

Southern Regional Planning Panel Supplementary Report |

19 August 2025

Panel Reference	PPSSTH-311
DA No.	DA-2023/849
LGA	Wollongong City
Proposal	Multi-dwelling housing development comprising 236 dwellings and associated earthworks, road construction and delivery, civil and landscaping works, community facilities (Stage 1) and use of up to five (5) dwellings for temporary exhibition homes
Property	Lot 197 Bong Bong Road Huntley
Applicant	Stockland Development Pty Ltd
Prior SRPP meeting	13 May 2025

1 BACKGROUND

Development Application DA-2023/849 was reported to the Southern Regional Planning Panel ('the Panel') on 13 May 2025. The Panel deferred the matter pending the submission of a supplementary report by Council. This supplementary report provides an overview of the information submitted by the applicant and Council's assessment to assist in the further consideration of the matters outlined in the Panel's Record of Deferral dated 21 May 2025.

This supplementary report should be read in conjunction with Council's Assessing Officer report as presented to the Panel on 13 May 2025.

2 PANEL CONSIDERATION AND DEFERRAL

The following comments are extracted from the Panel's Record of Deferral:

The Panel accepted that there was a level of uncertainty in relation to several issues raised in the Council's assessment report. The Panel was of the view that to enable an informed decision, the results of the additional flood modelling should be considered, along with additional information relating to the impacts associated with the proposal retaining walls across the site.

As such, the Applicant was directed to provide further information and justification relating to the:

1. *Construction of the proposed retaining walls including:*
 - a. *The proposed articulation, height and extent of retaining walls*
 - b. *Internal impacts, particularly in relation to solar access within and between lots*
 - c. *External impacts including any visual impacts from the public domain*
 - d. *The provision of relevant sections demonstrating the above*
2. *Additional flood modelling information.*

The Panel required the above information be uploaded by the applicant to the Planning Portal by Monday 16 June 2025, and for Council to provide an addendum assessment report that fully considers the information provided as well as a without prejudice draft instrument of consent.

The applicant's response to the deferral was uploaded to the Planning Portal on 16 June 2025, and the information included:

- A formal response to the Record of Deferral

- Plans illustrating the retaining wall locations, heights and section
- Site interface sections
- Rear courtyard landscape plans
- Water Cycle Management Strategy – Supplementary Report

The applicant's response to the deferral is provided at the Attachments.

3 CONSULTATION

INTERNAL

The information submitted in response to the Panel's deferral was referred to Council's internal Stormwater/Flooding and West Dapto Urban Release teams. Referral advice was received from each team identifying unsatisfactory matters or matters requiring the provision of further information to enable a complete assessment. The referral responses are detailed as follows:

Stormwater/Flooding

1. **Matters outstanding from previous assessment:**

- *The Water Cycle Management Study version 02 – October 2024 is inconsistent with Councils Mullet Creek FRMSP 2023 in terms of the methodology, events modelled (Defined Flood Event) and mapping of the Flood Risk Precincts. In this regard there is insufficient information to assess the DFE (Defined Flood Event) to determine if the proposed development complies with tables 8.1 and 8.2 of Councils Mullet Creek FRMSP 2023 and in particular controls within the high and medium Flood Risk Precincts. Please include mapping that depicts the DFE, DFE plus 500mm and PMF Flood Risk Precincts. Flood hazard for the DFE should also be provided.*

Comment: A complete amended Water Cycle Management Study (WCMS), inclusive of amended hydrologic modelling, flood maps, and updated attachments, has not been provided. Instead, Maker Consultants have provided a letter (dated 16 June 2025, subject: Updated Water Cycle Management Strategy Outcomes following adoption of the 2023 MCFRMS) that describes amended modelling that has been undertaken and provides certain flood mapping outputs (but not the complete set of amended maps and attachments, equivalent to the previously provided WCMS). A complete amended WCMS is required to reflect the revised modelling, including the Watershed Bounded Network Model (WBNM), OSD design, and flood modelling, to enable Council to assess the amended WCMS. The amended WCMS will also need to take into account the following comments provided based on a review of the letter (dated 16 June 2025):

