2021 can be met providing recommendations made in Section 5 of this Report are implemented.

A further assessment of mechanical plant noise emission will be undertaken prior to the issue of a Construction Certificate as outlined in Section 6 of this Report. Recommendations are made in Section 7 of this Report to ensure that noise emission from the operation and use of the club house and communal areas satisfies the noise goals at all receptor locations.

Recommendations are made in Section 8 of this report to address the BCA Deemed-to-Satisfy Provisions and / or Performance Requirements of Part F7 of the BCA under the National Construction Code 2022 for the construction of internal building elements.

Recommendations are made in Section 10 of this report to minimise the level of noise and vibration from the construction works in accordance with the NSW EPA's Interim Construction Noise Guideline 2009 and Australian Standard AS2436:2010, so far as is reasonably practicable.

Contamination

Refer to the Detailed Site Investigation (DSI), Remediation Action Plan (RAP) and Interim Auditor's Advice Letter provided.

Based on the results of the DSI and the comments provided in Section 11 (of the DSI report), the following recommendations are made:

- *A full access and destructive pre-demolition Hazardous Building Materials Survey should be undertaken prior to demolition of site structures;*
- *An inspection of the building footprints to visually assess the underlying fill for consistency with previously observed fill and / or signs of potential contamination, should be undertaken following demolition of site structures and subsequent clearance of the resultant footprints by an Occupational Hygienist;*
- *The subsurface fill where asbestos has been identified, is considered to require treatment, management, or offsite disposal in accordance with a Remedial Action Plan (RAP);*
- *Where asbestos has not been identified but construction and demolition materials were identified, the presence of construction and demolition materials is considered indicative of the potential for further asbestos to be present. As such, the subsurface fill in these locations may require treatment, management, or offsite disposal if asbestos impacted fill is identified during remediation and or construction;*
- *The RAP should include an unexpected finds protocol (UFP) for implementation during the remediation and subsequent construction; and*

- *Any soils requiring off-site disposal are to be subject to a waste classification assessment prior to removal from site. Reference should be made to the NSW EPA Waste Classification Guidelines 2014 for waste classification assessments.*

Based on the results of the DSI and subject to the implementation of the above recommendations, it is considered that the site can be rendered suitable for the proposed aged care redevelopment development from the contaminated land perspective in the context of Clause 7 of SEPP 55.

Acid Sulfate Soils

An Acid Sulfate Soils Management Plan has been prepared for the site prepared by Douglas Partners to provide a framework for achieving environmental objectives to minimise the risk of harm to human health and the environment during and following proposed bulk earthworks at. The ASSMP provides acid sulfate soil management strategies, a monitoring program for soil and water quality, and contingency procedures.

Social and Economic Impacts

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail.

The identified positive impacts are summarised below:

- The proposal will generate direct employment opportunities in construction and flow on employment multipliers benefitting the local community.
- The proposal will provide much needed housing in the area.
- The development will be compliant with relevant disability standards and will meet the needs of people with physical disabilities, sensory disabilities, and intellectual disabilities.
- The development will have a positive impact on the environment by enhancing and improving the site and by ensuring minimal impact on downstream water quality as a result of the development.

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail.

View Impacts

No notable view loss is to occur as part of the proposed development. The site layout appropriately responds to contextual buffers and interfaces with existing residents at the western boundaries of the site.

The current development on site already incorporates single and double story structures throughout, and view lines through the property from the north and the west are already limited. The eastern and southern boundary edges are bordered by the Towradgi Arm riparian corridor, which already includes extensive and advanced vegetation throughout. The height of this vegetation is well in excess of current building heights and building lines, and as such,

coastline views are not reasonably available already for surrounding residents close to the proposed development.

There are no notable views or view corridors considered to be significant through the proposed development, and therefore view impacts will be limited.

Traffic and Parking
As identified by Bitzios Consulting, it is expected that the seniors living developments which presently exist over the subject site would generate a similar traffic generation. As such, there is minimal to no net increase in traffic generation by the proposed development. While it is acknowledged the proposed development is only accessed via Murranar Road with the removal of existing vehicular accesses on Edgar Street, the increase in development traffic on Murranar Road is deemed negligible and does not warrant detailed analysis or investigation of nearby intersections.

Based on the assessment, it is concluded that there are no significant traffic or transport impacts associated with the proposed development to preclude its approval and relevant conditioning based on transport planning grounds.

Aboriginal Heritage
An Aboriginal Due Diligence Assessment has previously been prepared for the site prepared by Biosis. Based on the results of the field investigation and background review, it is unlikely Aboriginal people utilised the study area for occupation or resource gathering. The high levels of previous disturbance throughout the extent of the study area, observed during the field investigation suggests that there is low potential for intact Aboriginal deposits to be present within the study area. Therefore the study area has been assessed as containing low archaeological potential.

1(c) the suitability of the site for the development

Section 4.15(1)(c) requires consideration of the suitability of the site for the development.

The proposal is considered appropriate regarding the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

There are no site constraints that would prevent the proposal.

1(d) any submissions made in accordance with this Act or the regulations.

Council will need to undertake consultation in accordance with the requirements contained within the WDCP 2009. Any submissions received in relation to the development will be reviewed and considered.

1(e) the public interest.

The proposal is in the public interest as it provides services to meet the needs of the community and does not result in any significant adverse impacts. Additionally, both short term and longer term employment opportunities will be created because of the construction of this development.

Conclusions

This Statement of Environmental Effects has been prepared by MMJ Wollongong on behalf of our clients Illawarra Retirement Trust to accompany a Development Application (DA) for Proposed Residential Seniors Housing Redevelopment at 17A Murraranar Road, Towradgi.

The proposal is for Demolition of the existing structures and construction of a seniors housing development of 85 independent living units and amenities including a neighbourhood shop with café and clubhouse. The development is to be undertaken in three stages.

The proposal is generally compliant with relevant legislative requirements and Environmental Planning Instruments.

The proposed land use is permissible and the proposal is consistent with the objectives for the Zone and is compliant with the relevant LEP clauses, SEPP's and DCP requirements with non-compliances adequately addressed.

The proposed building is of a contemporary building design employing high quality materials, attractive landscape features, and appropriate setbacks which compliments the streetscape.

The proposal includes appropriate stormwater and traffic management, designed to complement the surrounding environment, and minimises potential impacts on neighbouring properties.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including environmental and social and economic impacts. Where necessary, mitigation measures are proposed to minimise these potential impacts and reduce potential risk associated with the development.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public's interest and worthy of Council's support.

Disclaimer

Note: This SEE has been prepared for the purpose as described only and no part should be used for any other purpose and/or in any other context without prior approval from MMJ. Should any further information and/or discussion be required as a result of the advice contained within this report, please advise at the earliest convenience.

Appendix A - DCP Compliance Tables

Wollongong DCP 2009 Chapter A02 - Ecologically Sustainable Development

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of the DCP. The Land Use based DCP chapters relay objectives relating to the application of ESD, for example energy efficiency, maximising retention of significant remnant trees and other vegetation, and encouraging innovative housing design.

The proposed development has been designed to achieve relevant requirements and the appropriate BASIX certification has been attached to demonstrate compliance in this regard by Greenview Consulting Pty Ltd. In addition, solar panels are proposed on the Clubhouse building for energy efficiency and in response to renewable energy climate change initiatives.

Further to this, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.

The proposal is consistent with the relevant objectives contained within *Section 1.2* of this chapter with respect to energy efficiency, landscaping and building design.

Wollongong DCP 2009 Chapter B1 - Residential Development

This chapter contains residential development controls for dwelling-house, secondary dwelling, semidetached dwelling, dual occupancy, attached dwelling, multi-dwelling housing (villas and townhouses), residential flat building developments in standard residential zones. This chapter of the DCP applies to all residential zoned land within the City of Wollongong Local Government Area (LGA) including E4 Environmental Living.

There are no specific provisions within the DCP that apply to the built form of seniors housing and therefore the most appropriate form of housing controls is provided however, generally, in the event of any inconsistency between a DCP and the relevant LEP, the LEP will prevail. In this case, where there is inconsistency between a DCP and the SEPP, the SEPP will prevail.

