

Department of Planning, Housing and Infrastructure

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Explanation of Intended Effects

State Assessed Planning Proposal Pilot – Warrawong, Wollongong

April 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

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First published: April 2024

Department reference number: EF23/10285

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DPHI-MC-R-LC-V1.0

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Have your say

The Department of Planning of Housing and Infrastructure (the Department) welcomes your feedback on the proposed Warrawong State Assessed Planning P, Explanation of Intended Effects, and amendments to Wollongong Local Environmental Plan (LEP) 2009.

The Department will publish all individual submissions and a consultation summary report once it has assessed and analysed the submissions.

You can view the Explanation of Intended Effects and supporting documents at

<https://pp.planningportal.nsw.gov.au/ppr/under-assessment/cowper-street-warrawong>

To make a submission online please follow the steps below:

1. Read our Privacy Statement and decide whether to include your personal information in your submission.
2. Fill in the online submission form. Your submission can either be typed or uploaded as a PDF and should include:
 - a. the name of the proposal (SAPP Warrawong, Wollongong – Explanation of Intended Effects),
 - b. a brief statement on whether you support or object to the proposal, and
 - c. the reasons why you support or object to the proposal.
3. Ensure you disclose reportable political donations. Anyone lodging submissions must declare reportable political donations (including donations of \$1,000 or more) made in the previous two years.
4. Agree to our online statement and lodge your submission.

You may also lodge your submission via post by sending it to:

Executive Director

State Rezoning

Department of Planning, Housing and Infrastructure, Locked Bag 5022, Parramatta
NSW 2124

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name or other personal identifying details published, please state this clearly at the top of your submission.

Executive Summary

The Department of Planning, Housing and Infrastructure's (the Department) Rezoning Pathways program seeks to identify and deliver proposals of state or regional significance that can contribute to increasing housing supply, to meet the needs of NSW's growing population.

Industry was invited to apply for the State-assessed planning proposal pathway pilot process. Five successful applicants were invited to lodge a proposal with the Department.

The site, 43-65 Cowper Street, Warrawong, was accepted as part of the program as it seeks to deliver a mixed use, infill development within a well-serviced residential area.

This Explanation of Intended Effects outlines the Department's assessment of the Warrawong planning proposal and provides an explanation of the proposed amendments to the planning framework for public consultation.

Feedback received during the public exhibition period from the community, key stakeholders, Wollongong Council (Council) and relevant government agencies, will assist to determine if the proposed zoning and development controls are to be amended through this state-assessed planning proposal pathway.

A number of documents have been placed on public exhibition to allow the community and stakeholders to provide feedback on the proposed redevelopment of the site. The exhibition package includes:

- an Explanation of Intended Effects (this document), and
- the planning proposal and supporting technical studies.

The applicant under guidance from Council are in the process of considering the preparation of the following:

- a draft development control plan with general controls that will provide the framework and staging for future development, and
- a draft development contributions plan to fund local infrastructure such as local roads, drainage infrastructure and open space.

1 Rezoning Pathways Program

1.1 State-assessed planning proposal pilot program

The Department of Planning, Housing and Infrastructure's (the Department) Rezoning Pathways Program aims to identify and deliver strategically important rezonings of state or regional significance that can contribute to increasing housing supply to meet the needs of NSW's growing population.

In December 2022, the industry was invited to apply under a pilot process for the State-assessed Planning Proposal (SAPP) industry nominated pilot program. Under the program, the following four key criteria were used to determine whether a proposal was appropriate for the program:

- how well the proposal demonstrates public benefits, including through housing supply and alignment with state policies and land-use strategies,
- the proposal's contribution to affordable and social housing outcomes,
- the impediments to delivery and if these could be resolved, and
- availability of infrastructure or commitment to funding critical infrastructure.

In July 2023, five projects were selected and given the opportunity to lodge a proposal focusing on delivering new homes. On September 14, 2023, all five proposals were lodged with the Department for assessment under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2 Governance

1.2.1 Department of Planning, Housing and Infrastructure

The Department is the lead agency for the SAPP industry nominated pilot program and the authority responsible for the governance of the program and will be responsible for:

- Assessing the planning proposal,
- Preparing an Explanation of Intended Effects which considers the suitability of the proposed development for public exhibition,
- Engaging with community and stakeholders,
- Consulting with council and public agencies,

- The final assessment of the planning proposal, taking into consideration submissions received from the community and relevant stakeholders,
- Input received from council and public agencies will assist to form a whole of government position that will be considered by the Minister for Planning and Public Spaces in determining whether the proposal should proceed, and
- If the proposal is supported, the Department will progress the necessary legislative amendments via an appropriate environmental planning instrument to implement the proposal.