- *It is unclear whether the Flood Risk Precinct map provided in the figure titled 'Proposed DFE Flood Risk Precinct' maps all land below the Defined Flood Event (DFE) level plus 0.5 metres freeboard as 'Medium Flood Risk Precinct', consistent with the methodology used in Council's adopted FRMS. This needs to be clarified.*
- *A DFE flood level map has not been provided. This information is required.*
- *The letter describes a series of changes have been made to the adopted Council hydraulic (under the heading titled 'Hydraulic Modelling'). Further information is required to explain and detail the changes made to Council's adopted model including:*
 - *A plan showing the extent of the 1D network representation of Reed Creek that has been removed*
 - *Contour plans and a TIN or Digital Elevation Model (DEM) showing details of the terrain modifiers added to the model including design tins for the Site and adjoining development*

- *Plans detailing the updated materials roughness files for the existing and proposed developments within the Site (i.e. Manning's n values)*
 - *Plans showing location and details of all 1d networks included in the model, including the existing and proposed pipes throughout the Forest Reach precinct, as described in the letter*
- *Digital Elevation Model must be submitted by the consulting engineer who developed the Water Cycle Management Study*

Comment: *The requested information has not been provided. Note this information is required to show the terrain surface used in the post development flood model so that the assumptions made about final landform within the site and on other land external to the site (i.e. works approved under separate development applications). This is necessary (1) to enable Council to assess the application; and (2) so there is a record of the assumptions made in the flood modelling and stormwater design that can be referenced back to in the future if a deferred commencement consent (if granted) is sought to be activated.*

- *1v:3h batters are proposed in certain areas within the floodway/channel. Clarification is required on how regular maintenance will be undertaken in these areas, given the slope and potential access constraints.*

Comment: *Not addressed.*

2. ***Matters arising from consideration of letter by Maker dated 16 June 2025 (subject: Updated Water Cycle Management Strategy Outcomes following adoption of the 2023 MCFRMS):***

The following additional information items relate to the letter by Maker dated 16 June 2025 (subject: Updated Water Cycle Management Strategy Outcomes following adoption of the 2023 MCFRMS). The following issues require further resolution in an amended complete WCMS as noted above:

- *It is unclear from the letter (dated 16/6/2025) which catchment contributes to the flows shown in Table 2 – OSD Results Summary. The tabulated flows do not align with the pre-development catchment plan and WBNM hydrological output in the previously submitted Water Cycle Management Study (Version 2 dated 31 October 2024) and associated catchment plans have not been provided.*
- *Plans of the following must be provided to support hydraulic modelling*
 - i. *Updated Manning “n” maps*
 - ii. *Plans and data used for the 1d network incorporated in the hydraulic model.*
- *The plans showing the southeastern basin reconfiguration must be amended such that the proposed additional stormwater outlets are orientated in the direction of natural flow of the receiving watercourse channel.*
- *Further information must be provided to ensure that the proposed eastern tank configuration functions as intended. Specifically, clarification is required as to whether tailwater levels influence the available storage volume within the basin and how this interaction has been represented in the hydraulic modelling.*
- *Clarification is required on how flow from the weir and spillway is transitioning in a controlled manner to the outlet point to the east of the property/watercourse.*

- *Figure 2 DFE impact map shows that there is an increase in flood levels downstream of the site that exceed the permissible impacts in Table 2 of Chapter E13. This does not demonstrate compliance with Chapter E13.*
3. ***The proposed development relies on external drainage and civil works that are part of separate approvals and have not yet been constructed. The flood modelling and stormwater design are based on assumptions about the final design levels and infrastructure outcomes of those external works.***

As those works are not yet complete to the extent of issuing a final SC for the completed works, and no works-as-executed (WAE) plans are available, there remains uncertainty as to whether the constructed outcomes (when completed) will match the assumptions underpinning the current design. As such, the development may not operate as intended unless those external works are completed as assumed.

For this reason, any consent (if granted) will need to be issued as a deferred commencement, subject to:

- *Completion of the external works relied upon, and*
- *Submission of WAE plans demonstrating consistency with the assumptions used in the flood modelling and stormwater design.*

The following additional information would be required to enable drafting of an appropriate deferred commencement condition, and also to enable future assessment in relation to whether the drafted deferred commencement condition has been satisfied:

- *Confirmation as to which specific external works their proposal relies upon (including final landform and infrastructure), and identify the relevant DA reference numbers under which those works are to be constructed; and*
- *Clearly documented assumptions made in the flood modelling and stormwater design, including:*
 - *Contour plans showing the post-development terrain surface used in the modelling;*
 - *A copy of the TIN or Digital Elevation Model (DEM) used in the flood model (consistent with the above plans); and*
 - *Plans showing all external civil works relied upon, including the northern wetland, roads, detention basins, and any other drainage works both upstream and downstream of the site.*

West Dapto Urban Release Team (WDURT)

