

## COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-131
DA Number	DA-2021/1279
LGA	Wollongong City Council
Proposed Development	Warrawong District Community Centre and Library
Street Address	54-68 King Street & Warrawong Community Hall
Applicant/Owner	Urbis
Date of DA lodgement	1 November 2021
Total number of Submissions	One (1)
Number of Unique Objections	One (1)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 3 Schedule 6 State Environmental Planning Policy (Planning Systems) 2021 – council related development over \$5 million
List of all relevant s4.15(1)(a) matters	<p><u>s4.15 (1)(a)(i) Any environmental planning instruments:</u></p> <p><i>State Environmental Planning Policies (SEPPs):</i></p> <ul style="list-style-type: none"> <li>• SEPP (Resilience &amp; Hazards) 2021</li> <li>• SEPP (Transport &amp; Infrastructure) 2021</li> <li>• SEPP (Koala Habitat Protection) 2021</li> <li>• SEPP (Planning Systems) 2021</li> </ul> <p><i>Local Environmental Planning Policies:</i></p> <ul style="list-style-type: none"> <li>• Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> <p><i>Other policies</i></p> <ul style="list-style-type: none"> <li>• Wollongong City-Wide Development Contributions Plan (2021)</li> </ul> <p><u>s4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation by the consent authority:</u></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p><u>s4.15 (1)(a)(iii) Any development control plan:</u></p> <ul style="list-style-type: none"> <li>• Wollongong Development Control Plan (WDCP) 2009</li> </ul> <p><u>s4.15 (1)(a)(iiia) any planning agreement that has been entered into under section 7.4 of the Act or has offered to enter into under section 7.4</u></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p><u>s4.15 (1)(a)(iv) the regulations: e.g. Regs 92, 93, 94, 7.12, 288</u></p> <ul style="list-style-type: none"> <li>• Clause 92 (1) (a) demolition</li> </ul> <p><u>s4.15(1)(a)(v) any coastal zone management plan</u></p> <ul style="list-style-type: none"> <li>• There is no Coastal Zone Management Plan currently applicable to the land.</li> </ul>
List all documents submitted with this report for the Panel's consideration	<p><b>Attachments</b></p> <p>1 Aerial photograph  2 WLEP zoning map  3 Plans  4 7 WDC 2009 Compliance Table  5 Draft conditions of consents</p>
Clause 4.6 requests	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Summary of key submissions	<ul style="list-style-type: none"> <li>• Traffic and vehicular access and egress arrangements</li> </ul>

Report prepared by	Nigel lamb – Development Project Officer
Report date	22 August 2022

Summary of s4.15 matters Yes

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

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Legislative clauses requiring consent authority satisfaction

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

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Clause 4.6 Exceptions to development standards

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

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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? N/A

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Conditions

Have draft conditions been provided to the applicant for comment? Yes

# Assessment Report and Recommendation Cover Sheet

## Executive Summary

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### Reason for consideration by Local Planning Panel

The proposal has been referred to Southern Regional Planning Panel pursuant as it involves development that has a capital investment value of more than \$5 million and Council is applicant, owner, developer and party to any agreement or arrangement relating to the development.

### Proposal

The proposal involves construction of a new district level multi-function community facility and library.

### Permissibility

The site is zoned B3 City Centre pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a community facility and is permissible in the zone with development consent.

### Consultation

The proposal was notified in accordance with Council's Community Participation Plan and received one (1) submission.

### Main Issues

- Traffic and vehicular access arrangements

### RECOMMENDATION

It is recommended that DA-2021/1279 be approved subject to the conditions in **ATTACHMENT 5**.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the development as at the time of lodgement:

#### State Environmental Planning Policies

- SEPP (Resilience & Hazards) 2021
- SEPP (Transport & Infrastructure) 2021
- SEPP (Koala Habitat Protection) 2021
- SEPP (Planning Systems) 2021

#### Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

#### Other Policies

- Wollongong Community Participation Plan 2019
- Wollongong City Wide Development Contributions Plan 2019

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal involves construction of a new district level multi-function community facility and library at 7-9 Greene Street and 54-68 King Street, Warrawong 2502. The project follows lengthy design and feasibility work undertaken by Council over several years.

