

# Planning Proposal

Amendment to the *Wollongong Local Environmental Plan 2009*

43-65 Cowper Street, Warrawong

Submitted to: Department of Planning, Housing and Infrastructure

Submitted on behalf of: Elanor Investors Group







**'Gura Bulga'**

Liz Belanjee Cameron



**'Dagura Buumarri'**

Liz Belanjee Cameron



**'Gadalung Djarri'**

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales. 'Dagura Buumarri' – translates to Cold Country. Representing Victoria.

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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B.	Urban Design Report	CHROFI and Turf Design Studio
C.	Reference Design Architectural Drawings	CHROFI
D.	Affordable Housing Statement	Global Impact Initiative
E.	Warrawong Plaza Design Guidelines	Ethos Urban
F.	ESD Report	The Footprint Group
G.	Flood Assessment Report	Water Technology
H.	Preliminary Site Investigation	EI Australia
I.	Preliminary Geotechnical Desktop Study	Arup
J.	Economic Assessment	Think Economics
K.	Utilities Infrastructure Capacity Assessment and Site Servicing Report	Arup
L.	Community Infrastructure Statement	Ethos Urban
M.	Transport Assessment	Arup
N.	Reference Design Flood Impact Assessment Report	Water Technology

# Executive Summary

This Planning Proposal is submitted to the Department of Planning, Housing and Infrastructure (DPHI) on behalf of Elanor Investors Group (the proponent) in support of a Planning Proposal to amend the *Wollongong Local Environmental Plan 2009* relating to the Warrawong Plaza at 43-65 Cowper Street, Warrawong (the Site). The Site has selected as part of DPHI's State-Assessed Planning Proposal Pilot Program as a significant opportunity to unlock housing supply.

## Vision and Objective

The vision and objective of this Planning Proposal is to establish a planning framework that would allow for the mixed-use redevelopment of the existing retail centre at 43-65 Cowper Street, Warrawong, to include enhanced retail uses, combined with new residential units (market and affordable), commercial and employment-generating uses within the Site, along with new publicly accessible open spaces and through-site links.

## Intended Outcomes

The intended outcomes of this Planning Proposal are to:

- Facilitate urban renewal within the Warrawong Plaza site to deliver a high-quality mixed use precinct comprising housing, retail services and employment land uses.
- Facilitate increased supply of housing through a significant mixed-use development of approximately 1,300 dwellings that integrates retail, health, education, recreational and other essential service uses to meet the needs of residents. The first stage of residential development is able to be delivered as soon as 2028.
- Provide an increased supply of housing that is well-located in close proximity to surrounding health, education, open space, and town centre services and retail.
- Provide 10% of residential floorspace as affordable housing for very low, low and medium income households, to be managed by a registered community housing provider, for a minimum period of 15 years.
- Contribute to the ongoing rejuvenation of Warrawong, and encourage and support redevelopment activity on and activation of neighbouring Sites, generating approximately 540 full-time equivalent (FTE) jobs within the regional economy during the construction phase, a further 540 FTE jobs on an ongoing basis following completion, and generating an economic uplift of \$2.6 billion to the wider region.
- Stimulate growth in the local population to activate the town centre and promote economic growth within the local community.
- Facilitate delivery of public domain improvements including active street frontages, new publicly accessible open space and pedestrian through-site links that stitch into the existing and future pedestrian network in the Warrawong Town Centre, including a new 'Green Heart' that is at least 3,000m<sup>2</sup> in area.
- Contribute to the Site's role within the Warrawong Strategic Centre and Warrawong as a Major Regional Centre within the Wollongong LGA by providing diverse housing, jobs and local services in a mixed-use development.
- Maintain Warrawong Plaza's role in delivering key retail services to meet the needs of the community, whilst facilitating 1,300 new households on the site who will stimulate for demand in services from within the site and the wider Warrawong town centre, stimulating economic development and activation particularly along Cowper Street.
- Permit a mixed-use development with an appropriate balance of residential, retail, leisure, health, education and other employment generating uses to grow the vibrancy, economy, and sustainability of Warrawong, commensurate with its role as a Regional Strategic Centre.

## The Proposal

Specifically, this Planning Proposal seeks to amend the following provisions of the *Wollongong Local Environmental Plan 2009* (WLEP 2009) that apply to the Site:

- Increase the Height of Building Development Standard from 24 metres to a variable height limit ranging between 24 and 78 metres (refer to the Proposed LEP Maps prepared by CHROFI at **Appendix A**).
- Introduces a new site-specific provision, Clause 7.24, to establish key requirements for mixed-use redevelopment of the Site. The proposed site-specific provision has four functions:
  1. Establish a minimum provision of 50,000m<sup>2</sup> GFA for non-residential uses to be provided on the site to ensure the existing provision of retail and other non-residential land uses is at a minimum maintained to meet the needs of the existing and future community.



2. Require 10% of residential floor space to be provided as affordable rental housing.
  3. Give effect to the Warrawong Plaza Design Guidelines.
  4. Require the preparation of a site-specific DCP.
- Introduce an additional permitted use of 'residential flat building' for the Site.
  - Amend the Key Sites Map to identify the Site as "Area 11".
  - Amend the Active Street Frontages Map to include active street frontages along Cowper and King Streets.

In addition, it is requested that Schedule 2 of *State Environmental Planning Policy (Planning Systems) 2021* be amended to include development on the Warrawong Plaza site for the purpose of residential accommodation with an estimated development cost (EDC) of more than \$75 million as State Significant Development.

The proposed Warrawong Plaza Design Guidelines that accompany this Planning Proposal provide parameters for land use, design and development, and are intended to supplement the provisions of *Wollongong Local Environmental Plan 2009* by providing more detailed provisions to guide development on the land. These guidelines comprise a hierarchy of objectives and guidelines to guide future development. Future proposed development will need to show how it meets the objectives outlined within the Guidelines. The Guidelines provide benchmarks for how the objectives could be achieved and does not represent the only way the overarching objectives can be achieved. Where alternate solutions to the guidelines are proposed it must be demonstrated how the proposed alternative solution achieves the overarching objective/s. Key provisions contained within the Planning Proposal and Design Guidelines that ensure the public benefits of associated with this Planning Proposal are achieved in a future development include:

- A requirement to maintain the existing provision of retail and employment-generating land uses to meet the needs of the community, whilst not inhibiting economic development and growth throughout the broader Warrawong town centre catalysed by the new residential population of the site and the broader region.
- Ensuring continuity of trade for essential retail, health and business services throughout construction.
- Provision of new publicly accessible open space/plaza with a minimum contiguous area of 3,000m<sup>2</sup>.
- Provision of a new pedestrian through-site link between Cowper Street and Northcliffe Drive.
- Achievement of sustainability benchmarks in excess of current planning requirements.

Leading Australian architects CHROFI have prepared a Reference Design to inform and support the Planning Proposal. It is described in **Section 5.0** of this Planning Proposal Report, and detailed in the Reference Design Architectural Drawings prepared by CHROFI (**Appendix C**). A photomontage of the Reference Design is shown at **Figure 1** below, while a Site Plan of the Reference Design is shown at **Figure 2** below.



Source: CHROFI



Source: CHROFI

The Planning Proposal (as amended) maintains the existing E2 Commercial Centre zoning, which already permits shop-top housing, including the existing maximum floor space ratio permitted under WLEP 2009. Accordingly, the Planning Proposal does not seek to alter the main permitted land uses currently permitted on the site. Instead, by seeking to amend the maximum building heights and including residential flat buildings as an additional permitted use, the Planning Proposal seeks to enable additional dwellings on the site, which will grow the Warrawong population and encourage increased patronage and new businesses within a reactivated town centre. The increased building height not only allows for the efficient distribution and consolidation of residential floorspace throughout the site, facilitating feasible and practical staged development, but also unlocks significantly enhanced non-residential and ground plane outcomes to benefit the whole community. These outcomes include the delivery of new publicly accessible open spaces and through-site links which would have been unattainable in a development with a lower height but a similar amount of floorspace. This ensures that new residential dwellings achieve a high standard of residential amenity.

Whilst a mixed use development on the site under the existing provisions is technically possible, this outcome would not be feasible, would not be capable of being developed whilst maintaining continuous trade, and would deliver a very poor urban design outcome with no public benefits. In particular, the effect of the existing height limit and the prohibition on residential flat buildings would preclude the delivery of new through-site linkages and public space on both the ground plane and above the shopping centre. Residential apartments would not have the ability to have a street address, and would deliver little in the way of residential amenity. In contrast, the proposed allocation of building heights across the site with some buildings being residential flat buildings to the ground unlocks the following urban design benefits:

- **Unlocking the ground plane – public open space and through-site link:** By consolidating residential development into taller and narrower towers, including some which are not located above a retail podium.



more of the ground plane can be given back to open space within the heart of the site and activated through-site links on the ground plane. These links and spaces will promote passive surveillance and result in a more walkable and safe public realm for the community.

- **Variation and articulation in urban form:** The staggering of building heights will create a future diversity of built form and massing which will breakdown the visual scale of the development, as compared to over 20 24m high buildings above the shopping centre. This will improve the visual public benefit of the Site and strengthen the character of future development. Allowing taller buildings means lower scale development can be realised on other parts of the site. This encourages a more human scale, especially within the centre of the site. The variety of built forms will also drive specific design responses to promote certain housing typologies to increase housing diversity.
- **Retention of view corridors:** The proposed allocation and staggering of building heights has been carefully considered to promote slender built forms and lower building heights in certain locations that frame and retain view corridors to Lake Illawarra, the Pacific Ocean and Illawarra Escarpment.
- **Enhanced retail experience:** Permitting residential flat buildings, rather than only shop top housing, allows for the consolidation of the retail area to reduce sprawl of the retail floor plate, provide opportunities for natural light to enter into retail areas, and enables a more logical staging of development which minimises impacts to existing businesses and shoppers.
- **Complements and enhances the Warrawong Town Centre Masterplan:** Council's Warrawong Town Centre Masterplan, prepared in 2013, presumed that the site would remain as an internalised retail mall occupying the majority of the site area, with limited active frontages and no publicly-accessible through-site connections. Site-specific recommendations accepted this status-quo and sought only limited changes around the site's periphery. The Planning Proposal seeks to adopt the principles of the Plan to increase permeability and connectivity, and promote activated ground floor uses and edges across the entire site. Consolidating the retail core to the northern edge of the site enables more diverse and porous uses on the ground floor to interact with Cowper Street and King Street.
- **Improved residential amenity and public space amenity:** Allocating taller building heights along the west and southern parts of the site allows for uninterrupted solar access and views to and from future residential buildings, while facilitating solar access to the future public open spaces and through-site links within the Site. This also reduces the height of buildings required along Cowper Street to achieve an improved transition of scale to lower density residential development to the north and east.
- **Ensures strong public benefits:** Delivery dwellings with high amenity ensures that development can occur in a feasible manner that enables delivery of key public benefits such as affordable housing, public space or sustainability measures.
- **Facilitates a gateway building to reinforce the status of Warrawong as a strategic centre:** A 78m height limit at the south-western corner of the site at the intersection of the major arterial roads of King Street and Northcliffe Drive, sets the foundation for a distinct building of outstanding architectural quality that can be a recognisable and welcoming symbol for Warrawong.

## Public Benefits

The Planning Proposal will deliver the following public benefits:

- **Housing Supply:** The delivery of approximately 1,300 new dwellings facilitated by the increased height limit which are well-located – with immediate access to existing and future retail services, health, education, leisure, community facilities, open space and public transport – is a significant public benefit which aligns with the clear commitments of the NSW Government to facilitate housing in suitable locations which are well-served by existing infrastructure. As outlined in the joint media release by the Premier and the Minister for Planning and Public Spaces on 7 December 2023, NSW is experiencing a 'housing crisis' and the NSW Government is committed to addressing this crisis "*by rebalancing housing growth across the state with a focus on well-located homes close to transport, jobs and existing infrastructure*". The Rezoning Pathways Program, including the State Assessed Planning Proposal program which includes this Planning Proposal, is one of the tools being employed by the NSW Government to address this crisis. The Planning Proposal will facilitate the delivery of well-located housing with immediate access to existing and future retail, business, health and education services, local urban and green public open spaces, and direct access to frequent public transport.
- **Housing Diversity:** Existing and new housing stock within the Illawarra region is predominantly detached housing with 3-4+ bedrooms, however, the number of 1 and 2-person households is rapidly increasing. The supply of smaller, well-located dwellings suitable for these households, and other households who are unable to afford current housing stock, is a critical public benefit in meeting the future housing needs of the community. By catering to the accommodation needs of a wider range of households, the increase in housing diversity will also promote a more diverse population for greater social vibrancy and inclusion.

- **Affordable Housing:** 10% of all floor space used for the purpose of residential accommodation is to be used for the purpose of affordable housing for a minimum period of 15 years, managed by a registered Community Housing Provider. Measures to secure this public benefit are set out in the site-specific LEP clause outlined in **Section 6.2.1**. An Affordable Housing Report outlining the nature of the affordable housing proposed, including ownership and mechanisms to secure housing, as well as describing the intersectionality of climate and community through regenerative design processes is provided at **Appendix D**.
- **New Public Open Space and Through-Site Link:** Provision of a new minimum 3,000m<sup>2</sup> publicly accessible plaza which is activated throughout the day and evening to provide a high-quality urban open space within the most frequently visited area of the Warrawong centre. A new through-site link will enhance pedestrian connectivity and permeability within the centre, with a focus on improving connectivity and amenity between Cowper Street and the open space network to the south of the Site. These benefits cannot and would not be able to be delivered under the current building height and other local planning provisions.
- **Reactivation and Economic Growth of Warrawong Town Centre through Increased Local Population:** The substantial increase in housing provision will significantly grow the local population residing within the Warrawong Town Centre. As more people move into the area, demand for goods and services will increase, prompting businesses to open or expand, and attracting external investment to the area. A larger population base will also allow businesses to scale up operations and increase employment opportunities, resulting in significant economic growth. With increased foot traffic and consumer spending, occupancy of vacant tenancies along the main streets is likely to be improved, resulting in a more vibrant centre and active streetscape. An expanded local population also fosters a greater sense of community and facilitates the achievement of a critical population mass required to support existing events and host greater community events, thereby bringing sustainable activation to Warrawong.
- **Enhancement of Retail, Local Services and Employment:** Future Development Applications (DAs) are to demonstrate continuance of trade for key retail services required by the community (supermarkets, fresh food retail, pharmacy) throughout the redevelopment of the land. A Staging Plan is to be submitted with the first DA for the land, and is to be updated in consultation with the relevant consent authority. Increasing the building height and the other local provisions are essential to ensure that staged redevelopment can occur in a timely and feasible manner.
- **Internalised Retail Mall to a Vibrant Mixed-use Precinct:** Transitioning from an inward-facing functional building with parking & loading around the edges, into a porous mixed-use precinct with active edges to public realm and increased opportunities for public interaction and movement throughout the precinct.
- **Strengthen Warrawong as a Strategic Centre:** In line with Regional Plan, strengthen Warrawong as a Strategic Centre by building on its regional shopping centre with entertainment, education, commercial, and community use. Strengthen the region as a place to live, work and play.
- **Education and childcare:** Provision for centre-based childcare to meet forecast demand from future residents and the wider community, facilitating increased access to employment for parents/carers, alongside new university space to improve access to education and skills for the local community.
- **Jobs Creation and Economic growth:** Support economic development within the Warrawong centre by facilitating approximately 540 full-time equivalent (FTE) jobs within the regional economy during the construction phase and 540 FTE jobs on an ongoing basis following completion. It will result in an estimated economic uplift of \$2.6 billion to the wider region, based on direct and indirect economic benefits.
- **Local Amenity for Visitors and Future Residents:** Facilitating urban renewal through the proposed LEP amendments will free up substantial portions of the ground plane to allow the creation of new through-site connections, retail activation and delivery of publicly accessible open space, and also open up new rooftop spaces for recreation and communal open space. Allowing greater diversity in building heights also facilitates improved residential amenity, with greater visual and acoustic privacy, improved solar access and access to views and vistas.
- **Opportunities for additional public benefits:**  
Other potential public benefits which could be delivered through future development, subject to consultation with Wollongong City Council and other stakeholders, could include:
  - Enhancing and improving streetscape interfaces on all boundaries of the complex through interventions such as new retail or other active frontage uses.
  - Bringing together community organisations to plan the activation of these public spaces for community events such as local food markets or art exhibitions, family focussed events and other community activities.
  - Providing additional active recreational opportunities on under-utilised rooftop spaces
  - Improving integration with surrounding green spaces, such as enhanced pedestrian crossing points where appropriate.

## Strategic Justification

The Planning Proposal demonstrates strategic merit in that it:

- Demonstrates consistency with the relevant Ministerial Local Planning Directions and applicable SEPPs.
- Meets the strategic need for increased housing supply, housing diversity and affordable housing identified within the National Housing Accord 2022, NSW Government Housing Package, Illawarra Shoalhaven Regional Plan, Wollongong Local Strategic Planning Statement, Wollongong Housing Strategy, Wollongong Retail and Business Centres Strategy and Warrawong Town Centre Master Plan.
- Reinforces Warrawong's status as a major retail centre through the enhancement in the quality and quantity of local retail services, including the requirement to maintain the existing provision of retail centre floorspace, including complementary child care, health and wellness uses that serve the local community. These new land uses in conjunction with significant growth in the local population and associated consumer demand, spending and foot-traffic, and active street frontages on King Street and Cowper Street will catalyse retail, food and beverage, services and commercial development throughout the Warrawong Town Centre.
- Supports the objectives and themes of the Wollongong LSPS by a number of ways such as increasing local employment during the construction and operational phases of the project; encouraging new businesses and the expansion of existing businesses to meet growing local consumer demand; ensuring continuity of trade for key retail and community services; enhancing the existing centre by improving built form, streetscapes and provision of new public spaces; enhancing connectivity to local and regional open spaces; supporting active transport; and ensuring new development is sustainable and resilient having regard to local environmental conditions.
- Ensures that future development will incorporate sustainable design to reduce Wollongong LGA's ecological footprint, improve the urban environment, create a healthy future, and contribute towards NSW's achievement of net zero by 2050.
- Directly addresses the NSW housing crisis by providing diverse and affordable housing in a well-located position with excellent amenity and direct access to retail, business and health services, education and childcare, leisure and entertainment, new and existing open space and public transport. As such, it is consistent with the Warrawong Town Centre Masterplan which contemplates increased residential dwellings throughout the Town Centre underpinned by strong existing local infrastructure.

## Environmental Assessment

The Planning Proposal provides an environmental assessment of the Planning Proposal, having regard to the Reference Design, including matters such as:

- Built form, urban design and visual impact.
- Transport assessment.
- Flooding assessment.
- Contamination and geotechnical assessment.
- Local infrastructure utilities capacity assessment.
- Community Infrastructure capacity assessment.
- Sustainability.
- Economic Impacts.

This assessment concludes that the environmental impacts of the Planning Proposal are acceptable and can be suitably managed through the proposed LEP amendments, Design Guidelines, and future development assessment in accordance with the requirements of the EP&A Act, relevant SEPPs, WLEP 2009, DCP and other existing planning assessment policies.

## Conclusion

In light of the above, we would have no hesitation in recommending that the planning proposal be endorsed and proceed through the Gateway to public exhibition.



# 1.0 Introduction

Ethos Urban has prepared this report on behalf of Elanor Investors Group (the proponent) in support of a Planning Proposal submitted to the Department of Planning, Housing and Infrastructure (DPHI) for amendments to the *Wollongong Local Environmental Plan 2009* relating to 43-65 Cowper Street, Warrawong (the Site). The subject Site was selected as part of DPHI's State Assessed Planning Proposal Pilot Program.

The Planning Proposal seeks to establish a planning framework that would facilitate the mixed-use redevelopment of the existing shopping centre at 43-65 Cowper Street, Warrawong, to include enhanced existing retail, business, health and education uses, alongside new residential apartments (market and affordable), office and other employment-generating uses within the Site, along with new publicly accessible open spaces and through-site links.

The Planning Proposal aims to achieve this by proposing to amend the following provisions of the *Wollongong Local Environmental Plan 2009* (WLEP 2009) that apply to the Site:

- Increase the Height of Building Development Standard from 24 metres to a variable height limit ranging between 24 and 78 metres (refer to the Proposed LEP Maps prepared by CHROFI at **Appendix A**).
- Introduces a new site-specific provision, Clause 7.24, to establish key requirements for mixed-use redevelopment of the Site. The proposed site-specific provision has four functions:
  1. Establish a minimum provision of GFA for non-residential uses to be provided on the site to ensure the existing provision of retail and other non-residential land uses is at a minimum maintained to meet the needs of the existing and future community.
  2. Require 10% of residential floor space to be provided as affordable rental housing.
  3. Give effect to the Warrawong Plaza Design Guidelines.
  4. Require the preparation of a site-specific DCP.
- Introduce an additional permitted use of “residential flat building” for the Site.
- Amend the Key Sites Map to identify the Site as “Area 11”.
- Amend the Active Street Frontages Map to include active street frontages along Cowper and King Streets.

In addition, it is requested that Schedule 2 of *State Environmental Planning Policy (Planning Systems) 2021* be amended to include development on the Warrawong Plaza site for the purpose of residential accommodation with an estimated development cost (EDC) of more than \$75 million as State Significant Development.

This planning proposal report describes the Site, the proposed amendments to the *Wollongong Local Environmental Plan 2009* and *State Environmental Planning Policy (Planning Systems) 2021* and provides an environmental assessment of the proposed Reference Design. The report should be read in conjunction with the Urban Design Report prepared by CHROFI and specialist consultant reports appended to this proposal.

As required by Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and in reference to the Local Environmental Plan Making Guideline dated August 2023, this planning proposal report includes the following components as set out in **Table 1**.

**Table 1** LEP Making Guidelines Planning Proposal Components

Component	Relevant Report Section
Part 1 – Objectives and intended outcomes	Section 6.1
Part 2 – Explanation of provisions	Section 6.2
Part 3 – Justification of strategic and Site-specific merit	Section 7.0
Part 4 – Maps	Section 6.2
Part 5 – Community Consultation	Section 6.4
Part 6 – Project Timeline	Section 6.5

## 2.0 Background

### 2.1 The Proponent

The proponent for the Planning Proposal is Elanor Investors Group, an ASX listed (ASX: ENN) Australian real estate funds management business that was established in 2009. ENN currently manages over \$2.7 billion of real estate investments across Australia and New Zealand. ENN's key real estate investment sectors of focus are the commercial office, healthcare, retail, and hotels, tourism, and leisure sectors, with an increased focus on diversifying its portfolio and creating mixed-use centres.

### 2.2 State-Assessed Planning Proposal Pilot Program

In December 2022, DPHI invited applications under a pilot State-Assessed Planning Proposal (SAPP) pathway. Elanor Investors Group applied for a Planning Proposal relating to the Site through this program in January 2023.

To be eligible for the pilot process, projects had to meet the following criteria:

- Not be in the planning system: The project is not the subject of an active planning proposal lodged in the system.
- Readiness to lodge: The applicant must undertake to formally lodge the planning proposal with the department via the Planning Portal within 2 months of being notified that the project was approved to proceed as a State-assessed planning proposal.
- Minimum dwelling threshold: The project must demonstrate that through the rezoning it will enable at least 1,000 residential dwellings in Metropolitan NSW, or 300 residential dwellings in Regional NSW.
- Comply with relevant planning legislation, policies and directions made pursuant to section 9.1(2) of the *Environmental Planning and Assessment Act 1979*.

In selecting projects for the pilot process, DPHI also considered how each eligible scheme addressed the assessment criteria. A summary of the how the project meets each of these assessment criteria is explained in **Table 2**.

This project was considered by DPHI to meet the eligibility criteria and to be one of only five projects which best addressed the assessment criteria for inclusion within the pilot project. DPHI advised the proponent of this selection on 14 July 2023. Selection within the SAPP process required the proponent to prepare and submit a Planning Proposal to DPHI within two months from the date of selection, being 14 September 2023.

**Table 2** Summary of assessment against assessment criteria for State-assessed Planning Proposal pilot

Assessment Criteria	Summary of Assessment
How well the proposal demonstrates public benefits, including through housing supply, and alignment with state policies and land use strategies.	<ul style="list-style-type: none"><li>• The Planning Proposal for the Site has the capacity to unlock the delivery of approximately 1,300 dwellings aligned with the National Housing Accord 2022, NSW Government Housing Package, Illawarra Shoalhaven Regional Plan, Wollongong Local Strategic Planning Statement, Wollongong Housing Strategy, Wollongong Retail and Business Centres Strategy and Warrawong Town Centre Master Plan. The existing and new housing stock within the Illawarra region and Warrawong is predominantly detached housing with 3-4+ bedrooms, however, the number of 1 and 2-person households is rapidly increasing. The supply of smaller, well-located dwellings suitable for these households, and other households unable to afford current housing stock, is a critical public benefit in meeting the future housing needs of the community.</li><li>• Redevelopment of the Site will contribute to the urban renewal of Warrawong and enhance connections to the Kully Bay green grid.</li><li>• The project will increase local population within the town centre to drive local activation and investment in new and growing businesses, thereby increasing employment opportunities economic development and vibrancy within the wider Warrawong Town Centre.</li><li>• The Planning Proposal is also consistent with Council's adopted Local Strategic Planning Statement and will make a significant contribution towards the achievement of local housing targets, along with an increase in local employment, and provide new publicly accessible open space and through-Site links.</li><li>• The Site is well-served by existing infrastructure, including the new Warrawong Library and Community Centre by Wollongong City Council and the Warrawong and the new</li></ul>

Assessment Criteria	Summary of Assessment
	\$700 million Community Health Centre being delivered by NSW Health. This includes a significant provision of outdoor open space, all of which are within walking distance of the Site.
An assessment of the proposal's contribution to affordable and social housing outcomes.	<ul style="list-style-type: none"> <li>10% of all floor space used for the purpose of residential accommodation is to be used for the purpose of affordable housing for a minimum period of 15 years, managed by a Community Housing Provider who is registered in accordance with the National Regulatory System for Community Housing. This is a significant contribution in a jurisdiction where there is no affordable housing target currently mandated, and which will significantly increase the stock of housing that is affordable within the Illawarra region.</li> <li>The first stage of residential development is capable of being delivered as soon as 2028 in order to meet local housing needs.</li> </ul>
How well impediments to delivery are understood and whether there is a pathway to resolution.	<p>The following key planning issues were identified and considered to be easily and quickly resolvable through standard planning assessment without the need for any significant upgrades to local infrastructure or coordination with other authorities:</p> <ul style="list-style-type: none"> <li>Transport and traffic</li> <li>Flooding</li> <li>Contamination</li> <li>Utilities and infrastructure</li> <li>Water management</li> <li>Visual impact</li> </ul>
If infrastructure is available, or if funding is committed to fund critical infrastructure.	<ul style="list-style-type: none"> <li>Warrawong Plaza is currently serviced by utilities and infrastructure, and these are expected to be capable of servicing the proposal with minimal augmentation, especially as no increase to floor space ratio is proposed.</li> </ul>

## 2.3 Pre-Lodgement Consultation

While the Local Environmental Plan Making Guideline ordinarily requires a scoping proposal to be submitted to Council, this was replaced by the application to the SAPP process.

Notwithstanding, the proponent has held a number of meetings with both DPHI and Wollongong City Council (Council). A summary of these meetings is provided in **Table 3**.

**Table 3** Summary of pre-lodgement consultation with DPHI and Council

Date	Attendees	Items Discussed
20 July 2023	<ul style="list-style-type: none"> <li>DPHI</li> </ul>	<ul style="list-style-type: none"> <li>Project inception.</li> </ul>
25 July 2023	<ul style="list-style-type: none"> <li>DPHI</li> <li>Ethos Urban</li> </ul>	<ul style="list-style-type: none"> <li>SAPP process.</li> </ul>
7 August 2023	<ul style="list-style-type: none"> <li>Council</li> <li>Ethos Urban</li> <li>Water Technology</li> <li>Colston Budd Rogers &amp; Kafes</li> </ul>	<ul style="list-style-type: none"> <li>Stormwater and Flooding.</li> <li>Traffic.</li> <li>Contacts within Council to enable ongoing consultation.</li> <li>Information available from Council and able to be shared to undertake assessment.</li> </ul>
11 August 2023	<ul style="list-style-type: none"> <li>DPHI</li> <li>Council</li> <li>Ethos Urban</li> <li>Chrofi</li> <li>Elanor Investors Group</li> </ul>	<ul style="list-style-type: none"> <li>Meetings procedure</li> <li>Summary of State-assessed Planning Proposal process</li> <li>Preferred planning pathway for future DAs</li> <li>Affordable housing provision</li> <li>LEP site specific clause and proposed amendment to land use zoning.</li> <li>Phasing of future development.</li> </ul>



Date	Attendees	Items Discussed
22 August 2023	<ul style="list-style-type: none"> <li>• DPHI</li> <li>• Council</li> <li>• Ethos Urban</li> </ul>	<ul style="list-style-type: none"> <li>• Follow up on actions from meeting of 11 August</li> <li>• Project update</li> <li>• Confirmation of attendees for future meetings</li> <li>• DPHI update</li> <li>• Urban design update</li> <li>• Engagement and priorities</li> </ul>
22 August 2023	<ul style="list-style-type: none"> <li>• Transport for NSW</li> <li>• DPHI</li> <li>• Elanor Investors Group</li> <li>• Colston Budd Rogers &amp; Kafes</li> </ul>	<ul style="list-style-type: none"> <li>• Opportunities for improved pedestrian movements, access and interface with: <ul style="list-style-type: none"> <li>– Nearby crossing points.</li> <li>– Access from Cowper Street, taking into account the town centre modifications being undertaken by Council.</li> <li>– Pedestrian connections to and from areas to the south, including the playing fields south of Northcliffe Drive</li> </ul> </li> <li>• Potential for improvement to bus facilities on King Street and Northcliffe Drive, including stands, shelters and pedestrian connections.</li> <li>• Potential to retain provision for taxis in Cowper Street.</li> <li>• Retention of appropriate vehicular access to the centre, including Cowper Street and Northcliffe Drive, and Transport for NSW's preference that vehicular access is not provided from King Street.</li> <li>• Potential for improved access from Northcliffe Drive, including new traffic signals.</li> <li>• Potential for appropriate connections to existing bicycle paths close to the site on Northcliffe Drive and King Street; and</li> <li>• Potential to provide reduced rates of car parking, where appropriate, for the non-retail components of the development, commensurate with the location of the site in the Warrawong Town Centre and the mix of uses in the redeveloped site.</li> </ul>
29 August 2023	<ul style="list-style-type: none"> <li>• DPHI</li> <li>• Council</li> <li>• Ethos Urban</li> </ul>	<ul style="list-style-type: none"> <li>• Project update</li> <li>• Approach to flooding assessment</li> <li>• Visual impact analysis</li> </ul>
5 September 2023	<ul style="list-style-type: none"> <li>• DPHI</li> <li>• Council</li> <li>• Ethos Urban</li> </ul>	<ul style="list-style-type: none"> <li>• Project update</li> <li>• Proposed building heights</li> <li>• Staging of development</li> <li>• Views</li> </ul>
November 2023	<ul style="list-style-type: none"> <li>• DPHI</li> <li>• Elanor Investors, Ethos Urban, CHROFI</li> </ul>	<ul style="list-style-type: none"> <li>• Initial DPHI feedback on Planning Proposal documentation and additional information requested</li> </ul>
March 2024	<ul style="list-style-type: none"> <li>• DPHI</li> <li>• Elanor Investors, Ethos Urban, CHROFI, Water Technology, Arup</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted discussions regarding resolution of urban design, transport and flooding matters arising from DPHI review of Planning Proposal documentation.</li> </ul>

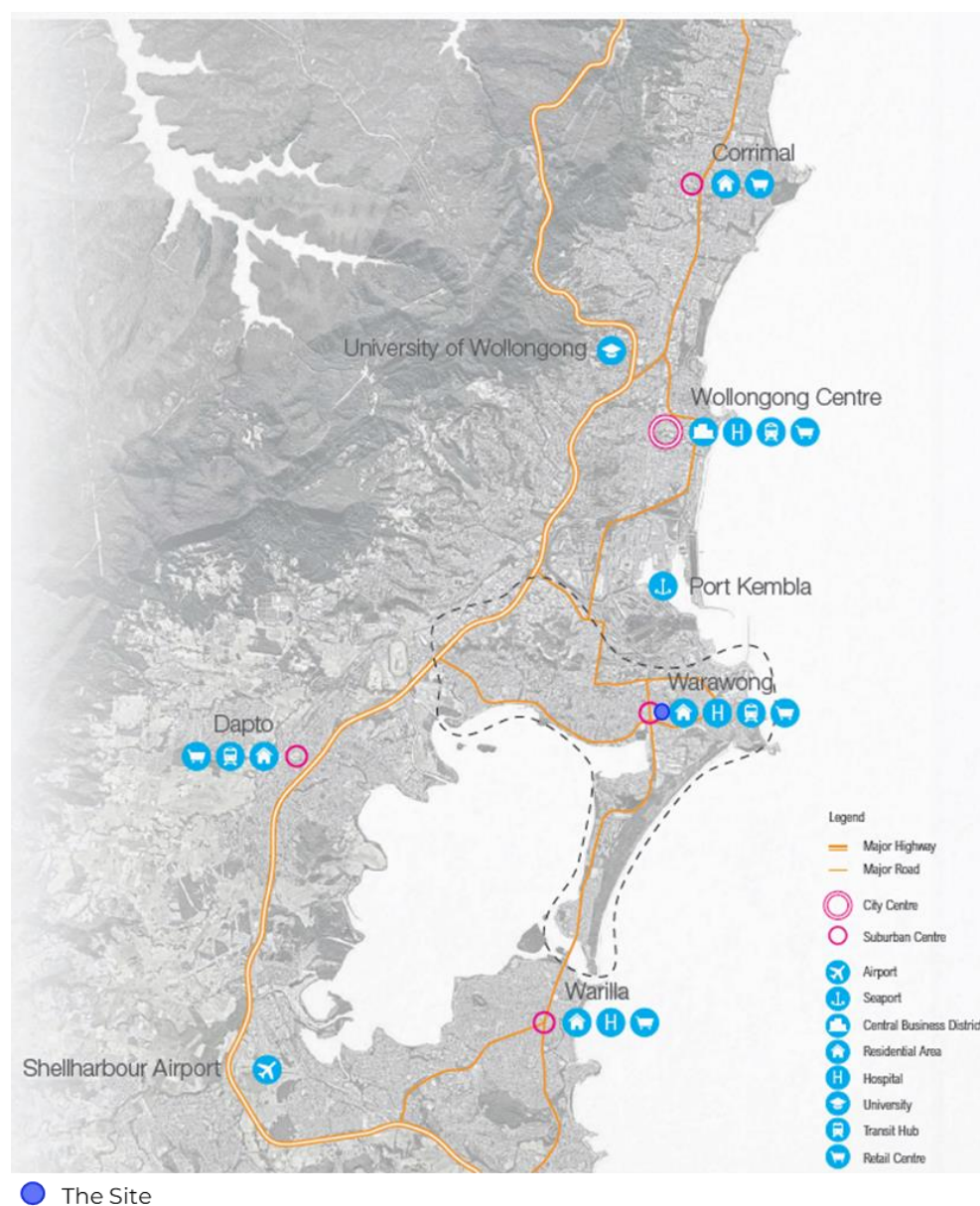
## 3.0 The Site

### 3.1 Site location and context

The Site is known as Warrawong Plaza and is located in the centre of the suburb of Warrawong, within the Wollongong Local Government Area (LGA), approximately 6km south of the Wollongong CBD, within the Illawarra region. The Site is located at 43-65 Cowper Street, Warrawong. It is situated on the traditional land of the Dharawal people. The Site's regional context is shown at **Figure 3**.