TABLE 4 COMPLIANCE WITH WOLLONGONG DCP 2009 CHAPTER B1: RESIDENTIAL DEVELOPMENT

Item	Control (or summary of)	Complies
5.1 Minimum Site Width Requirement	1. The Wollongong LEP requires a minimum site width of 18 metres for multi-dwelling development. Site width is measured for the full width of the site, perpendicular to the property side boundaries.	The site has a width of more than 18m.
	2. A minimum site width of 18m is required for attached dwelling development. Site width is measured for the full width of the site, perpendicular to the property side boundaries. This control may be varied for irregular shaped lots or where the development meets the requirements of	The site has a width of more than 18m.

	setbacks, private open space, visual amenity, solar access, built form and landscaping. 3. Sites should be amalgamated, where required, to achieve the minimum site width requirement. 4. Within the R1 General Residential and R3 Medium Density Residential zones, development for the purpose of an attached dwelling development must not result in the creation of an "isolated lot". 5. Council will only allow development which would result in the creation of an "isolated lot", where it is satisfactorily demonstrated. 6. In cases where the subject site is an existing "isolated lot", Council may consider a variation to the minimum site width requirement provided, in the opinion of Council, the proposed development will not cause any significant adverse overshadowing, privacy or amenity impact upon any adjoining development. 7. In certain existing "isolated lot" cases, a proposed development may not achieve its maximum development potential.	The development covers multiple sites to be amalgamated. The site is located within the R2 Low Density Residential zone. The development does not result in an isolated lot. The development will not create an isolated lot. The site is not an existing isolated lot. As above. The site is not an existing isolated lot.
5.2 Number of Storeys	1. The maximum number of storeys for attached and multi dwelling housing is set out in the table below: R2 Low Density Residential zone Two (2) storeys 2. Habitable roof space may provide additional habitable area only when the height of the building does not exceed the overall ridge heights specified in the maximum building height tables. 3. Where the roof space is used as habitable area in accordance with the above requirements, it is not classified as an additional storey.	The development proposes a maximum of two (2) storeys. No use of roof space proposed as habitable space. As above.
5.3 Front Setbacks	1. A 6m setback requirements applies from the front property boundary to the front façade of the building.	The prevailing setback of existing buildings on the site is 5.3 metres, and for the most part similar setbacks have been adopted with regards to this prevailing street frontage. On this basis it is considered unnecessary to apply a 6 metre street frontage given the historic built form in place over many decades. The majority of dwellings are situated little further setback at 5.6 metres on average, whilst the minimum setback adopted is 4.94 metres for the façade of the proposed shop to Murranar Road. The proposed setbacks to the street frontage are considered justified on the following basis: • The majority of dwellings proposed along this frontage are setback behind the existing building line at present. • All buildings fronting the street at this edge are of single storey construction only, which does not result in an overbearing built form at the streetscape level.

		• All garages are articulated from the front building lines and are well set back beyond 6 metres. • The shop proposed adjacent to the main entry has been slightly brought forward to 4.94 metres from the street frontage to provide clear identity element with regards to its particular use and meeting spot intent. The idea being that this building's visual presence is promoted along the streetscape from either direction to identify its location more prominently (compared to the single storey residential villas).
	2. On corner allotments a minimum setback of 3m to the secondary street frontage from the dwelling façade must be provided.	The site is not a corner allotment.
	3. Balconies, front courtyard fences and other building extrusions may be set back up to 900mm closer than the required front or secondary setback.	No Balconies, front courtyard fences and other building extrusions within the front setback.
	4. An increase in setbacks may be required to retain existing trees or respect adjacent heritage items.	The site is not adjoining a heritage item and no trees are to be removed to achieve the front setback.
5.4 Side and Rear Setbacks	1. The minimum rear boundary setbacks are as follows: R2 Low Density Residential Zone Minimum side and rear setback: 0.8 x ceiling height Minimum side and rear setbacks where balconies or windows of living areas face the rear boundary at first floor level or above: 1.0 x ceiling height	The proposed development complies with appropriate boundary setback calculations.
	2. Where a basement parking area is provided for an attached dwelling development, the controls relative to basement parking areas for residential flat buildings will apply.	Basement parking is proposed.
	3. For attached dwelling developments containing three storeys and 4 or more dwellings, the additional separation/side setback requirements for residential flat buildings will apply.	The development is not attached dwellings containing three storeys and four (4) or more dwellings.
	4. Council may only consider granting a variation to the setback requirements where it can be demonstrated to Council's satisfaction	A variation is not requested.
5.5 Building Character and Form	1. The following elements must be incorporated in the building design of attached and multi-dwelling development: (a) Articulate and fragment building walls that address the street and add visual interest. The appearance of blank walls or walls with only utility windows on the front elevation is not permitted. (b) Avoid expanses of any single material. (c) Utilise high quality and durable materials and finishes. (d) Entrances must be visible at eye level from the street and well lit. (e) For those dwellings adjacent to the street frontage, the habitable rooms must face the street. (f) Ensure entrances can accommodate the movement of furniture.	These built form and character considerations have been incorporated into the architectural plans prepared by GW, to provide a responsive and appropriate streetscape image.

	(g) Air conditioning units must not be visible from the street. Space shall be allocated and shown on plans for air conditioning units in order to demonstrate that this can be achieved. (h) All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. Dwellings adjacent to the street boundary must have individual entries from the street. (i) For attached dwellings on corner sites, each frontage of the development must present as the primary street frontage. (j) Where garages are proposed on the front elevation they must be articulated, unless it can be demonstrated that the garages will not visually dominate the streetscape appearance of the building.	
5.6 Access / Driveway Requirements	1. The development proposal must provide access to the site in accordance with the following controls: (a) Paving colour, texture and material should be sympathetic with the character of the precinct and reflect a pleasant visual appearance. (b) Provide driveways to parking areas from lanes and secondary streets rather than the primary road or street, wherever practicable. (c) The number of access points to a development must be kept to a minimum. (d) Locate driveways taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees. (e) Long straight driveways should be avoided because these adversely dominate the streetscape and landscape. Curved driveways are more desirable. Landscaping between the buildings and the driveways is encouraged to soften the appearance of the hard surface. (f) All driveways must be located a minimum of 6 metres from the perpendicular of any intersection of any two roads. (g) Any driveway servicing a residential development is to be setback a minimum of 1.5m from any side property boundary. (h) Driveways are to be a maximum of 6m in width. (i) The design of driveway and crossovers must be in accordance with council's standard vehicle entrance designs. 2. All vehicles within a multi dwelling development must provide vehicular manoeuvring areas to all parking spaces so vehicles do not need to make more than a single point turn to leave the site in a forward direction. Direct reversing onto the street will only be considered where the garage fronts a secondary road, carrying reduced traffic volume and all other requirements of the policy are met. 3. Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, being AS 2890.1. 4. Crossover and driveway widths relating must comply with the following: 6 to 20 Crossover Width 4 – 6m combined to within 6m internally of the front property boundary Driveway Width Minimum 3m	Refer to Traffic Impact Assessment prepared by Bitzios consulting.
5.7 Car Parking Requirements	1. On site car parking must be positioned to minimise impacts on the streetscape. Car parking must be located behind the building setback and be screened from view with well designed structures and vegetation. Car parking may also be located within a basement.	Car parking is provided within a single or double garage or in basement parking for each of the dwellings.