Currently, Warrawong library is located approximately 550m south of the site, outside of the Warrawong Town Centre with the subject site containing the existing community centre and Illawarra Legal Service.

The new facility will be designed to allow for flexibility of uses and accommodate various activities such as conferences and events.

The laneway bisecting the site is proposed to be realigned towards the western boundary in order to make space for a landscaped forecourt leading directly to the entry to the building.

The Warrawong District Community Centre and Library will be comprised of:

- A new district library split between ground level, level 1 and level 2;
- A food and drink premise (café) at ground floor level;
- Community centre with lounge, community rooms, kitchen, amenities and office space on ground floor;
- Illawarra Legal Centre on level 2
- Approximately 200 seat community hall on level 2
- At-grade car parking for 34 cars, including two accessible spaces;
- A landscaped forecourt area to the west of the building between the car park and the entry;
- Associated toilets
- External screened waste enclosure and provision for servicing from the repositioned laneway

### 1.3 BACKGROUND

Three Council meetings have occurred to discuss the proposal. Specifically, these meetings have occurred to discuss flooding, stormwater, traffic and transport and concept designs. Workshops with the stakeholder groups and Wollongong City Landscape Architect also occurred on 23 April 2021.

A formal pre-lodgement meeting (PL-2021/114) was held on 15 July 2021.

#### Warrawong Town Centre Master Plan

In 2013, on behalf of Wollongong City Council, AECOM prepared the Warrawong Town Centre Master Plan. The vision of the master plan is:

“Warrawong Town Centre will be a key cultural destination. Its location, retail offer and unique character provide the opportunity to bring people together by creating comfortable public places, attractive destinations catering to the daily needs of its culturally rich community.”

The master plan identifies two key projects that are of relevance to the proposal:

- Community Centre and Library:
  - Should be accessible to all.
  - Could connect with and activate Cowper Street and key community meeting spaces.
  - If connected to the town centre, this important community facility could activate the town centre, support local business, while catering to a diverse community.
  - A district level community centre and library should allow for connectivity with and activation of Cowper Street and key community meeting spaces and contribute to the vitality of the town centre.

The proposed public plaza offers a publicly owned site activated by community uses and in close proximity to both main streets and laneway networks. The proposal is considered to positively contribute to the vitality of the town centre by delivering an integrated facility in an accessible location close proximity to the city centre. The forecourt area provides a high level of amenity and activates the laneway whilst providing a connection between Greene Street and Cowper Street along with a covered veranda area for pedestrian movement through the site.

It was anticipated in the Master Plan that the community centre would be located one block west of King Street. The purchase of the shops along King Street by Council has allowed the new building to face directly onto the Town Centre, while also taking advantage of high amenity space protected from the traffic and noise of King Street.

The SEE accompanying the development provides a comprehensive analysis of how the proposal responds to the relevant objectives and built form controls in the Master Plan.

Areas where the proposal diverges from the Master Plan include the following:

- Requirement for an awning along Greene Street and King Street: The development provides a covered balcony area along the western ground floor which connects through to King Street via a covered walkway. This is not an unreasonable alternative to travelling along Green Street and King Street if a pedestrian desired weather protection. When considered in conjunction with the discussion about the orientation of the building below, this is considered to be an acceptable strategy that does not compromise the aims, objectives or controls in the Master Plan.
- Activation of King Street and Greene Street: The building entry is from the western side through the landscaped forecourt area and no entries are proposed from either King Street and Greene Street. This is not considered to be an unreasonable response to the site constraints. King Street has high traffic volumes and poor pedestrian amenity. Orienting the building to the west allows the connection of the building to the landscaped forecourt area and car parking along with the laneway connecting Greene Street to Cowper Street.

#### **1.4 SITE DESCRIPTION**

The site is located at 54-68 King Street and 7-9 Greene Street Warrawong on the following lots

- Lot 1 DP 394881
- Lot 1 DP 515419
- Lot 37 DP 18875, Lot 38 DP 18875
- Lot 39 DP 18875
- Lot 40 DP 18875
- Lot 41 DP 18875
- Lot 42 DP 18875

The site is regular in shape with a slight fall from north to south. On the site are a row of attached single and double storey commercial buildings. On the western portion of the site is a single storey commercial building occupied by the Warrawong Community Centre and Illawarra Legal Centre. A laneway bisects the site, connecting Greene Street with Cowper Street.