Warrawong is a large residential and commercial centre on the north-eastern shore of Lake Illawarra, adjacent to Kully Bay. It is identified as a Strategic Centre in the Illawarra Shoalhaven Region Plan that services a broader catchment of communities located on the northern shores of Lake Illawarra and southern Wollongong, and is the second largest centre in the Wollongong LGA. The Site's locational context is shown at **Figure 4**. The Site is located within an urbanised context, with surrounding development including a range of commercial and retail buildings, low and medium density residential development and parks and playing fields that flank Kully Bay.

Specifically, the Site is located within the south-eastern portion of the Warrawong Town Centre. It comprises most of the block bounded by Cowper Street to the north, Northcliffe Drive to south and King Street to the west.



**Figure 3** Regional context

Source: CHROFI



**Figure 4** Locational context

Source: CHROFI

## 3.2 Site description

The Site is legally described as Lot A DP421454, Lot 2 DP571183, Lot 1 DP571183, Lot 1 DP217579, Lot 2 DP 216785 and Lot 2 DP535215. This forms a large, consolidated irregularly-shaped area of more than 7 ha. The Site was purchased by Elanor Investors Group (ENN) in 2021/2022 and is legally owned by Elanor Funds Management Limited ATF Warrawong Plaza Development Fund.

### 3.2.1 Existing Development

Warrawong Plaza was originally opened in 1960 and was known as Lake Market Shopping Centre. The Site now comprises a two-level sub-regional shopping centre known as Warrawong Plaza with major retail tenants including Aldi, Big W, Target, Coles, Rebel Sport, Hoyts Cinemas, and JB HI-FI. It currently has approximately 44,000m<sup>2</sup> of retail Gross Lettable Area Retail (GLA), containing approximately 140 stores, and is the third largest shopping centre in the Illawarra region. A Woolworths supermarket is also currently being developed at the eastern edge of the Site. At-grade parking areas are distributed around the perimeter of the Site, whilst multi-deck and rooftop car parking is located within the central portion of the site. An aerial photo of the Site is shown at **Figure 5** while an oblique aerial photo of the Site is shown at **Figure 6**. Photographs of existing development on the Site are shown at **Figures 7-14**.





 Site Boundaries



**Figure 5** *Aerial photograph*

Source: Nearmap edited by Ethos Urban



**Figure 6** *Oblique Aerial photograph*

Source: CHROFI





**Figure 7** Warrawong Plaza looking from corner of King Street and Cowper Street



**Figure 8** Warrawong Plaza along King Street looking south from corner of King Street



**Figure 9** North-eastern corner of Warrawong Plaza Site



**Figure 10** Warrawong Plaza looking west from Cowper Street



**Figure 11** South-eastern corner of Warrawong Plaza Site



**Figure 12** Warrawong Plaza looking from eastern boundary of the Site



**Figure 13** Warrawong Plaza at corner of King Street and Northcliffe Drive



**Figure 14** Warrawong Plaza along Northcliffe Drive

Source: Ethos Urban

### 3.2.2 Topography

The Site slopes from a high point in the north east at Cowper Street down to the south west at the Northcliffe Drive/King Street intersection. The Site is located within a depression in the local topography, bounded by the Cringila Hills and Morton Park Reserve to the north, Hill 60 and Port Kembla to the east, Coomaditchy Lagoon and reserve area to the south east, Kully Bay and Lake Illawarra to the south and Lake Heights to the west. A topographic diagram of the site and surrounding locality is shown in **Figure 15** below.



**Figure 15** Topographic diagram of the Site and surrounds

Source: CHROFI

### 3.2.3 Vegetation

Vegetation on the Site is limited to the areas around the perimeter of the Site. There are medium to large-sized trees located within the ground level parking lots areas on the eastern end of the Site adjoining the driveway area, as well as within the Cowper Street, King Street and Northcliffe Drive frontages. Landscaping at the corner of King Street and Cowper Street, and along King Street is predominantly in the form of shrubbery, hedges and small trees.



### 3.2.4 Transport and Access

#### Road Network

The Site is located on the corner of Cowper and King Streets and Northcliffe Drive. King Street is a State Classified Road, being owned and controlled by Transport for NSW. Northcliffe Drive is identified as a Regional Classified Road west of the intersection of King Street through to the intersection with the Princes Highway, and is also controlled by Transport for NSW. To the east of the intersection of King and Northcliffe Drive, Northcliffe Drive is a local road, owned and managed by Wollongong City Council. Cowper Street is also identified as a local road.

#### Vehicular Access

There are multiple vehicular access points into the Site. There are currently three separate vehicular crossovers along Cowper Street, two driveways off Northcliffe Drive, and one driveway off King Street. Loading and service access currently occurs from each of these points.

#### Pedestrian Access

The primary pedestrian access point into Warrawong Plaza is at the corner of Cowper Street and King Street. This provides a pedestrian connection to King Street and Cowper Street which are the main pedestrian thoroughfares in the Warrawong Town Centre. Beyond this point, formal pedestrian access around the rest of the Site is limited as the perimeter is either fenced or dominated by vehicle circulation areas, car parking areas and driveways. There are several pedestrian access points from the rooftop and basement/undercroft car parking areas.

#### Public Transport

The site is well-serviced by the local public transport network, with a number of bus routes directly servicing the site:

- Route 34 – Wollongong to Port Kembla via Unanderra
- Route 37/57 – Wollongong to Shellharbour Shopping Centre via Dapto
- Route 43 – Port Kembla to Mt Brown, via Shellharbour Shopping Centre and Dapto
- Route 51 – Wollongong to Oak Flats, via Shellharbour Shopping Centre
- Route 53 – Wollongong to Shellharbour, via Shell Cove
- Route 65 – North Wollongong to Port Kembla

This extensive network provides frequent direct access to and from the site to a wide range of services and further public transport infrastructure, including a number of train stations and connecting buses.

A taxi rank is currently provided along the Site's Cowper Street frontage.

#### Cycling

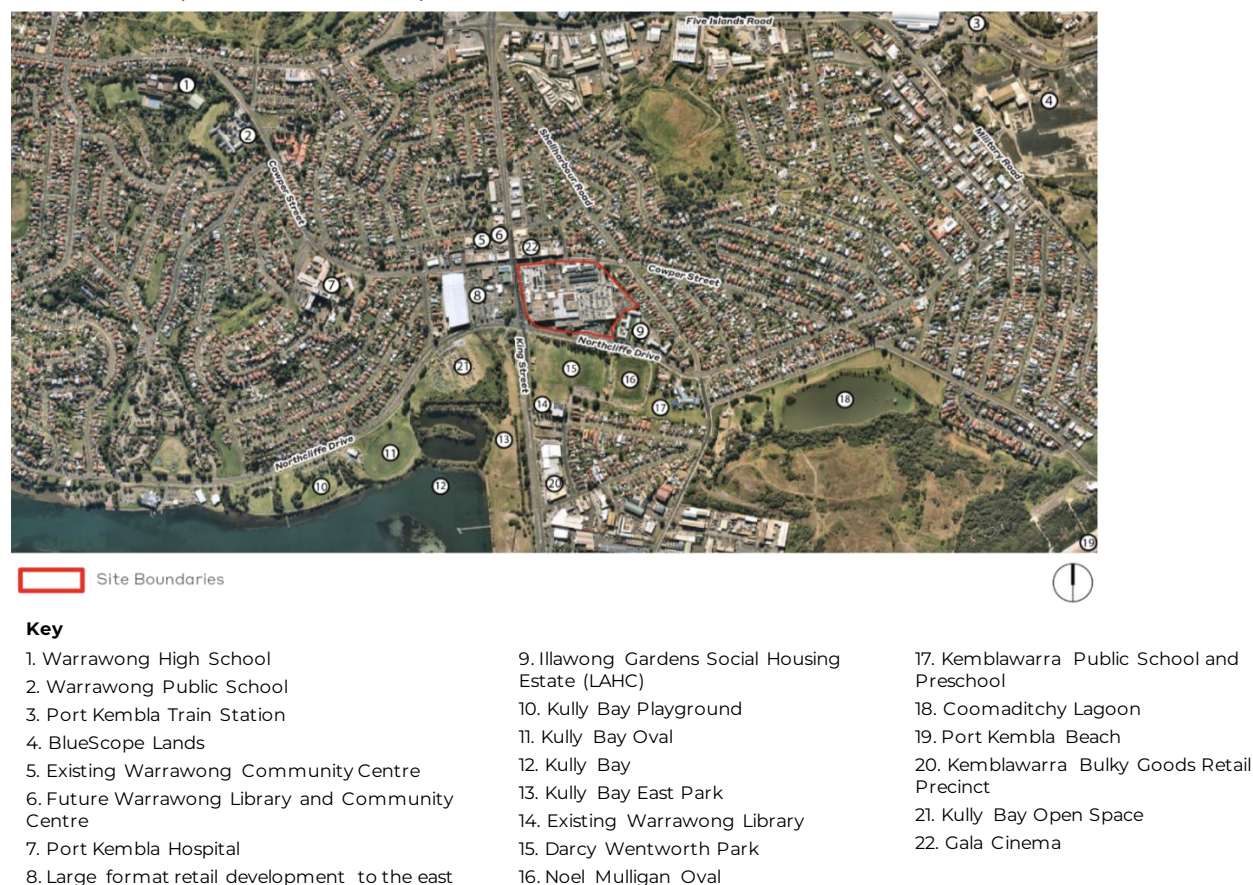
The Site has good access to shared cycle paths that surround the shore of Lake Illawarra along Northcliffe Drive, Kully Bay Park, King Street, Primbee Bypass and Shellharbour Road. The lake shared path connects to and provides continuous shared path access to Port Kembla Beach to the east, via the southern side of Northcliffe Drive.

### 3.3 Surrounding development

#### 3.3.1 Development Immediately Surrounding the Site

The location of key surrounding development is shown in **Figure 16** below. The following development surrounds the Site:

- Cowper Street and retail and commercial premises adjoin the Site to the immediate north. The form of the development in this area is up to three storeys in height. Mowbray Lane which connects Cowper Street to Montgomery Avenue provides access to the rear of the retail and commercial buildings that front King Street, and is identified as a key activated and landscaped pedestrian laneway within the 2013 Warrawong Town Centre Master Plan. Existing retail and commercial spaces are poorly utilised, with high levels of vacancy and little street activation. This reflects the dominance of the existing Warrawong Plaza and low levels of footfall along Cowper and King Streets.
- 1-2 storey low density residential development is located to the north of the eastern portion of the Site, east of Taurus Avenue.
- Approximately 800 metres to the north are BlueScope's Port Kembla surplus lands. BlueScope have recently announced a master plan to facilitate the redevelopment of these surplus lands to facilitate 30,000 new jobs in emerging industries such as clean energy and defence, and also have entered into a Memorandum of Understanding with TAFE NSW to explore the development of a 'Super TAFE' to provide skills-based and vocational education.
- To the south of the Site, beyond Northcliffe Drive, is a vast expanse of open space, including Darcy Wentworth Park, Noel Mulligan Oval and Kully Bay Park. The Kemblawarra Bulky Goods precinct is further south.
- To the east of the Site is Illawong Gardens, which is a social housing complex that contains eight 3-storey apartment buildings which are owned and managed by NSW Land and Housing Corporation. The remaining development to the east is 1-2 storey low density residential development.
- To the west of the Site is a large block containing a former Bunnings Warehouse which is currently being converted into large format retail development. The development will include the retention of a McDonalds food and drink premise, and is expected to provide a range of retail premises, including Beacon Lighting, Supercheap Auto, Pillow Talk, JB HiFi Home, Trek and RTM. At-grade car parking is proposed to be retained at the Site as part of the redevelopment.



**Figure 16** Location of key surrounding development

Source: Nearmap edited by Ethos Urban

### 3.3.2 Surrounding Commercial and Retail Development

#### Warrawong Town Centre

Warrawong Town Centre is the second largest commercial centre in the Wollongong LGA. While Warrawong Plaza is the focal centre of the Town Centre and most-visited destination, the rest of the Town Centre is primarily characterised by up to three storey commercial and retail premises that flank Cowper Street and King Street (see **Figures 17-22**), providing essential goods and services. Two key surrounding commercial Sites which have been long-established in Warrawong include the Open Hearth Hotel at the corner of King Street and Montgomery Avenue, and the Gala Cinema at the corner of Cowper Street and Mowbray Lane (see **Figure 17**).

The lot to the west of the Site, bounded by Northcliffe Drive, King Street and Cowper Street, previously housed a Bunnings Warehouse, which has recently closed and is now being redeveloped into a multi-unit large format retail development (see **Figures 21-22**).

#### Kemblawarra Bulky Goods Retail Precinct

Further to south of the Site, on the periphery of Warrawong beyond Darcy Wentworth Park, is the Kemblawarra Bulky Goods Retail Precinct. It includes large format retail outlets such as the Good Guys, Harvey Norman, Domayne, BCF, Freedom Furniture and Sydney Tools, as well as a Service NSW branch. This precinct also includes some light industrial and self-storage uses along Shellharbour Road



**Figure 17** Commercial development on the northern side of Cowper Street near King Street including the Gala Cinema



**Figure 18** Commercial development on the northern side of Cowper Street looking from the north-eastern corner of the Site



**Figure 19** Commercial development on the western side of King Street



**Figure 20** Commercial development along Cowper Street to the west of the Site

Source: Ethos Urban





**Figure 21** McDonalds, car parking lot and new large format retail development to the west



**Figure 22** New large format retail development to the west of the Site currently under construction

Source: Ethos Urban

### 3.3.3 Surrounding Social Infrastructure

The Site is well-served by existing social infrastructure by virtue of its location. This includes essential services in the Warrawong Town Centre, Port Kembla Hospital (and future Warrawong Community Health Centre) (see **Figure 26**), the existing Warrawong Library, existing Community Centre (see **Figure 23**), Service NSW and Kemblawarra Primary School and Preschool (see **Figure 25**) all located within 10-minute walking distance from the Site.

The Site is also within short walking distance of the future Warrawong Community Centre and Library at the corner of Greene Street and King Street, expected to be completed by 2025. It will contain a new town square, library, "Community Hub" space with bookable meeting rooms, community kitchen, offices for community providers and an event space.

Warrawong Public School and Warrawong High School are approximately 1km north-west of the Site.

As discussed above, NSW Land and Housing Corporation owns a large 1.5 ha site to the east known as 'Illawong Gardens', which comprises comprising social housing which has potential for renewal (see **Figure 24**).



**Figure 23** Future Warrawong Library Site and existing Warrawong Community Centre



**Figure 24** Illawong Gardens Social Housing



**Figure 25** Kemblawarra Public School and Preschool



**Figure 26** Port Kembla Hospital

Source: Ethos Urban

### 3.3.4 Surrounding Open Space

South of the Site, there is a large belt of active and passive green open space that extends from Kully Bay to Port Kembla Beach. This includes:

- Open space to the south-west of the Site that flanks Kully Bay, including Kully Bay Park, Kully Bay Playground, Kully Bay Oval and Kully Bay East Park. On certain occasions throughout each year, Kully Bay Park is used for community fairs and events (see **Figure 27**). Kully Bay East Park provides a large open space for passive recreation. Kully Bay Oval is used for Australian Rules Football.
- Darcy Wentworth Park to the south of the Site (see **Figure 28**) and Noel Mulligan Oval to the south of the Site.
- Coomaditchy Lagoon, within the Coomaditchy Lagoon Reserve, is located further south-east of the Site and is one of the largest lagoons in the Wollongong area. The Coomaditchie United Aboriginal Corporation is the caretaker of Coomaditchy Lagoon and Coomaditchy Lagoon Reserve.
- Port Kembla Beach is located approximately 1.5km south-east of the Site.



**Figure 27** Kully Bay Park temporarily used for a circus



**Figure 28** Darcy Wentworth Park

Source: Ethos Urban

### 3.3.5 Surrounding Industrial Development

The nearest industrial area to Warrawong is the Kemblawarra industrial area approximately 750m to the south of the Site, which contains various light industrial, warehouse and distribution facilities, and other infiltrating uses such as recreation facilities and retail.

Approximately 1.5km north-east of the Site is the Port of Port Kembla, which is the largest motor vehicle importation terminal in NSW, the principal grain export port for southern and southwestern NSW and facilitates the Illawarra region's significant steel and mining industries. Over 800 commercial vessels dock at Port Kembla each year.

In 2015, NSW Ports released a masterplan which identified Port Kembla as a strategic economic asset which has the capacity to support regional economic growth through the export of bulk commodities, import of motor vehicles and support of steelmaking operations. It indicated that the Port would increase its catering for a growing range of dry bulk, bulk liquid and general cargo, with a container terminal to be established once capacity at Port Botany is reached.

BlueScope (formerly BHP) currently own 200 hectares of land surrounding the Port and adjoining its Port Kembla Steelworks, including land to the north and north west of the subject Site known as No 1 Works, Steelhaven and CRM. Closer to the port itself are the Slab Casting, Iron Making and Coke Making sections of the Steelworks. This area is largely screened and separated from the subject Site by the Cringila Hills. On 21 November 2023 BlueScope announced a master plan to facilitate the redevelopment of approximately 200 hectares of surplus lands to facilitate 30,000 new jobs in emerging industries such as clean energy and defence, and also have entered into a Memorandum of Understanding with TAFE NSW to explore the development of a 'Super TAFE' to provide skills-based and vocational education.

### 3.3.6 Future context

Wollongong City Council adopted the Warrawong Town Centre Master Plan and Implementation Strategy in 2013 which contained the following vision for the town centre:

*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.*

Since 2013, Council has undertaken further strategic planning, including the preparation of its Local Strategic Planning Statement adopted in 2020, Retail and Business Centres Strategy, and Housing Strategy, both adopted in 2023. These strategic plans have identified opportunities to review density controls and increase development potential and density in and around the Warrawong Town Centre, which is identified as one of two Major Regional Centres in the Wollongong LGA. This includes suggested actions to review height and FSR controls in Warrawong to facilitate the provision of additional housing and to support retail activities of the Strategic Centre.

Warrawong has also been identified as a Strategic Centre under the Illawarra Shoalhaven Regional Plan 2041. Objective 18 of the Plan identifies the need to “prioritise opportunities for new housing in strategic centres”.

Overall, it is clear that the future context of Warrawong will involve greater density, residential development and retail activity commensurate with its role as a Strategic Centre (identified in DPHI’s Illawarra Shoalhaven Regional Plan 2041) and Major Regional Centre (identified in Wollongong Council’s Retail and Business Centres Strategy). Alignment of the planning proposal with the strategic planning framework is discussed further in **Section 7.0**.



# 4.0 Existing planning framework

## 4.1 Wollongong Local Environmental Plan 2009

The key environmental planning instrument (EPI) applying to the Site is the Wollongong LEP 2009. **Table 4** provides a summary of the relevant existing controls.

**Table 4** Wollongong LEP 2009 Key Controls

Clause	Provision / Standard
Clause 2.2 – Zoning of Land to which Plan applies	<div>E2 Local Centre zone.</div> <div></div>
Clause 2.3 – Zone objectives and Land Use Table	<div><b>E2 Local Centre</b></div> <div><b>7 Objectives of the zone</b></div> <div><ul style="list-style-type: none"><li>• To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.</li><li>• To encourage investment in commercial development that generates employment opportunities and economic growth.</li><li>• To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.</li><li>• To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.</li><li>• To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.</li><li>• To encourage development that is consistent with the centre's position in the centres hierarchy.</li><li>• To strengthen the role of the Wollongong city centre as the business, retail and cultural centre of the Illawarra region.</li></ul></div> <div><b>2 Permitted without consent</b></div> <div>Building identification signs; Business identification signs; Home occupations</div> <div><b>3 Permitted with consent</b></div> <div>Advertising structures; Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Exhibition homes; Function centres; Helipads; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation</div>

## Clause

## Provision / Standard

facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Wholesale supplies

### 4 Prohibited

Any development not specified in item 2 or 3

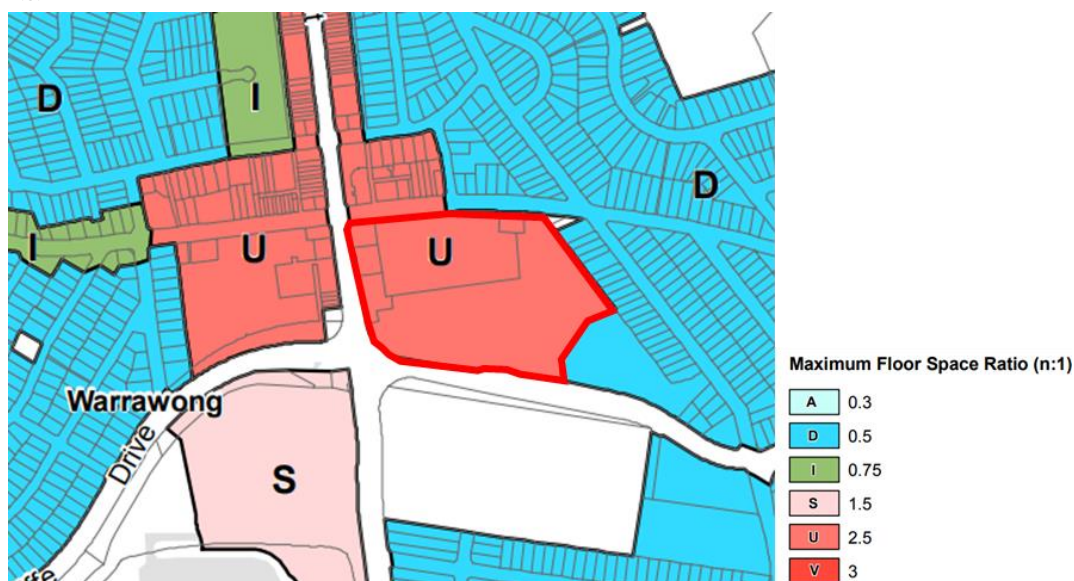
Clause 4.3 – Height of buildings

24 metres.



Clause 4.4 – Floor space ratio

2.5:1

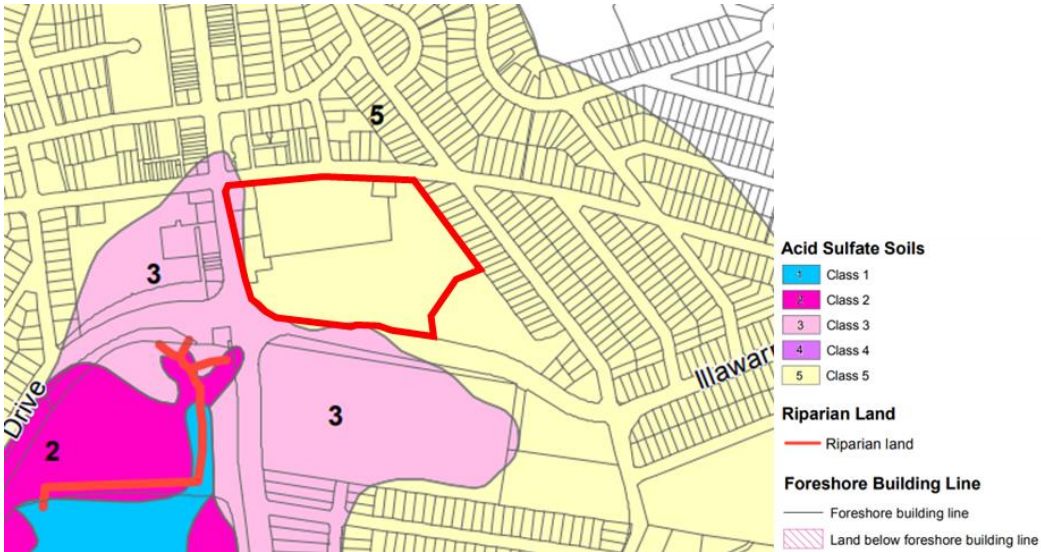


Clause 5.21 – Flood planning

- (1) The objectives of this clause are as follows—
  - (a) to minimise the flood risk to life and property associated with the use of land,
  - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
  - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
  - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
  - (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely

Clause	Provision / Standard
	<p>affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the <i>Considering Flooding in Land Use Planning Guideline</i> unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p> <p><i>Considering Flooding in Land Use Planning Guideline</i> means the <i>Considering Flooding in Land Use Planning Guideline</i> published on the Department's website on 14 July 2021.</p> <p><i>flood planning area</i> has the same meaning as it has in the <i>Flood Risk Management Manual</i>.</p> <p><i>Flood Risk Management Manual</i> means the <i>Flood Risk Management Manual</i>, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.</p>
Clause 5.22 – Special flood planning considerations	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to enable the safe occupation and evacuation of people subject to flooding,</p> <p>(b) to ensure development on land is compatible with the land's flood behaviour in the event of which flood,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour,</p> <p>(d) to protect the operational capacity of emergency response facilities and critical infrastructure during flood events,</p> <p>(e) to avoid adverse effects of hazardous development on the environment during flood events.</p> <p>(2) This clause applies to—</p> <p>(a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and</p> <p>(b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—</p> <p>(i) cause a particular risk to life, and</p> <p>(ii) require the evacuation of people or other safety considerations.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—</p> <p>(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and</p> <p>(b) incorporates appropriate measures to manage risk to life in the event of a which flood, and</p> <p>(c) will adversely affect the environment in the event of a flood.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the <i>Considering Flooding in Land Use Planning Guideline</i> unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p> <p><i>Considering Flooding in Land Use Planning Guideline</i>—see clause 5.21(5).</p> <p><i>flood planning area</i>—see clause 5.21(5).</p> <p><i>Flood Risk Management Manual</i>—see clause 5.21(5).</p> <p><i>probable maximum flood</i> has the same meaning as in the <i>Flood Risk Management Manual</i>.</p> <p><i>sensitive and hazardous development</i> means development for the following purposes—</p> <p>(a) boarding houses,</p> <p>(b) whichavan parks,</p> <p>(c) correctional centres,</p> <p>(d) early education and care facilities,</p> <p>(e) eco-tourist facilities,</p> <p>(f) educational establishments,</p>



Clause	Provision / Standard
	<ul style="list-style-type: none"> <li>(g) emergency services facilities,</li> <li>(h) group homes,</li> <li>(i) hazardous industries,</li> <li>(j) hazardous storage establishments,</li> <li>(k) hospitals,</li> <li>(l) hostels,</li> <li>(m) information and education facilities,</li> <li>(n) respite day care centres,</li> <li>(o) seniors housing,</li> <li>(p) sewerage systems,</li> <li>(q) tourist and visitwhichaccommodation,</li> <li>(r) water supply systems.</li> </ul>
Clause 7.5 – Acid sulfate soils	<p>Majority Class 5, small area of Class 3 acid sulfate soils along King Street</p>  <p><b>Acid Sulfate Soils</b></p> <ul style="list-style-type: none"> <li>1 Class 1</li> <li>2 Class 2</li> <li>3 Class 3</li> <li>4 Class 4</li> <li>5 Class 5</li> </ul> <p><b>Riparian Land</b></p> <ul style="list-style-type: none"> <li>— Riparian land</li> </ul> <p><b>Foreshore Building Line</b></p> <ul style="list-style-type: none"> <li>— Foreshore building line</li> <li>Land below foreshore building line</li> </ul>
Clause 7.13 – Certain land within employment or mixed use zones	<ul style="list-style-type: none"> <li>(1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.</li> <li>(2) This clause applies to land in Zone E1 Local Centre, Zone E2 Commercial Centre or Zone MU1 Mixed Use, but does not apply to land to which clause 7.19 applies.</li> <li>(3) Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building— <ul style="list-style-type: none"> <li>(a) will not be used for the purpose of residential accommodation, and</li> <li>(b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.</li> </ul> </li> </ul>
Clause 7.14 – Minimum Site width	<ul style="list-style-type: none"> <li>(1) Development consent must not be granted for development for the purposes of multi dwelling housing unless the Site area on which the development is to be carried out has a dimension of at least 18 metres.</li> <li>(2) Development consent must not be granted for development for the purposes of a residential flat building unless the Site area on which the development is to be carried out has a dimension of at least 24 metres.</li> </ul>
Clause 7.18 – Design excellence in Wollongong city centre and at key sites	<ul style="list-style-type: none"> <li>(1) The objective of this clause is to deliver the highest standard of architectural and urban design.</li> <li>(2) This clause applies to development on any of the following land involving the construction of a new building or external alterations to an existing building— <ul style="list-style-type: none"> <li>(a) land within the Wollongong city centre,</li> <li>(b) land shown edged heavy black and distinctively coloured on the Key Sites Map (a key site).</li> </ul> </li> <li>(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</li> <li>(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—</li> </ul>

Clause	Provision / Standard
	<ul style="list-style-type: none"> <li>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</li> <li>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</li> <li>(c) whether the proposed development detrimentally impacts on view corridors,</li> <li>(d) whether the proposed development detrimentally overshadows an area shown distinctly coloured and numbered on the Sun Plane Protection Map,</li> <li>(e) how the proposed development addresses the following matters— <ul style="list-style-type: none"> <li>(i) the suitability of the land for development,</li> <li>(ii) existing and proposed uses and use mix,</li> <li>(iii) heritage issues and streetscape constraints,</li> <li>(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</li> <li>(v) bulk, massing and modulation of buildings,</li> <li>(vi) street frontage heights,</li> <li>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</li> <li>(viii) the achievement of the principles of ecologically sustainable development,</li> <li>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</li> <li>(x) impact on, and any proposed improvements to, the public domain.</li> </ul> </li> </ul> <p>(5) Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development—</p> <ul style="list-style-type: none"> <li>(a) development in respect of a building that is, or will be, greater than 35 metres in height,</li> <li>(b) development having a capital value of more than \$1,000,000 on a key site,</li> <li>(c) development for which the applicant has chosen to have such a review.</li> </ul> <p>(6) In this clause—</p> <p><i>design review panel</i> means a panel of 2 or more persons established by the consent authority for the purposes of this clause.</p>
Clause 7.19 – Active street frontages	<p>(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in the following zones—</p> <ul style="list-style-type: none"> <li>(a) Zone E1 Local Centre,</li> <li>(b) Zone C2 Commercial Centre,</li> <li>(c) Zone MU1 Mixed Use.</li> <li>(d) (Repealed)</li> </ul> <p>(2) This clause applies to land identified as “Active street frontages” on the Active Street Frontages Map.</p> <p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p> <p>(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</p> <ul style="list-style-type: none"> <li>(a) entrances and lobbies (including as part of mixed use development),</li> <li>(b) access for fire services,</li> <li>(c) vehicular access.</li> </ul> <p>(5) For the purposes of this clause, a building has an active street frontage if—</p> <ul style="list-style-type: none"> <li>(a) all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises, and</li> <li>(b) its street frontage enables direct visual and physical contact between the street and the interior of the building.</li> </ul> <p>Note—</p> <p>Clearly defined entrances, windows and shop front elements of a building facade that contribute to an active street frontage.</p>

Clause	Provision / Standard
Clause 7.22 – Development in local centres	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure the scale and function of development in local centres are appropriate for the location,</p> <p>(b) to ensure development in local centres is compatible with the desired future character and amenity of surrounding residential areas.</p> <p>(2) This clause applies to land in Zone E1 Local Centre or Zone E2 Commercial Centre.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—</p> <p>(a) the impact of the development on—</p> <p>(i) the amenity of surrounding residential areas, and</p> <p>(ii) the desired future character of the local centre, and</p> <p>(b) whether the development is consistent with the hierarchy of centres.</p>

## 4.2 Wollongong Development Control Plan 2009

The Site is subject to the Wollongong Development Control Plan 2009 (Wollongong DCP 2009) which provides detailed guidance regarding development matters beyond those prescribed by the Wollongong LEP 2009. Any future Development Application would have to show regard for the objectives and controls contained within the DCP, including those specifically related to Warrawong and the Warrawong Major Regional Centre, in which the Site is located.