Flooding (WDURT only)

- *The previous Urban Release issues raised in relation to flooding have now been addressed with the latest flood report from Maker Engineering dated 16 June 2025.*
- *The previous issues raised by Urban Release in relation to water management, have been partly addressed in the latest Maker Engineering report, however additional comments are provided by Council's Stormwater/Flooding team.*
- *Specific conditioning is recommended, if the application was to be supported, to reflect the revised Chapter E15 Water Sensitive Urban Design of the DCP with respect to updated Water Quality targets, and stormwater re-use and harvesting.*

Retaining Walls

- *The previous issue raised in relation to retaining walls up to 2m high at interfaces with residential development external to the Halcyon site have now been addressed with the use of terraced walls.*

Note to Planner

- The previous issue raised in relation to retaining walls up to 2m high at common lot boundaries has not been addressed. The extracts below show areas of retaining walls at 1.75-2.0m high as highlighted in yellow. These areas would potentially affect the amenity and solar access of the rear alfresco and clothesline areas of the proposed dwellings. This issue could be potentially improved with localised earthworks to reduce the heights of the lot boundary retaining walls at these locations.



Figure 1: Highlighted retaining walls likely to result in adverse amenity impacts

EXTERNAL

Sydney Trains

Concurrence for the proposal is required from Sydney Trains under section 2.97 *Development involving access via level crossings* as the development will likely result in a significant increase in the total number of vehicles or the number of trucks using a level crossing.

Sydney Trains requested the provision of a Traffic Impact Assessment (TIA) that incorporates the Bong Bong Road and Avondale level crossings and any associated risks associated with the proposal's traffic movement on 12 December 2023. The additional information was referred to Sydney Trains on 9 October 2024. Following a further request for information made by Sydney Trains on 19 May 2025, information provided by the applicant was provided to Sydney Trains for consideration on 18 August 2025. A response is yet to be received.

1. Construction of the proposed retaining walls including:
 - a. The proposed articulation, height and extent of retaining walls
 - b. Internal impacts, particularly in relation to solar access within and between lots
 - c. External impacts including any visual impacts from the public domain
 - d. The provision of relevant sections demonstrating the above

1a. The proposed articulation, height and extent of retaining walls

The applicant's response is included at **Attachment 1** and is summarised as follows:

- Whilst retaining walls 2 metres in height sound significant, there is a significant level change across the site and the development aims to deliver more accessible housing outcomes
- Boundary retaining walls of 1m to 1.2m are considered typical to manage level changes between lots of this size
- there are only a total of 40 instances where rear courtyards of dwellings share a rear retaining wall greater than 1m, with only 60 dwellings (25% of the development) having a height of greater than 1.2m to 2m.

With respect to retaining walls proposed at site boundaries, the following summary was provided:

Location	Retaining wall detail	Applicant comment	Council comment
Northern boundary (Section 7 and 8 Sheets SK044 and SK045)	Interface with future public road, which will sit higher thus wall not visible from public domain Majority 1.25m in height or lower Eastern portion 1.5m and 2m with a short terraced 3m section due to transmission line easement interface	Minimal visual impact for future pedestrians and motorists as future road will sit higher than proposed multi dwelling housing development. Landscaping buffer at base of retaining wall will screen wall heights to minimise visual impacts internal to the development (note interface is secondary street façade for only 7 dwellings).	<i>Terracing of wall with landscaping provides a satisfactory design response to height differential between developments, subject to appropriate landscape provision.</i>
Eastern boundary (Section 2 Sheet SK042)	Interface with Forest Reach Drive. 1.5m high retaining wall originally proposed inside Site boundary. Now proposed to amend the design to utilise terraced retaining walls comprising of 1m high wall and 0.5m high wall at rear of dwellings with	Subject to condition, visual impact to Forest Reach Drive will be significantly reduced through reduced wall height and	<i>Terracing of wall with landscaping provides a satisfactory design response to height differential between development and Forest Reach</i>