Adjoining development is as follows:

- North: Greene Street, with fire brigade building and adjacent reserve associated with NSW Housing development located opposite. Greene Street is a minor collector road connecting to residential land to the north and west.

- West: Commercial building owned and occupied by Barnardos Australia, used as a Children's Family Centre.
- South: Rear of commercial buildings.
- East: King Street, and commercial buildings opposite. King Street is a major collector road with heavy traffic volumes.

The site is within the B3 commercial core area of Warrawong Town Centre characterised by a mixture of low to medium density commercial development with adjacent residentially zoned land.

#### Property constraints

Council records identify the land as being impacted by the following constraints:

- Uncategorised Flood Risk Precinct
- Acid Sulfate Soils - Class 5

There are no restrictions on the title.

### **1.5 SUBMISSIONS**

The application was notified in accordance with Council's Community Participation Plan 2019. One submission was received and the concerns identified are discussed below.

**Table 1: Submissions**

Concern	Comment
Relocation of laneway and adjacent visitor parking – Currently vehicular access to the rear of Bernardo's premises is via a one-way laneway between Green Stand Cowper St. Under the proposed development, this laneway will be replaced by a two-way laneway and adjacent visitor parking. Barnardo's Australia staff and client visitors will need to travel through the car park to access the rear of our premises. It is unclear from the scale of the DA plans how wide the 2-way access between the rows of parking will be, given the short-term nature of parking there is likely to be congestion from cars arriving and leaving which will adversely impact on staff access.	The car park contains 34 parking spaces either side of a 6m wide lane. The nature of the use is expected to generate sporadic traffic and the low speed and low number of spaces would not be expected to significantly delay or impact on cars seeking to access parking for other businesses utilising the laneway. Council traffic officer has reviewed the proposal and provided a satisfactory referral.
Delivery and service vehicles will also need to access the rear of Cowper Street businesses, adding to the congestion. It is unclear how these trucks will manage the turnaround to leave this area now that the bottom end of Cowper Lane is to be converted to pedestrian access only to Cowper Street.	The community centre, library and café would not have significant servicing requirements. The café is small scale.  Turning templates have been provided demonstrating appropriately sized vehicles can be accommodated.
Proposed parking directly adjacent to Barnardo's children's play area – Barnardo's requests concrete barriers or bollards be installed to protect against cars accidentally driving through the fence into the children's playground. Alternatively, the parking spaces on this side could be removed altogether to improve traffic flow in and out of the car park. In addition we hold concerns about the fumes from car going directly to our children's play area.	A concrete kerb and landscape bed are to be established along the western boundary.  Removal of spaces along the western boundary would adversely impact on the accessibility of the facility.  The traffic volumes and frequency of trips generated by the use would not be expected to create significant emissions. It is noted the spaces are separated from the adjoining site by landscape screening.
Suggested change - Barnardo's suggests retaining vehicle egress (one-way) from the bottom end of the current Cowper Lane into Cowper Street, which will help alleviate the problem of trucks and other	The traffic arrangements have been designed in order to allow waste vehicles to service the development whilst not obstructing the

Concern	Comment
vehicles needing to turn around and return up through the car park to Greene Street.	laneway. Turning templates for a 10.24m vehicle have been submitted.  Waste trucks are intended to enter from Greene Street and exit from Cowper.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's traffic, geotechnical, stormwater, building, Safer Community Action Team (SCAT), Community services Officer have reviewed the application and provide satisfactory referrals subject to conditions.

#### Environment Officer

Council's Environment Officer raised concern that insufficient steps were being taken to address sustainability within the proposal. An ESD Report has been submitted with the application and it will be a condition of consent that the proposal be consistent with the recommendations contained within that document. This includes the following:

- Provision of conduit for future EV charging system on the carpark.
- No natural gas to be used in the building
- Provision for future solar installation on the rooftop
- 100% renewable energy to be procured by Council
- The design incorporates natural ventilation and lighting to improve passive heating and cooling of the building

It was further recommended that a Hazardous Materials Survey be provided. This is to be reflected in the conditions of consent.