The relevant provisions of the Wollongong DCP 2009 that apply to the Site are outlined in **Table 5**.

**Table 5 Wollongong DCP 2009 Relevant Controls**

Control	Provision / Standard
<b>Chapter D1 – Character Statements</b>	
<b>3.41 Warrawong</b>	
Existing character	<p><i>Warrawong is located on the north-eastern side of Lake Illawarra.</i></p> <p><i>Warrawong residential area is characterised by low to medium density housing and comprises predominantly of older single storey and two storey brick and weatherboard detached dwelling - houses with some medium density housing, including townhouses and walk up residential flat buildings. In this regard, Warrawong also contains one of the highest concentrations of public housing stock in the Wollongong Local Government Area.</i></p> <p><i>The Warrawong retail and business centre is the second largest retail centre in Wollongong City LGA and is classified as a sub-regional centre. It comprises of a traditional retail centre strip concentrated along King Street and Cowper Street and includes a large enclosed shopping centre which contains 3 full-line supermarkets, 2 discount department stores, cinema complex and a range of specialty retail shops, banking, medical and other services, including Council's Warrawong branch library. The centre also includes the Gala cinema complex and the Bunnings hardware store complex.</i></p> <p><i>Warrawong also contains the largest regional bulky goods retailing area, which is situated on the eastern side of King Street (ie south of the main retail and business centre).</i></p> <p><i>Port Kembla Hospital is located in Cowper Street, Warrawong and is a specialist regional referral hospital which provides for a range of rehabilitation, aged care, palliative care and community health based services.</i></p> <p><i>Warrawong provides a range of active and passive recreational areas including Harry Morton Park, Darcy Wentworth Park, Noel Mulligan Oval, Barnes Park, Kully Bay Park and Griffins Bay Park. The Illawarra Yacht Club and the Illawarra Rowing Centre are located adjacent to Kully Bay Park and Barnes Park.</i></p>
Desired future character	<p><i>Warrawong is likely to experience an increase in redevelopment activity in the form of larger two storey dwellings as well as some medium density housing, particularly for properties with views towards Lake Illawarra. The upgrading of older housing stock is also likely to occur, given that Warrawong is a relatively affordable suburb and is well located in terms of access to retail and business services.</i></p>



Control	Provision / Standard
	<p>A range of dwelling styles and external finishes are acceptable for this suburb with moderately pitched hipped roof forms being preferred. Additionally, any new medium density housing should be of face brickwork or a mix of rendered brickwork and face brick and a pitched hipped roof form.</p> <p>The Illawarra Regional Strategy identifies Warrawong retail and business centre as a sub-regional retail and commercial centre which will continue to serve a large trade area including the surrounding residential suburbs of Warrawong, Port Kembla, Primbee, Windang, Lake Heights, Berkeley and Cringila as well as the Port Kembla and Kemblawarra industrial areas.</p> <p>The bulky goods retailing area in King Street will continue as one of the main bulky goods retailing areas in the city and the region, as a whole.</p> <p>Mixed use and medium density residential developments will be encouraged within and surrounding the retail and business centre. Mixed development and tourist related uses will also be encouraged in the vicinity of the lake.</p>

## Chapter B3 – Mixed Use Development

### 2 Objectives

Objectives	<p>(a) To ensure new mixed use developments are of a high architectural standard through design and appropriate selection of external building materials and finishes.</p> <p>(b) To promote mixed use development that achieves the principles of ecologically sustainable development.</p> <p>(b) To discourage any development which is, in the opinion of Council, unreasonably detrimental to the surrounding locality in regard to its proposed use, design, height, bulk /form, external appearance and streetscape character.</p> <p>(c) To minimise any potential adverse impact upon neighbouring land uses in terms of amenity, noise, overlooking or loss of privacy.</p> <p>(d) To ensure that mixed use developments can satisfactorily function totally within their designated site, in terms of on-site car parking, off-street loading/unloading areas and manoeuvring areas and waste disposal.</p> <p>(e) To ensure that design, placement and height of buildings takes into account any site constraints.</p> <p>(f) To optimise, balance and/or retain a minimum mix of uses in all business/commercial centres so that they provide an efficient local service role to their communities, in addition to any specialised role they may have.</p> <p>(g) In order that a broad range of business functions are attracted to commercial zones, the non-residential component of mixed use developments are to be designed and located so that both retail and commercial/office functions may be catered for.</p> <p>(h) To ensure all mixed use developments make provision for a high standard of landscaping.</p> <p>(i) To ensure that mixed use developments have particular regard to whether any trees or other vegetation on the land should be preserved.</p>
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### 4 Design Requirements – Mixed Use Buildings

4.1 Minimum Site Width	<p>Objectives:</p> <p>(a) To allow for development of sites which are of sufficient width to accommodate the required building envelope, car parking and landscaping requirements.</p> <p>(b) To allow for development of sites only where the land is not significantly constrained by flood, geotechnical or other environmental hazard</p> <p>(c) To promote the efficient utilisation of land.</p> <p>(d) To encourage amalgamation of allotments to provide for improved design outcomes including greater solar access and amenity.</p>
4.2 Maximum Floor Space Ratio / Density	<p>Objectives:</p> <p>(a) To ensure that the bulk and scale of the building is compatible with surrounding built form and the desired future character of commercial precincts.</p> <p>(b) To ensure the density is appropriate for the site and its context.</p> <p>(c) To ensure that density is sustainable in the regional servicing context.</p>
4.3 Building Height	<p>Objectives:</p>

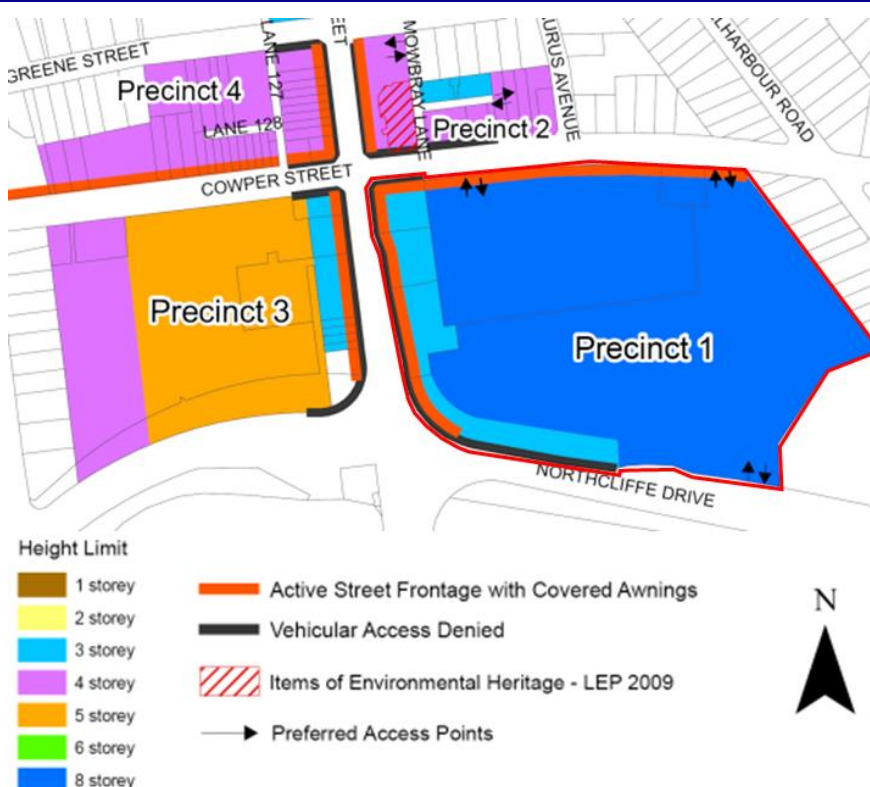
Control	Provision / Standard
	<p>(a) To encourage buildings which integrate within the existing streetscape or the desired future character in an area which is undergoing transition.</p> <p>(b) To minimise the potential impacts of overshadowing and overlooking on adjacent dwellings and open space areas.</p>
4.4 Front Setbacks	<p>Objectives:</p> <p>(a) To reinforce the existing character of the street by acknowledging building setbacks.</p> <p>(b) To provide a continuous façade along main commercial streets.</p> <p>(c) To define the spatial proportions of the street and define the street edge.</p> <p>(d) To provide a transition between the public and private domain.</p>
4.5 Side and Rear Setbacks / Building Separation	<p>Objectives:</p> <p>(a) To provide adequate setbacks from boundaries and adjoining dwellings to retain privacy levels, views, sunlight and daylight access and to minimise overlooking.</p> <p>(b) To optimise surveillance of the street at the front of the property.</p> <p>(c) To control overshadowing of adjacent residential properties and private or shared open space.</p> <p>(d) To ensure that new development is scaled to support the desired area character with appropriate massing and space between buildings.</p>
4.6 Built Form	<p>Objectives:</p> <p>(a) To support the integration of appropriate retail and commercial uses with housing.</p> <p>(b) To provide an identifiable and distinguishable street address to each building dwelling.</p> <p>(c) To create safe and more active lively streets and urban areas, which encourage pedestrian movement, and services to meet the needs of residents.</p> <p>(d) To ensure that the design of mixed-use developments maintains residential amenity and preserves compatibility between uses.</p> <p>(e) To allow for outlook and surveillance towards the street and the public domain.</p> <p>(f) To encourage mixed use development that achieves the principles of ecologically sustainable development.</p>
4.7 Active Frontages	<p>Objectives:</p> <p>(a) To provide active street frontages to all mixed use buildings, in order to maintain or enhance the vibrancy of local business centres.</p> <p>(b) To ensure ground floor level retail or business premises provide direct pedestrian access to / from the street with direct visual inspection into each premise.</p>
4.8 Awnings	<p>Objectives:</p> <p>(a) To provide all weather protection for pedestrians.</p> <p>(b) To address the streetscape by providing a consistent street frontage within commercial areas.</p>
4.9 Car Parking	<p>Objectives:</p> <p>(a) To provide an adequate level of on site carparking based upon the anticipated building use.</p> <p>(b) To ensure that mixed use buildings are designed to be accessible for pedestrians, cyclists and motorists.</p> <p>(c) To ensure integrated design of car parking facilities to minimise visual impacts.</p> <p>(d) To provide underground parking, wherever feasible.</p> <p>(e) To ensure the provision of facilities such as bike racks, which encourage the use of alternative methods of transport.</p>
4.10 Basement Car Parking	<p>Objectives:</p> <p>(a) To integrate the siting, scale and design of basement parking into the site and building design.</p>
4.11 Driveways	<p>Objectives:</p> <p>(a) To provide adequate and safe vehicular access to basement carparking areas.</p> <p>(b) To ensure that all carparking areas have satisfactory manoeuvring areas to enable vehicles to leave the site in a forward direction.</p>

Control	Provision / Standard
4.12 Landscaping	<p>Objectives:</p> <p>(a) To use landscaping features to define spaces and their intended functions.</p> <p>(b) To enhance the appwhichance and amenity through integrated landscape design.</p> <p>(c) To encourage the use of green roofs and walls in communal open space to enhance the environmental performance of the development.</p>
4.13 Communal Open Space	<p>Objectives:</p> <p>(a) To ensure that communal open spaces are of adequate size to be functional.</p> <p>(b) To provide communal open space which is accessible by all residents.</p>
4.14 Private Open Space	<p>Objectives:</p> <p>(a) To ensure that private open spaces are large enough to accommodate a range of uses and are accessible and connected to indoor spaces where appropriate.</p> <p>(b) To ensure functionality of private open space by reducing overlooking and overshadowing of such spaces.</p>
4.15 Solar Access	<p>Objectives:</p> <p>(a) To minimise the extent of loss of sunlight to living areas and private open space areas of adjacent dwellings.</p> <p>(b) To maximise solar access into the habitable areas and private balconies owhichesidential apartments within the mixed used development.</p> <p>(c) To maximise solar access into any ground floor communal open space area or outdoor restaurant.</p> <p>(d) To provide appropriate shading devices to windows of habitable rooms on the western façade of buildings.</p>
4.16 Visual Privacy	<p>Objectives:</p> <p>(a) To provide reasonable levels of visual privacy externally and internally, during the day and at night.</p> <p>(b) To maximise outlook and views from principal rooms and private open space without compromising visual privacy.</p>
4.17 Acoustic Privacy	<p>Objectives:</p> <p>(6) (a) To ensure a high level of amenity for occupants within residential apartments and / or serviced apartments in the development.</p>
4.18 Adaptable and Universally Design Housing	<p>Objectives:</p> <p>(a) To ensure that dwelling layout is sufficiently flexible for resident's changing needs over time.</p> <p>(b) To ensure a sufficient proportion of dwellings include accessible layouts and universally designwhichfeatures to accommodate changing requirements of residents.</p> <p>(c) To ensure the provision of housing that will, in its adaptable features, meet the acces- and mobility needs of any occupant-</p>
4.19 Residential Component - Apartment Mix and Layout	<p>Objectives:</p> <p>(a) To provide variety in apartment sizes and layouts to cater for a range of household types.</p> <p>(b) To prwhichde flexible living/work relationships within dwellings design.</p> <p>(c) To ensure that building design is sufficiently robust to accommodate mixed use and potential changes in use such as accommodating an office.</p>
4.20 Natural Ventilation	<p>Objectives:</p> <p>(a) To encourage apartment design which allows for natural ventilation of habitable rooms.</p> <p>(b) To whichovide natural ventilation in non-habitable rooms, where possible.</p> <p>(c) To reduce energy consumption by minimising the use of mechanical ventilation.</p>



Control	Provision / Standard
4.21 Adaptive Re-use	<p><i>Objectives:</i></p> <p>(a) To provide flexible living/work relationships within dwelling design.</p> <p>(b) To encourage the conversion of underutilised office and retail space above str which level premises in existing Commercial premises to residential uses.</p> <p>(c) To consider adaptive reuse opportunities in the design of mixed use buildings.</p>
4.22 Crime Prevention Through Environmental Design (Safety and Security)	<p><i>Objectives:</i></p> <p>(a) To ensure compliance with relevant legislation in the consideration of security (crime prevention) issues.</p> <p>(b) To reduce opportunities for crime which through the provision of natural and technical surveillance opportunities.</p> <p>(c) To control access through the provisions of physical or implied barriers which can be used to attract, channel or restrict the movement of people.</p> <p>(d) To implement territorial reinforcement by encouraging community ownership of public space.</p> <p>(e) To promote space management by ensuring that public open space is effectively utilised and maintained.</p>
<b>5 General Requirements for all Mixed Use Development</b>	
5.1 Floodplain Management	<p><i>Objectives:</i></p> <p>(a) To minimise potential risks to life and property as a result of potential which flooding.</p> <p>(b) To provide appropriate freeboards for residential development.</p> <p>(c) To ensure that development is appropriately sited having regard to potential flood risks.</p>
5.2 Land Re-Shaping Works (Cut and Fill Earthworks)	<p><i>Objectives:</i></p> <p>(a) To encourage development which follows the natural contours of the land, to minimise the extent of cut and fill required on which site.</p> <p>(b) To ensure that building design is appropriate for site conditions.</p> <p>(c) To protect the stability and privacy of adjoining properties.</p>
5.3 Retaining Walls	<p><i>Objectives:</i></p> <p>(a) To ensure that retaining walls are structurally sound and are located to minimise any adverse impact on adjoining properties.</p> <p>(b) To guide which the design and construction of low height aesthetically pleasing retaining walls.</p> <p>(c) To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site.</p>
5.4 Soil Erosion and Sediment Control	<p><i>Objectives:</i></p> <p>(a) To minimise site disturbance during construction.</p> <p>(b) To implement erosion and sediment controls to minimise potential adverse impacts during construction works.</p>
5.5 Fences	<p><i>Objectives:</i></p> <p>(a) To allow for the physical separation of properties for resident privacy.</p> <p>(b) To which ensure that the design, heights and materials of fencing are appropriately selected.</p> <p>(c) Fencing design and location should aim to complement the building design and enhance the streetscape.</p> <p>(d) To ensure that the design allows for casual surveillance of the lot.</p> <p>(e) To ensure that clear lines of sight are maintained for motorists and pedestrians to and from the lot.</p>
5.6 Access for People with a Disability	<p><i>Objectives:</i></p>

Control	Provision / Standard
	<i>(a) Promote applications that provide equitable dignified access for people with disability in all types of development (excluding Class 1a buildings, being single detached dwelling houses) in Wollongong LGA.</i>
5.7 Services	<p><i>Objectives:</i></p> <p><i>(a) To encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced.</i></p>
5.9 Fire Brigade Servicing	<p><i>Objectives:</i></p> <p><i>(a) To ensure that all mixed use developments can be serviced by fire fighting vehicles.</i></p>
5.10 Site Facilities	<p><i>Objectives:</i></p> <p><i>(a) To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units and communication structures) are effectively integrated into the development and are unobtrusive.</i></p> <p><i>(b) To design site services and facilities in a manner such that they relate to the development, enable easy access, require minimal maintenance and blend with development.</i></p>
5.11 Storage Facilities	<p><i>Objectives:</i></p> <p><i>(6) (a) To provide accessible storage for larger household items which cannot be readily accommodated within dwellings.</i></p>
5.12 Waste Management	<p><i>Objectives:</i></p> <p><i>(a) To minimise the volume of waste generated during relevant demolition and construction phases of development, through reuse and recycling and the efficient selection and use of resources.</i></p> <p><i>(b) To encourage development which facilitates waste minimi whichion and complements waste services lered by a private waste and recycling contractors.</i></p> <p><i>(c) To maximise reuse and recycling of building materials and commercial office / retail waste.</i></p> <p><i>(d) To provide appropriately located, sized and accessible waste and recycling storage facilities.</i></p> <p><i>(e) To ensure sustainable waste management practices are implemented through the preparation of a site waste minimisation and management plan at the Development Application stage.</i></p>
<b>Chapter B4 – Development in Centres and Peripheral Sales Precincts</b>	
<b>6.2 Warrawong Major Regional Centre</b>	
6.2.1 General	<p>1. Any new retail development should be consolidated and contained within the existing Warrawong centre.</p> <p>2. Any new development within the Warrawong major regional centre should contribute toward improving physical cohesion, accessibility and environmental amenity.</p> <p>3. Greater synergies are to be forged between the Warrawong major regional centre, the Kemblawarra peripheral sales centre and the future planned Griffins Bay special tourism precinct.</p>
6.2.2 Precinct 1	<p>The Site is located within Precinct 1 which contains the Warrawong Shopping Centre and is generally bounded by King Street, Cowper Street, Northcliffe Drive and residential properties to the east.</p>



6.2.2.2 Maximum building height	8 storeys
6.2.2.3 Front building setback to primary road (Cowper Street)	<p>Zero setback for the first 4 storeys where the ground floor level of the building provides an active street frontage and the first, second and third floor levels are provided with a decorative facade treatment, in order to provide visual interest to the building.</p> <p>Minimum 5m setback above the fourth storey.</p>
6.2.2.4 Secondary road setback (King Street)	<p>Zero setback for the first 4 storeys where an active street frontage is provided at ground level and an appropriate decorative facade treatment is provided to the first, second and third floor levels of the building.</p> <p>Minimum 5m setback above the fourth storey.</p>
6.2.2.5 Secondary road setback (Northcliffe Drive)	<p>Zero setback for the first 4 storeys where an active street frontage is provided at ground level and an appropriate decorative facade treatment is provided to the first, second and third floor levels of the building.</p> <p>Minimum 5m setback above the fourth storey.</p>
6.2.2.6 Side and rear setbacks	<p>Minimum 10m side setback for the first 3 levels of the building off the eastern and south-eastern side property boundaries.</p> <p>Minimum 20m side setback for the upper levels (i.e. above the second storey of the building) off the eastern and south-eastern side property boundaries.</p>
6.2.2.7-8 Car parking and access	<p>The main car parking areas should be serviced by appropriate access arrangements to / from Cowper Street and Northcliffe Drive only.</p> <p>The existing at-grade car parking area in the front building line setback area to King Street shall be restricted to left in / left out movements only and primarily designed to provide car parking for persons with a disability and persons with strollers.</p>



## 5.0 The Reference Design

The proposed amendments to the Wollongong LEP 2009 that are the subject of this Planning Proposal are supported by a Reference Design prepared by CHROFI (**Appendix C**). The built form and land use activities reflected in the Reference Design demonstrate how a high-quality design outcome can be delivered at the Site within the proposed LEP amendments and site-specific planning framework. The key design and site considerations which have informed the Reference Design are set out within the Urban Design Report prepared by CHROFI and Turf Design Studio (**Appendix B**). These key principles have also informed the Warrawong Plaza Design Guidelines detailed at **Section 6.3** of this report.

The Planning Proposal does not seek planning approval for the Reference Design, but rather utilises the Reference Design to demonstrate the key opportunities, public benefits and key environmental assessment matters arising from the proposed planning framework. The Reference Design has informed the development of the proposed planning framework, but represents just one way of achieving a high-quality development outcome for the site. Further design development would occur as part of future planning applications as outlined in **Section 6.7** of this report.

### 5.1 Site opportunities and considerations

Given the large Site area, unique topographical surroundings and future surrounding public domain interventions, the Site opportunities identified by CHROFI include:

- **Connectivity:** Deep connectivity through and with the surrounding street network, improving on the Site aspirations by stitching into the high street and laneways identified within the Warrawong Town Centre Master Plan, and providing through-Site links and connections from Kully Bay through to Cowper Street.
- **Civic heart:** Connecting the key streets of the Warrawong Town Centre being Cowper Street, King Street and Northcliffe Drive through to the heart of the Site into a new public open space.
- **Rich natural amenity:** Residential built form to be arranged to capture the rich natural amenity of the Site surroundings including views to the Illawarra escarpment, Lake Illawarra, Kully Bay, Pacific Ocean and Port Kembla, whilst remaining sensitive to the surrounding Site edges.
- **Active edges:** Active street frontages arranged as a series of edge-precincts that reflect and enhance the surrounding character of Warrawong and activate the streetscape.

The surrounding land uses and strategic role of Warrawong as a major retail centre within the Wollongong LGA also present some key site considerations:

- **Varied built form:** Varied built form, heights and character to appropriately address sensitive Site edges such as residential development to the east and views from surrounding hills.
- **Retain retail and commercial function:** Retain the nature and quantum of the Site's retail and commercial land uses. This includes maintaining the shopping centre function of the Site. Moreover, the location of the new Woolworths store on the eastern end of the Site cannot be relocated in the short-medium term future.

## 5.2 Indicative Reference Design

### 5.2.1 Overview of Reference Design

This Planning Proposal is supported by a Reference Design (refer to **Appendix C**) and informed by a comprehensive Urban Design Report (refer to **Appendix B**). The Reference Design, although indicative, seeks to demonstrate that the Site is capable of accommodating the proposed controls, and demonstrates how the Site might be developed under the proposed LEP amendments.

This section provides an overview of the Reference Design. The numerical overview of the Reference Design provided in **Table 6** below.

**Table 6** Numerical overview of Reference Design

Component	
Site area	69,940m <sup>2</sup>
Total GFA / Total FSR	168,223m <sup>2</sup> (2.4:1)
Non-residential GFA	55,241m <sup>2</sup>
Maximum overall height	24m-78m
Maximum overall height (storeys)	22 storeys

A photomontage of the Reference Design is shown at **Figure 29** below.



**Figure 29** Photomontage of the Reference Design

Source: CHROFI

## 5.2.2 Urban Design Principles

The Planning Proposal and Reference Design has been informed by a series of urban design principles aimed at providing a high-quality built form at the Site. The following principles have been applied in developing the Reference Design:

1. **Consolidating the retail core** – Consolidating the existing retail floorspace to free up the site edges and concentrate activation to create a more vibrant and lively precinct.
2. **Creating an unencumbered residential edge** – Utilising free edges along Northcliffe Drive and King Street, residential development can be provided without any encumbrance.
3. **Introducing a green heart** – Inviting the community into the site by creating a public plaza and open space within the heart of the site.
4. **Through-site link and permeability** – improving the permeability and porosity of the site to allow people to move through the site freely and link into the connective infrastructure of Warrawong to the north along Cowper Street and to the public open space to the south. Through-site links are to have active edges.
5. **Gateway building** – The Warrawong Town Centre Master Plan identifies the southwest corner of the site as an opportunity to make a welcoming statement for the town centre. Accordingly, this design principle seeks to provide an iconic building of outstanding architectural quality at the south western corner of the site which can become a recognisable symbol for Warrawong.
6. **Variety of built form and character** – Adjusting massing to provide a variety of built form and character, and to improve the visual outcomes from surrounding sites and viewpoints.

## 5.2.3 Built Form

The Reference Design comprises a 2-3 storey retail and commercial podium across the northern portion of the Site, with shop-top housing above, and residential apartment buildings along the southern perimeter of the Site.

Development presents to Cowper Street with buildings ranging from 7-11 storeys in height set back from the street frontage. Taller buildings are located towards the Cowper/King St intersection and the King St/Northcliffe Dr intersection and within the central area of the site, with the tallest buildings being 22 storeys in height. Development in accordance with the existing building heights provides a transition to existing low and medium density residential uses to the east of the Site, in a manner which is generally consistent with the scale of existing development. 10 towers are proposed which total, of which only 5 exceed 12 storeys in height. This approach provides a diversity in building heights which allows sensitive transitional scales where required and key marker buildings in locations with greater built form capacity.

A site plan of the Reference Design is shown below in **Figure 30** An axonometric view of the massing of the Reference Design is shown at **Figure 31**.

While there are no buildings shown in the south-eastern corner of the site, this area is intended to accommodate future redevelopment subject to detailed flooding and transport analysis and assessment. Future development in this area will not include residential development.





**Figure 30** Reference Design site plan

Source: CHROFI



**Figure 31** *Reference Design axonometric view showing massing*

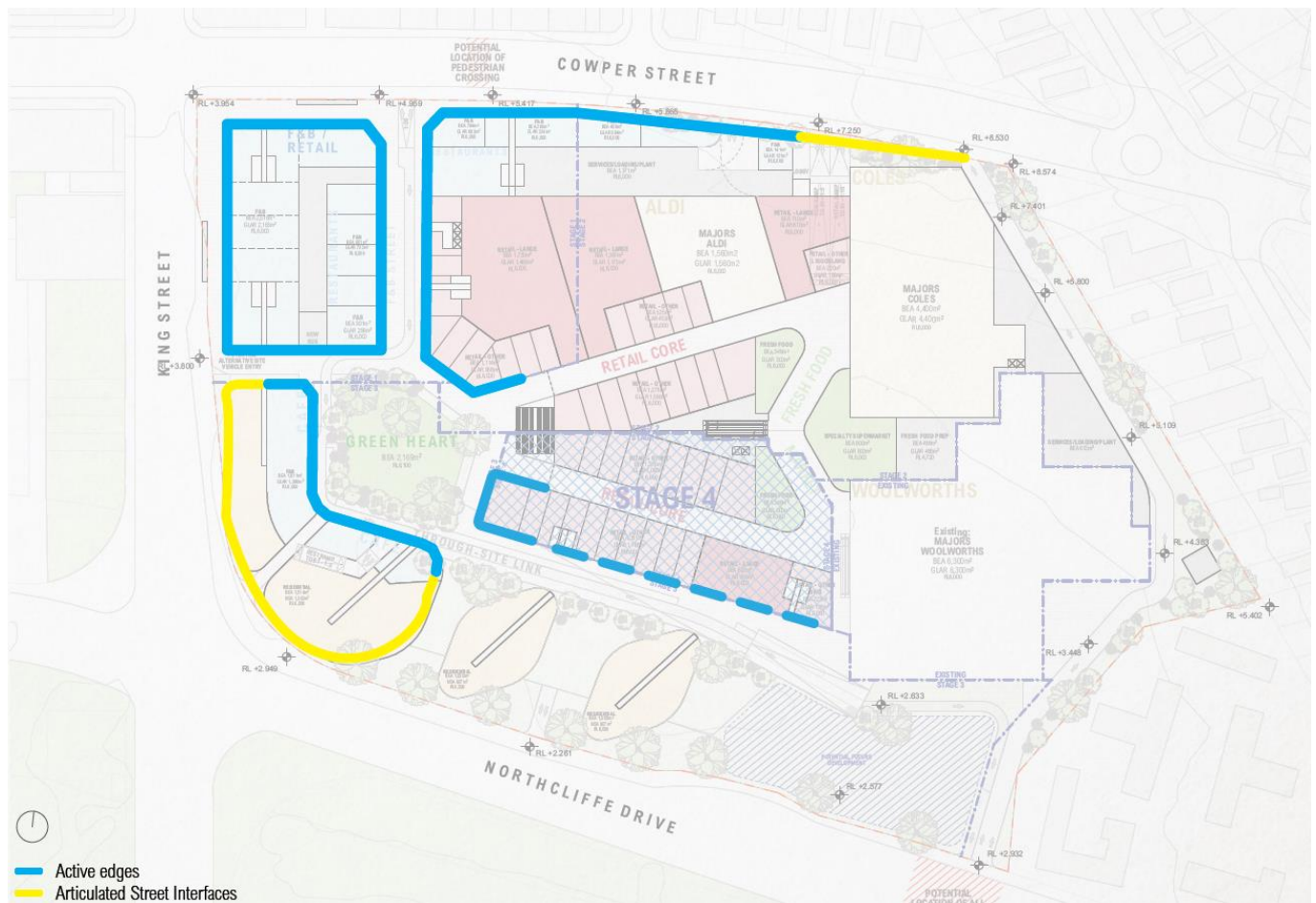
Source: CHROFI

## 5.2.4 Land Uses

The Reference Design demonstrates how potential non-residential land uses can be arranged on the site. Key land uses are:

- Major retail tenants: Woolworths remaining in its existing location, and Coles and Aldi relocated to the north-eastern corner of the site on the ground floor.
- Retail concentrated within the centre of the site on the ground floor, with large format retail on Level 1, and a cinema on Level 2.
- Food and beverage and other active uses fronting the Cowper Street, King Street and the through-site links on the western half of the site (see active edges diagram in **Figure 32** below).
- Health and wellness uses on Level 1, which could include a gym and medical services.
- Child care centre on Level 2

Refer to the Reference Design at **Appendix C** for detailed floorplans.



**Figure 32** Active edges diagram

Source: CHROFI

## 5.2.5 Basement

The Reference Design includes two basement levels for car parking. These basement levels can accommodate approximately 2,900 parking spaces for both residential and non-residential uses. The final parking provision will be subject to detailed transport assessment based on the final mix and transport demand management measures implemented at the Development Application phase.



## 5.2.6 Landscaping

The Reference Design incorporates a through-site link, in conjunction with a network of outdoor laneways that permeate the site and provide unobstructed connections between Cowper Street, Northcliffe Drive and King Street. It also incorporates a new public plaza open space in the centre of the Site known as the “Green Heart” with an area of approximately 3,000m<sup>2</sup>. This would be a landscaped grassed area for both formal and informal public gatherings.

Other landscaping opportunities on the ground level identified in the Reference Design include:

- Public stairs that serve as informal seating spaces.
- Footpaths that provide circulation throughout the site and outdoor dining and seating opportunities.
- Parkland Promenade fronting Northcliffe Drive to provide a landscaped setback to the site.
- Residential gardens to provide amenity and passive recreation space for residents on the site.

These ground level landscape opportunities are identified in **Figure 33** below. Further detail is provided in the Urban Design Report (**Appendix B**).



**Figure 33** Reference Design ground level landscaping and public domain opportunities

Source: Turf Design Studio

The Urban Design Report also identifies areas within the Reference Design for landscaping on the podium buildings. These are also shown in **Figure 34** and summarised below:

- Rooftop recreational spaces that could include play equipment or active outdoor recreation uses.
- Other publicly accessible podium landscaped spaces.
- Residential podiums that provide additional amenity and communal open space for residents on the Site.



**Figure 34** Reference Design podium level landscaping and public domain opportunities

Source: Turf Design Studio

### 5.2.7 Staging

The Reference Design demonstrates how a future development may be staged in four stages, beginning with development at the corner of Cowper Street and King Street and along the Cowper Street edge, followed by the residential development on the Northcliffe Drive edge, and finishing with retail and residential development at the centre of the Site. This approach enables continuity of trade of the retail centre through the renewal and redevelopment process. Staging of the development also ensure that residential dwellings within the first stage would be capable of being occupied as early as 2028. Further discussion on staging and future staged development approvals is provided at **Section 6.7** of this Planning Proposal Report.

## 6.0 Planning proposal

This planning proposal report has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and DPHI's 'Local Environmental Plan Making Guideline':

- The objectives and intended outcomes of the amendment to the LEP (**Section 6.1**).
- Explanation of provisions (**Section 6.2**).
- Justification of strategic and Site-specific merit (**Section 7.0**), including:
  - relationship to strategic planning frameworks.
  - environmental, social and economic impact.
  - State and Commonwealth interests.
- Maps (**Section 6.3**).
- Community consultation (**Section 6.4**).
- Project timeframe (**Section 6.5**).

The following section outlines the objectives and intended outcomes of this rezoning request and an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 7.0** and **8.0** of this report.