	gentle batter in between to minimise visual impact. Sandstone block retaining wall.	landscaping of gentle batter. Sandstone block wall at 1m at boundary is more sympathetic to public domain and consistent with past Council approvals.	<i>Drive, subject to appropriate landscape provision.</i>
Eastern boundary (Section 3 and 4 Sheets SK042 and SK043)	Interface with Forest Reach Drive 2m high retaining wall originally proposed inside Site Boundary Amended to utilise terraced walls comprising 2 x 1m high walls with landscape terrace in between to minimise visual impact Sandstone block retaining wall	Subject to condition, visual impact to Forest Reach Drive will be significantly reduced. Sandstone wall at 1m at boundary more sympathetic to public domain and consistent with past Council approvals	<i>Terracing of wall with landscaping provides a satisfactory design response to height differential between development and Forest Reach Drive, subject to appropriate landscape provision.</i>
Western boundary (Section 5 SK043)	Interface with Northern Precinct Road No. 1 approved under DA-2023/19 currently under construction. Retaining wall up to 1.5m in height. Adjoining road levels to sit higher than this DA, retaining wall no visible from public domain. Split face of feature sleeper retaining wall subject to detailed design.	Minimal visual impact for future pedestrians and motorists as future road will sit higher than proposed multi dwelling housing development.	<i>Wall height has the potential to impact on internal amenity- screen landscaping should be provided in between street trees to break up wall.</i>
Western boundary (Standard decorative wall not detailed in Attachments)	Interface with Northern Precinct Road No. 1 approved under DA-2023/19 currently under construction. This is a landscape feature retaining wall up to 1m in height with integrated open blade fencing and landscaping that ties into the western entry feature. Sandstone block retaining wall.	This retaining wall is incorporated within landscape design of entry feature and not considered to be of a scale that would have visual or amenity impacts to pedestrians or motorists.	<i>Acceptable.</i>
Western boundary (Section 1 Sheet SK041)	Interface with Northern Precinct Road No. 1 approved under DA-2023/19 currently under construction.	This retaining wall is more typical of interface with stormwater management	<i>The overland flow path will assist in providing a landscaped transition between</i>

	The section of wall is required to form an overland flow path and swale and will be landscaped. 2m retaining wall that steps down into the Site, adjoining road levels to sit higher than this DA, retaining wall no visible from public domain. Sandstone block retaining wall.	infrastructure that will provide a landscaped area before transitioning back to the proposed multi dwelling housing development. It is of a scale approved by Council for similar interfaces with stormwater infrastructure and considered to have minimal visual impact for pedestrians and motorists.	<i>the community areas and the proposed 2 metre high walls. The 2 metre high sandstone walls in this location are acceptable.</i>
--	---	---	--

Council response:

Overall, and as commented in the table, the amendments to design suitably address the visual impacts of retaining walls on the perimeter only on the site (excluding the southern boundary) through amendments to wall heights, the provision of terracing or increased areas for landscaping in already terraced designs and the provision of sandstone block retaining walls, which are reflective of works within the greater Forest Reach subdivision.

1b. Internal impacts, particularly in relation to solar access within and between lots

Applicant response:

- Solar access is one aspect of amenity influenced by all built form, not just retaining walls. Regardless the development has been designed to achieve compliance with solar access requirements in Section 5 of Chapter B1 of WDCP 2009
- Neighbourhood Plan generally establishes a majority of north/south street blocks for the site
- Significant topographical changes across the site from east to west, resulting in challenges provide solar access to rear courtyards of west facing dwellings
- Design of earthworks used stepping of dwellings through minor retaining walls and drop edge beams
- Council report notes that proposed development complies with Control 5.11(2)(b) in that “70% of dwellings proposed received a minimum of three hours of sunlight to the Private Open Space mid winter”.
- Council DCP assessment makes a contradictory comment stating that each dwelling ‘fails to demonstrate that at least 50% of the private open space area for each dwelling receives 3 hours solar access of sunlight mid winter’ as required by control 5.12.2(5) of the DCP.
- Council report references number of dwellings with dwellings with north facing living rooms, however this is not of relevance as the DCP does not specify a minimum requirement in this regard – this becomes a greater function of the street block layout in Council’s adopted NP
- Proposal delivers a superior landscaped and courtyard amenity than would reasonably be expected to be delivered under the Greenfield Housing Code.

Council response:

Controls within WDCP 2009 relating to solar access to private open space areas in multi dwelling housing are two fold and as follows:

5.11 Private Open Space

5.11.1 Objectives

(a) To ensure that private open spaces are of sufficient size to accommodate a range of uses and are accessible and connected to indoor spaces where appropriate

(b) To ensure functionality of private open space by reducing overlooking and overshadowing of such spaces

5.11.2 Development Standards

2....

(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.

and

5.12 Solar Access Requirements

5.12.1 Objectives

(a) To minimise the extent of loss of sunlight to living areas and private open space areas of adjacent dwellings.

(b) To maximise solar access into living rooms and private open space of dwellings in the subject development.