	2. Car parking areas should be designed to conveniently, efficiently and appropriately serve residents and visitors of the site. This can be achieved in the following ways: (a) Ensuring that car parking areas are located close to entrances and access ways. (b) Car parking areas to be secure yet easily accessible for all residents. (c) Have clearly defined areas for visitor parking and disabled parking.	As above
	3. Parking for cars, motorcycles and bicycles must be provided and designed in accordance with the requirements contained in Traffic, Access, Parking and Servicing Chapter contained in Part E of this DCP.	Refer to Traffic Impact Assessment prepared by Bitzios consulting.
5.8 Landscaping Requirements	1. A minimum of 30% of the total site area must be provided as landscaped area.	Well in excess of 30% of the site area is provided as landscaped area.
	2. A minimum of two semi mature medium – large trees (minimum pot size 45L) are to be provided onsite in the landscaped area or deep soil zone and at least 3m from any existing or proposed dwelling, building or structure on the lot. In the instance where there is an existing mature tree/s onsite and these will be retained post development, only one additional semi mature medium – large tree is required.	Provided.
	3. Any landscaped or grassed areas within the front setback area will be included in the landscaped area calculations.	Noted.
	4. The required landscaped area must include a minimum 1.5 metre wide landscaping bed, which is provided along the side and rear boundaries of the site.	Provided.
	5. The following matters must be addressed within the submitted landscape plan: (a) Site landscaping must be integrated with the stormwater management controls. In particular, the location and nature of the on site stormwater detention basins should not conflict with landscaping areas and objectives. (b) Select appropriate species that are likely to survive in the specific environmental conditions of the site, orientation and microclimate. (c) Identify and retain where possible existing mature trees. (d) Garden beds to be mulched and be separated from driveways or open space areas by an appropriate border or edge. (e) The width of the landscape bed does not include kerbs or other hard borders or edges. (f) Where driveways are located parallel to a property boundary, a minimum 1.5m landscape strip is required adjacent to the driveway. (g) Landscaping to separate driveways from dwellings is also required to minimise the expanse of hardstand surfaces, define dwellings from common driveway areas and to promote variation in the alignment of driveway areas. (h) Manoeuvring areas immediately adjacent to the living/dining rooms of dwellings is not permitted.	Provided.
	6. Street trees are required to be planted in accordance with the requirements contained in the Landscaping Chapter in Part E of this DCP.	Provided.

5.9 Deep Soil Planting	1. The siting of the deep soil zone shall be determined following a Site and Context Analysis to investigate whether this area should be located: (a) Centrally within the site to allow for overlooking from dwellings within a development; (b) At the rear of the site to allow for separation from adjacent dwellings and to provide a continuous corridor of vegetation of native fauna; or (c) Elsewhere within a site to allow for retention of significant trees and attain maximum access to sunlight.	Provided.
	2. A minimum of half of the landscaped area (i.e. 15% of the site) must be provided as a deep soil zone, where the deep soil zone is not located at the rear of the site. The deep soil zone may be located in any position on the site, other than forward of the building line, subject to this area having a minimum dimension of 6m. Alternatively, the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m. The area of deep soil planting must be continuous to ensure that the deep soil planting area is a singular uniform area and is not fragmented.	Well in excess of 15% of the site area is provided as deep soil zone.
	3. No structures, basement carparks, driveways, hardpaving, decks, balconies or drying areas are permitted within the deep soil zone.	Noted.
	4. The deep soil zone shall be densely planted with trees and shrubs. Where a multi dwelling housing development is to be strata titled, the deep soil zone may be retained within the common property or allocated to an individual unit entitlement, where such dwelling is directly adjacent.	Noted.
5.10 Communal Open Space	1. Developments with more than 10 dwellings must incorporate communal open space. The minimum size of this open space is to be calculated at 5m2 per dwelling. Any area to be included in the communal open space calculations must have a minimum dimension of 5 metres. The communal open space must be easily accessible and within a reasonable distance from each dwelling be integrated with site landscaping, allow for casual social interaction, and be capable of accommodating recreational activities.	> 405 square metres have been provided throughout
	2. Where a minimum of 15% of the site is provided as a deep soil zone, combined use of part of the deep soil zone as communal open space may occur. The combined communal open space/deep soil area may be grassed but must contain significant shade trees. A maximum of 1/3 of the required communal open space area may be combined with the deep soil zone.	Noted but not necessary.
	3. Areas of the communal open space should contain paving, children's playground equipment, barbeques, shade structures, swimming pools or the like, however these cannot be located within the deep soil zone.	Refer to landscape concept plan by Arcadia.
	4. At least 50% of the communal open space area must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21.	The primary communal open space area in central hub to the site achieves this minimum requirement.
5.11 Private Open Space	1. Private open space must be provided for each dwelling within an attached dwelling development in the form of a balcony, courtyard, terrace and/or roof garden.	A POS area is provided for each dwelling
	2. Private open space for each dwelling within an attached dwelling housing development must comply with the following: (a) Private open space must be provided at the ground level or podium level. The courtyard or terrace must have	Private open space is provided for each dwelling (a) Is provided at the ground level or podium level and has a minimum

	a minimum dimension of 4 metres x 5 metres. This area must be separated from boundaries by at least 1.5 metres with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas. Where a level courtyard is not possible, a deck or split level courtyard must have a minimum depth of 3 metres. (b) The primary private open area of at least 70% of the dwellings within a multi dwelling housing development must receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21. (c) Private open space areas (courtyards) must not extend forward of the front building setback by greater than 900mm. (d) Private open space should be sited in a location, which provides privacy, solar access, and pleasing outlook and has a limited impact upon adjoining neighbours. (e) Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve. (f) Clearly define private open space through use of planting, fencing or landscaping features. (g) Screen private open space where appropriate to ensure privacy.	dimension of 4 metres x 5 metres separated from boundaries by at least 1.5 metres with a vegetated landscaping bed and does not encroach upon deep soil zone landscaping areas. Where a level courtyard is not possible, a deck is provide with a minimum depth of 3 metres. (b) The primary private open area of at least 70% of the dwellings receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21. (c) Private open space areas (courtyards) do not extend forward of the front building setback by greater than 900mm. (d) Private open space are sited in a location, which provides privacy, solar access, and pleasing outlook and has a limited impact upon adjoining neighbours. (e) each POS act as direct extensions of the living areas of the dwellings they serve. (f) POS are clearly defined. (g) Screening is used where appropriate to ensure privacy.
5.12 Solar Access Requirements	1. Windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June. 2. At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21. 3. The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21. 4. Windows to north facing living rooms for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June. 5. At least 50% of the private open space area for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June. 6. Shadow diagrams will be required for hourly intervals between 9.00 am and 3.00 pm for the 21 June winter solstice period which show the extent of overshadowing upon dwellings and rear private open space areas of adjoining dwellings. In certain cases, Council may require additional hourly interval shadow diagrams for the equinox period where it is necessary to determine the full extent of overshadowing upon the dwelling and / or private open space area of an adjoining property.	Windows to living rooms of adjoining dwellings receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June. At least 50% of the private open areas of adjoining residential properties receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21. 3. The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21. Windows to north facing living rooms for each of the subject dwellings in the development receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June. At least 50% of the private open space area for each of the subject dwellings in the development receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June. Shadow diagrams have been included with the development application as required.
5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout	1. Provide a mix of dwelling sizes and layouts within larger multi-dwelling developments having ten (10) or more dwellings. This could include both variation in the number of bedrooms and gross floor areas of apartments, variety in the internal design or incorporating one, two and three	The development provides 85 Independent Residential Units (with a unit mix consisting of villas, apartments and studios with 1, 2 and 3 bedrooms).

	bedroom dwellings to accommodate various resident requirements. 2. The selection of the number of bedrooms within developments shall be determined having regard to the sites context, geographic location and anticipated demographic characteristics. 3. Dwellings should be designed with internal spaces, which are flexible and adaptable to resident's requirements. This should involve the efficient utilisation of available floor space to maximise useable room areas. Apartment layouts should also respond to the sites opportunities, including views and aspect.	
5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing	1. Within a multi dwelling development incorporating more than six (6) dwellings, 10% of all dwellings (or at least 1 dwelling) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "pre-adaptation" design details to ensure visitability is achieved. 2. Where an adaptable dwelling is provided in the form of a villa and a double garage is required to be provided, Council will accept a single garage, which complies with the minimum adaptable car parking dimensions contained in the Traffic, Access, Parking and Servicing Chapter in Part E of this DCP. The single garage will be counted as two car parking spaces for the purpose of car parking calculations. 4. The Development Application must be accompanied by certification from a suitably qualified and experienced Access Consultant which confirms that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Provided.
5.15 Additional Control for Multi Dwelling Housing - Crime Prevention through Environmental Design	1. Compliance with the requirements of Chapter E2 Crime Prevention through Environmental Design (CPTED) in this DCP.	Refer assessment below for Chapter E2 Crime Prevention through Environmental Design (CPTED).

Wollongong DCP 2009 Chapter D01 - Character Statements

The main aims of this chapter of the DCP are to identify the existing character and desired future character for each particular suburb within the city.