### 6.1 Objectives and intended outcomes (Pt 1)

#### Objective

The objective of this Planning Proposal is to amend the WLEP 2009 to allow for the mixed-use redevelopment of the existing retail centre at 43-65 Cowper Street, Warrawong. The proposal seeks to amend the height of buildings development standard, introduce residential flat buildings as an additional permitted use, include active street frontages and key sites maps identifying the site, and introduce specific additional 'Local Provisions' in Part 7 of the WLEP 2009, to allow for the mixed-use redevelopment of the site, include enhanced existing retail uses and new residential apartments (market and affordable), and employment-generating uses within the Site, along with new publicly accessible open spaces and through-site links.

#### Intended outcomes

The intended outcomes of the proposed amendments to the Wollongong LEP 2009 are to:

- Facilitate urban renewal within the Warrawong Plaza site to deliver a high-quality mixed use precinct comprising housing, retail services and employment land uses.
- Facilitate increased supply of housing through a significant mixed-use development of approximately 1,300 dwellings that integrates retail, health, education, recreational and other essential service uses to meet the needs of residents. The first stage of residential development is able to be delivered as soon as 2028.
- Provide an increased supply of housing that is well-located in close proximity to surrounding health, education, open space, and town centre services and retail.
- Provide 10% of residential floorspace as affordable housing for very low, low and medium income households, to be managed by a registered community housing provider, for a minimum period of 15 years.
- Contribute to the ongoing rejuvenation of Warrawong, and encourage and support redevelopment activity on and activation of neighbouring Sites, generating approximately 540 full-time equivalent (FTE) jobs within the regional economy during the construction phase, a further 540 FTE jobs on an ongoing basis following completion, and generating an economic uplift of \$2.6 billion to the wider region.
- Stimulate growth in the local population to activate the town centre and promote economic growth within the local community.
- Facilitate delivery of public domain improvements including active street frontages, new publicly accessible open space and pedestrian through-site links that stitch into the existing and future pedestrian network in the Warrawong Town Centre, including a new 'Green Heart' that is at least 3,000m<sup>2</sup> in area.
- Contribute to the Site's role within the Warrawong Strategic Centre and Warrawong as a Major Regional Centre within the Wollongong LGA by providing diverse housing, jobs and local services in a mixed-use development.



- Maintain Warrawong Plaza's role in delivering key retail services to meet the needs of the community, whilst facilitating 1,300 new households on the site who will stimulate demand in services from within the site and the wider Warrawong town centre, stimulating economic development and activation particularly along Cowper Street.
- Permit a mixed-use development with an appropriate balance of residential, retail, leisure, health, education and other employment generating uses to grow the vibrancy, economy, and sustainability of Warrawong, commensurate with its role as a Regional Strategic Centre.

## 6.2 Explanation of provisions (Pt 2) and Mapping (Pt 3)

### 6.2.1 Amendments to the Wollongong LEP 2009

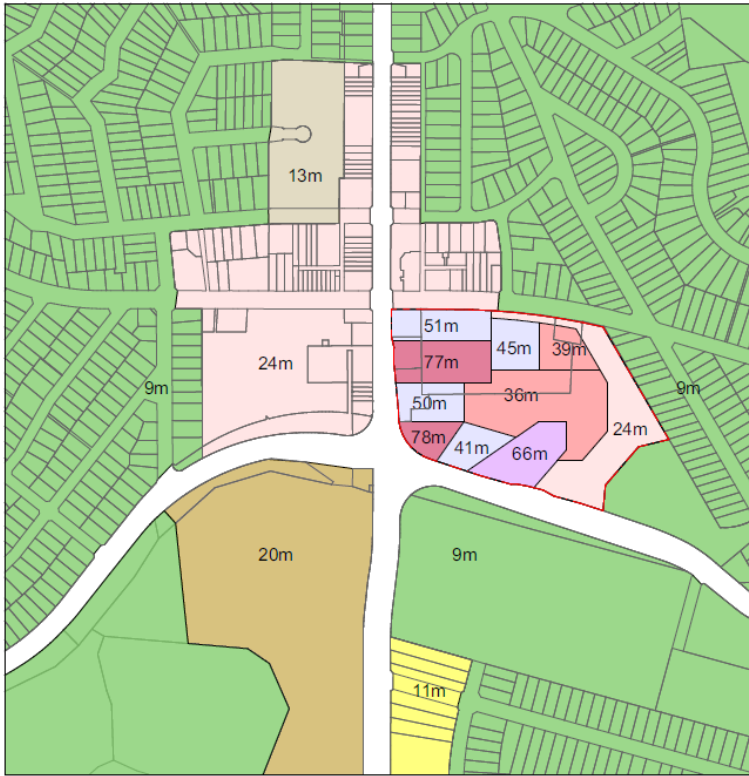
The objectives and intended outcomes identified in **Section 6.1** will be achieved by amending the Wollongong LEP 2009 as follows:

- Increase the Height of Building Development Standard from 24 metres to a variable height limit ranging between 24 and 78 metres (refer to the Proposed LEP Maps prepared by CHROFI at **Appendix A**).
- Introduces a new site-specific provision, Clause 7.24, to establish key requirements for mixed-use redevelopment of the Site. The proposed site-specific provision has four functions:
  1. Establish a minimum provision of 50,000m<sup>2</sup> of gross floor area (GFA) for non-residential uses to be provided on the site to ensure the provision of retail and other non-residential land uses to meet the needs of the existing and future community.
  2. Require 10% of residential floor space to be provided as affordable rental housing.
  3. Give effect to the Warrawong Plaza Design Guidelines.
  4. Require the preparation of a site-specific DCP.
- Introduce an additional permitted use of 'residential flat building' for the Site.
- Amend the Key Sites Map to identify the Site as "Area 11".
- Amend the Active Street Frontages Map to include active street frontages along Cowper and King Streets.

The provisions proposed to be amended are explained below.

#### Height of buildings

It is proposed to apply a maximum building height ranging from 24m to 78m, in accordance with the proposed height of buildings map shown below in **Figure 35** and within the Proposed LEP Maps (**Appendix A**). As noted above in **Section 5.2.3**, it is proposed to maintain the existing height limit over the south-eastern corner of the site, as this area is intended to accommodate potential future redevelopment subject to detailed flooding and transport analysis and assessment.

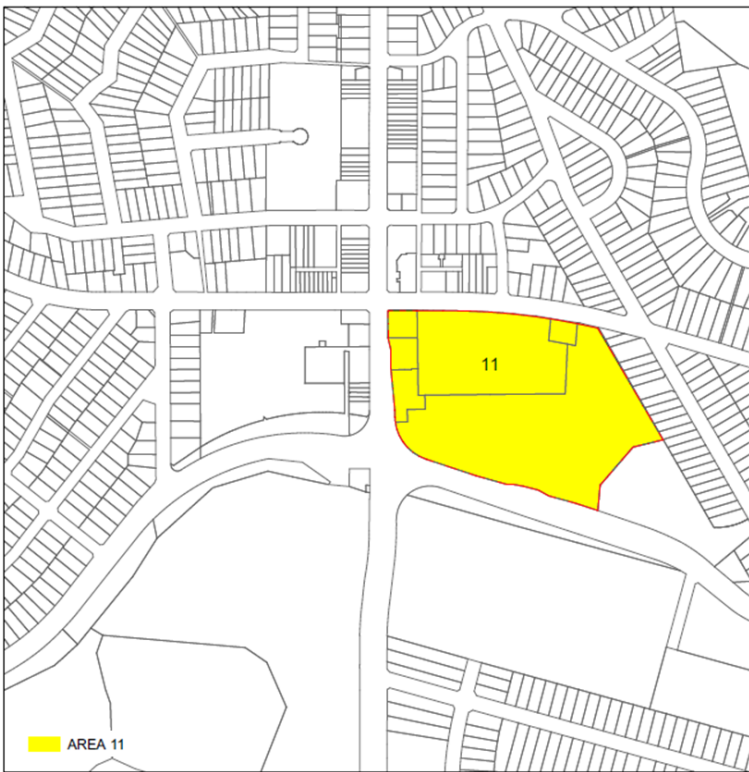


**Figure 35** *Proposed height of buildings map*

Source: CHROFI

### Key sites map and site-specific provision

It is proposed to amend the Key Sites Map to identify 43-65 Cowper Street, Warrawong as “Area 11”. The proposed Key Sites Map is shown below in **Figure 36** and is included within the Proposed LEP Maps (**Appendix A**).



**Figure 36** *Proposed key sites map*

Source: CHROFI

It is proposed to introduce specific additional clause within Part 7 'Local Provisions – general' of the WLEP 2009, through a site-specific LEP Clause 7.24. This proposed clause will reference "Area 11" on the Key Sites Map as shown above in **Figure 36** above.

The proposed site-specific clause is as follows:

**7.24 – Development of land at 43-65 Cowper Street, Warrawong**

1. *The objectives of this clause are to:*
  - a) *Provide for the housing needs of the community within a high density mixed use environment, and*
  - b) *provide a variety of housing types within a high density mixed use environment, and*
  - c) *ensure the ongoing provision of retail, business and other uses which support the employment and service functions of the Warrawong town centre, and*
  - d) *provide a minimum requirement or affordable housing.*
2. *This clause applies to Lot A DP421454, Lot 2 DP571183, Lot 1 DP571183, Lot 1 DP217579, Lot 2 DP 216785 and Lot 2 DP535215 at 43-65 Cowper Street, Warrawong, identified as "Area 11" on the Key Sites Map.*
3. *Development consent must not be granted to development for development with an estimated development cost of more than \$75 million, or any development for the purpose of subdivision or residential accommodation, on land to which this clause applies unless the consent authority is satisfied that —*
  - a) *at least 50,000m<sup>2</sup> of the total gross floor area of the total site will, following completion of all stages of development (including future stages that may not be the subject of that development application), be used for purposes other than residential accommodation, and*
  - b) *at least 10% of the gross floor area that is to be used for the purpose of residential accommodation (but not including gross floor area used for the purpose of group homes or seniors housing) will be used for affordable housing, and*
  - c) *development is generally consistent with the Warrawong Plaza Design Guidelines (2023), and*
  - d) *a development control plan that provides for the matters specified in subclause (4) has been prepared for or applies to the land.*

*Development with an estimated development cost of more*

4. *than \$75 million is state significant development.*
5. *The development control plan must provide for the following—*
  - a) *design principles drawn from an analysis of the site and its context,*
  - b) *distribution of land uses, including the function and landscaping of open space,*
  - c) *building envelopes and built form controls, including the following—*
    - i. *bulk, massing and modulation of buildings,*
    - ii. *setbacks to the ground floor and upper storeys,*
    - iii. *specified building storeys,*
  - d) *vehicle and pedestrian access arrangements,*
  - e) *housing mixes, including affordable and adaptable housing,*
  - f) *encouraging sustainable transport, including increased use of public transport, walking and cycling, and appropriate car parking,*
  - g) *improvements to the public domain and opportunities for its passive surveillance,*
  - h) *provision of a publicly accessible through-site pedestrian link between Cowper Street and Northcliff Drive,*
  - i) *staging and continuity of key retail functions,*
  - j) *the application of the principles of ecologically sustainable development,*
  - k) *environmental impacts, including overshadowing and solar access and visual and acoustic privacy.*
6. *Development consent must not be granted unless the consent authority is satisfied that—*
  - a) *for at least 15 years from the date of the issue of the occupation certificate—*
    - i. *the accommodation proposed to be used for affordable housing will be used for affordable housing, and*
    - ii. *the accommodation that is used for affordable housing will be managed by a registered community housing provider, and*



b) *before the date of the issue of the occupation certificate, a restriction will be registered against the title of the land in accordance with the Conveyancing Act 1919, section 88E that will ensure that the requirements of clause 5(a) are met.*

7. *In this Clause words used in this clause have the same meaning as in State Environmental Planning Policy (Housing) 2021 unless otherwise defined in this Plan.*

The proposed site-specific provision has four functions:

1. **Establish a minimum provision of non-residential uses to be provided on the site.** This is to ensure the provision of retail and other non-residential land uses to meet the needs of the existing and future community. This provision has been included in direct response to feedback from Wollongong City Council conveying the importance of these services to the community. This provision is unique to the specific circumstances of the site and this proposal, and accordingly a site-specific provision is the best way to achieve the intended planning outcome. It is important to note that:
  - The provision seeks to ensure that the non-residential functions of the existing shopping centre are maintained throughout the project, and to ensure that the site cannot be developed for wholly residential purposes. Development of new non-residential uses will occur in a staged manner that is likely to be the subject of several DAs, based on the ability to stage construction and demand for additional non-residential land uses. It is not intended that this quantum of non-residential uses be provided in one stage. This provision is drafted to reflect this staged approach.
  - The proposed minimum quantity of GFA for non-residential purposes (50,000m<sup>2</sup>) required to be provided is less than that of the existing shopping centre (c. 62,500m<sup>2</sup> GFA). This is because Warrawong Plaza is currently built as a fully internalised shopping mall, where a significant portion of the existing GFA is used for the purpose of internalised pedestrian circulation. It is intended that future development will increase the proportion of retail space which is accessed from external area, such as Cowper Street or internal pedestrian areas that are outdoors, to create a more active, enjoyable and sustainable environment for visitors to the centre. These external pedestrian circulation areas are not counted as GFA, so flexibility in the minimum GFA provision is required to ensure that planning controls do not force poor urban design outcomes.
  - The Design Guidelines require future development of the site to, at a minimum, replace the existing retail provision on the site in terms of the net lettable area (NLA)/ gross lettable area retail (GLAR), which is . This will ensure that the future development maintains the retail and employment generating land uses on the site, ensuring ongoing provision of services and employment whilst catalysing growth in the wider Warrawong town centre. Together with the LEP provision, this is intended to provide confidence that the introduction of residential uses on the site will not come at the expense of retail services and employment.
  - The renewal of the centre and the introduction of 1,300 new households is expected to catalyse urban renewal within the wider Warrawong town centre. Provision of higher quality retail services within the Warrawong town centre will have flow-on benefits to the wider town centre, whilst the new households will create demand for additional business and retail services. There is significant capacity for economic growth and development within the wider Warrawong town centre as outlined in Council's Warrawong Town Centre Master Plan, and renewal in these locations will assist in increasing footfall and street activation within the wider town centre, particularly along Cowper Street.
  - The Design Guidelines also provide additional provisions to ensure that core retail services necessary to meet the needs of the community are provided on a continuous basis throughout all stages of development. Whilst the Design Guidelines refer only to the core needs of the community, as indicated in the staging plans within the Reference Design, it is intended to ensure continuity of trade across most of the existing retail functions of Warrawong Plaza throughout the redevelopment process.
2. **Require 10% of residential floor space to be provided as affordable rental housing.** This provision is intended to secure the significant, voluntarily offered public benefit proposed as part of this project. Aligned with the definitions and provisions of the Housing SEPP, this will be managed by a registered community housing provider, for a minimum period of 15 years. There is no existing provision in the LEP which requires affordable housing, or other statutory requirement to provide affordable housing on other land to which the LEP applies, and accordingly it is necessary to include a new site-specific provision to this effect.
3. **Give effect to the Warrawong Plaza Design Guidelines.** The Design Guidelines (**Appendix E**) as described in **Section 6.3** set out additional development and design requirements for future stages of development that

are not appropriate for inclusion in the LEP, but which provide important guidance for the assessment of future DAs to ensure that the public benefits associated with the Planning Proposal are realised. The Design Guidelines are intended to be objectives-based to allow the development of alternative masterplan designs to those shown in the Reference Design. This provision and the Design Guidelines and provision have been modelled on the approach taken by DPHI in the State-led rezoning of specific key sites within the Pyrmont Peninsula.

4. **Require the preparation of a site-specific DCP.** The DCP is intended to describe the resolved master plan for the site and permit further detailed planning assessment of the specific proposals for the site that address the matters set out in the draft provision, such as setting maximum building envelopes, detailed vehicle and pedestrian access arrangements, and staging. As set out in **Section 6.7**, the requirement for a DCP can be fulfilled by a Concept DA that can also be accompanied by a Detailed DA for the first stage of development.

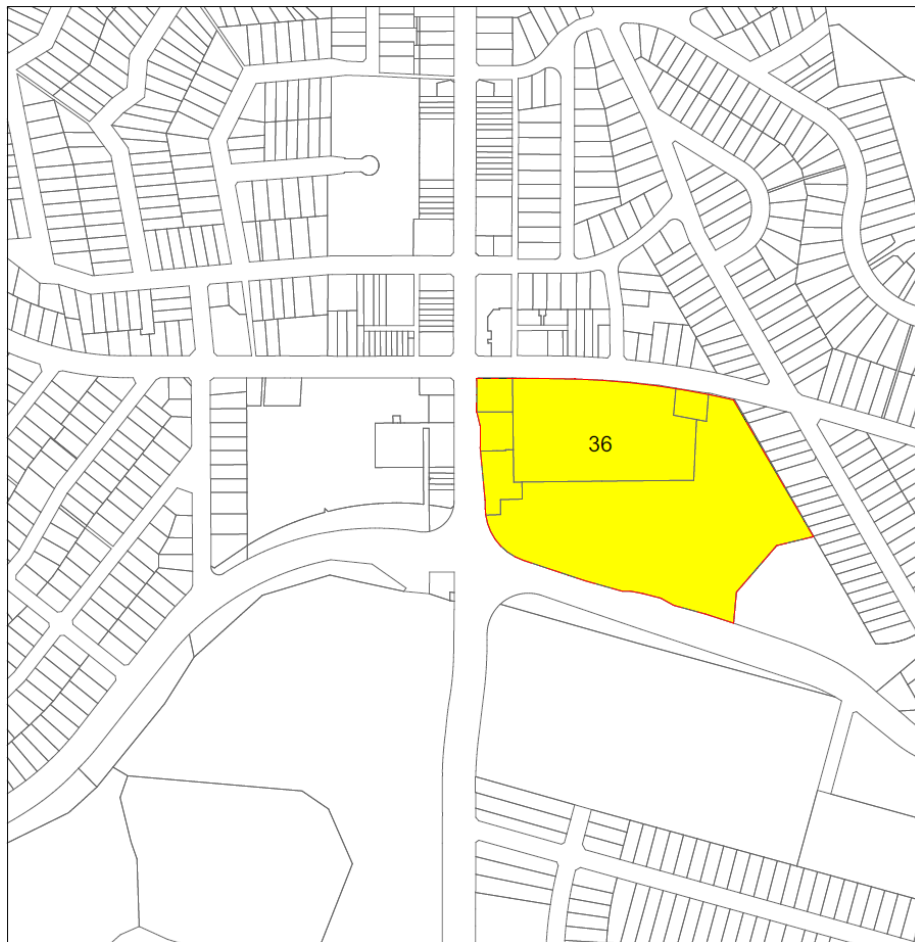
These site-specific provisions are only intended to apply to the following types of development:

- Major development with an estimated development cost (EDC) of more than \$75 million.
- Residential accommodation.
- Subdivision.

This is to ensure that the site-specific requirements are only applied to development that is related to the overall redevelopment of the site, development which gives rise to the need for affordable housing, or subdivision which may impact on the future development of the land. The purpose of the EDC threshold is to allow DAs for typical retail renewal, or DAs for enabling works to the retail centre required to facilitate the staged construction (e.g. relocation of utility infrastructure, temporary access arrangements etc.) to proceed without encumbrance.

## Additional Permitted Use

It is proposed to amend Schedule 1 of the WLEP 2009 and the additional permitted uses map to include **residential flat buildings** as an additional permitted at Warrawong Plaza, addressed 43-65 Cowper Street, Warrawong, formally described as Lot A DP421454, Lot 2 DP571183, Lot 1 DP571183, Lot 1 DP217579, Lot 2 DP 216785 and Lot 2 DP535215. This would be identified as “36” on the additional permitted uses map. The proposed additional permitted uses map is shown below in **Figure 37** and is included within the Proposed LEP Maps (**Appendix A**).



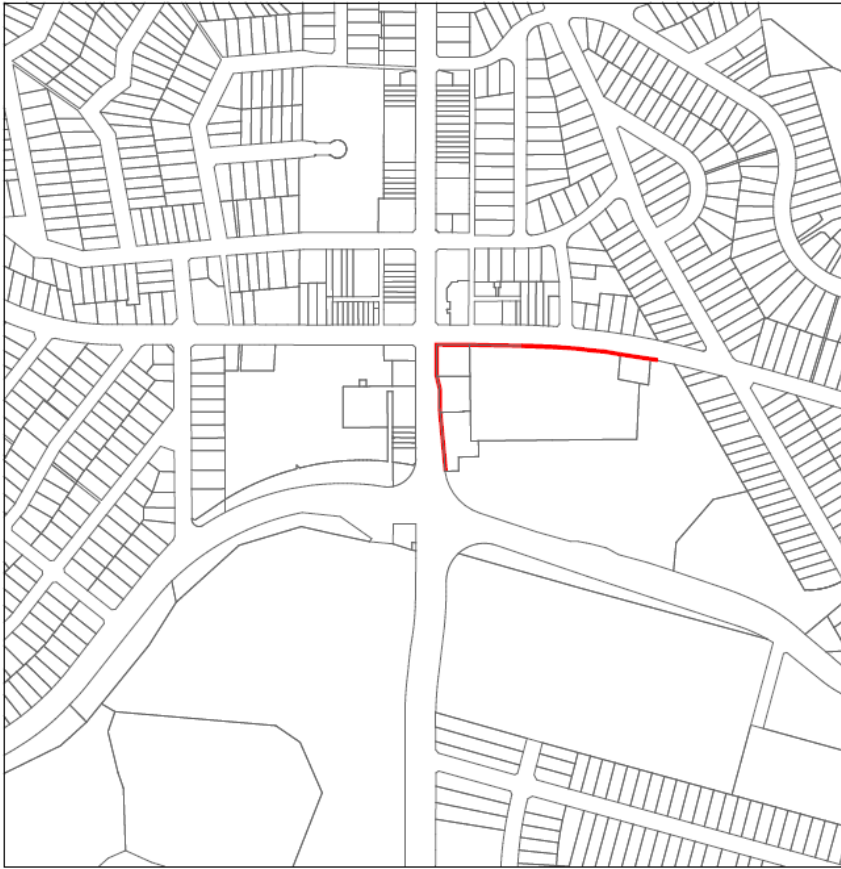
**Figure 37** Proposed additional permitted uses map

Source: CHROFI



## Active street frontages map

It is proposed to amend the Active Street Frontages Map to require active street frontages along Cowper Street and King Street. As a result, clause 7.19 of the WLEP 2009 would apply to the site, to the exclusion of clause 7.13. The proposed Active Street Frontages Map is shown below in **Figure 38** and is included within the Proposed LEP Maps (**Appendix A**).



**Figure 38** *Proposed active street frontages map*

Source: CHROFI

### 6.2.2 Amendment to State Environmental Planning Policy (Planning Systems) 2021

Further to discussions with the NSW Department of Planning, Housing and Infrastructure, it is requested that Schedule 2 of State Environmental Planning Policy (Planning Systems) 2021 be amended to include development on the Warrawong Plaza site for the purpose of residential accommodation with an estimated development cost (EDC) of more than \$75 million as State Significant Development. This will facilitate the more timely assessment and determination of future development applications to facilitate the delivery of housing, allow for a higher level of environmental assessment through the preparation of an Environmental Impact Statement, and allow for enhanced coordination of government agency assessment. This categorisation reflects the significance to the State of delivering a significant supply of high-quality housing, including affordable housing, consistent with the inclusion of the proposal in the State Assessed Planning Proposal pilot program.

## 6.3 Design Guidelines

The Warrawong Plaza Design Guidelines (the Design Guidelines) accompany this Planning Proposal. The purpose of the Design Guidelines is to provide parameters for land use and development, and are intended to supplement the provisions of *Wollongong Local Environmental Plan 2009* by providing more detailed provisions to guide development on the land.

These guidelines comprise a hierarchy of objectives and guidelines to guide future development. Proposed development needs to show how it meets the objectives. The guidelines provide benchmarks for how the objectives could be achieved and does not represent the only way the overarching objectives can be achieved. Where alternate solutions to the guidelines are proposed it must be demonstrated how the proposed alternative solution achieves the overarching objective/s.

Objectives related to the following are contained within the Design Guidelines:

- Objectives of the Design Guide
- Public benefits
- Land use
- Built form and urban design
- Public domain and open space
- Transport
- Flooding
- Sustainability
- Connecting with Country
- Design excellence

The Design Guidelines have been modelled on the guidelines prepared by the NSW Department, Housing and Infrastructure for the State-led rezoning of key sites within the Pyrmont Peninsula in 2022.

## 6.4 Public Benefits

The urban renewal of the existing Warrawong Plaza site has the potential to generate significant public benefits for the existing and future community, and for NSW. The Planning Proposal seeks to address the NSW housing crisis by facilitating the delivery of approximately 1,300 dwellings by taking up and reshaping floorspace that is already permitted on the site under existing planning controls. The proposed amendments to the maximum building height and the introduction of new site-specific provisions and permitted land uses will allow significant urban enhancements to the Warrawong Town Centre. The Planning Proposal seeks to enable the delivery of the following public benefits:

- **Housing Supply:** The delivery of approximately 1,300 new dwellings facilitated by the increased height limit which are well-located – with immediate access to existing and future retail services, health, education, leisure, community facilities, open space and public transport – is a significant public benefit which aligns with the clear commitments of the NSW Government to facilitate housing in suitable locations which are well-served by existing infrastructure. As outlined in the joint media release by the Premier and the Minister for Planning and Public Spaces on 7 December 2023, NSW is experiencing a ‘housing crisis’ and the NSW Government is committed to addressing this crisis “*by rebalancing housing growth across the state with a focus on well-located homes close to transport, jobs and existing infrastructure*”. The Rezoning Pathways Program, including the State Assessed Planning Proposal program which includes this Planning Proposal, is one of the tools being employed by the NSW Government to address this crisis. The Planning Proposal will facilitate the delivery of well-located housing with immediate access to existing and future retail, business, health and education services, local urban and green public open spaces, and direct access to frequent public transport. Through a staged delivery approach, the first stage of residential development could be able to be delivered as soon as 2028 in order to meet local housing needs.
- **Housing Diversity:** Existing and new housing stock within the Illawarra region is predominantly detached housing with 3-4+ bedrooms, however, the number of 1 and 2-person households is rapidly increasing. The supply of smaller, well-located dwellings suitable for these households, and other households who are unable to afford current housing stock, is a critical public benefit in meeting the future housing needs of the community. By catering to the accommodation needs of a wider range of households, the increase in housing diversity will also promote a more diverse population for greater social vibrancy and inclusion.

- **Affordable Housing:** 10% of all floor space used for the purpose of residential accommodation is to be used for the purpose of affordable housing for a minimum period of 15 years, managed by a registered Community Housing Provider. Measures to secure this public benefit are set out in the site-specific LEP clause outlined in **Section 6.2.1**. An Affordable Housing Report outlining the nature of the affordable housing proposed, including ownership and mechanisms to secure housing, as well as describing the intersectionality of climate and community through regenerative design processes is provided at **Appendix D**.
- **New Public Open Space and Through-Site Link:** Provision of a new minimum 3,000m<sup>2</sup> publicly accessible plaza which is activated throughout the day and evening to provide a high-quality urban open space within the most frequently visited area of the Warrawong centre. A new through-site link will enhance pedestrian connectivity and permeability within the centre, with a focus on improving connectivity and amenity between Cowper Street and the open space network to the south of the Site. These benefits cannot and would not be able to be delivered under the current building height and other local planning provisions.
- **Reactivation and Economic Growth of Warrawong Town Centre through Increased Local Population:** The substantial increase in housing provision will significantly grow the local population residing within the Warrawong Town Centre. As more people move into the area, demand for goods and services will increase, prompting businesses to open or expand, and attracting external investment to the area. A larger population base will also allow businesses to scale up operations and increase employment opportunities, resulting in significant economic growth. With increased foot traffic and consumer spending, occupancy of vacant tenancies along the main streets is likely to be improved, resulting in a more vibrant centre and active streetscape. An expanded local population also fosters a greater sense of community and facilitates the achievement of a critical population mass required to support existing events and host greater community events, thereby bringing sustainable activation to Warrawong.
- **Enhancement of Retail, Local Services and Employment:** Future Development Applications (DAs) are to demonstrate continuance of trade for key retail services required by the community (supermarkets, fresh food retail, pharmacy) throughout the redevelopment of the land. A Staging Plan is to be submitted with the first DA for the land, and is to be updated in consultation with the relevant consent authority. Increasing the building height and the other local provisions are essential to ensure that staged redevelopment can occur in a timely and feasible manner.
- **Internalised Retail Mall to a Vibrant Mixed-use Precinct:** Transitioning from an inward-facing functional building with parking & loading around the edges, into a porous mixed-use precinct with active edges to public realm and increased opportunities for public interaction and movement throughout the precinct.
- **Strengthen Warrawong as a Strategic Centre:** In line with Regional Plan, strengthen Warrawong as a Strategic Centre by building on its regional shopping centre with entertainment, education, commercial, and community use. Strengthen the region as a place to live, work and play.
- **Education and childcare:** Provision for centre-based childcare to meet forecast demand from future residents and the wider community, facilitating increased access to employment for parents/carers, alongside new university space to improve access to education and skills for the local community.
- **Jobs Creation and Economic growth:** Support economic development within the Warrawong centre by facilitating approximately 540 full-time equivalent (FTE) jobs within the regional economy during the construction phase and 540 FTE jobs on an ongoing basis following completion. It will result in an estimated economic uplift of \$2.6 billion to the wider region, based on direct and indirect economic benefits.
- **Local Amenity for Visitors and Future Residents:** Facilitating urban renewal through the proposed LEP amendments will free up substantial portions of the ground plane to allow the creation of new through-site connections, retail activation and delivery of publicly accessible open space, and also open up new rooftop spaces for recreation and communal open space. Allowing greater diversity in building heights also facilitates improved residential amenity, with greater visual and acoustic privacy, improved solar access and access to views and vistas.
- **Opportunities for additional public benefits:**  
Other potential public benefits which could be delivered through future development, subject to consultation with Wollongong City Council and other stakeholders, could include:
  - Enhancing and improving streetscape interfaces on all boundaries of the complex through interventions such as new retail or other active frontage uses.
  - Bringing together community organisations to plan the activation of these public spaces for community events such as local food markets or art exhibitions, family focussed events and other community activities.
  - Providing additional active recreational opportunities on under-utilised rooftop spaces



- Improving integration with surrounding green spaces, such as enhanced pedestrian crossing points where appropriate.

## 6.5 Community consultation (Pt. 4)

With reference to the relevant considerations set out within the NSW Department of Planning, Housing and Infrastructure's Local Environmental Plan Making Guideline, it is noted that:

- The LEP making process does not require formal community consultation prior to a proponent submitting a rezoning request.
- The most appropriate time for community consultation for planning proposals is after a Gateway determination is issued and all relevant studies and reports have been completed. This ensures the community has clear and evidence-based information available to help them make informed comments on the proposal.

As such, formal public consultation will take place in accordance with Sections 3.34 and 3.35 of the EP&A Act at a later date. Any future DA for the Site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

## 6.6 Project timeline (Pt. 5)

**Table 7** provides the project timeline anticipated for the subject planning proposal which is predicated on the nature and scale of the Planning Proposal.

**Table 7** Anticipated Project Timeline

Action	Timeframe
Stage 1 – Pre-lodgement	Complete
Stage 2 – Planning Proposal	July - September 2023
Lodgement	14 September 2023
Updated Planning Proposal	March 2024
Stage 3 – Gateway Determination	April 2024
Stage 4 – Post-Gateway	April 2024
Stage 5 – Public exhibition & Assessment	May-July 2024
Stage 6 – Finalisation and Approval of LEP Amendment	August 2024
Concept and Stage 1 Detailed Development Application	From August 2024

## 6.7 Future Approvals

This Planning Proposal sets out the framework for further detailed design and planning assessment. This proposal does not seek approval for detailed design or construction, which is required to be the subject of further Development Applications (DAs) to the relevant consent authority. Future DAs will be required to:

- Comply with the zoning as set out in the LEP;
- Comply with the development standards set out in the LEP;
- Achieve the site-specific requirements for non-residential floorspace provision and affordable housing;
- Be generally consistent with the *Warrawong Plaza Design Guidelines*; and
- Set out more detailed development controls through the preparation of a site-specific development control plan (DCP) or Concept Development Application.

Pursuant to Section 4.23 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a requirement to prepare a development control plan in an environmental planning instrument may be satisfied by the making of a Concept Development Application. Accordingly, it is anticipated that the first DA would be a Concept and

Stage 1 DA which would address the heads of consideration set out in the proposed site-specific LEP provision including by setting out project staging, maximum building envelopes, land uses, ground plane configuration, site access arrangements and the like. Subject to the amendments identified in Section 6.2.2, the future Development Applications would be State Significant Development (SSD). Whilst a requirement in an environmental planning instrument for the preparation of a development control plan does not apply to SSD, the consent authority would still have regard to the matters outlined in the site-specific provision.

Pursuant to Section 4.22(2) of the EP&A Act, it is anticipated that the Concept and Stage 1 DA would also seek consent for the detailed design, construction and operation of the first detailed stage of development.