1.2.2 Wollongong Council

In July 2023, Wollongong Council (Council) was advised that this proposal was selected for the SAPP industry nominated pilot program. On October 5, Council was advised that a proposal for 43-65 Cowper Street, Warrawong had been submitted for consideration under the SAPP industry nomination pilot.

The Department has liaised with Council throughout the assessment of the proposal. This includes briefing council staff, receiving feedback on the proposal and inviting council to participate in a series of technical meetings/workshops with the applicant and relevant public agencies, chaired by the Department. It is noted that Council's formal comment on the planning proposal will be submitted during the public exhibition period.

1.2.3 Public agencies

The Department has consulted with TfNSW and will consult with relevant public agencies on the proposal during public exhibition.

1.3 Assessment process

The Warrawong planning proposal and supporting technical documents were submitted to the Department on 14 September 2023. The Department arranged a series of meetings to discuss key planning issues, chaired by the Department with the applicant and relevant agencies. Council reviewed the proposal and provided initial feedback to the Department. Feedback was provided to the applicant who responded to requests to amend the planning proposal. A revised proposal was resubmitted to the Department on 4 December 2023.

In January 2024, technical peer reviews were undertaken. The findings of these reviews required the applicant to undertake further detailed technical work and update the planning proposal. A revised planning proposal was resubmitting to the Department on 28 March 2024.

As a result of consultation listed in **Table 1**, the applicant was asked to amend the planning proposal. The planning proposal has been assessed and is now considered suitable for public exhibition.

Table 1: Process and consultation

Date	Consultation
14-Jul-23	DPHI announced the successful SAPPs
11-Aug-23	Pre-lodgement meeting – Applicant and DPHI
16-Aug-23	Site visit – Applicant and DPHI
18-Aug-23	Meeting – DPHI and Council
5-Sept-23	Regular progress meeting – Applicant, DPHI and Council
14-Sept-23	Applicant lodgement Planning Proposal and supporting technical studies
26-Sept-23	DPHI adequacy review completed and commenced assessment of the proposal
26-Sept-23	Meeting – TFNSW, Council and DPHI
10-Oct-23	Progress meeting – Applicant, DPHI and Council
20-Oct-23	Post Review Discussion – Council and DPHI
26-Oct-23	Post Review Discussion – Applicant and DPHI
7-Nov-23	Progress meeting – Applicant, DPHI and Council
24-Nov-23	Request to amend the Planning Proposal issued to the Applicant
15-Dec-23	Amended Planning Proposal and supporting documents received and assessment continues
20-Dec-23	Further amended supporting documents received and assessment continues
12-Feb-24	Traffic meeting – Applicant, applicant’s traffic consultant, DPHI and DPHI’s traffic consultant
20-Feb-24	Meeting – Council and DPHI
20-Feb-24	Request to amend the Planning Proposal issued to the Applicant
27-Feb-24	Additional information relating to request to amend the Planning Proposal issued to the Applicant
1-Mar-24	Urban design meeting –Applicant, applicant’s urban designer and DPHI
6-Mar-24	Flooding meeting – SES and DPHI
6-Mar-24	Urban design meeting – Applicant’s urban designer and DPHI
28-Mar-24	Revised Planning Proposal submitted to DPHI for final assessment and suitability for public exhibition

1.4 Public exhibition of the Planning Proposal and EIE

This Explanation of Intended Effects (EIE) outlines the Department's assessment of the planning proposal and the presents amendments proposed to the *Wollongong Local Environmental Plan 2009* (Wollongong LEP 2009). The EIE will be publicly exhibited with the planning proposal.

During the public exhibition period, the Department will consult the community, Council, and relevant government agencies to determine the level of support for the proposed amendments.

Post exhibition, the Department will review the submissions received during the public exhibition, address any issues raised, and make any required amendments to planning controls in response to the feedback received, and progress the necessary legislative amendments to the Wollongong LEP 2009.