Existing Character

Towradgi is a small beachside residential suburb with a relatively low density residential character and comprises predominantly of single storey weatherboard, fibro and brick veneer dwelling-houses with pitched rooflines. Some older dwelling stock has been replaced by new two storey contemporary dwelling-houses, particularly on properties in close proximity to Towradgi Beach and Towradgi Park.

Towradgi also contains the Towradgi Park nursing home.

Towradgi Park is a key local and regional recreational facility. Towradgi Creek riparian corridor also represents an important passive open space feature.

Desired Future Character

Towradgi will remain as a low density residential suburb with the replacement of some older housing stock with larger single to two storey dwellings likely over the medium to long term.

New dwellings should be individually designed with a coastal architectural theme. Weatherboard or rendered brick wall construction is preferred for at least the upper first floor level of any new dwelling. The roof form of any new dwelling should be designed to maximise view sharing opportunities to neighbouring dwellings. Therefore, curved, pitched or sloping flat rooflines may be suitable, depending upon the proposed dwelling style and whether any water views of neighbouring dwellings should be maintained.

Balconies should be lightly framed in stainless steel and / or timber finishes, rather than of brick or masonry construction.

The upgrading of Towradgi Park will ensure that the park is a key recreational facility in the future for both local residents and the wider community alike.

The external details have been carefully considered with Gardner Wetherill Associates undertaking a comprehensive site analysis not only in terms of built form but also materials to ensure that the development, will integrate with the existing setting but also provide a benchmark for future development in the area. Towradgi is a small beachside residential suburb with a relatively low density residential character and comprises predominantly of weatherboard, fibro and brick veneer dwelling-houses. The new dwellings have been individually designed with this coastal architectural theme in mind.

It is clear that the proposed development responds to the existing site character.

Wollongong DCP 2009 Chapter E01 - Access for People with a Disability

The purpose of this Chapter of the DCP is to outline the current statutory framework concerning the provision of equitable access for all people, including people with a disability. This Chapter of the DCP also sets out the minimum requirements for the provision of equitable access for people with a disability in the built environment.

A Statement of Compliance/Access Report has been prepared by Accessible Building Solutions to address compliance is required with the following:

- The Access Provisions of the BCA 2019
- The Access To Premises Standard
- AS1428 suite of Standards
- AS2890.6 for car parking
- AS1735.12 for lifts
- AS4299 Adaptable Housing
- SEPP Housing for Seniors or People with a Disability
- Council's DCP relating to Access for People with a Disability

The building work comprises of seniors housing units and villas and a community centre

Under the BCA the building is classified as follows:

- Class 1a (detached house or attached dwellings such as townhouse or villas)
- Class 2 (building containing more than 2 SOUs i.e. sole-occupancy units)
- Class 7a (car park)
- Class 9b (assembly building)

The report concludes that based on the basis of the assessment, the proposal can achieve compliance with the access provisions of the BCA and the Access to Premises Standard & SEPP Seniors Living.

Wollongong DCP 2009 Chapter E02 - Crime Prevention Through Environmental Design

This chapter seeks to promote the creation of safer places through environmental design in the planning, design and management of development. The principles aim to encourage and guide both public and private developments to include CPTED principles in the planning and design stages of buildings and public places. This chapter captures the principles where they can be incorporated as design controls for certain types of development in Wollongong LGA.

The Crime Prevention Through Environmental Design (CPTED) guidelines were prepared by the NSW Police in conjunction with the NSW Department of Planning and Environment. CPTED provides a clear approach to crime prevention and focuses on the planning, design and structure of cities and neighbourhoods. The main aims of the guidelines are to:

- *Limit opportunities for crime;*
- *Manage space to create a safe environment through common ownership and encouraging the public to become active guardians; and*
- *Increase the perceived risk involved in committing crime.*

A safety audit of the proposed development against the *Crime Prevention Through Environmental Design* principles *and NSW Police Safer by Design Guidelines for Crime Prevention* is provided as follows:

TABLE 5 COMPLIANCE WITH WOLLONGONG DCP 2009 CHAPTER E02 – CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Item	Control (or summary of)	Complies
Lighting	**Objectives** (a) To promote legitimate activity by users of public spaces after dark. (b) To encourage the use of appropriate types of lighting fixtures. (c) To ensure the appropriate placement of lighting to avoid shadows and glare which may put users of the area at risk.	Appropriate lighting will be installed throughout the development as deemed necessary.
Natural surveillance and sightlines	**Objectives** a) To provide unimpeded sight lines, particularly along pedestrian pathways. b) To encourage natural surveillance from surrounding buildings and land uses. c) To improve natural surveillance through increased legitimate use of spaces.	The location of the buildings windows and doors will provide natural surveillance. The development will include surveillance systems
Building design	**Objectives** a) To integrate public buildings into the wider public realm; b) To use buildings to support natural surveillance of adjacent open space;	The buildings are appropriate for the residential landscape.

	c) To construct, sturdy, attractive, environmentally sensitive buildings to reduce temptations for vandalism and graffiti; and d) To reduce the risk of public buildings contributing to crime or safety problems	
Landscaping	**Objectives** a) To create a friendly and pleasant environment that attracts users and at the same time is safe. b) To support ease of maintenance by not creating fragile landscaped areas in public use areas. c) To support and reinforce security Principles such as natural surveillance, by the careful selection and placement of appropriate landscaping	Landscaping is active and provides for ease of maintenance.
Spaces safe from entrapment	**Objectives** a) To reduce the risk of attack by hidden persons. b) To eliminate possible entrapment spaces and reduce the danger of people being attacked where they have no direct means of escape. c) To ensure that the location and design of facilities, such as automatic teller machines do not create entrapment spaces.	No entrapment areas included in the proposed design.
Management and maintenance	a) To ensure prompt maintenance and repairs b) To facilitate prompt reporting of any damage or repair needs. c) To promote a perception that an area is well maintained and is well cared for by its local community. d) To discourage graffiti and vandalism. e) To install equipment and fixtures that are vandal resistant and can be easily cleaned	The management will provide for prompt and suitable management and maintenance.

Wollongong DCP 2009 Chapter E03 - Car Parking Access Servicing Loading Facilities

This chapter of the DCP provides general requirements for the assessment and management of traffic impacts associated with development. This chapter also outlines Council's general requirements for the design and provision of car parking, motorcycle parking, bicycle parking and storage facilities in addition to access and loading facility requirements for specific developments. This chapter includes specific reference to recognised design standards such as Australian Standard AS2890 Parts 1 – 6 and AUSTROADS, where appropriate.

To understand the inherit site traffic conditions that exist and are likely as a result of the proposed redevelopment, Bitzios Consulting (Bitzios) has been engaged to undertake a traffic impact assessment (TIA). The report provides an estimation of the proposed development's traffic generation and qualitative assessment of the impacts on the surrounding road network. In summary, the TIA concludes:

> *"…The key findings from the above traffic impact assessment are as follows:*
> - *The proposed seniors living development will consist of 81 self-contained dwellings*
> - *The site proposes 83 resident car spaces and 17 visitor car spaces*
> - *The site is considered well serviced by the existing public transport network and routes and does not warrant the need for additional services or infrastructure*
> - *The site is well serviced by existing and highly-connected active transport infrastructure and does not trigger the need for modifications to existing facilities or new facilities*
> - *The geometric layout of the proposed plan is deemed adequate providing sufficient manoeuvrability for residents and servicing*

- *Swept paths show that a 10.5m front loader refuse collection vehicle is capable of entering and exiting the site in a forward gear*
- *Alternative transport provisions are expected to be adequate and the provision for pedestrian and cycle connectivity to the existing network.*
- *The proposes access provided generally in accordance with the relevant requirements of AS2890.1 and the Council's DCP in terms of form, location and sight distances.*

Based on the above assessment, it is concluded that there are no significant traffic or transport impacts associated with the proposed development to preclude its approval and relevant conditioning based on transport planning grounds."

As identified by Bitzios Consulting, it is expected that the seniors living developments which presently exist over the subject site would generate a similar traffic generation. As such, there is minimal to no net increase in traffic generation by the proposed development. While it is acknowledged the proposed development is only accessed via Murranar Road with the removal of existing vehicular accesses on Edgar Street, the increase in development traffic on Murranar Road is deemed negligible and does not warrant detailed analysis or investigation of nearby intersections.