It is intended to deliver each stage sequentially to minimise disruption to the provision of essential retail services and maintain core retail trade at Warrawong Plaza. Indicative staging plans indicating how development can be sequenced have been provided at **Appendix C**. It is the intention of the landowner to progress planning and delivery of Stage 1 as soon as possible following the progression of this Planning Proposal to a stage which provides sufficient certainty of the planning parameters for future development. At this stage, this would be commencing from the targeted gazettal of the Planning Proposal in June 2024, however, opportunities to bring commencement of DA preparation forward may be explored. It is intended that the sequencing of DAs would generally be as follows:

- Concept and Stage 1 Detailed DA – DA preparation commencing from August 2024, targeted planning approval in 2025, followed by a c.3-year construction program with anticipated completion in 2028.
- Stage 2 Detailed DA – DA preparation commencing during construction phase of Concept & Stage 1 DA, followed by a c.3-year construction program.
- Stage 3 Detailed DA – DA preparation commencing during construction phase of Stage 2, or earlier subject to demand, followed by a c.3-year construction program.
- Stage 4 Detailed DA – DA preparation occurring either concurrently with Stage 3, or alternatively commencing during construction phase of Stage 3, subject to demand, followed by a c.2-year construction program.

It is likely that there would be some adjustments to the intended staging and sequencing arising from further stages of project development and design. The Concept DA would set out further details of staging.

Subject to the amendments to the Planning Systems SEPP identified in Section 6.2.2, these Development Applications would be SSD, requiring the preparation of an Environmental Impact Statement. DPHI is the assessment authority for development that is SSD, with determination either by the Minister, the Secretary (or their delegate) or the NSW Independent Planning Commission.

## 7.0 Justification of strategic and Site-specific merit

### 7.1 Strategic merit

#### 7.1.1 Section A – need for the Planning Proposal

**Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?**



#### National Housing Accord 2022

The *National Housing Accord* brings together all levels of government, investors, and the residential development, building and construction sector to unlock quality, affordable housing supply over the medium term. The Accord seeks to significantly increase the supply of well-located housing, and to enable the delivery of additional dwellings used for the purpose of affordable rental housing. The Planning Proposal directly supports each of these initiatives, by increasing the supply of housing in a location with immediate, walkable access to retail, services, leisure, recreation facilities, community facilities and open space. The Planning Proposal voluntarily offers a commitment of 10% of floorspace to be provided as affordable rental housing for a minimum period of 15 years, managed by a registered community housing provider, consistent with the provisions of the Housing SEPP.

#### NSW Government Housing Package

The SAPP Pilot forms part of the NSW Government's 'Rezone and Build' initiative within the NSW Housing Package, which seeks to unlock planning for 100,000 dwellings by 2023-2024, of which 70,000 are to be through state-led rezonings<sup>1</sup>. The pilot program sought to identify projects which could "be lodged as planning proposals and warrant State investment because of their potential contribution to increasing housing supply". The delivery of approximately 1,300 dwellings in a location with high amenity is directly aligned with the objectives and intended outcomes of this program.

#### Illawarra Shoalhaven Regional Plan 2041

Objective 19 of the *Illawarra Shoalhaven Regional Plan 2041* (2021) (the Regional Plan) identifies the need to "deliver housing that is more diverse and affordable". The Regional Plan specifically identifies the need to increase the number of smaller dwelling typologies outside of Wollongong to cater for the needs of occupants whose housing requirements are not well met by the predominately larger homes which have historically been delivered in the region. The Regional Plan notes that household sizes are changing, with a projected increase of +40% in the number of 1- and 2-person households, whilst only 5% of dwellings within the Wollongong LGA have 1 bedroom or less. The Planning Proposal will directly support housing diversity by facilitating the delivery of new

<sup>1</sup> <https://www.planning.nsw.gov.au/policy-and-legislation/housing/housing-supply-insights/quarterly-insights-monitor-q1/housing-package-targets-and-programs>



residential apartments with a range of apartment sizes which are differentiated from the typical model of new housing delivery within the region. Increasing the supply of apartments within the locality will create a more affordable housing option compared to detached houses, and will create improved opportunities for households to downsize from larger dwellings which will in turn free these up for larger households.

Objective 19 of the Regional Plan notes that 81% of low and very low income households were in rental stress, whilst 51% of low and very-low income households were in purchase stress. The Regional Plan identifies a need to utilise planning mechanisms and collaboration with community housing providers to increase the supply of housing which is affordable for low and very low income households. The Planning Proposal directly supports this objective by providing 10% of residential GFA as affordable rental housing (within the meaning of the Housing SEPP) to be managed by a registered community housing provider for a minimum period of 15 years.

Objective 18 of the Regional Plan identifies the need to **'provide housing supply in the right locations'**, and specifically to **'prioritise opportunities for new housing in strategic centres'**. Warrawong is identified in the Regional Plan as a Strategic Centre, and the Regional Plan rightly notes that:

*Strategic centres are well serviced by utilities, public transport, walking and cycling, education, health and community infrastructure. They provide shopping, community and commercial services.*

The Regional Plan also notes and the need to better cater towards changing attitudes to housing:

*"Changing attitudes such as preferences for lower maintenance, energy efficiency, adaptability and places that are within walking distance of shops, services or public transport, combined with the scarcity of well-located land, are also expected to drive a need for smaller and more diverse housing types".*

Warrawong is ideally positioned to accommodate new housing growth, with the ability to deliver housing which is immediately proximate to retail, health, education, business and leisure services and achieve a high level of amenity including an abundance of outdoor open spaces. The site is well-serviced by existing infrastructure, and development will facilitate opportunities to further enhance the services provided at the site as well as unlock new opportunities to promote urban design outcomes which support health and vibrant communities.

Strategy 18.2 of the Regional Plan outlines further detail of the focus on Strategic Centres:

*"Facilitate housing opportunities in existing urban areas, particularly within strategic centres.*

*Strategic planning and local plans should consider opportunities to:*

- review planning controls so that they are creating flexible and feasible conditions for housing supply*
- align infrastructure and service delivery to match housing supply needs*
- explore public domain improvements that would increase capacity for growth*
- identify policies and processes that could be reviewed to improve certainty and streamline development processes*
- promote urban design outcomes to support healthy and vibrant communities"*

The Planning Proposal directly aligns with this Strategy by:

- Providing increased flexibility in the site's planning controls, with increased building heights allowing a substantial amount of new dwellings to be developed in a feasible manner that supports a range of public benefits including through-site links and a new publicly accessible plaza.
- Providing new housing in a location that is well-serviced by existing infrastructure, allowing the efficient and cost-effective servicing of new housing, and noting that the existing permitted FSR will continue to be complied with.
- Delivering significant public domain improvements, including the delivery of a new 'Green Heart' of at least 3,000m<sup>2</sup> and enhancing connectivity through the site to better connect Warrawong town centre with the Kully Bay-Port Kembla Beach green grid.
- Streamlines planning approvals through the State Assessed Planning Proposal Program and identifying future major housing development as State Significant.
- Facilitating high quality urban design outcomes that invert the existing internalised mall to create a vibrant and highly active ground plane that integrates with the wider Warrawong Town Centre, supports the delivery of housing in a walkable location and delivers high levels of amenity to existing and future residents and visitors to the site.

- The substantial increase in housing provision will significantly grow the local population residing within the Warrawong Town Centre. As more people move into the area, demand for goods and services will increase, prompting businesses to open or expand, and attracting external investment to the area. A larger population base will also allow businesses to scale up operations and increase employment opportunities, resulting in significant economic growth. With increased foot traffic and consumer spending, occupancy of vacant tenancies along the main streets is likely to be improved, resulting in a more vibrant centre and active streetscape. An expanded local population also fosters a greater sense of community and facilitates the achievement of a critical population mass required to support existing events and host greater community events, thereby bringing sustainable activation to Warrawong.

Similarly, Objective 19 of the Regional Plan is to **“Deliver housing that is more diverse and affordable”**. This objective sets out the need to provide a diversity of housing choices and dwelling sizes and to increase the supply of affordable housing. The Planning Proposal directly facilitates this objective. Diverse housing that caters to a range of household sizes and price-points has been built in areas such as the Wollongong CBD due to planning controls that facilitate higher density development. Warrawong needs more diverse and affordable housing, however does not benefit from planning controls that promote housing diversity and affordability. As such, Warrawong is characterised by single-detached dwellings and larger families. The Planning Proposal will enable the development of a diverse range of housing to cater for smaller households, such as couples without children (both young couples and empty-nesters), families, lone person households and shared households. Consequently, Warrawong will become a more inclusive, vibrant and heterogenous community.

The project also supports the broader objectives of the Regional Plan to promote sustainable and resilient development and communities, plan for Net Zero, increase active travel, improve connectivity and access to the blue and green grid, and respond to the changing needs of local communities.

Overall, the Planning Proposal is broadly consistent with and gives effect to the objectives of the Regional Plan. Finalised in early-2021, the Regional Plan fails to recognise the extent of the housing crisis in NSW, and accordingly it is likely that greater emphasis should be given to the housing delivery objectives (such as Objectives 18 and 19), that existing targets and priorities are not ambitious or transformative enough, and that some inconsistencies may be supported in this context or require wholesale amendment in future plans. In this context, whilst it is noted that the Regional Plan draws some comparisons between Warrawong and smaller Strategic Centres such as Kiama, Milton-Ulladulla, Corrimal and Oak Flats, these comparisons do not properly reflect the nature and character of the Warrawong town centre, and particularly the Warrawong Plaza site. Warrawong is not comparable to these centres in terms of the provision of arts, culture and heritage, which the Regional Plan says should be retained, but is rather a highly urbanised and industrialised centre that has significant capacity to support growth based on local amenity and proximity to key economic activity generators including the Plaza itself as well as employment and future economic development plans in adjoining Port Kembla, where a further 30,000 new jobs are envisaged.

In this context, the Minister may be satisfied that the Planning Proposal is consistent with and gives effect to the Regional Plan, and is consistent with NSW Government policies to address the housing needs of the existing and future community.

### Wollongong Local Strategic Planning Statement

The *Wollongong Local Strategic Planning Statement* (2020) (the LSPS) sets out the 20-year land use vision for the Wollongong local government area, however, it is noted that the LSPS pre-dates the Regional Plan as well as the Wollongong Housing Strategy discussed below. The LSPS is structured around the themes of Jobs and Economic Growth; Housing for All; Inclusive and Connected Communities; Climate Action and Resilience; Protect the Natural Environment; and Enabling Infrastructure and Transport.

Of primary relevance to this planning proposal is the ‘Housing for All’ aspect of the LSPS. The LSPS identified key themes, including rapid increases in population growth and changing demand for the nature and location of housing, however, deferred key actions to the future Wollongong Housing Strategy which is discussed later in this report. The LSPS broadly identifies the need to:

- Increase housing stock diversity;
- Plan for future housing growth; and
- Increase the supply of affordable rental housing stock.

The Planning Proposal directly gives effect to these objectives by increasing the number of smaller dwellings to respond to smaller household sizes within the locality and region, locating housing supply in a location which is well supported by existing infrastructure, and increasing the supply of affordable rental housing stock available for very low, low and medium income households within the meaning of the Housing SEPP.

The Planning Proposal will also support the broader objectives and themes of the LSPS by increasing local employment during the construction (+540 FTE jobs) and operational (+540 FTE jobs) phases of the project, ensuring continuity of trade for key retail and community services, enhancing the existing centre by improving built form, streetscapes and provision of new public spaces, enhancing connectivity to local and regional open spaces, supporting active transport, and ensuring new development is sustainable and resilient having regard to local environmental conditions.

An increase in the permanent local population will also revitalise the Town Centre and generate local economic growth as increased foot traffic and consumer demand will drive the opening and expansion of businesses to serve the needs of the community.

### Wollongong Housing Strategy

The *Wollongong Local Housing Strategy (2023)* aims to guide future housing directions within the Wollongong LGA. The Strategy identifies the serious housing challenges facing the region, with growth in housing cost significantly exceeding growth in household incomes. Most of the increases in local housing stock in recent years have been in the form of larger 3-4+ bedroom dwellings, at the same time as household sizes are shrinking. The housing targets identified in the Strategy of 1,400 dwellings per annum significantly exceed actual dwelling approvals over the historical average of 1,048 dwellings, noting that future Federal and State-led plans are likely to call for even higher levels of housing delivery.

Within this context, the Housing Strategy identifies a series of initiatives and policy measures that seek to improve housing supply, diversity and affordability, including city-wide, issue- and location-based strategies. The Planning Proposal is closely aligned with these strategies, and will assist in facilitating the desired outcomes of providing more diverse, affordable and well-located housing.

At a city-wide scale, the Planning Proposal is well-aligned with the strategies identified in the Housing Strategy. The Planning Proposal will facilitate the delivery of approximately 1,300 new dwellings in a location within a town centre location and on a site with immediate proximity to retail, leisure, business and medical services along with open space, public transport and existing infrastructure (CW1 and CW10). The housing supply facilitated by the Planning Proposal will support the attainment of housing targets at a regional level (CW2), noting that additional housing will be required beyond those targets identified in the Strategy.

Importantly, the recently developed Bluescope master plan seeks to redevelop Bluescope's surplus land in Port Kembla to create 30,000 new jobs. This is likely to result in a large worker population moving into the locality, resulting in increased housing demand. Given that the Site is within 2km of the Bluescope site in Port Kembla (approximately a 5 minute drive), the delivery of 1,300 new dwellings on the Site, will provide highly accessible accommodation for these new workers. This significantly elevates the role and function of Warrawong, and reinforces its capacity to sustain increased height and residential development.

The Design Guidelines outline strategies to be developed to ensure that new housing is sustainable and energy-efficient, taking into account the effects of climate change (CW11).

The Housing Strategy seeks to require that, subject to feasibility assessment, future Planning Proposals seeking to permit residential development or increase residential density provide affordable rental housing. The Housing Strategy does not require the provision of affordable housing on the site or as part of the proposed development, with the proposed 10% affordable housing provision as part of the Planning Proposal therefore representing a significant voluntary commitment to providing additional affordable housing. The Housing Strategy identifies the potential future preparation of an LGA-wide Affordable Housing Development Contributions Scheme commencing in 2026, however, this remains subject to further policy development and approvals which have not been enacted.

With respect to diversity, the Housing Strategy proposes to increase the proportion of studio and 1-bedroom dwellings in residential apartment buildings from 10 to 20% to promote additional, more affordable dwellings suitable for smaller households (D1). The Planning Proposal directly aligns with this approach, with the Reference Design based upon 80% of dwellings having only 1 or 2-bedrooms. Approval of a housing mix is not sought as part of the Planning Proposal, and will be detailed as part of future DAs based upon market demand, however it is evident that the Planning Proposal will facilitate a diverse range of dwellings more suited to the needs of 1- and 2-person households that are not well catered to by current housing supply. The diverse built forms and building heights, as well as the additional proposed use of residential flat buildings, will add to the housing diversity and choice. In comparison with a fully compliant scheme which would generate multiple shop top housing developments of similar form and scale, the diverse built forms and heights facilitated by this planning proposal will drive typology-specific designs and ensure good residential amenity for all housing typologies.

The Housing Strategy does not identify a specific need or requirement for seniors housing, noting instead the availability of existing facilities and established planning mechanisms available through the Housing SEPP. Whilst the Planning Proposal provides the capacity for future inclusion of seniors housing in the form of independent living units or a residential care facility, these uses are not specifically envisaged or mandated as part of the Planning Proposal, consistent with the direction provided by the Housing Strategy.

The Housing Strategy seeks to align residential delivery with Council's centres hierarchy, to ensure 'housing growth in the right locations'. Strategy L10 specifically states that future planning should "increase development potential around the town centre" within Warrawong, which is directly facilitated by this Planning Proposal. Strategy L13 proposes to "review the floor space ratio and building height limits to increase the opportunity for shop top housing" within town centres. In these respects, Housing Strategy recognises that Warrawong has a high level of amenity and existing infrastructure provision, and is well-placed to facilitate additional housing supply.

In light of the above, the Planning Proposal is considered to be an important initiative to deliver housing and gives effect to several of the identified strategies in accordance with the Housing Strategy.

### **Wollongong Retail and Business Centres Strategy**

The *Wollongong Retail and Business Centres Strategy* (2023) seeks to 'deliver more sustainable local employment opportunities, economic productivity and convenient access to services for an increasing and evolving population'. Warrawong is identified as a 'major regional centre' within the retail hierarchy identified in the strategy, with higher order retail, business and community functions with a critical mass of retail floorspace servicing a broader catchment than its immediate local area. The strategy recommends actions to prevent oversupply of retail floorspace within centres in order to focus retail growth within the main established town centre of Warrawong, with Warrawong Plaza implicitly intended to play a significant role in accommodating further retail growth. Warrawong Plaza is a well-visited and is the third largest shopping centre in the Illawarra Region. It contains both local and international retailers, as well as the three major supermarkets and luxury brands. Its major role is reflected in its expected service of a catchment of 100,000 people and include higher order retail, businesses and community functions. This Planning Proposal will maintain the existing quantum of retail and non-residential GLAR and NLA while enhancing the overall presentation and amenity of the Site to attract future retail growth. This growth is not limited retail space, but will also include a mix of dining, art, culture, community facilities, entertainment and recreational spaces. Given Warrawong's preeminent role as a growing major retail centre, it is clear that increased building height appropriate for the Site and its role, status and function.

Despite Warrawong's identification as a major regional centre, its businesses and high streets suffer from a general lack of patronage and activation. As such, Warrawong has not experienced marked growth for local businesses in recent times and is in need of a major catalyst to kickstart economic growth and increased business activity. Moreover, many tenancies on the high streets remain vacant, in part due to a lack of patronage, and the insular nature of the Plaza. The Planning Proposal will be a key stimulus in economic activity in Warrawong, by attracting a permanent local population through substantial housing provision enabled by increased building heights. It will also generate greater local consumer demand and attract new businesses to serve the needs of existing and new residents. Increased foot traffic will further revitalise and encourage a more vibrant Town Centre, which will contribute to overall local economic growth, reinforcing and enhancing Warrawong's role as a major regional centre.

Therefore, as the Planning Proposal will catalyse economic growth and activation beyond the site, it does not need to accommodate all future commercial and retail GFA growth in Warrawong within its own site. The Economic Assessment and Response at **Appendix J** has found that there is significant further commercial capacity across other sites within the Warrawong town centre and the bulky goods precinct to the south of the Site to meet projected future needs.

However, Warrawong Plaza is currently making a disproportionate contribution to economic activity and visitation within the centre. Whilst this is largely positive in terms of the benefits provided to the community in terms of access to services and employment, which will be further enhanced through the proposal, the lack of other significant attractors/contributors on land within the Town Centre outside of the site boundary has the effect of reinforcing the status of Warrawong Plaza as an internalised mall which people drive to, park at, shop and then drive away without ever interacting with the remainder of the town centre or the Cowper Street public domain. Creating a more externalised shopping centre will enhance connections and encourage visitors to interact with other sites within the Town Centre, whilst the increase in the immediate residential population of the site will also generate additional footfall and activation beyond the site's boundaries. These effects are considered to be a significant positive benefit of the Planning Proposal, which aligns with Council's intended



objectives. As such, future redevelopment of the Site, made possible by the Planning Proposal, will catalyse new retail and commercial development on surrounding sites. In this way, the Planning Proposal is consistent with a driver of the Strategy which is to build a critical mass of local population, and small to medium-sized businesses.

Recommendation 6 of the Strategy seeks to 'explore opportunities to increase residential density' within established centres, where there would be more retail supply than needed for future demand. The Strategy states that *"for centres with excess supply moving forward consider the opportunity to increase residential density when the centre has the urban structure and transport connectivity to support an increased population"*. The Strategy identifies total retail demand across the entire Warrawong strategic centre as being 73,000m<sup>2</sup> by 2041. Under existing planning controls, the Warrawong Plaza site alone has capacity for 174,850m<sup>2</sup> of retail GFA, demonstrating that there is significant capacity to utilise surplus floorspace for residential purposes whilst also supporting increased retail provision to meet future needs. The need to review residential densities within Warrawong is identified as a direct action of the Strategy, and the Planning Proposal facilitates this action by utilising the existing permitted FSR on the site to deliver a more diverse range of land uses.

An increase in maximum building height on certain portions of the Site is considered the most appropriate way to maximise this available floorspace while achieving a positive urban design outcome, as discussed in **Section 6.4**. The increase in height between 24m and 78m is commensurate with the centres hierarchy and land zoning arrangements in the Wollongong LGA. E2 Commercial Centre zoned land within the Wollongong City Centre, identified as a regional city, has a height limit between 16m to 120m. This Planning Proposal seeks to retain the E2 Commercial Centre zoning for the site, but proposes height limits with a maximum of 78m which is lower than that of the Wollongong City Centre regional city, given that Warrawong is a major regional centre. However, these height limits are also higher than other major town centres and town centres, ensuring that the proposed building heights are commensurate with Warrawong's place within the Wollongong LGA's centres hierarchy.

The Planning Proposal closely aligns with the recommendations of the Strategy to ensure that centres within the LGA are active and vibrant. The Warrawong Plaza Design Guidelines (**Appendix E**) and Urban Design Report (**Appendix B**) demonstrate how future development in accordance with the Planning Proposal can improve the visual presentation to key street front, enhance physical access and through-site connectivity, and increase foot traffic within the wider town centre (Recommendation 10). The Design Guidelines seek to deliver a new public space within the heart of the site, which provides spaces for events and social gathering within the centre with a high quality public domain outcome (Recommendation 11). Priorities for active street frontages have been identified in the Design Guidelines to provide flexibility to deliver a highly active and safe streetscape within the town centre (Recommendation 12). Future DAs will explore opportunities to facilitate the evening economy, enhancing the existing offerings such as the cinemas and outdoor dining, in a manner that is compatible with the expectations and amenity of existing and future residents (Recommendations 13 and 14). Design of the new public space will seek to draw on traditional knowledge through implementation of a Connecting with Country framework, which may include opportunities for public art (Recommendation 15).

The Planning Proposal seeks to leverage off and reinforce key strategic directions set by Council in relation to the accessibility and transport functions of the Warrawong town centre. Cowper Street is recognised and addressed as the primary local 'high street' as the priority for retail activation, with future development to align with Council's local street upgrades (Recommendation 16), with Northcliffe Drive playing the primary service role in terms of facilitating vehicular traffic and parking access (Recommendation 17). Opportunities to improve the efficiency of parking utilisation to prevent over-supply are identified in the Design Guidelines and will be explored further through future DAs (Recommendation 17). The Planning Proposal seeks to directly support objectives to make centres more accessible by active travel modes, including walking and cycling, by providing appropriate facilities and delivering key through-site links which make these travel modes safe and preferable to driving (Recommendations 18 and 19).

Lastly, it is emphasised that the Planning Proposal seeks to retain the existing E2 Commercial Centre zoning. The Planning Proposal will facilitate an increase in the quality and quantity of commercial/retail services and employment on the site, and will support the creation of a more vibrant centre that is activated by residential uses throughout the day and evening. Limited residential development at ground level is considered to be appropriate in parts of the site that are located away from Cowper Street and King Street, which are the primary focus for ground level activation, as set out in the Design Guidelines and facilitated by the proposed Additional Permitted Use.

## Warrawong Town Centre Master Plan

Prepared in 2013, the *Warrawong Town Centre Master Plan* (Master Plan) pre-dates the strategic planning framework identified in the preceding sections. The Master Plan largely assumes that the internalised shopping centre will remain as-is, and does not contemplate any change in land use or built form on the site other than

some minor activations towards the Cowper Street site frontage. Accordingly, the Master Plan fails to recognise opportunities to reimagine the subject site and lacks ambition in respect of the potential for redevelopment of Warrawong Plaza to catalyse change within Warrawong town centre. This is a missed opportunity, as the Master Plan otherwise recognises the opportunity provided by large sites under single ownership to catalyse change. Similarly, the Master Plan does not account for the significant changes in the nature of retail and shopping centres that have occurred over the past decade, as well as the significant policy changes which seek to promote more integrated, mixed use town centres which co-locate new housing with retail and services to maximise local amenity.

Notwithstanding this, the Master Plan identifies some key opportunities that the Planning Proposal can support and enhance. The Master Plan identifies that Warrawong Plaza is the most-visited destination within the town centre, and that there is significant community desire for an enhancement to the provision of open space, public meeting places/destinations and an improved pedestrian environment. The proposed 'Green Heart' within the Planning Proposal has the potential to deliver an important community-focused space which is generous in size, safe and well-activated which is suitable for a range of community uses, which is identified as a key opportunity in the Master Plan.

The Master Plan identifies that "opportunity exists to provide better connections from the town centre to Kully Bay Reserve", which is facilitated by the Planning Proposal through the proposed connection from Cowper Street to enhance the pedestrian experience and provide a more pedestrian-friendly north-south link as an alternative to King Street. Similarly, the Planning Proposal seeks to improve the activation and amenity of Cowper Street, aligning with Council's planned renewal projects to create a pedestrian-focused environment that serves as the main 'high street' for the Warrawong town centre. Provision of enhanced vehicular access/egress from Northcliffe Drive will also assist in creating amenity within Cowper Street.

The Warrawong Plaza Urban Design Guideline (**Appendix E**) seek to adopt and leverage the 'Key Strategies' identified in the Master Plan, by reinforcing Cowper Street as the main street, fostering the unique village character by creating new destinations which are connected with the broader centre, ensuring that new development creates pedestrian-focused environments in suitable locations, and provides a new public meeting place which is comfortable, attractive and adaptable for a wide range of community activities.

The Master Plan also envisages mixed-use developments on the surrounding blocks within a medium to long term timeframe, with ground level non-residential uses and housing above, akin to the reference design. To date, 11 years since the inception of the Masterplan, there have been no new mixed-use developments in the Town Centre. As such, there is ample capacity and opportunity within the Town Centre to sustain future mixed-use development on the site, and the Planning Proposal aligns with the Master Plan's vision for residential uses within the Town Centre.

Whilst the Master Plan did not contemplate change on the subject site, the Planning Proposal is nonetheless closely aligned with the objectives of this plan and will help in realising the overarching vision and key place strategies identified in this document.

## **Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The proponent and their appointed project team considered the following options to achieve the objectives and intended outcomes outlined in **Section 6.1**.

- Option 1 – Lodge a Development Application that complies with the Site's existing planning controls.
- Option 2 – Lodge a Development Application that seeks to vary the height of buildings development standard via clause 4.6 of the Wollongong LEP 2009.
- Option 3 – Wait for a separate Council-led Planning Proposal.
- Option 4 – Lodge a Planning Proposal to change the zoning and height controls of the Site.

These options are discussed below.

### **Option 1 – Compliant Development Application**

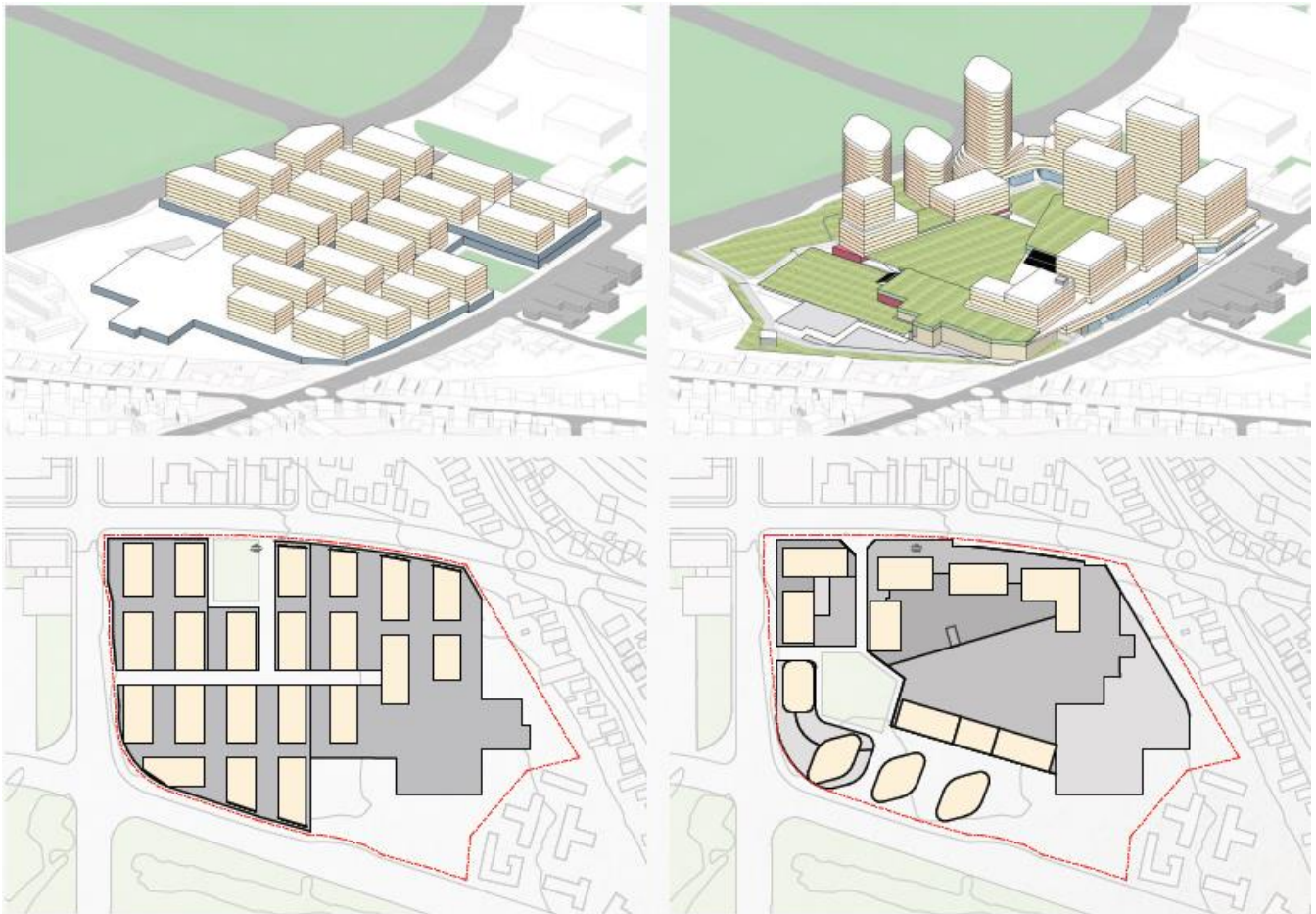
While lodging a compliant Development Application would be the most time-efficient (refer to **Figure 39** below), it would not achieve the desired objective and outcomes for the following reasons:

- Achieving the permitted gross floor area within the existing height limit would result in poor urban design and residential amenity outcomes. In particular, the ability to deliver new through-site linkages and public space would not be possible, while the resulting built form would be monotonous. Residential apartments

would not have the ability to have a street address, and would lack sufficient building separation to comply with the Apartment Design Guide.

- It would achieve less retail floorspace and approximately 200 less dwellings, thereby failing to maximise housing provision on the site to respond to NSW's housing crisis, and failing to provide for growth in retail and business services to meet the future needs of the community.
- The Site is currently zoned E2 Commercial Centre. While residential development is permitted in this zone, it does not reflect the mixed use nature of the proposal. Moreover, the only form of residential development that is permitted is shop top housing. On such a large site with multiple long street frontages, along which active ground floor uses may not necessarily be appropriate (for example on Northcliffe Drive), the prohibition of residential development on the ground floor is a significant constraint.
- Due to the poor amenity of residential dwellings, the development would not be able to support key public benefits such as affordable housing, public space or sustainability measures which require a higher level of commercial revenue.
- It would not be capable of being delivered in a feasible manner and would require significant disruption/cessation of existing trade – to the extent that it simply would not be possible for development of this nature to occur.
- It would limit the retail component of the development to a single level in order to maximise residential yield. This results in a trade-off for any increase in commercial floor space, as well as precluding any opportunity to introduce complementary education or recreation land uses. A single-level retail experience results in a poor sprawled outcome which is inferior to a consolidated retail area.
- It would fail to provide any significant public benefits such as through-site connectivity between the town centre and the Kully Bay-Port Kembla Green Grid, and would not provide capacity for new office-based employment or university space.
- Would not be required to, and could not feasibly, provide any affordable housing.

Therefore, it is evident that a compliant DA would not achieve the objectives and intended outcomes for a mixed-use development and would fail to align with the strategic planning framework.



**Figure 39** Fully compliant case study scheme (left) compared with reference scheme (right)

Source: Wollongong City Council and CHROFI

## Option 2 – Development Application with Clause 4.6 Variation

Lodging a Development Application that seeks to vary the height of buildings development standard via clause 4.6 of the Wollongong LEP 2009 would not be the most appropriate way to achieve the desired objective and outcomes for the following reasons:

- Lodging a DA with the maximum building height of 78m as proposed in this Planning Proposal would result in a 312.5% variation to the existing 24m height limit. As a wholesale variation to the existing controls, this would likely be difficult to substantiate having regard to the relevant statutory requirements. Similarly, alternative schemes breaching the height limit to a lesser degree would face similar challenges, or enforce poorer urban design outcomes.
- As the zoning would remain unchanged, any development would remain constrained by shop top housing being the only permissible form of residential development on the Site, as discussed above.

Therefore, it is evident that a DA accompanied by a Clause 4.6 variation would not achieve the objectives and intended outcomes of this Planning Proposal.

## Option 3 – Council-led Planning Proposal

As demonstrated in response to Q1, the Planning Proposal is largely consistent with the applicable strategic planning framework. A Council-initiated Planning Proposal which gives effect to the recommendations of the Local Housing Strategy and Retail and Business Centres Strategy could potentially achieve the same intended outcomes and objectives of this Planning Proposal, however, this would require a significant commitment of Council time and resources to prioritise planning for the Warrawong town centre. It is unlikely that a Council-led Planning Proposal could achieve the intended outcomes within the same timeframe as a landowner-initiated Planning Proposal, either through the SAPP program or through Council. This would fail to achieve the NSW Government objectives to unlock housing supply to address the urgent housing challenges facing the State. It is also unlikely that Council could afford to allocate funds to facilitate the in-depth level of engagement and site-specific design for a single site.