2 Warrawong Planning Proposal

2.1 Site description

The site, illustrated in **Figure 1**, comprises a sub-regional shopping centre known as Warrawong Plaza. The centre has been operating since 1960 and was previously known as Lake Market Shopping Centre.

The shopping centre has a height of two storeys and accommodates approximately 44,000m² of gross lettable retail area (GLA). The centre comprises approximately 140 tenancies, including: Aldi, Big W, Target, Coles, Rebel Sports, Hoyts Cinemas and JB HI-FI. Works to accommodate a Woolworths in accordance with DA-2022/890 within the shopping centre are currently underway. Extensive parking is provided at-grade at the perimeters of the site and in a multi-deck carpark in the eastern portion of the site.

The site is bounded by Cowper Street to the north, Northcliffe Drive to the south, King Street to the west and open space and residential lots front Shellharbour Road to the east. The site is located in the Wollongong Local Government Area (LGA).

The site is over seven hectares in size and comprises six allotments:

Lot 2 DP 216785

Lot 1 DP 217579

Lot A DP 421454

Lot 2 DP 535215

Lot 1 and 2 DP 571183

Land opposite the site on the northern side of Cowper Street, between Taurus and First Avenues, is occupied by one to three storey buildings with ground floor retail and commercial or residential uses above. Land opposite the site, east of Taurus Avenue is predominantly occupied by single storey, detached dwelling houses.

Land opposite the site on the western side of King Street is occupied by large format retail behind extensive at-grade parking.

Extensive public open space is located opposite the site on the southern side of Northcliffe Drive with a mix of residential, commercial and industrial uses located further south.

Residential uses in the surrounding area are predominantly single storey detached dwelling houses, with some examples of walk-up residential flat buildings also present.

The site is located on sloping land that falls from high points to the north-west and north-east to Lake Illawarra to the south-west. Existing vegetation is limited to planted and managed grasses, shrubs, and trees, predominantly located along the edges of the site.



2.2 Regional context

Warrawong is located between Lake Illawarra to the south-west and Port Kembla to the north-east (**Figure 2**, overpage). Other major land uses in the vicinity of the site include the Port Kembla Hospital to the west, Warrawong Public School and Warrigal Multicultural Village to the north-west and Kemblawarra Public School to the south-east.

Access to Warrawong is primarily provided via King Street/B65 (State Road No. 522), leading to the Wollongong CBD approximately nine kilometres to the north and Shellharbour approximately nine kilometres to the south. The B65 also enables connections to the Princes Highway/Motorway (providing access to Sydney and the South Coast) via Port Kembla. Port Kembla is the largest motor vehicle importation terminal in NSW, the principal grain export port for southern and southwestern NSW and facilitates the Illawarra's significant steel and mining industries.

Bus routes 34, 37/57, 43, 51, 53 and 65 facilitate connections to Wollongong, Port Kembla, Shellharbour Shopping Centre, Dapto, Mount Brown, Oak Flats, Shell Cove, and North Wollongong.