Wollongong DCP 2009 Chapter E06 – Landscaping

This chapter outlines Council's requirements for the lodgement of landscaping plans and other information in support of a Development Application

A Landscape Plan has been prepared by Arcadia. The landscape design focuses on three areas:

A Healthy Community
Create an environment that:
- *encourages daily movement*
- *promotes physical exercise*
- *improves mental and physical health*
- *improves wellbeing*

An Intergenerational Landscape
Public realm is the glue that binds communities together
Let's create an environment that is inclusive for young and old

A Connected Community
Create a series of outdoor spaces that:
- *encourages social interaction*
- *brings residents out of their homes for living and learning entices locals to visit,*
- *stay and play*
- *caters for active and passive users*

Wollongong DCP 2009 Chapter E07 - Waste Management

This Chapter incorporates the waste minimisation, recycling requirements and assessment criteria / development controls contained in the NSW Department of Environment and Climate Change's publication titled Model Waste Not DCP Chapter dated July 2008. This Chapter also reflects the waste minimisation and management / recycling strategies and guidelines contained in the NSW Department of Environment and Climate Change's publication titled Better Practice Guide for Waste Management in Multi-unit Dwellings dated June 2008.

A WMP has been prepared by Elephants Foot Recycling Solutions and is attached to the application for Council's consideration. The SWMMP addresses demolition and construction. It also outlines how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques.

Sufficient storage of waste is available within each of the dwellings whereby residents may then dispose of waste in their individual waste storage facility. The residents will be provided with areas within their properties to house their waste and recycling bins. Residents will be responsible for correct waste segregation and housing their bins within their properties in areas that does not affect neighbouring properties. Residential common areas such as lobbies, amenities and circulation areas will be supplied with suitably branded waste and recycling bins where considered appropriate. These areas generate minimal waste, however general waste and recycling receptacles should be placed in convenient locations.

On the nominated collection days, residents will be responsible for transporting the 240L MGBs to the waste collection areas located throughout the site on ground level.

To service the bins, a Council or private contractor collection vehicle will enter the site from Murranar Road and service the bins at each waste collection area. Once the bins are serviced, the collection vehicle will exit the site onto Murranar Road in a forward direction.

It is the responsibility of the residents and property management to ensure that loading areas are clear of any vehicles or obstructions prior to waste collection. When waste collection is complete, each resident will return the bins to their properties to resume operational use.

A private waste collection contractor will be engaged to service the commercial/retail waste and recycling bins per an agreed schedule. On the day of service, a private waste collection vehicle will enter the site from Murranar Road and park in the loading bay. Once the bins are serviced, the collection vehicle will exit the site onto Murranar Road in a forward direction.

Wollongong DCP 2009 Chapter E10 - Aboriginal Heritage

This part of the DCP provides a brief outline of the requirements for any development proposal upon a known or potential Aboriginal site containing Aboriginal objects or a place of Aboriginal cultural heritage significance.

Council have advised there is a known Aboriginal site mapped in the vicinity of the proposal as well as a number of other known sites within 1km of the subject site. A basic AHIMs Report generated by Council has confirmed there is a known Aboriginal site on the subject land.

An Aboriginal Due Diligence Assessment has previously been prepared for the site prepared by Biosis and concludes:

> ***5.1 Conclusions***
> *Based on the results of the field investigation and background review, it is unlikely Aboriginal people utilised the study area for occupation or resource gathering. The high levels of previous disturbance throughout the extent of the study area, observed during the field investigation suggests that there is low potential for intact Aboriginal deposits to be present within the study area. This is further corroborated through the results of the 2017 test excavations, which illustrate that the land directly adjacent to the east of the study area, possessing the same geological, hydrological and topographical factors, recovered no Aboriginal artefacts. These excavations were also conducted in an area of minimal visible disturbance, confirming that the extensive development within the study area would have removed any potential for Aboriginal sites, objects or Places to remain present. Therefore the study area has been assessed as containing low archaeological potential (Figure 7, Figure 8).*
>
> *The report provides recommendations developed relevant to the study area and influenced by:*
> - *Predicted impacts to Aboriginal cultural heritage.*
> - *The planning approvals framework.*
> - *Current best conservation practise, widely considered to include:*
>   - *Ethos of the Australia ICOMOS Burra Charter (2013).*
>   - *The code.*

It is expected that the ACHAR will be notified to Heritage NSW for review and comment.

Wollongong DCP 2009 Chapter E12 - Geotechnical Assessment of Slope Instability

This chapter of the DCP applies to certain lands within the City of Wollongong LGA that are known or suspected to be subject to land instability. Slope instability may be initiated by the influence of human alterations of the natural landform and/or natural processes as they affect the landform. It predominantly occurs as a rockfall, landslide or debris flow on hillside land particularly after periods of prolonged or intense rainfall. It also occurs along the coastal zone through wave action or inundation.

A geotechnical investigation was undertaken by Douglas Partners to provide preliminary comments with respect to reactivity, site classification, site preparation, earthworks and foundations, pavements and acid sulfate soils. The report provides classifications and recommendations for:

> *8.2 Geotechnical Site Model*
> *8.3 Site Classification*

8.4 Acid Sulfate Soils
8.5 Excavations
8.5.1 Proposed Basement Excavation
8.5.2 General
8.6 Retaining Walls
8.7 Earthworks and Site Preparation
8.8 Foundations
8.9 Pavement and Ground Slabs
8.10 Site Maintenance and Drainage

The recommendations have been taken into regard for the design of this development and it is expected that these will be taken into consideration by Council.

Wollongong DCP 2009 Chapter E13 - Floodplain Management

Chapter E13 sets forth its prescriptive controls for all development on the floodplain. small watercourse runs through the subject site, and is a tributary of American Creek.
As identified, the subject site is identified as being affected by flood. The entire site falls within the “Medium Flood Risk Precinct”. The adjacent Towradgi Arm is classified as “High Flood Risk Precinct” and would also include land within 10 m from the top of the creek bank (shown as 10 m from the property boundary). The entire site is inundated in the 1% AEP event, but not subject to high hydraulic hazard.

For this purpose, a flood impact assessment and flood risk management plan has been prepared by WMA Water and is attached to the application for Council’s consideration. This assessment presents background information about the nature of flood risk at the site, and the factors that were considered in developing the risk management plan

The key features of the design related to flooding include the following:

- *Retention of adequate flood storage achieved through the provision of dedicated flood storage areas at RL 2.15 mAHD.*
- *Ability for water to be stored and flow under most buildings.*
- *Ground levels below building undercroft areas set to a level of RL 2.95 mAHD to allow only one metre of water below each raised building. This keeps the hazard below H4 (for low flow velocities) beneath the buildings.*
- *Residential building floor levels at a minimum of RL 4.5 mAHD (Flood Planning Level = RL 4.46 mAHD).*
- *Underground carpark entrances at RL 4.46 mAHD (Flood Planning Level).*
- *Club House proposed to be the PMF refuge, with a floor level of RL 5.1 mAHD (PMF Level = RL 4.95 mAHD).*
- *Internal roads provide rising access from each single storey dwelling floor level to the club house for evacuation purposes*
- *No fencing proposed on the eastern and southern boundaries that are adjacent to the Towradgi Arm, allowing free flow between the creek and the site.*

The primary use of the site will be residential housing for retirees that are capable of maintaining and occupying the dwelling themselves with a reasonable level of self-sufficiency. These are independent living units – That is, the proposed site use is for over 55's who are capable of maintain and occupying the dwelling themselves without the provision of care by the aged care provider.

The flood depth on Murranar Road, outside the site, is approximately 0.5 m in the 20% AEP event and 0.7 m in the 1% AEP event. Evacuation off-site is not considered viable in the 20% AEP events and greater. In the 20% AEP and 1% AEP events, dwelling floor levels will not be inundated and internal access roads will not be flooded, providing access within the site and safe refuge within each dwelling.