It is also noted that a Council-led planning proposal would be required to apply consistent principles and requirements with regard to public benefits, such as affordable housing and open space provision across all land within the LGA. As a result, a Council-led process would fail to capture the unique and additional public benefits that are able to be provided through a landowner-led process for this specific site. Planning for redevelopment of an existing, regionally significant retail centre is particularly complex from a design and development perspective, and in this regard a Council-led process would have less capacity to ensure that planning reflected appropriate design and delivery outcomes. Accordingly, whilst a Council-led process may be capable of achieving the same objectives, it is unlikely that this process could occur in as timely or detailed manner as a proponent-led process.

## Option 4 – Lodge a Planning Proposal

This Planning Proposal is the best means of achieving the objectives and intended outcomes because:

- The amendments proposed in this Planning Proposal provide the most suitable means to deliver housing to meet NSW's strategic housing needs and allow realisation of the Site's existing maximum FSR.
- The proposed rezoning will allow residential flat buildings to be permissible on the Site. This will broaden the housing diversity that can be provided and enable greater flexibility to maximise the provision of residential dwellings on the Site.
- It is the most timely and effective process that can achieve the objectives and intended outcomes, especially because it has qualified for the State-assessed Planning Proposal pilot process.
- The Planning Proposal process allows the proposal of specific additional 'Local Provisions' in Part 7 of the WLEP 2009, proposing bespoke planning controls for such a unique key Site including requirements for the provision of affordable housing and the retention of a minimum balance of primary retail and service functions of the centre during construction, which broad Council LEP amendments cannot achieve with such effectiveness.

It is clear that a Planning Proposal is necessary to facilitate the strategic need for increased residential development on the Site within the Warrawong Town Centre through a mixed-use development on the Site. There is no other means of achieving the intended objectives and outcomes of this Planning Proposal that is more effective and efficient.



## 7.1.2 Section B – relationship to the strategic planning framework

### Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

#### Illawarra Shoalhaven Regional Plan 2041

The Illawarra Shoalhaven Regional Plan 2041 establishes a 20-year land use plan to protect and enhance the Illawarra Shoalhaven Region's assets and plan for the region's sustainable future. The plan was adopted in May 2021 and builds on the prior Illawarra Regional Strategy 2015. It identifies four overarching themes related to:

- Productivity/innovation;
- Sustainability/resilience;
- People/place; and
- Smart connectivity/accessibility.

Beneath these themes sit objectives and more specific strategies that inform Local Plans and Planning Proposals which follow in the planning hierarchy.

Of note, the Regional Plan identifies Warrawong as a Strategic Centre. Specifically, the Regional Plan seeks to prioritise opportunities for new diverse and affordable housing in strategic centres.

The proposal is consistent with the following objectives and strategies under the Plan, which govern growth and development of the Illawarra Shoalhaven region (refer to **Table 8**).

**Table 8** Consistency with Illawarra Shoalhaven Regional Plan objectives

Objective	Strategy	Consistency of the proposal with the Objective and Strategy	
<b>Objective 7: Respond to the changing nature of retail</b>	7.1: Respond to the changing nature of retail ... focus future commercial and retail activity in existing commercial centres.	The Planning Proposal relates to an existing major shopping centre within the Warrawong Town Centre. The Site is well connected to existing infrastructure and amenity. The Planning Proposal is consistent with the strategy to focus retail activity within existing retail centres. However, it is also consistent with the direction to diversify the existing retail-focus of the centre by providing a mix of health and leisure space to provide flexibility and a broad range of complementary land uses. The Planning Proposal will also ensure the provision of new open space areas and activated streets to promote vibrant street and community life.	✓
<b>Objective 12: Build resilient place and communities</b>	Strategy 12.1: encourage sustainable and resilient building design and materials including the use of renewable energy, promote economic diversity and prosperity, improving liveability and strengthening the health, wellbeing and social cohesion of a place	Future development on the Site must meet the sustainability objectives set out in the Design Guide ( <b>Appendix E</b> ) and ESD Report ( <b>Appendix F</b> ), which will ensure sustainable and resilient buildings will be constructed in the future. The required public open space, diversity of employment generating uses, and requirement for health, education and leisure uses, will all improve liveability, health, wellbeing, social cohesion and community resilience.	✓
<b>Objective 18: Provide housing supply in the right locations</b>	18.2: Facilitate housing opportunities in existing urban areas, particularly within strategic centres	The Planning Proposal will enable the delivery of approximately 1,300 dwellings through amended planning controls that create flexible and reasonable conditions for increasing housing supply. This proposed increase in housing supply is aligned with infrastructure and services, as the Site has strong existing connections to food and retail options, public and active transport options, an abundance of outdoor open space within walking distance of the site, key connections to existing classified road networks, schools and the both existing and future proposed health services facilities. The Planning Proposal will also enable the delivery of at least 3,000 m <sup>2</sup> of public open space which will further support the Site's capacity for housing supply growth and promote a healthy and vibrant community.	✓

Objective	Strategy	Consistency of the proposal with the Objective and Strategy	
<b>Objective 19: Deliver housing that is more diverse and affordable</b>	19.1: Continue to provide for and encourage a range of housing choices.	The Planning Proposal will enable the delivery of a diverse mix of market apartments and will require 10% of all floor space used for the purpose of residential accommodation is to be used for the purpose of affordable housing, managed by a Community Housing Provider who is registered in accordance with the National Regulatory System for Community Housing.	✓
	19.2 Investigate affordable housing targets in consultation with the Illawarra Shoalhaven Affordable Housing Roundtable.	The Proponent will work closely with Council and stakeholders to provide affordable housing, including at the Illawarra Shoalhaven Affordable Housing Roundtable once established.	
<b>Objective 21: Respond to the changing needs of local neighbourhoods</b>	21.1: Explore flexibility and supporting a mix of land uses so that local streets and spaces can be adapted to new uses and user needs over time, Improve public space, in consultation with the community, to foster and support connectivity and great places to live for changing populations.	The Planning Proposal for a mixed used zone will provide greater flexibility for a mix of land uses that support the needs of the community and improve public open space and streetscape activation. The Planning Proposal will require the provision of a publicly accessible open space/plaza that has a minimum area of 3,000m <sup>2</sup> and connection to a new public through-Site link. These spaces will foster community connection and improved amenity for the community. Moreover, integrating a mix of retail, health, and leisure space will future-proof the Site and ensure it continues to contain diverse employment-generating uses. Moreover, this mixed use integration will respond to the shift in more people working from home and shopping locally at locations within walking distance to their homes.	✓
<b>Objective 24: Support major events, public art and cultural activities</b>	24.1: Support public art, major events and cultural activities.	The proposed public open space will provide a public plaza space that can be used for events, performances and gatherings. The vision for the green heart of the Site is for it to be an area where people can gather and serve as a focal point for the community for major events and cultural activities.	✓
<b>Objective 28: Create connected and accessible walking and cycling networks</b>	28.1: Improve and/or create connected and accessible walking and cycling networks.	The Planning Proposal will require a future publicly accessible 24/7 through Site link that will create new pedestrian connections through the Site from Cowper Street to King Street, Northcliffe Drive and to the existing public open space alongside Kully Bay.	✓

#### Q4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

##### Wollongong Local Strategic Planning Statement 2022

The Wollongong Local Strategic Planning Statement (LSPS) contains planning priorities and actions of which this Planning Proposal aligns with. The LSPS, which represents Council's 20-year vision and strategy for the LGA's future direction, and contains directions about economic growth, housing, inclusive and connected communities, climate action and resilience, protection of the natural environment, infrastructure and transport. The LSPS draws from the Illawarra Shoalhaven Regional Plan 2041 and implements the planning priorities identified from these larger strategic documents at a local level.

The Planning Proposal's consistency with the LSPS is demonstrated in **Table 9** below.

**Table 9** Planning Proposal's consistency with the LSPS

Theme	Consistency	
Jobs and Economic Growth	Council references its Economic Development Strategy 2019-2029 which identifies a jobs target of 10,500 by 2029. The Planning Proposal will provide enhanced retail and health floor space which will generate a total of 540 FTE jobs per annum. It also identifies a strategic objective of lifting medium incomes by focusing on generating new jobs in industries that are high-paying. The increased permanent local population generated by the increased housing will also drive reactivation of the precinct, greater consumer demand and foot-traffic, which will attract business investment and drive local economic growth. .	✓

Theme	Consistency	
Housing for all	The LSPS identifies a strategic need for increased housing stock diversity, especially more 1-2 bedroom dwellings, a review of planning controls for future housing growth, and the increased supply of affordable rental housing. This Planning Proposal will facilitate the provision of approximately 1,300 dwellings, which will include a diverse mix of housing, including 1-2 bedroom dwellings. Moreover, 10% of all floor space used for the purpose of residential accommodation is to be used for the purpose of affordable housing, managed by a Community Housing Provider who is registered in accordance with the National Regulatory System for Community Housing.	✓
Inclusive and connected communities	The Planning Proposal seeks to amend the land use zoning from E2 to MU1 to provide for a mix of land uses that support the needs of the community. This includes public open space, health, child care and leisure uses that will provide crucial social infrastructure in accordance with Council's Social Infrastructure Planning Framework. The Planning Proposal will require the provision of a publicly accessible open space/plaza that has a minimum area of 3,000m <sup>2</sup> and connection to a new public through-Site link. These spaces will foster community connection, improved amenity for the community, creative spaces for performances and play spaces for children.	✓
Climate change and resilience	Future development on the Site must meet the sustainability objectives set out in the Design Guidelines ( <b>Appendix E</b> ) and ESD Report ( <b>Appendix F</b> ), which will ensure future development protects natural assets, reduces the Wollongong LGA's ecological footprint, improves the urban environment and creates a healthy future.	✓
Protect the natural environment	The Planning Proposal will require future development to provide adequate vegetation on the Site which will support Urban Greening. It will not result in any adverse flooding or biodiversity impacts.	✓
Enabling infrastructure and transport	The Planning Proposal will require the provision of a future through-Site link which will improve pedestrian and bicycle connections between Cowper Street, King Street, Northcliffe Drive and existing open space areas to the south of the Site. Moreover, the Planning Proposal will provide additional residential development opportunities that are well-connected to existing public transport infrastructure.	✓

### Wollongong Local Housing Strategy 2023

The Wollongong Local Housing Strategy 2023 guides the improvement of housing outcomes in the Wollongong LGA to accommodate an additional 55,375 people by 2041, which will require an additional 28,000 dwellings. The Strategy identifies key locations that are appropriate for housing growth by proposing to align residential development controls with the retail and business centres hierarchy. Specifically, it recommends the following in relation to Wollongong's retail and business centres:

- *Review the opportunity to provide of additional housing in key Town Centres, to be undertaken following the completion of the Retail and Business Centres Strategy*
- *Review the FSR in town centres*
- *Review the building height in town centres*

Warrawong is identified as a Major Regional Centre in the Wollongong Retail and Business Centres Strategy 2023. Accordingly, the Action L10 of the Wollongong Local Housing Strategy states:

*Warrawong – increase development potential around the town centre.*

This Planning Proposal is therefore consistent with the Wollongong Local Housing Strategy as it proposes to rezone the Site under the MU1 Mixed Use zone and increase building heights up to 78m. This responds to the strategic need for increased housing stock, as the proposed amendments to the planning controls will increase development potential to enable the provision of approximately 1,300 dwellings on the Site.

The Wollongong Local Housing Strategy also identifies a strategic need for increased affordable rental housing. Specifically, Action ARH4, states that planning proposals requests seeking to permit residential development and increased residential density should incorporate minimum of 5% gross floor area as Affordable Rental Housing.

This Planning Proposal is consistent with ARH4 as 10% of all floor space used for the purpose of residential accommodation is to be used for the purpose of affordable housing, managed by a Community Housing Provider who is registered in accordance with the National Regulatory System for Community Housing

Housing diversity, mix and choice is also identified as a key priority within the Wollongong Local Housing Strategy. Action D1 proposes that the mix of dwellings sizes in residential flat buildings and shop top housing developments be amended to increase the proportion of single bedroom / studio dwellings from 10% to 20%. The Reference Design demonstrates that the Site, subject to the Planning Proposal, can accommodate a dwelling mix of 20% single bedroom/studio dwellings, within a range of housing typologies including apartments and terrace housing.

### **Wollongong Retail and Business Centres Strategy 2023**

The Wollongong Retail and Business Centres Strategy provides Council with strategic directions to appropriately deliver more sustainable local employment opportunities, economic productivity and convenient access to services for an increasing and evolving population. It identifies Warrawong as a Major Regional Centre, which is the second-highest centre type in the Wollongong LGA behind the Wollongong Town Centre.

This Planning Proposal will reinforce Warrawong as a major retail centre, primarily through the proposed Site-specific LEP clause requiring a minimum of 50,000m<sup>2</sup> on non-residential floor space. This will ensure that all future development on the Site will maintain the quantum of retail and non-residential floor space that is currently on the Site, in order to reinforce Warrawong's role as one of the two major retail centres in the Wollongong LGA. Notwithstanding, the range of urban design benefits and opportunities, including the provision of through-site links and an activated street frontage with an outward-facing Plaza will improve retail and non-residential offerings, and result in a more vibrant and activated Town Centre.

This Planning Proposal is specifically consistent with the following recommendations contained within the Wollongong Retail and Business Centres Strategy:

- 'Recommendation 6: Explore opportunities to increase residential density' of the Wollongong Retail and Business Centres Strategy which recommends a review of residential density controls in the direct catchment of the Warrawong centre. Therefore, this Planning Proposal is consistent, as it proposes new residential density controls for a key Site within the Warrawong centre.
- 'Recommendation 11: Facilitate an appropriate range of land use options to increase activity within, and patronage of centres' recommends the provision of a mix of housing types and densities in and around centres. The Planning Proposal will provide medium to high density housing within the Warrawong Town Centre where there are currently minimal options for those types of development. This will increase the residential population within Warrawong which in turn will increase patronage, activity and vibrancy within the Major Retail Centre. The Planning Proposal will also require a mix of land uses on the Site that meet the everyday needs of people and thereby attract increased activity in the centre, including health and leisure and an enhancement of existing retail uses, particularly large anchor tenants.
- 'Recommendation 18: Plan for walkable centres' recommends the developments include clear sightlines to key public open spaces and civic built form, and through-Site links through large blocks. This Planning Proposal will facilitate future through-Site links which will improve legibility, wayfinding, accessibility and permeability for active transport modes, while also providing clear sightlines through the Site to Council's soon-to-be reimagined Cowper Street high street, and Darcy Wentworth Park and Noel Mulligan Oval to the south.

### **Warrawong Town Centre Masterplan**

In 2013, Council prepared the Warrawong Town Centre Masterplan. It set the following vision for Warrawong Town Centre:

*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.*

*Building on Warrawong's unique features and strong community, small, transitional changes will improve the experience, amenity, function and economic performance of the centre.*

The Planning Proposal embodies this vision by retaining and enhancing the existing major retail shopping centre with future public open spaces, through-site links, recreational spaces and essential services that will bring people together and contribute towards the desired transitional changes that will improve the experience, amenity and function of the Town Centre. These public spaces will also bring together community organisations



to plan the activation of these public spaces for community events such as local food markets or art exhibitions, family focussed events and other community activities. Moreover, the diverse mix of retail, leisure, health, education and other employment-generating land uses will promote sustainable economic performance of the centre, while introduction of residential development, including affordable housing, in conjunction with educational space for a partner university, will facilitate the retention of population and talent within Warrawong.

Functionally, the Warrawong Town Centre Masterplan related to the public domain and ground plane, proposing a redefined street, plaza and park network to revitalise Warrawong's key streets. The Masterplan was not related to building height, density or uses. The Masterplan is shown below in **Figure 40**:



**Figure 40 Warrawong Town Centre Masterplan 2013**

Source: Wollongong City Council

Key to the Masterplan is making Cowper Street the focal point and main high street of Warrawong. Accordingly, Council is currently undertaking a concept design process to transform Cowper Street into the main high street of Warrawong, including through removing the median fencing, provision of a parking lane, improvement to pedestrian crossings, provision of wider footpath areas, planting of shade trees and provision for outdoor dining within the road reserve area. The Reference Design and supporting documents that accompany the Planning Proposal demonstrate that a future redevelopment of the Site can be integrated with Council's public domain

vision for Cowper Street and can provide active and diverse uses that will contribute to Cowper Street's revitalisation. This will be formalised through the Design Guide which contains objectives relating to public open space and integration with Cowper Street.

The Masterplan also emphasises a pedestrian focus and laneway activation. The Design Guide proposed as part of this Planning Proposal will require a new through-Site link to enhance pedestrian connectivity and permeability within the centre, with a focus on improving connectivity and amenity between Cowper Street and the Kully Bay open space network.

A town plaza and public open space on Cowper Street is also a key aspiration of the Masterplan. Opportunities for a town plaza were located on the existing hardstand car parking area accessed off Cowper Street as part of the Masterplan, on the presumption that the existing retail floorplate would remain within an internalised mall configuration. The potential wholesale urban renewal of the Site was not considered in the Masterplan, which simply assumed a business as usual approach to the existing internalised shopping mall with no change in built form or urban function. It is therefore appropriate to revisit the structural planning in this context, and to utilise space and activation to enhance pedestrian connection and activity between the site and Cowper Street, and between Cowper Street and the Kully Bay green grid.

This Planning Proposal seeks to provide more flexibility in the location of a town plaza within the Site. Specifically, the Design Guide is proposed to require the provision of a new publicly accessible plaza which is activated throughout the day and evening to provide a high-quality urban open space within the most frequently visited area of the Warrawong centre. In conjunction with a future through-site link, the public open spaces within the Site will be integrated with Cowper Street. The Reference Design locates the 'Green Heart', adjacent to the through-site link to connect the Cowper Street frontage and Northcliffe Drive. The location of the Green Heart would continue to capture sun whilst providing areas of shade throughout the year. The space would be inviting for pedestrians due to the high quality of embellishments, activation and proximity to the main point of visitation within Warrawong Town Centre, being the retail centre.

The Master Plan also envisages mixed-use developments on the surrounding blocks within a medium to long term timeframe, with ground level non-residential uses and housing above, akin to the reference design. To date, 11 years since the inception of the Masterplan, there have been no new mixed-use developments in the Town Centre. As such, there is ample capacity and opportunity within the Town Centre to sustain future mixed-use development on the site, and the Planning Proposal aligns with the Master Plan's vision for residential uses within the Town Centre.

Overall, the proposed Mixed Use zoning reflects the vibrant and diverse mix of uses that Council envisaged to front Cowper Street and for the Warrawong Town Centre as a whole. This Planning Proposal is consistent with the intent and key directions and aspirations of the Warrawong Town Centre Masterplan 2013.

Wollongong Community Strategic Plan – Our Wollongong Our Future 2032


The Wollongong Community Strategic Plan, adopted in 2022, identifies the community's desired future for the Wollongong LGA, and its main priorities and strategies for achieving those goals over the next ten years. It is an important reference point for understanding and planning for the community's needs and desires. The Community Strategic Plan identifies the following goals:

- Goal 1 – We value and protect our environment.
- Goal 2 – We have an innovative and sustainable economy.
- Goal 3 – Wollongong is a creative, vibrant city.
- Goal 4 – We are a connected and engaged community.
- Goal 5 – We have a healthy community in a liveable city.
- Goal 6 – We have affordable and accessible transport.

It also references the United Nations Sustainable Development Goals (UN SDGs).

The Planning Proposal's consistency with these goals is discussed in **Table 10** below.

Table 10 Planning Proposal's consistency with the LSPPS

Goal	Consistency
Goal 1 – We value and protect our environment	This Planning Proposal will preserve the existing nearby waterways and wetlands as it unlikely to result in any adverse environmental impacts to the health, biodiversity and resilience of these surrounding ecosystems. Future 

Goal	Consistency
	<p>development will be required to attain aspirational sustainability goals, as outlined in the ESD Report (<b>Appendix F</b>), contributing towards the reduction in carbon emissions. The unique character of the Wollongong LGA will be retained, in that the existing major retail centre will be retained and enhanced, with improved connections to Cowper Street and public open space to the south, while also balancing housing growth and population demand.</p>
<p>Goal 2 – We have an innovative and sustainable economy</p>	<p>This Planning Proposal will maintain the quantum of non-residential floor space on the site, while facilitating that floor space to be provided in a manner which will result in greater activation of the Town Centre. As such, the Planning Proposal will:</p> <ul style="list-style-type: none"> <li>• Revitalise one of the Wollongong LGAs major retail centres with modern development and a vibrant and revitalised town centre with an active evening economy. Specifically, the Planning Proposal will enable development that integrates with the renewal of Cowper Street, and provides laneways and active edges that can have a fine grain mix of food and beverage, retail uses, and public open space which will foster a vibrant evening economy.</li> <li>• Contribute to the growth of Wollongong LGAs service economy.</li> <li>• Provide floorspace for creative and commercial floorspace suitable for the innovative economy, entrepreneurs and research.</li> <li>• Increase and attract new business investment and enterprise to Wollongong while supporting and growing existing local businesses. A key driver of this will be the substantial growth in the local permanent population which will drive and sustain economic growth for years to come. This will consequently generate more employment opportunities, retain young people and local talent, and also attract new workers, especially younger people who prefer to live in smaller dwellings within mixed-use precincts, and also provide more opportunities for the unemployed.</li> </ul>
<p>Goal 3 – Wollongong is a creative, vibrant city</p>	<p>The replanning of non-residential floorspace on the site will attract businesses that encourage innovation and creativity. The provision of 10% affordable housing will contribute towards reducing inequality and strengthening vulnerable communities. The Planning Proposal also proposes a network of public open spaces, including a new town plaza, which will provide the community with a quality and accessible local space to meet, share and celebrate. This future town plaza will also be a place where events and festivals could be held.</p>
<p>Goal 4 – We are a connected and engaged community</p>	<p>The Planning Proposal will provide opportunities to deliver enhancements in local community infrastructure and amenity through the provision of new medical and health facilities, centre-based childcare, new pedestrian through-site links, the provision of a significant new urban public space and enhanced public domain. It will also provide opportunities to build awareness and understanding of Local Aboriginal and Torres Strait Islander culture, heritage and histories through showcasing Connecting with Country principles in future detailed design.</p>
<p>Goal 5 – We have a healthy community in a liveable city</p>	<p>The Planning Proposal will promote a healthy and liveable city in that it will enable future development that will provide:</p> <ul style="list-style-type: none"> <li>• A mix of housing diversity and affordable housing to meet the needs of the LGA's growing population and need for housing affordability.</li> <li>• Quality essential services and facilities including supermarkets, fresh food retail, and pharmacies that meet the needs of the community and are located in close proximity to residential neighbourhoods.</li> <li>• Accessible, appropriate and adequate medical, health facilities that meet the needs of the community and promote healthy living</li> <li>• Essential food retail outlets to enable all people to have access to safe, nutritious and sustainably produced food.</li> <li>• A variety of quality and accessible public leisure space to foster social cohesion and healthy living, including a range of active and passive open spaces and facilities to cater for traditional and emerging recreational preferences.</li> <li>• A new accessible, safe, clean, inviting and inclusive public domain.</li> </ul>

Goal	Consistency	
Goal 6 – We have affordable and accessible transport	The Planning Proposal will enable the provision of greater pedestrian and bicycle permeability through the Site, to promote and increase efficiency of active transport modes throughout the Site. The Transport Report ( <b>Appendix M</b> ) demonstrates that the service levels of the surrounding road network will be maintained.	✓

## Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other applicable State and regional studies or strategies.

## Q6. Is the Planning Proposal consistent with applicable State Environment Planning Policies?

The State Environmental Planning Policies directly applicable to the Planning Proposal are identified in **Table 11**

**Table 11** Consistency with State Environmental Planning Policies

SEPP	Consistent		N/A	Comment
	Yes	No		
State Environmental Planning Policy (Biodiversity and Conservation) 2021			✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008			✓	Not relevant to the proposed LEP amendment. Future development may occur as exempt of complying development under this SEPP, with the exception of a small slither of land at the south-western corner of the Site which is identified as an environmentally sensitive area (within 100m of coast wetland), on which exempt of complying development is not permitted.
State Environmental Planning Policy (Housing) 2021	✓			The Planning Proposal includes requirement that 10% of all floor space used for the purpose of residential accommodation is to be used for the purpose of affordable housing, managed by a Community Housing Provider who is registered in accordance with the National Regulatory System for Community Housing, for a minimum period of 15 years. This is consistent with the requirements for infill affordable housing until Part 2, Division 1 of the Housing SEPP. The development standards, design requirements and floor space ratio bonus may apply to future development on the Site.
State Environmental Planning Policy (Industry and Employment) 2021			✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development			✓	Not relevant to the proposed LEP amendment. Future residential apartment development will need to comply with the requirements of the Apartment Design Guide.
State Environmental Planning Policy (Planning Systems) 2021			✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Precincts—Central River City) 2021			✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021			✓	Not relevant to the proposed LEP amendment.



SEPP	Consistent	N/A	Comment
State Environmental Planning Policy (Precincts—Regional) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Precincts—Western Parkland City) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Primary Production) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Resilience and Hazards) 2021		✓	Not relevant to the proposed LEP amendment. Notwithstanding: <ul style="list-style-type: none"> <li>The south-western corner of the Site is located on land identified as “proximity area for coastal wetlands”. The consent authority for future development must be satisfied that any future proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.</li> <li>The majority of the Site except for the north-eastern corner is located on land identified as coastal environmental area. Future development on the Site be in accordance with the clause 2.10 of the SEPP.</li> </ul>
State Environmental Planning Policy (Resources and Energy) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Sustainable Buildings) 2022	✓		The Planning Proposal will require future development to be consistent with the new BASIX standards, the NSW Net Zero Plan: Stage 1, and new provisions for non-residential development. ESD principles and evidence-led performance controls for future development that will facilitate consistency with these standards and plans are outlined in the ESD Report ( <b>Appendix F</b> ).
State Environmental Planning Policy (Transport and Infrastructure) 2021	✓		<p>The Site fronts King Street which is a classified road. A future development is likely to be considered traffic generating development under the following thresholds of Schedule 3 and referral to RMS would be required as part of any future DA on the Site:</p> <ul style="list-style-type: none"> <li>2,500m<sup>2</sup> in commercial gross floor area with access to a classified road</li> <li>75 or more dwellings with access to a classified road</li> <li>300 or more dwellings with access to a road (generally)</li> </ul> <p>Future child care development on the Site will need to consider the applicable provisions of the Child Care Planning Guideline.</p>

## Q7. Is the Planning Proposal consistent with the applicable Section 9.1 Directions?

The proposal's consistency with applicable Section 9.1 Directions is assessed in **Table 12**.

**Table 12** Assessment of Section 9.1 Directions

Ministerial Direction	Consistent	Comment
	Yes No N/A	
<b>Focus area 1: Planning Systems</b>		
1.1 Implementation of Regional Plans	✓	The Planning Proposal is consistent with the Illawarra Shoalhaven Region Plan 2041 as demonstrated in <b>Section 7.1.1</b> and <b>7.1.2</b> of this report.

Ministerial Direction	Consistent	Comment
1.2 Development of Aboriginal Land Council land	✓	Not applicable.
1.3 Approval and Referral Requirements	✓	This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation, or referral, nor does it identify development as designated development.
1.4 Site Specific Provisions	✓	The Planning Proposal will not result in any unnecessarily restrictive site-specific planning controls. The proposed site-specific clause contains a minimum floor space requirement for specified non-residential land uses to ensure that the Site retains at least its existing quantum of retail and non-residential functions despite its proposed Mixed Use zoning. This is not unnecessarily onerous as the Site currently functions as a shopping centre and the intent of the Planning Proposal is for the centre to maintain its function as a key regional shopping centre. The proposed site-specific clause also requires consistency with the proposed Warrawong Plaza Design Guidelines, which will function to safeguard the urban design commitments made within this Planning Proposal, including provision of public open space, a through-site link, essential services and retail facilities and affordable housing.
<b>Focus area 1: Planning Systems – Place-based</b>		
1.5 Parramatta Road Corridor Urban Transformation Strategy	✓	Not applicable.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	✓	Not applicable.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✓	Not applicable.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✓	Not applicable.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	✓	Not applicable.
1.10 Implementation of Western Sydney Aerotropolis Plan	✓	Not applicable.
1.11 Implementation of Bayside West Precincts 2036 Plan	✓	Not applicable.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	✓	Not applicable.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	✓	Not applicable.
1.14 Implementation of Greater Macarthur 2040	✓	Not applicable.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	✓	Not applicable.