#### Strategic Project Officer

Council's Strategic Project Officer raised some concerns regarding the consistency of the proposal with the Warrawong Town Centre Master Plan, specifically in relation to awnings and the orientation of the building. This is discussed in further detail at section 1.3 of this report.

#### Statutory Property Officer

Council's Statutory Property Officer has advised the existing road reserve should remain open for pedestrian and emergency vehicular access, and also allow access for utility vehicles to maintain services within the road reserve (e.g., Sydney Water). This is accommodated within the design (e.g. bollards) and is to be reflected in conditions of consent.

### 1.6.2 EXTERNAL CONSULTATION

#### **Transport for NSW (TfNSW)**

TfNSW reviewed the proposal with regard to the site being adjacent to a classified road under the provisions of SEPP (Transport and Infrastructure) 2021. Conditions of consent have been recommended.

#### **Endeavour Energy**

Endeavour Energy have raised concerns about access to the cottage substation south of the site on the laneway. In particular, the potential for a semi-trailer having to access this facility with a crane. This is however something that is considered to be resolvable by use of traffic control measures and entry from the south if necessary in consultation with Endeavour Energy.

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

#### **COASTAL MANAGEMENT Amendment Act 2021**

The *Coastal Management Amendment Act 2021* commenced on 1 November 2021, to give coastal councils until 31 December 2023 to implement their CZMPs. By effect this enables a continuation of the current certified CZMP (20 December 2017) whilst Council undertakes further studies and community consultation for a transition to a new Coastal Management Plan.

#### **1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

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

#### NSW Biodiversity Conservation Act 2016

Under the provisions of Part 7 of the Act and relevant provisions of the Biodiversity Conservation Regulation 2017, the proposal does not trigger the requirement for a biodiversity offset scheme.

The site is not identified as being of high biodiversity value on the Biodiversity Values Map and none of the trees on the site proposed for removal have been identified as containing hollows. On this basis, the development will not result in adverse impacts on biodiversity and is consistent with the provisions of the BC Act 2016.

#### Fisheries Management Act 1994

Not applicable

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

#### **Chapter 2 Coastal management**

The site is located on land within the coastal environment area under this policy. Consideration has been given to the matters listed in Clauses 2.10, 2.12, 2.13.

The panel can be satisfied that the development will not have an adverse impact on any of the following:-

- (1)(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.

(b) is satisfied that –

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact

In relation to Clause 2.12, the Panel as the consent authority can be satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. In relation to clause 2.13, consideration has been given to the relevant provisions of the certified coastal management program that applies to the land and no concerns are raised.

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



The proposed development has been assessed with regard to the requirements of Chapter 4 of the SEPP with regard to potential land contamination. The proposal has been reviewed by Council's Environmental Scientist with regard to the SEPP and the relevant provisions of Wollongong DCP 2009. The site is not known to be contaminated or potentially contaminated and the land is not registered under the Contaminated Land Management Act 1997. A detailed site investigation is not required. Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 4.6. It is however recommended that the hazardous material survey be undertaken prior to works commencing in regard to demolition. The land is considered suitable for the proposed use without need for further investigation.

### 3.1.2 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE)

The application was referred to Transport for NSW (TfNSW) in accordance with clause 2.119 (formerly clause 101) with regard to the site having frontage to a classified road. Conditions of consent have been recommended.

The development application was referred to Endeavour Energy for comment in accordance with Clause 2.48 (formerly clause 45). as it involves works within proximity of electricity infrastructure. See comments above in this regard.

### 3.1.3 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2021

The State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

### 3.1.4 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

Part 2.4 (formerly Part 4) Regionally significant development. The proposal is classified under schedule 6 as council related development over \$5 million. The Southern Regional Planning Panel is the determining authority.

#### 11 Development assessment process—no approved koala plan of management for land

There is no approved koala plan of management applying to the land, and the land does not have an area of at least 1 hectare (including adjoining land within the same ownership). As such, Clause 11 does not apply to the land.

#### 12 Development assessment process—other land

Consent can be issued for development on the subject land if Council is satisfied that the land is *not* core koala habitat.