In terms of flood management, a shelter-in-place strategy is recommended. It is considered the safest option to remain in the building occupied when the storm commences. This reduces the risks associated with navigating intense storm conditions outside. The proposed building floor levels on site are at 5.45 mAHD, which is 0.5 m above the PMF level. As such, the buildings are not expected to be inundated above floor in any flood event. This means that each building provides a flood refuge area for its occupants, in accordance with the DCP definition. In the event of a flood, the safest option for residents, contractors and visitors on site is to remain within the buildings on site. For those residing within a dwelling, it will be safe to remain within the dwelling for the duration of the flood. For those that may be located on site (such as garden maintenance staff), the club house provides a flood refuge area that will be accessible, as well as common areas within the apartment buildings.

Overall, the proposed development of IRT Towradgi Park has been designed to be compliant with the flood related development controls specified by Council's DCP for the medium flood risk precinct within.

Wollongong DCP 2009 Chapter E14 - Stormwater Management

This chapter of the DCP details Council's requirements for stormwater drainage design and on-site stormwater detention for all developments within the City of Wollongong Local Government Area (LGA). Stormwater drainage design and on-site stormwater detention must be carried out in accordance with this chapter. Adherence to the requirements contained in this chapter of the DCP will help facilitate the expeditious processing of applications involving engineering related issues.

A civil engineering strategy for the site has been developed which provides a best fit solution within the constraints of the existing landform, structures and pavements, and the proposed architectural layout. A Stormwater Concept design has been prepared by JN in accordance with WDCP 2009 Chapter E13 and Chapter E14 (attached to the application).

In particular, WSUD measures will be incorporated into the stormwater management plan for the site is prepared by JN to provide water quality improvements poster development. A stormwater treatment train and MUSIC modelling has been undertaken which involves the capture of stormwater run-off from hard surfaces such as roads, paving and roof areas within

the site, and the filtration of this water through water quality initiatives such as rain gardens, swales and rainwater tanks, prior to discharge into the Towradgi Arm creek outlet to the south.

Wollongong DCP 2009 Chapter E17 - Preservation and Management of Trees and Vegetation

This Chapter of the DCP outlines Council's requirements for the preservation and management of tree(s) and other vegetation (including pruning and removal). Under clause 5.9 of the Wollongong Local Environmental Plan 2009, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any prescribed tree or other vegetation, without development consent or a permit being granted by Council.

The subject site incorporates a number of trees which are required to be removed in order to facilitate the proposed redevelopment. All trees in the Wollongong Local Government Area are protected and cannot be removed without the adequate assessment being undertaken. Specifications relating to what can and cannot be removed are detailed in the Wollongong City Council Development Control Plan (DCP), 2009 in Chapter E17 *'Preservation of trees & management of trees and vegetation'*. This DCP protects all trees above three (3) metres in height with a girth of twenty (20) centimetres or more, measured at a distance of one hundred (100) centimetres above the ground.

The site includes approximately 126 trees that required an assessment of health and condition, and for this purpose, Moore Trees have undertaken an Arboricultural Report and assessment. Given the existing flood conditions and required earthworks to accommodate redevelopment, the majority of these trees will be required to be removed accordingly. Two existing trees will be retained.

The recommendations have been taken into regard for the design of this development and it is expected that these will be taken into consideration by Council.

Wollongong DCP 2009 Chapter E18 - Threatened Species

This Chapter provides Council's guidelines for the preparation of flora and fauna impact assessment reports and accompanying Assessments of Significance (AoS), also known as 7 Part Tests, for threatened flora and fauna species and endangered ecological communities. 3.

This Chapter takes into account the provisions of the Environmental Planning and Assessment Act 1979, the Threatened Species Conservation Act 1995, the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and other relevant legislation, concerning the environmental impact assessment of threatened flora and fauna species of development upon endangered ecological communities and matters of national significance.

The site is adjacent to a Category 3 watercourse. This requires a 10m buffer either side of the watercourse measured from the top of bank. All works shall be outside of the riparian corridor. The application includes a review of the Flora, Fauna and Watercourses on the site.

No clearing of native vegetation will be required. As such, assessment under the BC Act and EPBC Act are not required.

Wollongong DCP 2009 Chapter E19 - Earthworks (Land Reshaping Works)

This Chapter of the DCP outlines Council's requirements and environmental management measures required for development involving earthworks. Other parts of this DCP include more detailed controls regarding the dimensions of filling and excavation works permitted for specific development, such as residential development. Earthworks must be carried out in accordance with this chapter. Adherence to the requirements contained in this chapter of the DCP will help facilitate the expeditious processing of applications involving engineering related issues.

The site is known to Council as having geotechnical instability and earthworks are proposed for the building envelope that involve cut and fill due to the slope of the site and the provision of a lower ground floor garage. A Geotechnical Investigation has previously been prepared for the site prepared by Douglas Partners.

Wollongong DCP 2009 Chapter E20 - Contaminated Land Management

This policy directly relates to the State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), the Contaminated Land Management Act 1997 and the joint NSW Department of Urban Affairs & Planning & Environment Protection Authority publication titled Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land (August 1998).

The objective of the PSI is to assess the suitability of the site for the proposed development and whether further investigation and/or management is required. A previous contaminated land investigation report (Cardno, 2013) was provided by the client. The previous investigation was undertaken in the south-eastern part of the site only and included a limited desktop study, limited intrusive investigation, laboratory analysis and reporting. An updated PSI report was provided by Douglas Partners and concludes and recommends:

> *Based on the results of the PSI with limited sampling it is considered that the site presents a low likelihood of significant contamination.*
>
> *There is, however, a potential for localised contamination associated with the potential sources of contamination identified at the site, including fill of unknown origin, quality and composition and demolition of former site structures both associated to the progressive development of the site.*
>
> *As such it is recommended that further intrusive investigation of the site, including asbestos investigation for the suspected likelihood of the presence of asbestos, where appropriate, is undertaken following the decommissioning or demolition of existing site structures but prior to commencement of the proposed development works.*
>
> *It is noted, however, that the site can be made suitable for the proposed residential aged care development subject to implementation of the recommended further*

investigation and subsequent implementation of remediation or management, if considered necessary.

It is expected that the recommendations of the report be incorporated into the conditions of consent. Additionally, we are advised that Douglas Partners are also currently undertaking a DSI at the site including the targeted investigation of the developed areas of the site and an asbestos investigation of Lot 505 appropriate for the suspected likelihood of the presence of asbestos. It is expected this will be made available to Council in the near future. As such, Council can be satisfied that the historic use of the site for seniors housing can continue and that the land is not contaminated.

Wollongong DCP 2009 Chapter E21 – Demolition

This Chapter outlines the general submission requirements and controls for the demolition of buildings or structures. The Chapter also provides guidelines to assist in protecting the health and safety of property owners and site workers when carrying out demolition and building works involving hazardous building materials.

The development proposes the demolition of all structures on the site. The existing structures proposed to be demolished are of an age that indicates the likely presence of hazardous materials. A hazardous materials assessment and management plan has been prepared for the site by Reditus:

Reditus provides the following general recommendations:
・Remove all hazardous materials identified and recorded in Section 5 above, prior to demolition of the subject area;
・Prior to demolition a destructive assessment of areas of the site that were not accessible during this assessment should be completed; and,
・Should any previously unidentified suspect hazardous materials be identified during demolition, works should cease, and the materials should be inspected by an experienced Environmental Consultant / Occupational Hygienist.

The demolition can be undertaken in accordance with AS2601. It is expected that the recommendations of the report be incorporated into the conditions of consent.

Wollongong DCP 2009 Chapter E23 - Riparian Land Management

This Chapter provides Council's requirements for the development of land within or adjacent to any riparian corridor land (watercourse, lake or estuary system). The requirements reflect the principles contained in the NSW Department of Infrastructure, Planning and Natural Resources' Riparian Corridor Management Study dated March 2004, prepared on behalf of Council.

As noted, the site is adjacent to a Category 3 watercourse. This requires a 10m buffer either side of the watercourse measured from the top of bank. All works shall be outside of the riparian corridor. The application includes a review of the Flora, Fauna and Watercourses on the site.