Ministerial Direction	Consistent	Comment
1.16 North West Rail Link Corridor Strategy	✓	Not applicable.
1.17 Implementation of the Bays West Place Strategy	✓	Not applicable.
1.18 Implementation of the Macquarie Park Innovation Precinct	✓	Not applicable.
1.19 Implementation of the Westmead Place Strategy	✓	Not applicable.
1.20 Implementation of the Camellia-Rosehill Place Strategy	✓	Not applicable.
1.21 Implementation of South West Growth Area Structure Plan	✓	Not applicable.
1.22 Implementation of the Cherrybrook Station Place Strategy	✓	Not applicable.
<b>Focus area 2: Design and Place</b>		
<b>Focus area 3: Biodiversity and Conservation</b>		
3.1 Conservation Zones	✓	Not applicable.
3.2 Heritage Conservation	✓	Not applicable.
3.3 Sydney Drinking Water Catchments	✓	The Planning Proposal will not affect the water quality of the Sydney drinking water catchment.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	✓	Not applicable.
3.5 Recreation Vehicle Areas	✓	Not applicable.
3.6 Strategic Conservation Planning	✓	Not applicable.
3.7 Public Bushland	✓	Not applicable.
3.8 Willandra Lakes Region	✓	Not applicable.
3.9 Sydney Harbour Foreshores and Waterways Area	✓	Not applicable.
3.10 Water Catchment Protection	✓	Not applicable.
<b>Focus area 4: Resilience and Hazards</b>		
4.1 Flooding	✓	The Planning Proposal (as amended) is consistent with the requirements of Direction 4.1, with further information provided in <b>Appendix G</b> . It does not seek to rezone the land in manner that will result in residential development in a high hazard area, development in floodway areas, or

Ministerial Direction	Consistent	Comment
		<p>development which will result in any significant flood impacts to other properties.</p> <p>However, the proposed increase to building heights under the Planning Proposal will allow more development to occur above the Flood Planning Level between the flood planning area and the PMF extent, which is inconsistent with Clauses 3(d) and 4(c) of Ministerial Direction 4.1 that do a permit a significant increase in development on land within the flood planning area. However, Ministerial Direction 4.1 provide consistency pathways for Planning Proposals which are inconsistent the Direction. The Planning Proposal is accompanied by a Flood Assessment Report (<b>Appendix G</b>) and Reference Design Flood Impact Assessment Report (<b>Appendix N</b>) that have been prepared in accordance with the principles of the Flood Risk Management Manual (DPE, 2023) and addresses the Planning Proposal's consistency with the relevant flood-related development controls set by Council, which meets the requirements of consistency pathway (c). Therefore, consistency pathway (c) applies and the planning proposal may be permitted to increase dwelling density in the flood planning area and between the flood planning area and the PMF, subject to approval by the planning proposal authority and the Planning Secretary.</p>
4.2 Coastal Management	✓	<p>A small portion of the Site is located within land identified as in proximity of coastal wetlands. The majority of the subject Site is identified as being within the Coastal Environment mapped area and therefore the Site is considered to be located within the coastal zone.</p> <p>The Planning Proposal is consistent with the objects of the <i>Coastal Management Act 2016</i> as it:</p> <ul style="list-style-type: none"> <li>• Will protect the natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience.</li> <li>• Will continue to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety.</li> <li>• Acknowledges Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone.</li> <li>• Recognises the coastal zone as a vital economic zone and seeks to support it through a new mixed-use redevelopment.</li> <li>• Will facilitate ecologically sustainable development in the coastal zone and promote an environmentally, economically and socially sustainable use of the Site.</li> </ul> <p>The Planning Proposal is consistent with the objectives for coastal wetlands and littoral rainforests area as:</p> <ul style="list-style-type: none"> <li>• It is unlikely to affect the natural state of the nearest coastal wetlands, including its biological diversity and ecosystem integrity.</li> <li>• It is unlikely to hinder the rehabilitation and restoration of nearby coastal wetlands.</li> <li>• It is unlikely to adversely affect the resilience of the nearby coastal wetlands to the impacts of climate change and opportunities for migration.</li> <li>• It will continue to support the social and cultural values of nearby coastal wetlands, and improve connections to them.</li> </ul>



Ministerial Direction	Consistent	Comment
		<p>The Planning Proposal is consistent with the objectives for the coastal environment area as:</p> <ul style="list-style-type: none"> <li>• It will continue to protect the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and particularly enhance views to its natural character, and scenic value. It is unlikely to affect biological diversity and ecosystem integrity.</li> <li>• It is unlikely to pose a threat to the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change.</li> <li>• It is likely to maintain and improve water quality and estuary health.</li> <li>• It will continue to support the social and cultural values of the nearby coastal waters, lakes and lagoons.</li> <li>• It will maintain the presence of beaches, dunes and the natural features of foreshores, particularly Port Kembla Beach.</li> <li>• It will maintain and enhance public access, to the foreshore.</li> </ul> <p>It is unlikely that the Planning Proposal will affect any coastal management programs currently undertaken by Council in accordance with the NSW Coastal Management Manual and associated toolkit.</p> <p>The planning proposal does not seek to rezone land to enable increased development or a more intensive land use on land within a coastal wetlands and littoral rainforests area.</p> <p>The Planning Proposal is consistent with the Draft NSW Coastal Design Guidelines in that:</p> <ul style="list-style-type: none"> <li>• It will protect and enhance coastal environment values by avoiding development in sensitive coastal environments or natural foreshore features, is unlikely to affect the sensitive coastal ecosystem of Kully Bay, and will not disturb acid sulfate soils in a manner which would adversely affect any nearby coastal ecosystems.</li> <li>• It will protect coastal wetlands as it does not increase development or intensify land uses in these areas.</li> <li>• The proposed built form is appropriate for the coast and local context as the Site is well-set back from the coast, does not dominate any coastal elements, foreshores or public spaces. Future development will incorporate water sensitive urban design measures. While the proposed building heights are generally higher than those recommended, they are balanced with the need to achieve a positive outcome from the Town Centre streetscape and to ensure provision of much-needed residential development is provided.</li> <li>• It proposes consolidated development on an existing site, as opposed to increasing coastal sprawl.</li> <li>• It avoids any development on the foreshore or coastal dunes.</li> <li>• It protects solar access to public open space and foreshore areas (see shadow diagrams in <b>Appendix B</b>).</li> <li>• It supports the coastal economy by providing enhanced retail services that will serve those who engage with key coastal industries.</li> <li>• It will facilitate increased green infrastructure, including a new public plaza and through-site links.</li> <li>• It takes into account future flooding risk (see <b>Appendix G</b>) and avoids locating any key land uses or infrastructure in</li> </ul>

Ministerial Direction	Consistent	Comment
		<p>areas of likely flooding risk, including those as a result of climate change.</p> <p>This Planning Proposal is therefore consistent with this direction.</p>
4.3 Planning for Bushfire Protection	✓	Not applicable. The Site is not mapped as being affected by Bushfire Hazard.
4.4 Remediation of Contaminated Land	✓	The Phase 1 Site Investigation for the Site ( <b>Appendix H</b> ) has determined that the Site is suitable for the land use purposes for which this Planning Proposal relates.
4.5 Acid Sulfate Soils	✓	The Site contains only the potential for Class 4 and 5 acid sulfate soils. The Preliminary Site Investigation ( <b>Appendix H</b> ) and Preliminary Geotechnical Desktop Study ( <b>Appendix I</b> ) determine that the potential acid sulfate soils do not adversely impact the appropriateness of the proposed land uses on the site.
4.6 Mine Subsidence and Unstable Land	✓	Not applicable.
<b>Focus area 5: Transport and Infrastructure</b>		
5.1 Integrating Land Use and Transport	✓	<p>This Planning Proposal relates to a change of a zone and provision that relates to urban land, particularly residential development. It meets the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that:</p> <ul style="list-style-type: none"> <li>• It will provide residential accommodation in an area well serviced by public transport, as the Site is serviced by several local and regional public bus routes, which provide connectivity to a range of services and destinations as well as connections to other public transport services.</li> <li>• Improved pedestrian links are proposed promoting active transport.</li> <li>• Future development will promote increased cycling.</li> </ul>
5.2 Reserving Land for Public Purposes	✓	Not applicable.
5.3 Development Near Regulated Airports and Defence Airfields	✓	Not applicable.
5.4 Shooting Ranges	✓	Not applicable.
<b>Focus area 6: Housing</b>		
6.1 Residential Zones	✓	<p>Residential development is permitted within the proposed MUI Mixed Use zone. The Planning Proposal is consistent with this direction as:</p> <ul style="list-style-type: none"> <li>• The Site is currently well-serviced with sufficient community and utilities infrastructure (refer to <b>Section 7.2.2</b> of this report)</li> <li>• The proposed planning controls will broaden the choice of building types by providing the first new high density housing stock in Warrawong.</li> <li>• The Design Guide requires future development to be of good design.</li> </ul>

Ministerial Direction	Consistent	Comment
		<ul style="list-style-type: none"> <li>Any future residential development of the Site will need to demonstrate compliance with the Apartment Design Guide.</li> </ul>
6.2 Caravan Parks and Manufactured Home Estates	✓	Not applicable.
<b>Focus area 7: Industry and Employment</b>		
7.1 Business and Industrial Zones	✓	<p>The Planning Proposal is consistent with the direction and its objectives in that:</p> <ul style="list-style-type: none"> <li>Warrawong Plaza is within an existing major retail centre that can support and accommodate employment growth.</li> <li>The proposed mix of non-residential land uses will support the viability of the centre.</li> <li>It retains the existing retail use of the Site and its quantum of retail floorspace.</li> <li>It proposes to increase the total amount of employment generating and essential services floor space on the Site.</li> </ul>
7.2 Reduction in non-hosted short-term rental accommodation period	✓	Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	✓	Not applicable.
<b>Focus area 8: Resources and Energy</b>		
8.1 Mining, Petroleum Production and Extractive Industries	✓	Not applicable.
<b>Focus area 9: Primary Production</b>		
9.1 Rural Zones	✓	Not applicable.
9.2 Rural Lands	✓	Not applicable.
9.3 Oyster Aquaculture	✓	Not applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	✓	Not applicable.

## 7.2 Site-specific merit

### 7.2.1 Section C – environmental, social and economic impact

#### Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

#### Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A detailed assessment of the environmental effects as a result of this proposal is identified in **Section 8.0**. Relevant management measures are identified where appropriate and, on this basis, no unacceptable impacts are likely to result from this rezoning request or future development on the Site.

## Q10. Has the planning proposal adequately addressed any social and economic effects?

### Economic Effects

Yes. The economic effects arising from this Planning Proposal have been fully identified and addressed by the Economic Report at **Appendix J**. In summary, the planning proposal will contribute to a number of positive economic effects, including the following:

- The construction phase of a future development is expected to support up to \$2.65 billion in economic output, \$990 million in gross value add, \$500 million in income over 12 years and an average of 540 fulltime equivalent (FTE) jobs per annum throughout the construction period. These indirect benefits will be predominantly realised onsite and are expected to be contained to the Wollongong region given the existing capacity of the construction and industrial sectors in the region.
- The planned net increase in employment land uses onsite is expected to result in a combined direct and indirect operational employment impact of 540 FTE jobs per annum.
- The substantial increase in housing provision will significantly grow the local population residing within the Warrawong Town Centre by approximately 2,600 people. As more people move into the area, demand for goods and services will increase, prompting businesses to open or expand, and attracting external investment to the area. A larger population base will also allow businesses to scale up operations and increase employment opportunities, resulting in significant economic growth. With increased foot traffic and consumer spending, occupancy of vacant tenancies along the main streets is likely to be improved, resulting in a more vibrant centre and active streetscape. An expanded local population also fosters a greater sense of community and facilitates the achievement of a critical population mass required to support existing events and host greater community events, thereby bringing sustainable activation to Warrawong.
- The proposed mix of non-residential land uses will enhance the economic profile of the site and area. This will increase employment opportunities. It will also result in expanded economic demand throughout the day and into the evening, contributing to an 18-hour economy within the town centre.
- Location of a diverse range of retail, essential services and leisure on site and near residential communities will facilitate a walkable community. This will reduce travel time and frequency of trips required by people. This reduction in travel requirements not only enhances convenience but also contributes to a more sustainable and efficient mode of operation for the community.
- The proposed residential development can accommodate for the expected increase of population density in the Wollongong LGA, and will provide diverse housing choice and affordable housing options.

### Social Effects

Yes. The Planning Proposal will contribute to a number of positive social effects including:

- Provision of affordable housing to account for the Wollongong LGA's growing population and meet community needs for affordability. The specific social benefits of the proposed affordable housing is set out in the Affordable Housing Statement (**Appendix D**) and summarised below:
  - Providing affordable housing contributing towards the transformation and empowerment of their future.
  - Empowerment of women, broadening avenues for education, employment, healthcare, and nutrition.
  - Contributing towards community-centric and inclusive multicultural outcomes, and aligning with 16 (out of 17) of the United Nations Sustainable Development Goals.
- Additional employment opportunities be provided through the creation of new jobs.
- A larger local population also fosters a greater sense of community and will facilitate the achievement of a critical population mass required to host existing and new community events, bringing sustainable activation to Warrawong.
- The ability to celebrate the creativity, history and identity of the community through opportunities for community art and celebration of culture within the future public open spaces proposed.
- Provision of high-quality and accessible public open spaces and the retention and expansion of the existing retail shopping centre for the community to meet, share and celebrate, fostering greater social cohesion and community resilience.



- Opportunities to deliver enhancements in local community infrastructure and amenity through the provision of new medical and health facilities, centre-based childcare, new pedestrian through-Site links, the provision of a significant new urban public space and enhanced public domain.
- Opportunities to build awareness and understanding of Local Aboriginal and Torres Strait Islander culture, heritage and histories through showcasing Connecting with Country principles in future detailed design.
- Provision of quality essential services and facilities including supermarkets, fresh food retail, and pharmacies that meet the needs of the community and are located in close proximity to residential neighbourhoods.
- Provision of accessible, appropriate and adequate medical, health facilities that meet the needs of the community and promote healthy living.
- Provision of a new child care facility on the Site which, at a minimum, meets the anticipated needs arising from the future residential and employee population of the Site, allowing parents to work.
- Provision of essential food retail outlets to enable all people to have access to safe, nutritious and sustainably produced food.
- Provision of a variety of quality and accessible public leisure space to foster social cohesion and healthy living, including a range of active and passive open spaces and facilities to cater for traditional and emerging recreational preferences.
- Provision of a new accessible, safe, clean, inviting and inclusive public domain.
- Provision of greater pedestrian and bicycle permeability through the Site, to promote and increase efficiency of active transport modes throughout the Site.
- Bringing together community organisations to plan the activation of these public spaces for community events such as local food markets or art exhibitions, family focussed events and other community activities.

These social benefits are aligned with the Wollongong Community Strategic Plan and Wollongong Local Housing Strategy, which both outline key strategies and goals for achieving positive social impact. Specifically, the Wollongong Community Strategic Plan identifies the community's priorities for the Wollongong LGA. As this Planning Proposal is consistent with all relevant priorities, its contribution to these priorities will result in positive growth in social and community wellbeing.

## 7.2.2 Section D – Infrastructure (Local, State and Commonwealth)

### Q11. Is there adequate public infrastructure for the Planning Proposal?

#### Utilities Infrastructure

A Utilities Infrastructure Capacity Assessment and Site Servicing Report has been prepared by Arup (**Appendix J**). It outlines the existing electrical, telecommunications, sewerage and potable water infrastructure that currently services the site and analyses their capacity to accommodate future development enabled by the Planning Proposal. A summary of Arup's assessment is provided below.

- **Electrical services:** current electrical infrastructure can only support part of the future load required, even though existing substations can be retained and reused. The Infrastructure Report contains correspondence from Endeavour Energy that confirms that the Proponent can acquire an electricity connection from Endeavour Energy that meets the estimated load requirement of a future development.
- **Telecommunications:** The site currently has Telstra and NBN telecommunications cable connections. New NBN connections for the future residential developments will be required.
- **Potable water:** The master water meter, sprinkler booster and hydrant booster will need to be upgraded in the future. The current network of pipes does not have adequate capacity to serve the future development. Upgrades will be required to increase the capacity of the Cowper Street and King Street mains. The Infrastructure Report details potential upgrade options, which can be satisfactorily addressed at the DA stage.
- **Sewerage:** The site currently has three sewer connection to different sewerage mains. The sewer authority mains are sufficient to serve a future development, provided there are multiple sewer connections from the site to those mains. If a single sewer connection is required for the site, the sewer authority's infrastructure will need to be upsized, which can be satisfactorily addressed at the DA stage.

Overall, the site is well-serviced by existing utilities infrastructure, and can accommodate the future development envisaged by the Planning Proposal subject to some upgrades that are not unusual for a site of this size and complexity. Future development will necessitate some upgrades to water mains. As such, the Infrastructure Report recommends a Feasibility Study be completed to ensure feasible connections can be made. Further design will also be required with the relevant electrical and telecommunications companies to

ensure that the additional capacity required for the development does not raise an issues. These are all standard planning and development matters that can be appropriately dealt with as part of future DAs.

## Community Infrastructure

A Community Infrastructure Statement prepared by Ethos Urban (**Appendix L**) provides a high-level assessment of the key community infrastructure requirements arising from a Planning Proposal. A summary of its findings is provided below.

The Site is very well-located in respect of access to education, health care, community facilities and passive and active open space. Any future population on the subject Site will gain significant amenity from proximity to a wide range of community infrastructure in the locality, as well as direct access to community infrastructure and amenities proposed to be delivered on the subject Site.

This Community Infrastructure Statement has not identified any locality- or site-specific constraints in terms of community infrastructure capacity or availability which would constrain the ability for future population growth in accordance with the Planning Proposal. Whilst the project will result in delivery of additional housing which is not currently present on the Site, it is considered that the infrastructure needs of these households can be met within the existing infrastructure funding and provision frameworks which apply to the Site.

Whilst this section does not address housing demand, which is addressed above in **Section 7.1.1** of this Planning Proposal Report, it is noted that the provision of 10% of future residential floorspace as Affordable Rental Housing is a very significant community infrastructure contribution in excess of any existing planning requirements.

**Table 13** outlines the current community infrastructure provision and identifies the appropriate contributions, funding sources and assurances to enable the provision of the necessary community infrastructure provision.

**Table 13** Summary of findings of the Community Infrastructure Statement

Infrastructure Category	Current Provision	Impact of Proposal	Project Contribution & Funding Sources
<b>Education</b>	Good provision of early-childhood education facilities Close proximity to local government primary and secondary schools	Net positive impact on early childhood care and education. Provision of additional childcare capacity surplus to immediate needs of development. Increase in demand for government schools, capacity to support at existing Sites.	<ul style="list-style-type: none"> <li>Design Guidelines assure provision of childcare</li> <li>NSW Housing and Productivity Contribution</li> </ul>
<b>Health Care</b>	Planned delivery of new Shellharbour Hospital at Dunmore. Approx. 2,800m <sup>2</sup> GLA of private health and wellbeing uses at Warrawong Plaza.	Minor additional demand for regional facilities, within capacity of planned projects such as Shellharbour Hospital and Warrawong Community Health Centre. Provision of approx. 4,000m <sup>2</sup> of local private health and wellbeing services.	<ul style="list-style-type: none"> <li>Design Guidelines assure provision of floorspace for health and wellbeing uses</li> <li>NSW Housing and Productivity Contribution</li> </ul>
<b>Community Facilities</b>	New Warrawong Library and Community Centre being developed by Council for c.2025 opening.	Additional demand for local community facilities, including library and community spaces.	<ul style="list-style-type: none"> <li>Section 7.12 Development Contributions</li> <li>NSW Housing and Productivity Contribution</li> </ul>
<b>Open Space</b>	Very high local provision of active and passive outdoor space within Kully Bay-Port Kembla Beach open space corridor. Poor provision of urban/civic spaces.	Improved access to regional open space network with Cowper-Northcliff through-Site link. Provision of a 3,000m <sup>2</sup> urban public open space within subject Site.	<ul style="list-style-type: none"> <li>Design Guidelines assure provision of urban open space and improved connection to open space network</li> <li>Section 7.12 Development Contributions</li> <li>NSW Housing and Productivity Contribution</li> </ul>

### 7.2.3 Section E – State and Commonwealth Interests

#### **Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Where necessary, further consultation with relevant authorities will be undertaken in accordance with the Gateway Determination. State and Commonwealth authorities will have the opportunity to provide comment on the planning proposal as part of its formal exhibition.

# 8.0 Environmental Assessment

## 8.1 Built form and urban design

An Urban Design Report prepared by CHROFI and Turf Design Studio (**Appendix B**) accompanies this Planning Proposal. It outlines the drivers that have informed the built form approach for the site, including with respect to the proposed LEP amendments and the accompanying Design Guidelines. These drivers include:

- Facilitating a highly active and permeable ground plane which encourages increased public engagement with the site and the surrounding streetscape. This includes the provision of new through-site linkages as well as new publicly accessible open space to provide a new meeting space which is adaptable for a diverse range of community uses.
- Ensuring building heights are sensitive to site edges, particularly in relation to low-density residential development to the east and north-east. As a result, the proposed building heights along the north-eastern and eastern edge of the site are limited to 24 metres, with a 32m height limit beyond the podium setback to Cowper Street, providing a sensitive height transition to surrounding lower-scale development.
- Maximisation of unencumbered housing, in that the southern and western edges of the site provide an opportunity to develop housing on discrete edge lots that are not encumbered by the existing retail shopping centre, and therefore their delivery can be fast-tracked. Building heights on these edges are set to maximise the amount of residential development yield on these edges to enable more housing to be delivered sooner.
- Proposing a diversity in building height to ensure the breakdown of built form and scale in a future development.
- Staggering of building heights to respect and maintain key view corridors, which is discussed in **Section 8.1.1** of this Planning Proposal Report.

### 8.1.1 View Impacts

The Urban Design Report prepared by CHROFI and Turf Design Studio (**Appendix B**) illustrates the visual analysis and key visual and view impacts of the proposed building heights based upon the Reference Design.

Consideration of visual impact is inherently subjective, and involves professional value judgements. The mere fact that a proposal will be visible does not mean that the visual impact is negative or unacceptable – it is necessary to appreciate and accept that changes in the visual characteristics of a locality will change over time in both natural and human-made environments. The key to addressing this challenge is to adopt a methodological approach which is consistent with agreed and accepted frameworks.

#### Public Views

The approach undertaken in the assessment of visual impacts on public viewpoints is generally derived from the international standard 'Guidelines for Landscape and Visual Impact Assessment' version 3 (GLVIA3), the NSW Land and Environment Court (LEC) planning principle for 'impact on public domain views' established in *Rose Bay Marina Pty Limited v Woollahra Council and anor* [2013] NSWLEC 1046 (Rose Bay) and for 'Views – general principles' established in *Tenacity Consulting v Waringah* [2004] NSWLEC 140. This framework requires an assessment of the sensitivity of the view to the nature of the change proposed, the magnitude of the nature of the change, and the significance of the nature of the change proposed factoring in sensitivity and magnitude. In addressing these considerations, factors such as the type and number of people affected, the social and cultural value of any key viewpoints, the visual characteristics of the landscape, the size or scale of existing landscape elements, the geographic context, and the duration and reversibility of the visual impacts.

However, within the established framework, it is noted that with regard to visual impacts from public viewpoints:

- Warrawong is identified as a Strategic Centre, being a higher-order centre where it is reasonable and foreseeable to expect significantly greater levels of development and taller building heights into the future than those which are currently present or allowed under current planning controls. As such, there is significant capacity within the centre to accommodate a larger magnitude of change.
- The existing local planning framework does not identify any specific public domain views or view corridors of particular scenic, cultural or social value or significance which would be impacted by the Planning Proposal. As such, there are not any specific areas of sensitivity. This is particularly notable in a region where the potential for adverse visual impacts otherwise limits the development potential of significant areas of land.



- Existing development on the site is already highly visible and prominent from existing public domain views, particularly from the Kully Bay foreshore to the south, and the existing visual presentation of Warrawong Plaza to these public domain areas is quite poor. As such, there is not any sensitivity in favour of retaining the existing development, and significant capacity to accommodate a larger magnitude of change where this enhances the overall visual quality and character of the town centre.
- The Site is located at a strategic location within the Warrawong town centre, at the intersection of the three major roads (King St, Cowper St and Northcliffe Dr) and at the focal point of the main retail street. The Site is therefore highly visible along key transport and pedestrian axis, making the visual setting relatively sensitive, but also capable of accommodating a larger magnitude of change in keeping with the strategic location.
- The Site and the wider town centre is located in a geographical bowl, which allows visibility to the site from a greater distance than would otherwise be possible in a flatter topography. Outside of the Kully Bay Foreshore discussed above, however, the majority of viewpoints from within the visual catchments are predominantly from residential streets, which do not carry any particular sensitivity or visual importance.
- Where viewed from an elevated position, the existing visual presentation of the site is quite poor, with a range of rooftop plant equipment, open-air parking areas, advertising signage, solar panels, functional built elements and mismatched roofs. One of the most prominent visual features is the elevated Jax Tyres livery for the rooftop motor mechanic. This visual presentation demonstrates a low level of existing sensitivity, and is capable of accommodating a significant magnitude of change where this enhances the overall visual quality of the '5<sup>th</sup> elevation'.
- Development pursuant to the Planning Proposal would occur in a staged manner, with taller buildings delivered over a number of years, and accordingly the magnitude of change and sensitivity of viewers, would be mitigated by the progressive delivery of taller building elements allowing for a gradual period of adjustment to the changes.

Chrofi have also undertaken a qualitative assessment of the expected visual impact from a number of key local viewpoints identified by Council:

- Hill 60 looking toward Lake Illawarra and west toward the escarpment: The proposed development will be visible from Hill 60, however, it won't block any views to Lake Illawarra. The impact on the view of the escarpment is minimal as the bulk of the massing is sitting significantly lower.
- Coomaditchie Lagoon looking west/northwest to the escarpment: The top parts of the proposed development are likely to be visible from Coomaditchie Lagoon with the bulk of the massing hidden behind existing houses. No views to Lake Illawarra will be blocked.
- King Street near King Street Wharf – looking north to the Illawarra Escarpment: There are currently no views of the Illawarra Escarpment driving north on King Street or from King Street Wharf. This will continue to be the case.
- Old Port Kembla School Site looking west to Lake Illawarra and the Illawarra Escarpment: The top parts of the proposed development might be visible from the Old Port Kembla School Site without blocking views to Lake Illawarra and without any significant impact of the view to the Illawarra Escarpment.
- Port Kembla Beach/Olympic pool looking west/northwest to the escarpment: The new development is extremely unlikely to be visible from Port Kembla Beach or the Olympic pool. No views of Lake Illawarra or the Illawarra Escarpment will be blocked.
- Cowper Street near Port Kembla Hospital Site looking east/southeast towards Hill 60: View impact studies from Cowper Street near Port Kembla Hospital are provided in the Urban Design Report.
- Mount Kembla Lookout and/or summit, looking toward Hill 60 and the Five Islands: Mount Kembla Lookout offers wide views of the whole coastline, from Shellharbour to north of Wollongong. The proposed development will become part of this view. The tallest towers might reduce views of the Ocean marginally.
- Mt Keira looking towards Hill 60 and five Islands: Mount Keira Lookout is roughly 10km away from the site. While the development will be visible, it won't block any significant views and rather disappear behind the visual noise of the BlueScope facilities.

Based on this assessment, it is considered that the site has significant capacity to accommodate the magnitude of change envisaged by the Planning Proposal, and that this change would not adversely affect any particularly sensitive areas. The existing Warrawong Plaza makes a relatively poor visual contribution to the public domain, and there is significant capacity to improve this through wholesale redevelopment of the site. In this context, the visual effect of the Planning Proposal on public viewpoints is not considered to be a significant constraint on development.

## Private Views

It is a long established legal principle in Australia that no one has the right to a view from the private domain. However, the legal system has acknowledged that views from a person's home can have considerable value. To encourage a consistent approach to the address of the impact on private views through development, in 2004 the NSW Land and Environment Court established a planning principle in *Tenacity Consulting v Warringah* [2004] NSWLEC 140 (Tenacity). While this principle was formulated in particular response to a clause in the relevant LEP (the Warringah Local Environmental Plan 2000) requiring reasonable sharing of views, this principle has been widely adopted by consent authorities even in the absence of such statements due to the public interest test of the EP&A Act. On this basis, Tenacity has been adopted as the relevant test in this case. Tenacity sets out a 4-step approach to the assessment of impacts on private views:

*“The **first step** is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

*The **second step** is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

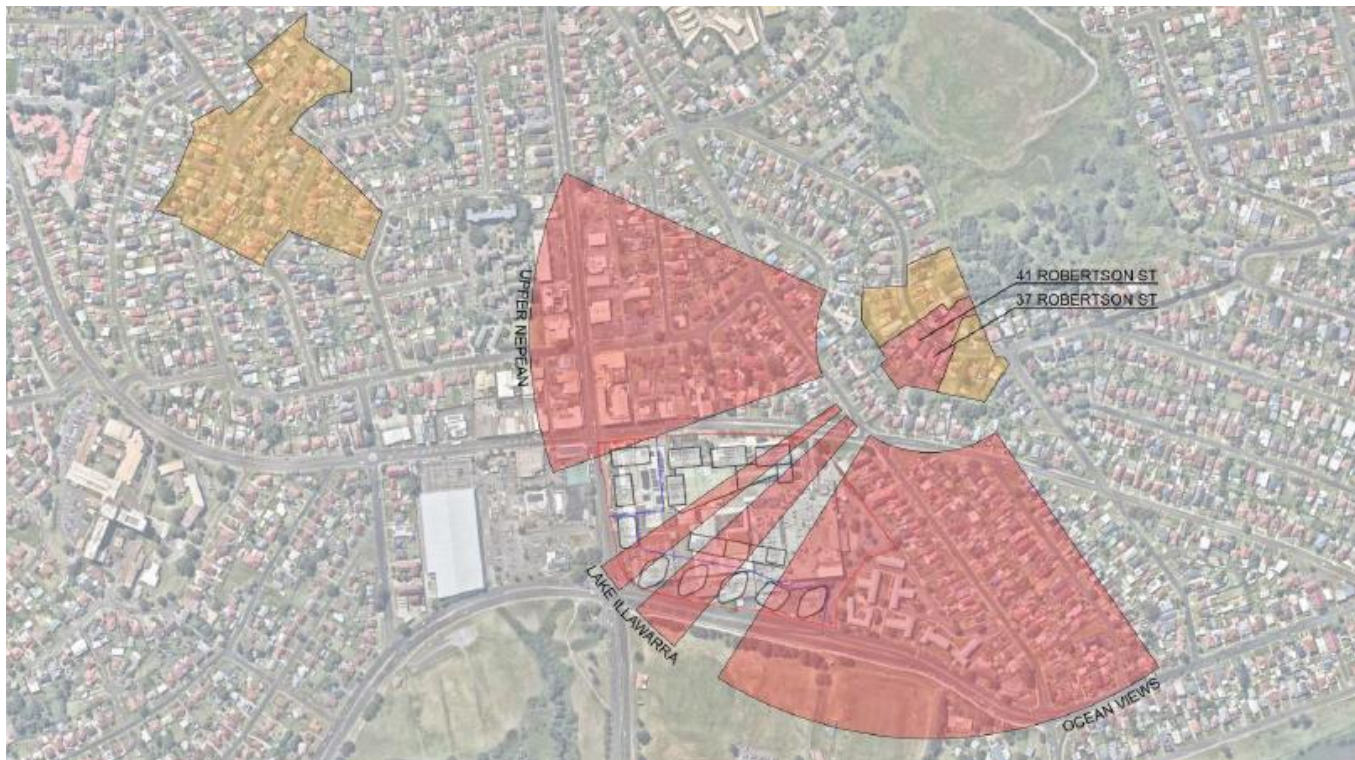
*The **third step** is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

*The **fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable’.*

In the case of this Planning Proposal and the topographical context, it is not practical to assess the view impacts from each individual private dwelling. Instead, it is appropriate to aggregate the visual impact assessment approach, and to focus primarily on those private views which are most likely to be affected negatively. As the site sits within a valley, CHROFI has identified two key affected viewpoints on the hills to the north-east and north-west of the site (see orange areas in **Figure 41** below). Views have been taken from public places in the vicinity of 37 and 41 Robertson Street, Warrawong, to the north-east and Second Avenue, Warrawong, to the north-west. Publicly available imagery of views taken from within dwellings within the catchment, for example from real estate photographs, have also been reviewed in order to understand the nature of views obtained.

CHROFI has modelled the Reference Design and Reference Design in the context of other future development envisaged by the Warrawong Town Centre Masterplan 2013 and that is compliant with the existing WLEP 2009 height limits.

With regard to Step 1, the private views obtained from dwellings within the visual catchment of the Site are often broad views, taking in views towards Lake Illawarra and the Pacific Ocean in the middle distance, and in some instances longer-distance views across Lake Illawarra towards the escarpment. Due to the elevated position of these private residences, in most instances dwellings obtain the benefit of wide aspect views taking in all of these landscape features, depending on the specific orientation and vantage point from each dwelling.



**Figure 41** Key viewpoints and view corridors

Source: CHROFI

#### Views from 37-41 Robertson Street, Warrawong

From 37-41 Robertson Street, Warrawong, views are obtained over the land-water interface of Lake Illawarra and the escarpment ridgeline, as well as to the land-water and water-sky interfaces of Pacific Ocean (see **Figure 42** below). Panoramic views are obtained over a wide aperture of the landscape, depending on the orientation and location of specific viewpoints within dwellings. The proposed building heights, as depicted through the Reference Design massing, show that the locations proposed to have a 32m height limit will enable the retention of some view corridors from 37-41 Robertson Street, Warrawong to the land water interface of Lake Illawarra and the escarpment ridgeline (see red areas in **Figure 41** above). While the areas of the site with higher height limits will obstruct some of these views, the land-water interface and the escarpment will still be able to be read. It is noted that a height limit of say 40-50m across the entire site would still obstruct these key views. Therefore, consolidation of the built form into a select few higher buildings, while maintaining a 24-32m height limit for the majority of the remaining site, is a more appropriate outcome that will maximise both retention of key views and provision of housing. On balance, the majority of private view impacts from this location would, subject to the position and orientation of viewers within private residences, generally be characterised as minor or moderate.





*Existing view*



*Reference Design*



*Reference Design with future surrounding development context*

**Figure 42** View analysis from 37-41 Robertson Street, Warrawong

Source: CHROFI



## Views from Second Avenue, Warrawong

From Second Avenue, Warrawong, there is a key view corridor to the Pacific Ocean (see **Figure 43** below). The proposed building heights, as depicted through the Reference Design massing, will interrupt some views to the Pacific Ocean at the northern end of Port Kembla Beach. However, the majority of the view to the Pacific Ocean and the broader landscape is retained. Views to Lake Illawarra remain entirely unobstructed by the proposal from this location. Visual impacts would generally be characterised as being minor from this position.



*Existing view*



*Reference Design*



*Reference Design with future surrounding development context*

### **Figure 43** View analysis from Second Avenue, Warrawong

Source: CHROFI

Having regard to these visual impacts, it is necessary to consider the Fourth Step of Tenacity with regard to the reasonableness of the Planning Proposal. As a Planning Proposal necessarily arises from a change in the existing planning controls and framework, the assessment of the reasonableness of the proposal must take into account the broader strategic planning framework taking a longer-term view beyond the requirements existing planning controls. As outlined in **Section 7.0**, Warrawong is identified as a Strategic Centre, which within the Wollongong LGA is only second to the Wollongong CBD, and comparable to centres such as Bondi Junction, Chatswood, Green Square and Fairfield within the NSW strategic planning hierarchy. Sitting alongside the strategic planning

centres hierarchy is the broader macro-scale trends of population growth, reduced capacity for ongoing greenfield sprawl, and the need for more diverse and affordable housing to cater particularly to the needs of smaller household types seeking greater proximity to amenities and services. Within this setting, it is considered entirely reasonable to expect that taller and more dense urban development will occur within the Warrawong town centre into the future, requiring increases from existing building heights. The subject site is the most central and well-located site within the town centre, with the greatest amenity, and therefore it is reasonable to expect that this site accommodates the tallest buildings and is also the most likely to catalyse the step-change from existing to future building heights. Due to the constraints of developing a mixed-use environment, there is not the opportunity for iterative planning processes to increase heights over a long period of time – when redevelopment occurs, it will necessarily be a step-change in height and it is imperative that the site is developed efficiently and to its full potential and capacity. Within this context, it is considered that the visual impacts identified in the previous sections are entirely reasonable.

The second element of the Fourth Step is to consider whether a more skilful design could have reduced the visual impacts of the development. The Urban Design Report prepared by CHROFI and Turf Design Studio (**Appendix B**) sets out the evolution of the design since the SAPP program nomination in early-2023 and the options analysis which has been undertaken to arrive at the proposed building heights. This analysis sets out how the initial proposal has been reshaped to provide greater variation in building heights within the site in order to protect a south-easterly view corridor through the site that minimises visual impact and maximises views towards Lake Illawarra and the escarpment through the site. This analysis demonstrates that the proposed approach, whilst subject to further refinement at the Concept and Detailed DA stages, represents a skilful approach which balances private view impacts with the gamut of other urban design and planning considerations which are relevant to the site.