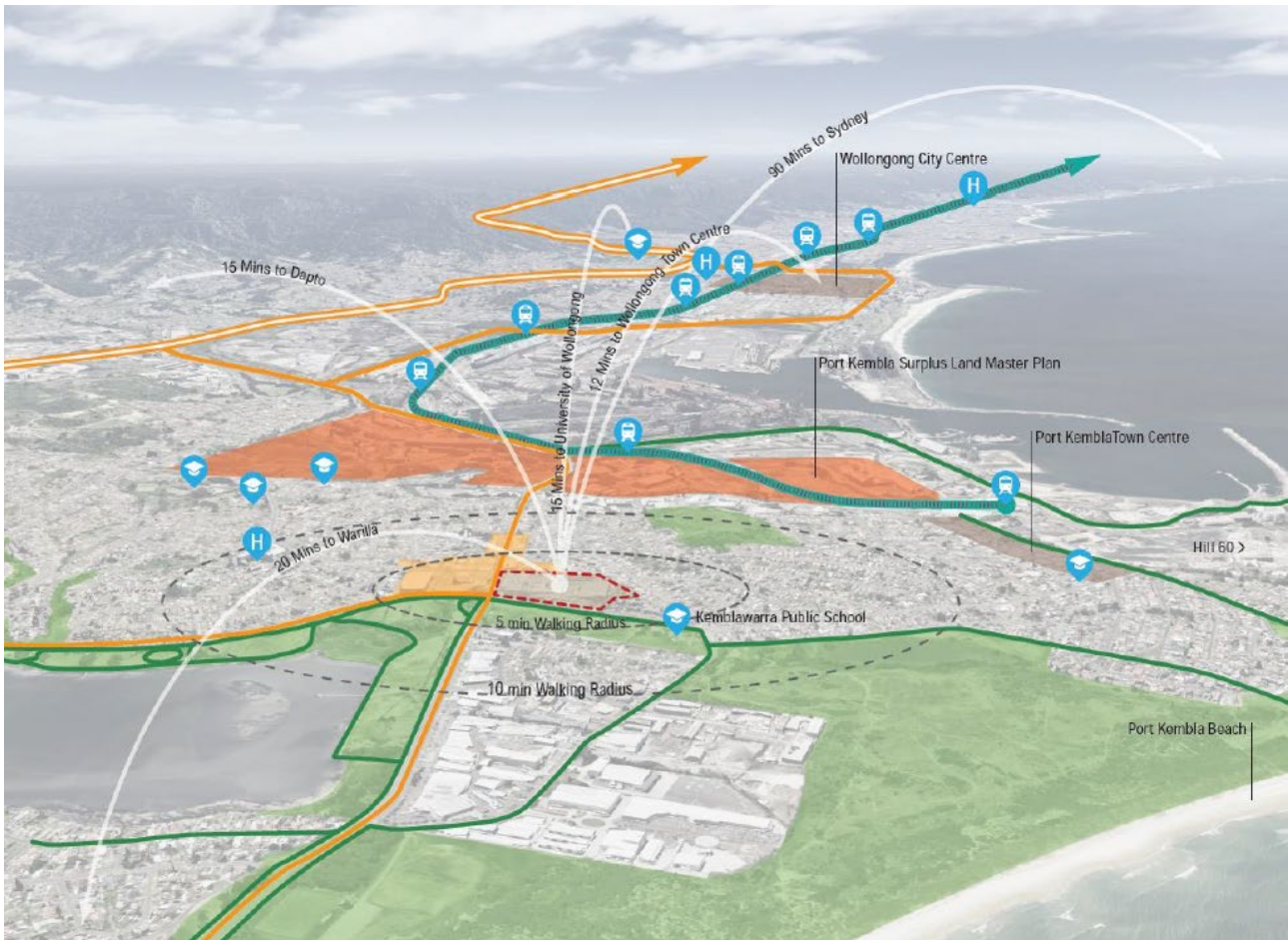


Figure 2 Site regional context (Urban Design Report. p19)

2.3 Proposed development

The Planning Proposal seeks to amend planning controls that will enable the redevelopment of Warrawong Plaza. The intent is to maintain Warrawong Plaza’s role in delivering key retail services to meet the needs of the community, whilst facilitating 1,300 new homes, stimulated economic development with the town centre and activate Cowper Street.

The Urban Design Report (2024) presents a mixed-use development with a 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 Planning Proposal is supported by a reference scheme within the Urban Design Report (2024) that demonstrates the likely built form outcome resulting from the amended planning controls (**Figure 3**, over page). Based on the reference scheme, the Planning Proposal would deliver:

- Approximately 55,000m² of non-residential floor space, including retail, commercial, recreation and health uses in a redeveloped two storey shopping centre
- 1,300 residential apartments (including 10% as affordable housing for a minimum period of 15 years)
- across 12 residential buildings ranging in height between 24 and 78 metres, and approximately 23,000m² of publicly accessible open space.

The towers are to be separated from the shopping centre by a through-site link from Cowper Street to Northcliffe Drive via a central public open space. Active frontages are to be provided along part of the Cowper Street and King Street frontages, as well as parts of the through-site link.

The Planning Proposal aligns with the principles of land use efficiency and reducing urban sprawl through the co-location of an existing shopping centre with high density residential uses. The redevelopment would revitalise the existing Warrawong Town Centre through conversion of existing blank facades facing Cowper and King Streets into active street frontages. The increase in local captive population within the site would enhance the broader Warrawong Town Centre through increased patronage of businesses outside of the site.