No clearing of native vegetation will be required. As such, assessment under the BC Act and EPBC Act are not required. Notwithstanding, EMM have reviewed the riparian considerations for this land, and advise that the proposal considers the opportunity for rehabilitation of riparian vegetation and habitat by:

- minimising and avoiding direct disturbance to the riparian land by avoiding removal of existing native vegetation. This avoids the direct impact and therefore requirement for rehabilitation in the form of planting. Any planting within the riparian land would contradict the VMP requirements set out by the Wollongong DCP to minimise flood affectation upon surrounding properties in the locality; and

- the provision of a Landscape Plan (Arcadia Landscape Architecture 2021) which is consistent with the objectives of the Wollongong LEP and VMP required under the Wollongong DCP.

Appendix B – Clause 4.6 LEP Variation

Introduction

This Clause 4.6 Variation Request has been prepared to support a development application under Division 4.3 of the Environmental Planning and Assessment (EP&A) Act 1979, for the Proposed Residential Seniors Housing Redevelopment at 17A Murranar Road, Towradgi. This request satisfies the requirements of Clause 4.6 of the Wollongong Local Environmental Plan 2009 in demonstrating that:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard. This Variation Request is seeking to vary Clause 4.3(2) of Wollongong Local Environmental Plan 2009 (WLEP 2009) and should be read in conjunction with the architectural plans provided with the Development Application.

This variation has been prepared in accordance with the NSW Department of Planning Infrastructure (DPI) guideline "*Varying Development Standards: A Guide*" dated August 2011 and addresses the 'five-part test' established by the NSW Land and Environment Court (LEC) to determine whether the objection is well founded.

Subject land

The subject site is located close to Towradgi Beach on the southern side of Murranar Road, east of the intersection with Pioneer Road The area to be redeveloped includes Lot 300 DP 571212, Lot 100 DP 776493, Lot 39 DP 27386, Lot 505 DP 833242, Lot, 177 DP 13182, Lot 1 DP 704687, Lot 1 SP 11647, Lot 2 SP 11647, Lot 3 SP 11647 & Lot 4 SP 11647.

The land has a site area of approximately 27,493m^2. The site currently comprises the IRT Towradgi Park. All structures and surfaces are proposed to be demolished to support the new development.

The site is bound to the east and west by single detached dwellings of one and two storeys and residential flats on Murranar Road. In the broader context, the site is walking distance to Towradgi Beach, Towradgi Park Bowls Recreation Club, Ray Robinson Oval and Towradgi Train Station.

The site is zoned R2 Low Density Residential the site is surrounded by mixed development types as noted:

North	*R2 Low Density Residential*	*One (1) and two (2) storey detached dwellings on Murranar Road*
South	*RE1 Public Recreation*	*Towradgi Beach Park and North Dalton Park*

East	*R2 Low Density Residential & RE1 Public Recreation*	*One (1) and two (2) storey detached dwellings on Murranar Road and Towradgi Beach Park*
West	*R2 Low Density Residential*	*One (1) and two (2) storey detached dwellings on Murranar Road, Marlo Road and Edgar Street*

Applicable Environmental Planning Instrument

The applicable Environmental Planning Instrument subject to this Variation Request is the Wollongong Local Environmental Plan 2009.

Wollongong Local Environmental Plan 2009

Wollongong Local Environmental Plan 2009 (WLEP 2009) provides the key development standards applicable to the development and includes the aims and objectives for the development within the Wollongong Local Government Area. The site is zoned R2 Low Density Residential, which provides for the following zone objectives:

- *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.*

This Variation Request is seeking to vary the development standard Clause 4.3(2) of Wollongong Local Environmental Plan 2009 (WLEP 2009). It is considered that the proposed seniors housing development is consistent with the objectives of the R2 zone by providing seniors housing for aged people and people living with a disability, and also providing facilities on site such that provide facilities or services to meet the day to day needs of residents and the local community reinforcing the strategic intent for such a site.

Objectives of the Development Standard

To satisfy the requirements of Clause 4.3(2) and demonstrate that compliance with the standard is unreasonable or unnecessary, it is important to understand the intent and objectives of the development standard being varied.

The objectives of this clause are as follows—

(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,

(b) to permit building heights that encourage high quality urban form,

(c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.

Description of the Variation

The subject site allows a maximum building height of 9m. Small sections of the upper roof ridge and parapet breach the maximum building height of 9m by 0.7m or 7.75%. The area of the roof subject to the height breach is 335m2, this represents 1.2% of the total site area (27,477m2). The maximum height breach proposed is 700mm which represents a maximum of 7.75% however most of the height breaches are in the range of 150 mm-500 mm.

Refer to architectural drawing A1802 in addition to A1500 and A1600 elevation and section series of architectural drawings. The building height plane diagram (A1802) is extracted in Figure 1 and illustrates the proposed breach areas and locations.

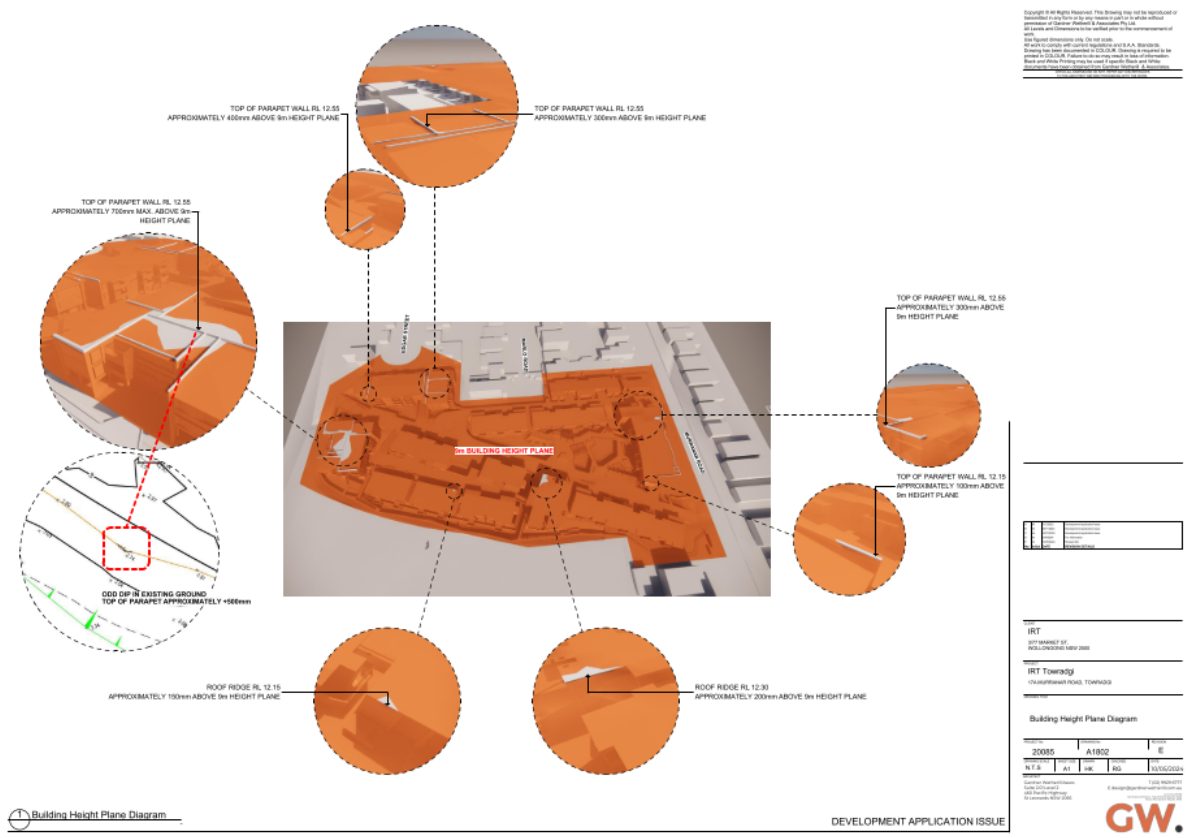

FIGURE 6: BUILDING HEIGHT PLANE DIAGRAM (GW ARCHITECTS)

How is compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

In Wehbe v Pittwater Council [2007] NSWLEC827 (Wehbe), Preston CJ identified five (5) ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. While Wehbe related to objections pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 because subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see Four2Five at [61] and [62]).