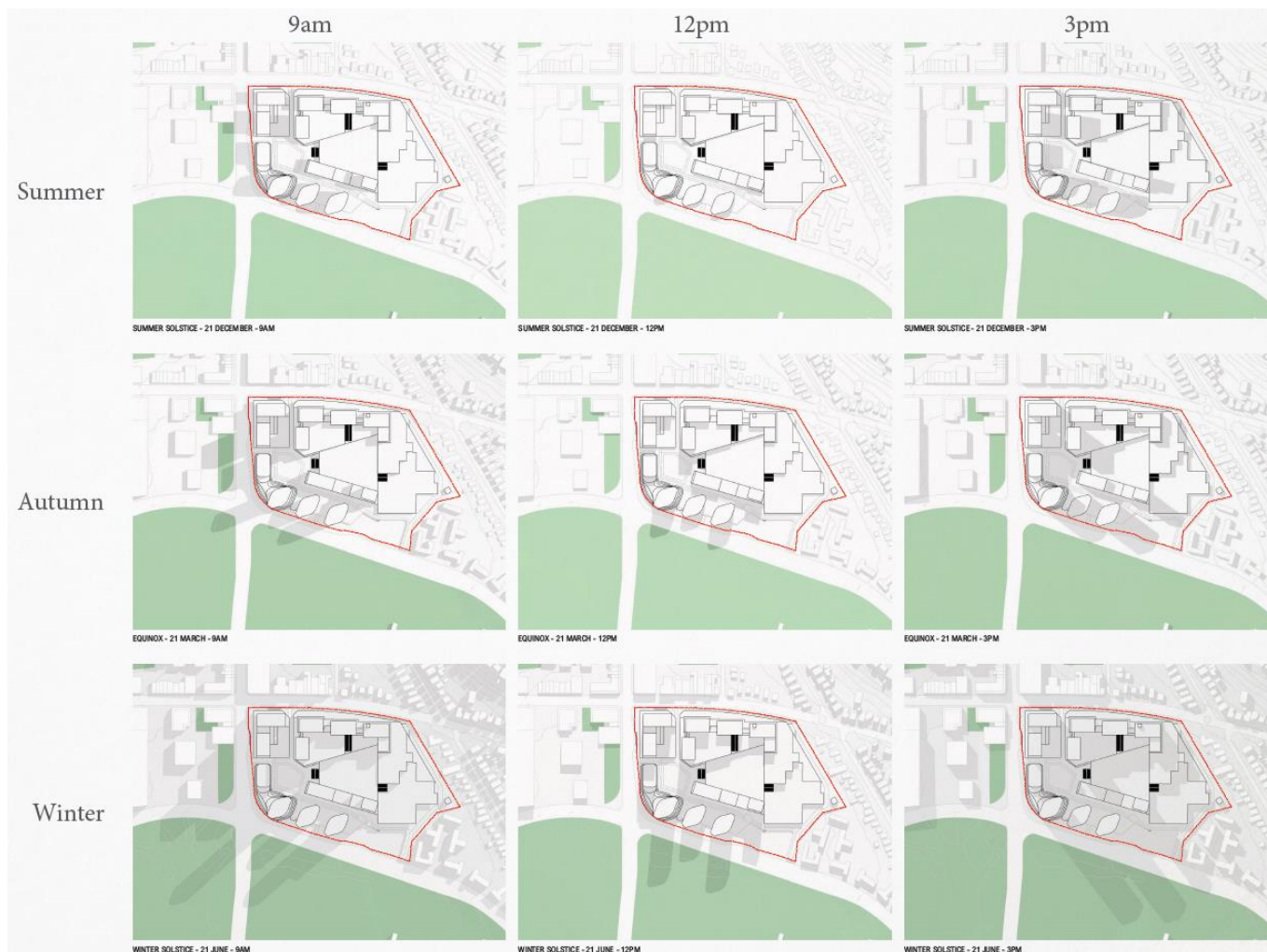
Having regard to the above, it is considered that the visual impacts of the Planning Proposal are both acceptable and reasonable, and that the Planning Proposal scheme represents the most suitable planning outcome for the site with regard to the management of visual impact for both public and private viewpoints.

### 8.1.2 Overshadowing Impact

Overshadowing diagrams based on the Reference Design are provided within the Urban Design Report prepared by CHROFI and Turf Design Studio (**Appendix B**), and are shown below in **Figure 44**. The proposed arrangement of building heights towards the north-west and south-west corners of the site ensures that overshadowing impacts to the residential development to the east are minimised. Moreover, since the site is located south of Cowper Street which will be the main pedestrian thoroughfare of Warrawong, there will be no overshadowing impacts on Cowper Street.

Overshadowing impacts to the public open space to the south of the site only occurs during the winter months. The proposed building staggering of building heights results in thinner shadows and slithers of solar access to be retained. On the winter solstice, while certain parts of the public open space to the south are affected by overshadowing, solar access is still maintained to the majority of those public open spaces given their large size. Overshadowing to residential development to the east on the winter solstice is limited to the western-most building within the Illawong Housing Estate, and is not expected to compromise the ability of that site to achieve solar access in accordance with the requirements of the Apartment Design Guide.

Overall, the overshadowing impacts are considered to be minor, particularly as overshadowing to public open space to the south is proportionally minimal, and overshadowing impacts to the key public thoroughfare of Cowper Street and surrounding residential development is almost entirely avoided.



**Figure 44** Overshadowing diagrams

Source: CHROFI

## 8.2 Transport

Arup has prepared a Traffic Impact Assessment (TIA) (**Appendix M**) that reviews the transport aspects of this Planning Proposal, including parking provision, traffic generation, and access/servicing. A summary of the TIA's conclusions relating to parking provision, traffic generation, and access/servicing is provided below.

### 8.2.1 Traffic Generation

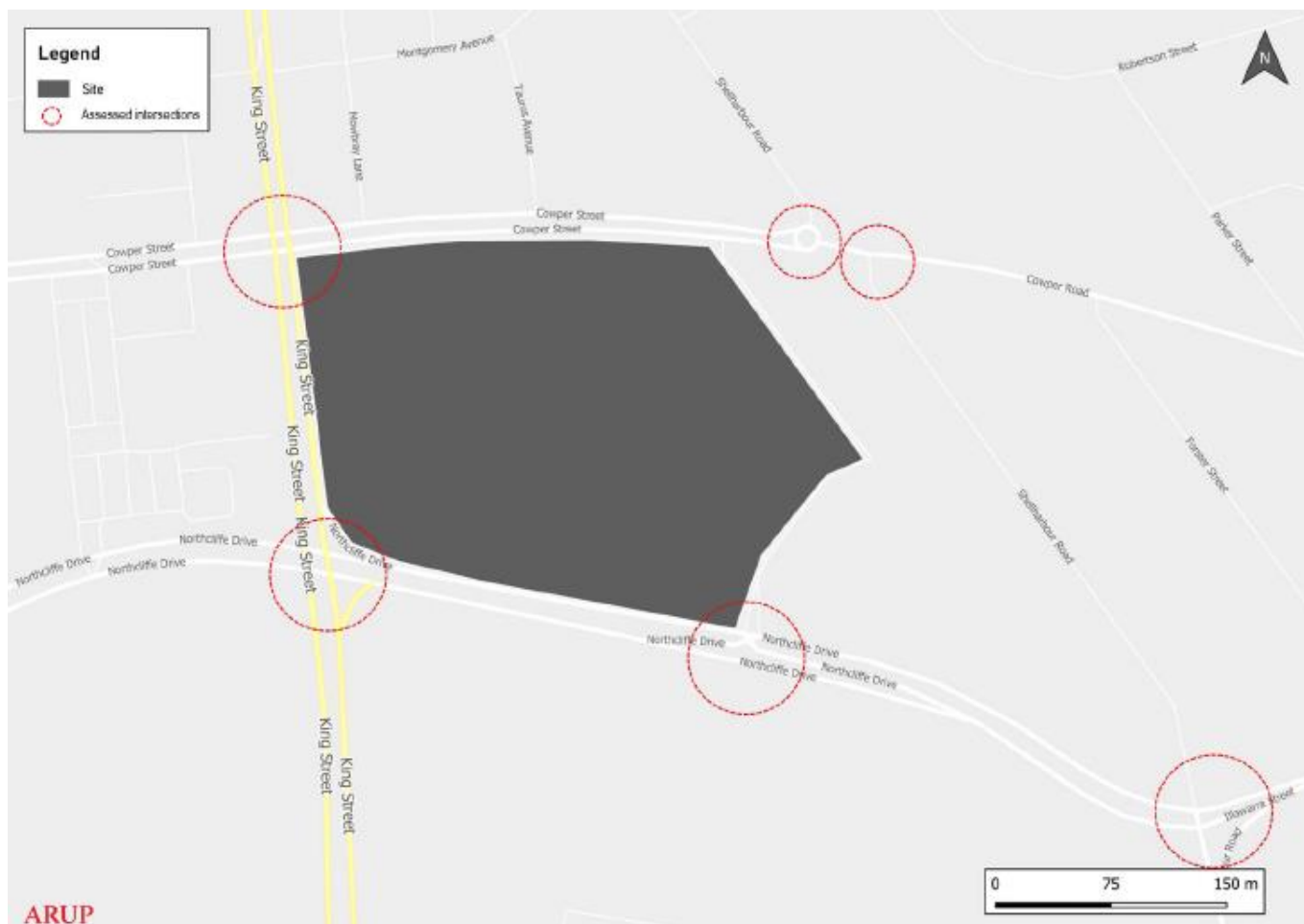
Arup has taken a multi-modal trip generation approach, based on TfNSW's peak hour traffic generation rates adjusted in accordance with known number of trips to Warrawong Plaza, and on 2016 census data adjusted to account for people living on the Site which would comprise a proportion of the customer base for the centre, and therefore would not generate vehicular traffic. Arup has determined that the estimated number of two-way private vehicle trips generated from all combined land uses is 1,317 trips in the AM peak hour (8am-9am), 1,917 trips in the PM peak hour (3:30pm-4:30pm) and 2,666 trips in the Saturday peak hour (11:15am-12:15pm). Arup has determined that the net additional private vehicle two-way trip generation as a result of the Planning Proposal is 729 trips in the AM peak, 911 trips in the PM peak, and 1,258 trips on the Saturday peak. As this Planning Proposal generally does not change the quantum of non-residential GFA, the additional private vehicle trips relate mostly to residential land use. Given the site's good location to public and active transport options, and the integrated mixed-use nature envisaged for the site, it is noted that walking, cycling and public transport trips make up approximately a quarter of net additional person trip generation.

Arup has undertaken SIDRA modelling for the intersections identified in **Figure 45** below, based on the following staged development of the site:

- 2028 – Stage 1
- 2031 – Stage 2



- 2034 – Stage 3
- 2036 – Stage 4



**Figure 45** Assessed intersections

Source: Arup

To further understand the impact of the additional vehicle trips generated by this Planning Proposal on the surrounding road network, compared to traffic impacts from general population growth and other approved developments, Arup has undertaken SIDRA modelling based on three scenarios:

1. Scenario 1: Baseline scenario (accounting for background growth without the proposed development or any other change within the locality)
2. Scenario 2: Baseline scenario (accounting for background growth without the proposed development), along with known/ approved developments within the centre – primarily these include Wollongong City Council's proposed changes to the configuration of Cowper Street, and local development such as the new Warrawong Library
3. Scenario 3: This scenario includes Scenario 2, plus the effects of the development that is the subject of this Planning Proposal, utilising the Reference Design for assessment purposes.

Arup has determined that the following intersections will have an acceptable level of service during all scenarios and stages:

- Northcliffe Drive / Site access 5 signalised intersection
- Northcliffe Drive / Shellharbour Road / Illawarra Street intersection
- Shellharbour Road / Cowper Street roundabout
- Shellharbour Road / Cowper Street intersection

However, Arup has determined that the King Street / Cowper Street and King Street / Northcliffe Drive intersections will not operate with an acceptable level of service in particular stages and scenarios. These two intersections are discussed further below.



## King Street / Cowper Street Intersection

Arup's modelling demonstrates that for the King Street/Cowper Street intersection:

- During the Weekday AM Peak and Saturday Peak, the intersection will continue to operate with surplus capacity and acceptable level of service in all scenarios and stages of the proposed development.
- During the Weekday PM Peak the intersection will reach capacity in 2028 (Stage 1 of proposed development).
- During the Weekday PM Peak the intersection will fail by 2031 due to background growth, irrespective of the proposed development or other interventions (other developments, Council's changes to Cowper Street). The proposed development will however contribute to an increase in delays and queuing.

The decrease in this intersection's performance will be predominately due to worsening performance of the southbound approach (from the north) on King Street and the Cowper Street westbound (from the east) approaches.

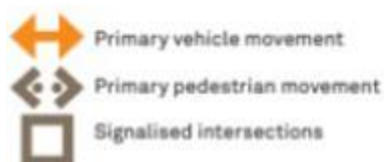
King Street is a significant north-south connector between Wollongong and Shellharbour, and the decrease in Weekday PM Peak is largely influenced by the background growth in traffic that will occur irrespective of the proposed development. There are a range of potential mitigation measures available to Transport for NSW which should include regional transport solutions and public transport enhancements. These will be required irrespective of any development at Warrawong.

The other key aspect of this intersection's declining performance is the Cowper Street east (westbound) leg. Again, this intersection will be over-capacity in/around 2031 irrespective of this Planning Proposal due to background traffic growth, and there is therefore a need to upgrade this intersection, or accept additional delays in this particular circumstance. The decline in performance has been influenced, at least in part, by the context of Council's planned changes to pedestrianise Cowper Street and reduce the number of lanes at the King Street intersection from five to four, which has been factored into Arup's modelling. Wollongong City Council is proposing significant changes to the configuration of Cowper Street, aimed at creating a high street that is less traffic-dominated and provides greater amenity to pedestrians and businesses. The worsening in traffic on Cowper Street would involve queuing and increased levels of delay on Cowper Street, which would have the effect of slowing traffic and influencing drivers to avoid Cowper Street for trips where other routes are available. Whilst these changes will impact on motorists, these effects are largely consistent with Council's vision for Cowper Street as set out in the Warrawong Town Centre Master Plan. The Master Plan seeks to redirect vehicles away from Cowper Street by establishing a ring road route around the town centre along Shellharbour Road, Cowper Street (east), Taurus Avenue, Montgomery Avenue, Greene Street and First Avenue (see **Figure 46**). This will involve a signalised intersection at Greene Street / King Street to redirect through-traffic away from the town centre, particularly along the central part of Cowper Street near King Street. The combination of re-routing traffic away and slowing traffic along Cowper Street will assist in achieving Council's aim of calming traffic and pedestrianising Cowper Street as a town centre high street, as opposed to a main vehicular thoroughfare with fast moving traffic.

## Access and Movement

A key strategy of this master plan is to resolve the conflict between pedestrian and vehicular traffic within the town centre.

A pedestrian connection to Kully Bay Reserve will be provided through the town centre past the open space creating a "green spine" for pedestrians and cyclists. This access will enable Kully Bay Reserve users to conveniently access the town centre and vice versa.



**Figure 46** Warrawong Town Centre Master Plan access routes

Source: Arup

### King Street / Northcliffe Drive Intersection

Arup has determined that the King Street / Northcliffe Drive intersection will be over capacity at some stage during all peak periods. The Weekday AM Peak is over capacity in Stage 1, Scenario 1, when traffic growth is added, it then continues to be over capacity for all remaining stages. During the Weekday PM Peak, the intersection operates better than in the Weekday AM, but goes over capacity when the development is added in Stages 1 and 2, Scenario 3. It is also over capacity in Stage 3, Scenario 1 due to traffic growth. The Saturday peak operates better than the Weekday AM and PM Peaks, but it does go over capacity when the development is added at all stages. It is noted that there is existing space within the road reserve and verge to accommodate physical enhancements to this intersection if/when these may be required.

### Conclusion and Potential Mitigation

While the King Street / Cowper Street, and King Street / Northcliffe Drive intersections will fail in the near future, it is noted that both intersections fail due to background traffic growth irrespective of the proposed development of Warrawong Plaza. Based on the findings of the modelling, the Cowper Street intersection would fail in 2031 irrespective of any development (PM Peak only), and the Northcliffe Drive intersection would fail in 2028 (AM Peak). Transport for NSW and/or Council would be wholly responsible for upgrading these intersections (or implementing other transport management measures) at this time irrespective of the development.

However, it is acknowledged that this Planning Proposal will contribute to traffic generation and the shortened timeframe before which the intersections to begin failing. On this basis, it is reasonable for future development on the site, enabled by the Planning Proposal, to make a contribution to the upgrading of those intersections that is proportional to the impact generated by development on the site, if physical infrastructure upgrades are required.

Arup has suggested the following potential combination of mitigation strategies and upgrades to the Kind Street / Cowper Street, and King Street / Northcliffe Drive intersections:

- Intersection upgrades, noting that both intersections fail due to background traffic growth irrespective of the development, and therefore TfNSW and/or Council would be responsible for upgrading these intersections (or implementing other transport management measures) in 2028 for the Northcliffe Drive intersection and in 2031 for the Cowper Street intersection irrespective of the development.

- Upgrades to the layout and operation of the intersections on King Street to increase capacity. It is noted that there is physical capacity within the existing road reserve, together with the subject site and adjoining public land, to potentially facilitate additional lanes if required.
- Introduction of VMS/ signage to direct customers to specific car parks, reducing the amount of traffic relying upon the King Street intersections to access the site.
- Encourage the use of active travel and public transport through improvements to the footpaths, crossings, cycle lanes and bus shelters.
- Implementation of new or increased frequency of bus services to key destinations, such as the train station or Wollongong.
- Provide incentives for staff and residents to use sustainable modes of transport; • Reduce the rate that parking is provided for the residential land uses.
- Introduction of a car share service such as GoGet, located in the residential car park for residents to use.
- Restrict residential trips to a single point of entry to alleviate these intersections.
- Create a right turn from Cowper Street into the development to provide an additional movement to access the site.
- Reduce the overall quantum of the proposed development to alleviate the pressure on these intersections. However, as noted above the King Street intersections will continue to fail over time due to existing background traffic growth, and that these intersection upgrades would be required irrespective of the quantum of proposed development. The development therefore offers the opportunity to assist in implementing the mitigation measures outlined above.

The mitigation measures suggested by Arup are subject to further resolution with TfNSW through the finalisation of the Planning Proposal and prior to determination of Stage 1 Development Application. The Design Guidelines include a requirement to undertake a detailed Transport Impact Assessment prior to the lodgement of the Stage 1 DA in consultation with TfNSW, including details of how any required mitigation measures are to be implemented. Any proportional contribution to intersection upgrades by the Applicant of a future Stage 1 DA would be through a Planning Agreement with the State and/or Council.

### 8.2.2 Parking provision

The TIA does not provide a detailed assessment of parking demand and supply, as it the environmental assessment appropriate to the planning proposal stage should focus solely on the external impact on the local transport network. The TIA states that car parking will be provided in accordance with the parking rates contained within the Wollongong DCP 2009 and the TfNSW “Guide to Traffic Generating Developments”, whichever is lesser. Arup has estimated that a development facilitated by this planning proposal would generate demand for 3,000 to 3,500 car parking spaces, which can be achieved through a basement design that reflects the reference design. Arup also notes that appropriate provision will be made for disabled parking (1-2% of spaces) within the proposed development. In addition to the above, provision will also be made within a future development for car share spaces and electric car charge points to enhance sustainable transport modes for the redevelopment of the centre.

The TIA states that bicycle and motorcycle parking will be provided in accordance with the requirements of the Wollongong DCP 2009 for various uses. An appropriate level of end of trip facilities will also be provided in a future DA.

Ultimately, Arup notes that detailed car parking design and quantum will be subject to detailed design and assessment at the SSDA stage.

### 8.2.3 Access and Servicing

The TIA states that vehicular access to the site would be provided from Northcliffe Drive and Cowper Street. Separate service vehicle access driveways will be provided off Cowper Street and Northcliffe Drive. There will be two loading docks on the ground floor and a loading access road will be retained adjacent to the eastern boundary of the site. Service vehicles will access the site via Northcliffe Drive while Cowper Street access will be limited to egress movement to reduce traffic on Cowper Street. As above, as servicing, and on-site loading will be the subject of detailed design and development, they will be addressed in detail in future development applications for the site.

## 8.3 Flooding

Water Technology has provided a review of the flooding, flood evacuation and flood impact constraints of the Site within a Flood Assessment Report, provided at **Appendix G** and provided a review of the Reference Design impacts on flooding within the Reference Design Flood Impact Assessment Report provided at **Appendix N**. Both reports include preliminary post development flood modelling of the impacts of the Reference Design.

The subject site was found to be impacted by flooding both resulting from overland flow as identified within the Kully Bay Overland Flow Study completed by Rhelm in 2019 and lake flooding as identified within the Lake Illawarra Floodplain Risk Management Study and Plan (Cardno, 2012) and Lake Illawarra Flood Study (Lawson and Treloar, 2001).

Flood Assessment Report found that:

- In relation to overland flooding:
  - Parts of the subject site and adjoining roads would be impacted by overland flooding in events as frequent as the 20% AEP flood.
  - In existing conditions overland flows are diverted westwards along Cowper Street and then southwards on King Street and south-westwards through the driveway and at-grade carpark along the border with the neighbouring property owned by the NSW Government.
  - In all events up to the PMF, the site would be isolated by low hazard floodwaters. In the PMF, the site would be isolated by high hazard floodwaters. However, in events up to the 1% AEP flood, Cowper Street to the east of Taurus Avenue and Shellharbour Road north of Cowper Street would only be flooded with floodwaters categorised up to H1 hydraulic hazard, which are generally safe for people, vehicles and buildings, and therefore emergency service vehicles. Therefore, emergency service vehicles would be able to access the north-eastern corner of the site and the Cowper Street basement access ramp via Montgomery Avenue and Cowper Street in events up to and including the 1% AEP event.
  - The overland flooding has a fast rate of rise and fall, and flooding was found to have a duration of 30 minutes at most locations surrounding the site. The Intersection of King Street and Northcliffe Drive could have a longer flood duration due to also being affected by lake flooding.
  - All residential buildings are located outside of areas of high flood hazard, including along the eastern site boundary.
- In relation to lake flooding:
  - The Site would be impacted by lake flooding in events larger than the present day 1% AEP.
  - The lake PMF would flood the southern half of the site, Northcliffe Drive adjacent to the site and the southern part of King Street. Cowper Street would not be impacted by lake floodwaters and therefore the site would not be isolated by lake flooding alone.
  - The flooding of Lake Illawarra has a slow rate of rise given the size and topography of the floodplain. The site would be flooded for less than 24 hours in the design PMF.

In terms of addressing the Ministerial Directions, the directions make reference to the “flood planning area” which is defined as the area below the Flood Planning Level (FPL). The FPL is therefore a horizontal surface defined by the 1% AEP flood level + 0.5 freeboard. This is represented at **Figure 47** below in a 2D diagram, and a 3D diagram at **Figure 48**. The proposed increase to building heights under the Planning Proposal will allow more development to occur above the FPL between the flood planning area and the PMF extent, which is inconsistent with Clauses 3(d) and 4(c) of Ministerial Direction 4.1 that do a permit a significant increase in development on land within the flood planning area. However, Ministerial Direction 4.1 provide consistency pathways for Planning Proposals which are inconsistent the Direction. The Planning Proposal is accompanied by a Flood Impact Assessment that has been prepared in accordance with the principles of the Flood Risk Management Manual (DPE, 2023) and addresses the Planning Proposal’s consistency with the relevant flood-related development controls set by Council, which meets the requirements of consistency pathway (c). Therefore, consistency pathway (c) applies and the planning proposal may be permitted to increase dwelling density in the flood planning area and between the flood planning area and the PMF, subject to approval by the planning proposal authority and the Planning Secretary.





**Figure 47 Flood Planning Area (2D)**

Source: Water Technology



**Figure 48 Flood Planning Area (3D)**

Source: Water Technology

Site evacuation is also considered. The Report found that:

- During lake flooding the site will have at least 12 hours of lead warning time before the southern area of the site is impacted. Cowper Street will remain unaffected in all events up to the PMF. Vehicular access points to the basement and to the eastern driveway located along Cowper Street can be designed to ensure that access to the site is maintained during lake flooding.
- During overland flooding the local roads adjoining the site can be flooded within 30 minutes of the start of the rainfall event and can occur with little or no warning. The time required for vehicles to actually leave the site should be added to the 3 hours to find the total time required to evacuate the site by vehicle.
- There is insufficient time to evacuate the site before local road would be cut by overland flooding in both the existing and post development scenarios.
- DPHI and Wollongong City Council via the Wollongong Development Control Plan 2009 permits sheltering in place as an appropriate flood emergency response strategy when off site evacuation cannot be achieved, however generally only in the case of an existing development
- Given that the site would only be isolated for approximately 30 minutes by H1 hazard flooding in an overland PMF, sheltering in place could be suggested as an appropriate flood emergency response for the proposed development.
- There would be no need for site occupants to evacuate or to shelter in response to lake flooding as long as flood-free vehicular access to the basement carpark is maintained. This is proposed as part of the Reference Design.
- Whilst sheltering in place, residents and visitors to the site would have access to the essential services provided on the site (food, pharmacy, medical etc).

The Reference Design Flood Impact Assessment Report prepared by Water Technology (**Appendix N**) provides an assessment of the flood management considerations for redevelopment of the Site based on the flood planning provisions in current planning instruments applicable to the Site. It determines the areas where the Reference Design complies with the applicable controls, identifies where there are potential issues in satisfying the above requirements and provides potential solutions that can be incorporated into the design of a future development to comply with those flood planning provisions. It also provides recommendations regarding flood evacuation and flood emergency response.

The Assessment found:

- During the 1% AEP overland flood, the Reference Design would not increase flood levels on neighbouring properties. There would be a slight increase in flood depths in the Cowper Street (up to 15cm) and King Street (up to 20cm) road reserves. It should be noted that King Street is a State Road managed by Transport for NSW and potential impacts with King Street should be raised as early as possible to allow for timely collaboration with Transport for NSW.
- During the PMF event the areas of impact are increased with changes to flood depth (up to 10cm) external to the property, within the residential land east of the site. Flood depth would increase by 22 cm in the King Street road reserve and 30 cm in the Cowper Street road reserve. However, Water Technology consider it is likely that that these areas of increased depths can be reduced with further drainage design, landscaping and flood mitigation, if required.
- Development on the site would not increase flood levels in Lake Illawarra and would likely decrease them. .

Water Technology has determined that the design of the future development on the site would need to consider the flow paths in the eastern carpark and the impacts to King Street and Cowper Street.

Similarly, any capacity for development within the area identified as the 'Potential Future Development Site' would be determined by a detailed flood impact assessment of this area. It is not expected that residential uses would be appropriate in this location, with requirements for this assessment set out in the Design Guidelines.

Overall, Water Technology has concluded that there do not appear to be any impediments to the proposed development in relation to flood risk management providing that the development footprint, floor levels and other design features account for local flood behaviour. Water Technology consider that design solutions to meet existing flood related development controls should be achievable within a future development.

## 8.4 Sustainability

An ESD Report has been prepared by The Footprint Company and is provided at **Appendix F**. The Report provides a review of the project vision, objectives and future planning in the context of Ecologically Sustainable Development initiatives and outlines the key ESD themes, design principles and performance initiatives to be investigated as part of development of the subject Site. The key strategic Wollongong City Council documents *Sustainable Wollongong 2030 – A Climate Health City Strategy* (2020), a *Climate Change Mitigation Plan* (2020) and *Climate Change Adaptation Plan* (2022) and NSW State Plans and strategies including the NSW Net Zero Cities Action Plan, NSW Electric Vehicle Strategy, NSW Waste and Sustainable Materials Strategy, Infrastructure NSW Decarbonising Infrastructure Delivery have been considered in the preparation of the report and have guided the recommendations.

The Report acknowledges that as a major mixed-use development, the project is well placed to demonstrate a leadership role in the area with regard to sustainability, including a target for net zero carbon emissions footprint for the site. Key themes and sustainability design principles and performance initiatives to be addressed as part of the future development of the site are noted to be:

- Climate resilience.
- Carbon emissions footprint.
- Green city and environment.
- Society.
- Mobility.
- Circular economy.
- Water.
- Leadership.

The Urban Design Report at **Appendix B** summarises how these themes have been incorporated into the Reference Design.

The Design Guidelines provided at **Appendix E** include provisions which build on the initiatives referenced within the ESD Report (**Appendix F**) and require the submission of an updated ESD Strategy with the first DA to be lodged at the Site which demonstrates how the project will achieve net zero emissions by 2050 and align with other relevant State and local planning requirements for sustainable development. The Draft Design Guidelines also require that DAs demonstrate capacity for electric vehicle charging, maximise the provision of rooftop solar photovoltaic panels, consider opportunities for the use of battery storage, and that the ESD Strategy be updated every five (5) years to ensure that each stage of the development aligns with contemporary planning requirements for sustainable development.

The Design Report demonstrates potential areas for the inclusion of solar panels and vegetated areas throughout the development.

## 8.5 Geotechnical

A Preliminary Geotechnical Desktop Study has been prepared by Arup and is provided at **Appendix I**. The study draws on public sources as well as prior geotechnical investigations which have been carried out in relation to the subject site. The assessment notes that high strength sandstone bedrock has been encountered in prior investigations at depths of between 6 and 12 metres below existing ground level. As a result, Arup's report indicates that it is anticipated that development of the nature anticipated in the Planning Proposal is capable of being constructed utilising known and feasible construction techniques, subject to further investigations to address data gaps in existing information. Due to the topography and location of the site, Arup's report notes that groundwater is likely to be relatively shallow within the site, is likely to be highly responsive to rainfall events, and that there may be some tidal component due to proximity to Lake Illawarra. Further study of hydrogeological conditions within the site will be required to inform the specific design of basements and other development penetrating ground water levels, and this assessment will also be required to consider potential effects on groundwater dependent ecosystems within the locality. The Design Guidelines (**Appendix I**) require the preparation and submission of further detailed geotechnical and hydrogeological investigations with future DAs in order to allow a detailed assessment, however, there are no matters raised in these initial investigations which would raise further planning issues at this Planning Proposal stage.

## 9.0 Conclusion

The Planning Proposal seeks to establish a planning framework that would allow for the mixed-use redevelopment of the existing retail centre at 43-65 Cowper Street, Warrawong, to include enhanced existing retail uses, combined with new residential units (market and affordable), commercial and employment-generating uses within the Site, along with new publicly accessible open spaces and through-site links.

The Planning Proposal aims to achieve this by proposing to amend the following provisions of the *Wollongong Local Environmental Plan 2009* (WLEP 2009) that apply to the Site:

- Increase the Height of Building Development Standard from 24 metres to a variable height limit ranging between 24 and 78 metres (refer to the Proposed LEP Maps prepared by CHROFI at **Appendix A**).
- Introduces a new site-specific provision, Clause 7.24, to establish key requirements for mixed-use redevelopment of the Site. The proposed site-specific provision has four functions:
  1. Establish a minimum provision of 50,000m<sup>2</sup> for non-residential uses to be provided on the site to ensure the provision of retail and other non-residential land uses to meet the needs of the existing and future community.
  2. Require 10% of residential floor space to be provided as affordable rental housing.
  3. Give effect to the Warrawong Plaza Design Guidelines.
  4. Require the preparation of a site-specific DCP.
- Introduce an additional permitted use of 'residential flat building' for the Site.
- Amend the Key Sites Map to identify the Site as "Area 11".
- Amend the Active Street Frontages Map to include active street frontages along Cowper and King Streets.

The provisions proposed to be amended are explained below.

This Planning Proposal is justified for the following reasons:

- The Planning Proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land.
- The Planning Proposal is consistent with the strategic planning framework for the Site, particularly in relation to its role as a Strategic Centre as identified in the Illawarra Shoalhaven Regional Plan 2041, and in relation to much-needed housing provision, in that:
  - It will facilitate the delivery of approximately 1,300 dwellings in a location with high amenity and immediate access to retail, health, education, business and leisure services.
  - The Planning Proposal voluntarily offers a commitment of 10% of floorspace to be provided as affordable rental housing for a minimum period of 15 years, managed by a registered community housing provider, consistent with the provisions of the Housing SEPP, to meet the strategic need to increase supply of affordable rental housing stock.
  - It will facilitate housing choice and diversity by increasing the number of smaller dwellings to respond to smaller household sizes within the locality and region,
- The Planning Proposal will support the objectives and themes of the Wollongong LSPS by increasing local employment during the construction and operational phases of the project, ensuring continuity of trade for key retail and community services, enhancing the existing centre by improving built form, streetscapes and provision of new public spaces, enhancing connectivity to local and regional open spaces, supporting active transport, and ensuring new development is sustainable and resilient having regard to local environmental conditions.
- The proposed Warrawong Plaza Urban Design Guideline sets out objectives that will ensure that the following public benefits of associated with this Planning Proposal are achieved in a future development:
  - Provision of affordable housing.
  - Provision of a 3,000m<sup>2</sup> 'Green Heart' which serves as a new public and civic space.
  - Provision of a through-site link.
  - Continuance and enhancement of retail and local services.
  - Transformation of an inward-facing mall to a vibrant mixed-use precinct that will activate the streetscape.
  - Strengthen Warrawong as a Strategic Centre.
  - Economic growth and opportunity



- The Planning Proposal will attract a substantial local permanent population through increased housing provision, which will generate increased demand for goods and services and patronage within the Town Centre, driving the opening of new businesses and expansion of existing businesses. This will lead to significant flow-on effects of revitalising the Town Centre through greater activation, creating new jobs and catalysing economic growth and surrounding urban renewal.
- The Planning Proposal will generate significant economic and social benefits for the community, including the generation of 540 FTE jobs per annum throughout the construction phase and 540 FTE jobs per annum on an ongoing basis during the operational phases, provision of affordable housing to support those in need, expansion of essential services and facilities to meet the needs of the community, provision of a new public open space to foster social cohesion and resilience.
- The Planning Proposal proposes a range of building heights that are appropriate to the regional and local setting and which will ensure that future development does not result in any unacceptable adverse impacts on key view corridors and overshadowing.
- The Planning Proposal will not generate any adverse impacts on traffic and parking that cannot be addressed in future design development.
- The Planning Proposal will not generate any adverse flooding impacts that cannot be addressed in future design development.
- The Planning Proposal seeks to ensure that future development will incorporate sustainable design.
- The Planning Proposal is consistent with the applicable SEPPs and Ministerial Directions.

In light of the above, we would have no hesitation in recommending that a planning proposal be prepared, endorsed and proceed through the Gateway to public exhibition.