(c) To use a consistent sunlight access assessment approach for the assessment of solar access issues.

5.12.2 Development Controls

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.

Whilst the development appears to satisfy the control relating to 70% of the private open space areas receiving three hours of sunlight, the plans do not indicate that at least 50% of each private open space area achieves three hours of sunlight.

The shadow diagrams have not been provided at a sufficient scale to clearly demonstrate compliance with private open space/solar access requirements. Ideally, the application should also be supported with sun eye diagrams and modelled elevations (inclusive of retaining walls and fencing) which would enable a complete assessment of the solar access impacts arising from the design of the development.

The retaining wall plan provided at **Attachment 2** shows numerous instances where interallotment retaining walls are 1.75m to 2m in height. An example of the impacts of proposed retaining walls with associated fencing can be seen around Sites 102 to 104 inclusive on the civil layout plans – these sites are identified as having a maximum 2 metre high rear retaining wall on the most recent Retaining Wall location plan (Site Typical Sections Layout Plan). A 1.8 metre high interallotment boundary fence, as proposed, placed on top of this wall would result in a 3.8 metre high “wall/fence” along the rear boundary, within 1.8 metres of the private open space of the lower dwelling, and does not appear to have been considered in the shadow diagrams.

Assuming a 600mm deep edge beam/ associated retaining wall with dwelling/fencing respectively atop along the side interallotment boundary for these sites, the rear yards would be severely constrained with respect to solar access – it is not possible to understand the true extent of this through the interrogation of the submitted shadow diagrams, and does not appear to have been considered in their preparation. The use of the drop edge beams is shown to occur in many instances on the individual site boundaries, with only a one metre setback to the adjoining dwelling- this further exacerbates the impacts of built form as the development steps down the overall site.

Further, the plans within the civil set and the updated information provided are inconsistent with respect to the provision of retaining walls and deep edge beams. For example, for Lots 102 to 104, the civil plans indicate concrete sleeper retaining walls at the side and rear boundaries, however the retaining wall location plan indicates retaining walls along the rear boundaries only, and not alongside boundaries. Further, the site layout shown on the architectural plan is not reflective of the layout shown on the civil plans (see sites labelled 185/213 versus sites 99-101 on the civil layout plan). The plans also indicate a drop edge beam in some instances where that is not logical- a deep edge beam is effectively a retaining wall within the edge beam of a reinforced concrete slab for the dwelling. Where deep edge beams are shown along a boundary, the dwelling would have a zero side boundary setback, which is contrary to the indicative dwelling placements shown on a number of lots in the Civil Set, including but not limited to Lots 201, 223, 224, the rear of lot 197.

1c. External impacts including any visual impacts from the public domain

Applicant response- impacts on adjoining residential development to the South

Council's assessment report noted that the retaining wall along the southern boundary of the development will adversely affect solar access to the adjoining properties to the south - revised Civil Plans submitted to Council via the Planning Portal in response to Request for Information 1 on 4 September 2024 removed the inclusion of the retaining wall in this location.

Council response- impacts on adjoining residential development to the South:

Whilst the amended Civil Plan set provided on 4 September 2024 does not indicate the provision of a retaining wall along the southern boundary interface with adjoining residential development on the Layout Plan or the Retaining Wall Plan, the Section plans clearly identify retaining walls of up to 2 metres along this interface. This is consistent with this boundary defining the extent of the civil works for this development, and the bulk earthworks plan that shows up to 1.5m of fill in this location. If retaining walls are not intended to be constructed in this location, there is no indication of the proposed treatment of this extent of earthworks and how the interface will be managed.

The development consent for the adjoining subdivision does not include an approval for retaining walls in this location, and so it is assumed that the necessary retaining will occur under this application.

The application submission fails to demonstrate the impacts of the development at this interface on adjoining residential development – this matter remains unresolved.



Figure 2: extract from Section 03 showing proposed retaining between chainage 450 and 465 - site southern boundary (green line existing ground, red line proposed ground)

(Bulk Earthworks Sections Plan MKR00256-13-C0251 dated 3 September 2024 prepared by Maker)

Applicant response – impacts from the public domain:

The applicant provided amended and additional information with respect to the impacts of retaining walls visible from the public domain. These walls are:

- Retaining walls along the northern boundary, adjoining future local road – this wall ranges in height from 1 metres to 3 metres. The wall design has been amended to provide greater terracing between walls to enable the provision of additional landscaping for screening.
- Retaining wall south of the eastern access point to the development, adjoining Forest Reach Drive – the wall has been terraced with a 7.5 metre to 13.5 metre landscaped section between the walls and wall material changed to sandstone block walls. This has allowed a reduced wall height along the Forest Reach boundary.
- Retaining wall along the south eastern boundary of the site, adjoining Forest Reach Drive – the previous 2 metre high walls has been terraced to walls of maximum one metre each, and material changed to sandstone blocks. Permeable fencing provided.
- Retaining wall south of the western access point to the development, adjoining Little Forest Reach Drive – wall not visible from public domain, maximum height reduced to 1.5 metres from 2 metres
- Retaining wall immediately south of the western access point to the development, adjoining entry feature and Little Forest Reach Drive – forms part of entry landscaped feature

- Retaining wall north of the western access point to the development, adjoining Little Forest Reach Drive and drainage swale internal to the site – sandstone blockwork to be utilised, not highly visible from public land

Council response – impacts from the public domain:

The walls likely to impact on the public domain are described further under **1a** above. The updated information was also referred to Council’s West Dapto Urban Release Team for consideration, and no objections were raised with respect to visual impacts from the public domain.

The amended walls provide a suitable design response to minimising visual impacts from public areas and are capable of support, subject to appropriate conditioning regarding finishes, wall heights and the provision of screen landscaping if the development was to be supported.

2. Additional flood modelling information.

The applicant provided additional flood modelling information by way of a supplementary report to the Water Cycle Management Strategy. The information was referred to Council’s Stormwater/Flooding Engineer who advised that there were a number of matters that remained outstanding from the previous assessment of the application, matters arising from the response provided by the applicant as well as insufficient information to enable a complete assessment and uncertainties around external works upon which the application relies. These matters are detailed above under “Internal Consultation”.

3 CONCLUSION AND REASONS

At the Panel meeting of 13 May 2025, the Panel determined to defer the development application to allow the applicant an opportunity to address a number of concerns as described in **Section 1** of this report.

The applicant has provided amended plans and supporting information. Council’s Assessing Officer is of the view that the information provided has only in part addressed the matters for deferral, with significant flooding and solar access/amenity issues remaining unresolved.

The internal referrals to Council’s Stormwater/Flooding Officer and Urban Release Team identified outstanding issues. Concurrence from Sydney Trains in relation to impacts on level crossings also remains outstanding.

In its current form, the development application fails to demonstrate that it is unlikely to result in adverse impacts as a result of flooding matters. The application also fails to demonstrate that it provides for sufficient solar access and amenity within the proposed development, and that it does not adversely impact on the same for future adjoining residential development.

The Panel’s deferral of the application included a requirement for Council to provide a without prejudice draft instrument of consent – as the recommendation by Council is for the refusal of the application, draft reasons for refusal have been provided below.

4 RECOMMENDATION

DA-2023/849 be refused pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 for the following reasons:

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, concurrence for development involving access via level crossings has not been received from Sydney Trains in accordance with Section 2.97(3) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.
2. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate consistency with Wollongong Local Environmental Plan 2009 with respect to Clause 5.21 Flood planning.

3. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal is not consistent with the Bong Bong South Neighbourhood Plan applicable to the land.
4. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009 with respect to the following chapters:
 - a. Chapter B1 - Residential Development
 - b. Chapter D16 – West Dapto Release Area
 - c. Chapter E13 – Floodplain Management
5. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate the likely impacts of the proposed development will not be adverse with respect to:
 - a. The site levels proposed at the interface of the proposal development with adjoining residential development, including the physical treatments proposed to address those levels
 - b. The proposed public shared pathway, in relation to sufficient and ongoing, in-perpetuity access
 - c. Conflicts arising from the provision of a proposed public shared pathway through a private community, including safety, security and crime prevention for the occupants of the development
 - d. The lack of provision of motorcycle parking
 - e. Lack of pedestrian permeability through the site for the development's occupants
 - f. Impacts on Lake Illawarra arising from the proposed stormwater targets
 - g. Flooding
 - h. Site design and internal design
 - i. Solar access to private open space areas
 - j. Sustainability such that the orientation and design of dwellings does not maximise solar access to living areas
 - k. Cumulative impacts
6. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate the site is suitable for the development as proposed.
7. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.

5 ATTACHMENTS

1	Applicant response to SRPP deferral
2	Retaining Wall Location Plan (Site Typical Sections Layout Plan)
3	Retaining Wall Sections
4	Rear Courtyard Landscape Plans
5	Overall Site Interface Plan
6	Updated Water Cycle Management Strategy Outcomes