The five (5) ways outlined in Wehbe include:

> *1. The objectives of the standard are achieved notwithstanding noncompliance with the standard (First Way)*
>
> *2. The underlying objective of purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way)*
>
> *3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way)*

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way)

5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

Additionally, of note, in the judgment in Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under clause 4.6, the consent authority (in that case, the Court) did not have to be directly satisfied that compliance with the standard was unreasonable or unnecessary, rather that the applicant's written request adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.

In this regard, this written request establishes and adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary because the objectives of the standard are achieved irrespective of the non-compliance and accordingly justifies the variation under the **First Way** outlined in Wehbe, as follows.

Objective of the Development Standard:

Under WLEP 2009, Clause 4.3(2) has the following objectives in relation to the Maximum Building Height development standard:

(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
(b) to permit building heights that encourage high quality urban form,
(c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.

Correlation between the height and the floor space.
The site area is 27, 493m2 with an allowable FSR for development on the site is 0.5.1 (13,746.5m2). The development proposes an FSR of 0:404:1 (11,096m2) and as such, the development is within the afore-mentioned FSR of 0.5:1 and complies with the applicable development standard in this regard.

The breach of the maximum height is due to the uneven topography on the site, the increased floor level height in response to flooding and the relative rise in storeys of the building. The noncompliance is minor being associated with the parapet and very upper of the roof ridge.

High Quality Urban Form

The creation of the new community at IRT Towradgi Park provides opportunities for an inclusive senior housing residential estate whereby the proposal seeks to incorporate and provide a comprehensive open space network throughout. Much of the design focuses on integration of the development into the natural setting, but at the same time responding to inherit site constraints such as flooding. The design and layout of the development establishes community activity and open space at its core, as well as the creation of a free-flowing road network convenient access to meet resident's needs.

Site constraints such as easements across the property are recognised and highlighted through the orientation of the streets and open space network, providing opportunities for varied activities and different groups within the community. A series of residential design and place making principles have been developed to assist in creating a sense of place across the proposal and reinforcing the social strategy which is predominantly community based. A number of focal points are created throughout including the resident clubhouse, the central core communal open space area and even the neighbourhood shop/café which will provide for community gathering assets which are linked by clear and comprehensive pedestrian pathway networks throughout.

A pedestrian oriented design is fundamental to the success of the open space network. Pedestrian orientation is focused both as through site links engaging the open space network and along the streets with clear connections to the riparian corridor along the east. Raised pedestrian thresholds and boardwalks are provided to enable a clear hierarchy of pedestrian priority across the community estate. The Towradgi Walk is an extended perimeter walkway around the development; a place for the daily stroll, regular exercise regime and dog walking to name a few.

The amenity of the street network is enhanced by strong lines of trees to the roadway which provide shade, green amenity and a buffer between the road and the footpath.

The central park or "Village Green" is the heart of the community. The area offers active and passive recreation through open lawn areas, leisure walks, the feature timber arbour garden rooms, a BBQ/ entertainment area and community gardens.

This design accommodates informal recreation with substantial open space areas through the proposal designed for creative outcomes in harmony with the natural environment. The design reinforces the sense of place by exploring the existing landscape character.

The layout and built form of the proposed seniors housing development is domestic in character and will incorporate dwellings that have been designed to reflect the suburban amenity of the Towradgi coastal area. The overall built form of the proposal provides an appropriate high amenity and urban scale of the two storey form. These residential buildings have a simple, yet interesting elevation, with a combination of materials, articulation and landscape. The shadows cast by the buildings and their form will complement the design and character of these structures.

The design of the buildings, the articulation and supporting elements, together with the materials/colours to be used will combine to create an attractive visual appearance. The use of the site in respect of both orientation and layout will further provide visual interest for this proposal.

All of the dwellings have been designed to satisfactorily meet the required BASIX criteria, thereby providing good thermal performance and ventilation. The individual site areas around the dwellings allow for pleasant ground level private open spaces, together with appropriate privacy for residents internally. The use of well-proportioned outdoor/entertainment areas and their positioning (relative to primary living areas and landscaped gardens) will enhance private open space amenity.

In summary, the urban design of the proposed development will be modern/contemporary and will make a positive contribution to the existing and evolving built forms within the locality. The scale and character of the built form provides an appropriate human scale complemented with developed open space recreational opportunities and streetscapes that encourage a sense of community and association.

The breach of the standard does not result in an inconsistency with this objective.

Views and Solar Access

The proposed development incorporates a range of products in various locations and orientation throughout. A strong emphasis has been placed into the design work by GW to ensure that each dwelling receives an appropriate level of solar access throughout the winter solstice and other months of the year. Various measurable is for appropriate solar access are contained within the SEPP (Housing 2021) and Wollongong DCP 2009, of which all compliance controls have been exceeded. This incorporates not only internal solar access to primary living areas such as living, dining and kitchen spaces, but also external private open space areas and courtyards/balconies proposed. It is considered that the proposed development design is responsive to solar access and optimal residential amenity objectives in this regard.

Due to the orientation of the site, appropriate setbacks have been considered to adjoining properties at the western boundary to ensure that any overshadowing impacts are limited. The designers of the development have taken this into account in maintaining reasonable setbacks and have provided shadow diagrams that show the existing development to the south of the site will maintain sufficient solar access. None of the adjoining properties will be impacted notably by overshadowing given the excessive setbacks adopted to the western edge in order to respect the existing properties and built forms located at this position.

85% of dwellings within the proposed development are to be cross ventilated. This is a very high percentage for a development of this nature and is a credit to the project architects GW in accommodating a development layout and building breaks that responds to passive heating and cooling objectives.

The development has been designed to ensure the privacy of adjoining development is maintained. Windows have been offset where possible or appropriate design treatments to ensure there will be no loss of amenity to the adjoining property owners.

The proposed setback distances are sufficient to provide a reasonable separation between the buildings and the built form has been articulated to ensure there is appropriate spacing between the units. The extensive landscaping and deep soil zone located at the sides and rear of the site will mitigate adverse impacts on these elevations.

Accordingly, these measures will ensure the privacy and amenity of future occupants is protected, along with that of the adjoining property owners surrounding the site.

The breach of the standard does not affect consistency with this objective.

Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes, there are sufficient environmental planning grounds in the circumstances of the case to justify contravening the development standard. These include:

- The site is of sufficient width, depth and size to accommodate the proposed height, without resulting in any significant adverse impacts on the public domain or any adjoining properties;
- The scale of the existing development and proposed seniors housing development is considered appropriate within the strategic planning context of the zone and is consistent with the relevant zone objectives;
- The area of the roof subject to the height breach is 335m2, this represents 1.2% of the total site area (27,477m2). The maximum height breach proposed is 700mm which represents a maximum of 7.75% however most of the height breaches are in the range of 150 mm-500 mm.
- As detailed in the height plane diagram, the height breaches are minor and are located in central areas of the building which are not obvious from surrounding public viewpoints at Murranar Road, Marlo Road and Edgar Street.
- The proposal satisfies the objectives and development controls in relation to the maximum permitted height contained within the R2 zone objectives and Clause 4.3 of the *WLEP 2009*;
- Non-compliance with the standard will not result in any adverse environmental impacts; and
- The development as proposed will allow for the orderly and economic use of the subject land.

Is the proposed development in the public interest because it is consistent with the underlying intent of the development standard and the objectives for development in the zone

Yes, the proposal will provide a refurbished IRT Seniors Housing facility to meet the needs of the local community. The development is consistent with the underlying intent of the development standard as noted, and the objectives for development in the zone, as noted.

Does contravening the development standard raise any matters of significance for the State or regional environmental planning?

No, contravening the development standard in this case does not raise any matters of State or Regional planning significance.

Is the objection well founded?

For the reasons outlined in the previous sections above, the objection is considered to be well founded in this particular instance. Granting an exception to the development standard can therefore be supported in the circumstances of the case.

The proposed development will be consistent with the outcomes envisaged in the zoning and policy framework. The development is also compatible with the relevant objectives specified in Section 1.3 of the EPAA 1979.

Conclusion

This Clause 4.6 Variation Request has been prepared to support a development application for a Residential Seniors Housing Redevelopment at 17A Murranar Road, Towradgi. This request satisfies the requirements of Clause 4.6 of the Wollongong Local Environmental Plan 2009 (WLEP 2009) and demonstrates that compliance with the standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify varying the standard in this instance.