*core koala habitat means—*

- (a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or
- (b) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.

The land has not been assessed by a suitably qualified and experience person as being highly suitable koala habitat, and Council has no record of the presence of koalas on the site. The proposal does not include the removal of native vegetation. As such, the land is not considered to core koala habitat and consent can be granted for the proposed development in this regard.

### 3.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

## **Part 2 Permitted or prohibited development**

### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B3 Commercial Core.

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

The objectives of the zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.*
- *To provide for high density residential development within a mixed use development if it—*
  - (a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and*
  - (b) contributes to the vitality of the Wollongong city centre.*

The proposal is satisfactory with regard to the above objectives.

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

*Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; **Community facilities**; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Helipads; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies*

The proposal is categorised as a *community facility* as defined above and is permissible in the zone with development consent.

## **Part 4 Principal development standards**

### Clause 4.3 Height of buildings

The proposed building height of 18.33m does not exceed the maximum of 24m permitted for the site.

### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 2.5:1

Proposed FSR: 0.64:1

## **Part 5 Miscellaneous provisions**

### Clause 5.21 Flood planning

Council's stormwater officer has reviewed the application in regard to flooding and has recommended conditions of consent.

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

### Clause 7.1 Public utility infrastructure

The site is currently serviced by electricity, water and sewerage services. A padmount substation is proposed on the Greene Street frontage.

### 7.13 Certain land within business zones

The proposal provides an active use at ground floor level in accordance with this clause. It is noted that entries into the building are not proposed from King Street or Greene Street which is recommended under this clause. The proposal orients the entry to the landscaped forecourt area and parking. This is

considered a reasonable strategy for the site. King Street is a harsh unpleasant pedestrian environment and the layout proposed ensures connectivity of the building to the entry point, laneway and parking.

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

State environmental planning policies (SEPPs) were consolidated from 45 existing SEPPs into 11 new SEPPs commencing on 1 March 2022 with transitional provisions making them applicable to the application. The application was lodged prior to this date, however the provisions within the repealed SEPPs were transferred into the new SEPPs and the intent and provisions remain largely unchanged. The Department has advised that these changes do not affect applications that have already been lodged.

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

#### **3.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

DCP controls relevant to the proposal are addressed in the Table provide as **ATTACHMENT 4** to this report. No variations are sought.

#### **3.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN**

##### Wollongong City-Wide Development Plan - City Wide

The Wollongong City-Wide Development Contributions Plan applies to the subject property. Clause 15 a of the plan exempts the levy for community facilities by the Council.

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

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

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

The 2000 Regulation continues to have effect as the application was lodged prior to 1 March 2022.

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

Conditions of consent are recommended with regard to demolition.

#### 93 Fire safety and other considerations

Not applicable

#### 94 Consent authority may require buildings to be upgraded

Not applicable

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

The proposal is considered to have a positive impact to the Warrawong Town Centre and local residents. There are not expected to be any significant negative impacts.

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

#### Does the proposal fit in the locality?

The proposal is a suitable fit in regard to the zoning, adjoining land uses and site constraints.

#### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See discussion at section 1.5.

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

The proposal is considered to provide a positive contribution to local community through an upgraded, accessible, integrated facility in close proximity to the city centre. There are not considered to be adverse impacts arising from the proposal that would warrant redesign. The proposal is consistent with the zoning, applicable DCP controls and the Warrawong Town Centre Master Plan (see below). Concerns raised in the submission has either been suitably addressed or does not warrant redesign of the proposal. Internal referrals are generally satisfactory and external consultation with other relevant agencies is satisfactory. The proposal is considered to be in the public interest

### **4 CONCLUSION**

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This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009, relevant state policies, Council DCPs, Codes and Policies. The design of the development is appropriate regarding the controls outlined in these instruments.

Internal and external referrals are satisfactory and public submissions have been considered in the assessment.

It is considered that the proposed development has been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area

### **5 RECOMMENDATION**

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It is recommended that development application DA-2021/1279 be approved subject to appropriate conditions of consent.

#### **Attachments**

- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 WDCP 2009 Compliance Table
- 5 Draft conditions of consent