The site is suitable for redevelopment and has strategic merit for the following reasons:

- Warrawong is identified as a Strategic Centre under the Illawarra Shoalhaven Regional Plan 2041.
- It is a large, consolidated site in a single ownership, avoiding a piecemeal approach to meeting growing housing demand.
- It is located along King Street, a major road connecting communities to the south to Port Kembla and Wollongong to the north, with intersections with Cowper Street and Northcliffe Drive that connect residential areas to the east and west into King Street.
- It contains an existing shopping centre, allowing future residents of the site to walk down to the shops rather than rely on private vehicle travel.
- It is an existing destination for a number of bus routes that connect to major employment centres in Port Kembla and Wollongong.
- It is located in close proximity to extensive public open space and Lake Illawarra.
- Existing services are available to the site, including water, sewer, stormwater, electrical, telecommunications and road infrastructure.



Figure 3 Artist impression future redevelopment of the site (Urban Design Report, 2024)

3 Strategic Assessment

3.1 Regional Plan

3.1.1 Illawarra Shoalhaven Regional Plan 2041

The objectives for the development of each of the cities that comprise the Six Cities Region are established within a District or Region Plan specific to the city. The site falls within the Illawarra-Shoalhaven City, to which the Illawarra Shoalhaven Regional Plan 2041 (DPE 2021) applies.

The Regional Plan sets out the 20-year land use framework for continued growth and revitalisation of the Illawarra Shoalhaven, known to be one of Australia's most diverse and liveable regions. It influences the delivery of housing supply, informs, and influences planning for business and job growth and the decision-making for infrastructure planning. This is to be achieved through planning and development in accordance with the 30 Objectives for the Illawarra Shoalhaven (each supported by a number of Strategies) and nine Actions.

Warrawong is identified as a Strategic Centre under the Illawarra Shoalhaven Region Plan. The planning proposal is generally consistent with the strategic direction and objectives. A full consideration of the proposal's consistency with the Illawarra Shoalhaven Regional Plan 2041 can be found at **Appendix A**.

3.2 Local strategic documents

The proposal is generally consistent with the strategic direction and objectives of the following local plans and endorsed strategies.

3.2.1 Wollongong Local Strategic Planning Statement

The Wollongong Local Strategic Planning Statement (LSPS) 2020 sets out the 20-year vision for land use planning in the region and guides the planning controls in the Wollongong Local Environmental Plan (LEP) 2009 and Development Control Plan (DCP) 2009. The LSPS may also inform other planning tools, such as contribution plans, to ensure that local infrastructure is provided as the community needs change.

The proposal is consistent with the six key themes identified in the Strategy: Jobs and Economic Growth, Housing for All, Inclusive and Connected Communities, Climate Action and Resilience, Protect the Natural Environment and Enabling Infrastructure and Transport.

Council's LSPS acknowledges the anticipated growth expected for the region and indicates approximately 28,000 additional dwellings will be needed, to accommodate an additional population of 47,000 new residents.

While the site is not explicitly identified in the LSPS for additional housing or job growth, the proposal gives effect to a number of planning priorities as considered in **Appendix B**.

3.2.2 Wollongong Housing Strategy

The Wollongong Housing Strategy (2023) established the following vision for housing in Wollongong (p. 11):

- *Housing will respond to Wollongong's unique environmental setting and heritage.*
- *New housing will continue to diversify supply and provide choice for residents. Diversity will be provided through a variety of housing types, sizes, configurations, and features, to cater for a wide range of residential needs and price-points. Focus for diversity will be on affordable, smaller, and/ or adaptable housing located throughout the Wollongong LGA to cater for a range of incomes and abilities.*
- *Town and village centres, and land zoned for medium density residential development will promote their distinctive character, whilst planning for and facilitating growth and high-quality design in desired locations.*
- *Wollongong will strive to increase affordability in the housing market, and to ensure housing provides for a wide range of incomes, people with a disability and for our ageing population.*

The vision is to be delivered through development in accordance with strategies group under the themes of homelessness and emergency housing, social housing, seniors housing, accessible housing, affordable rental housing, housing diversity, mix and choice, housing growth in the right locations, site specific changes, partnership and advocacy and education. It is noted that under the theme of housing growth in the right locations, Strategy L10 identifies the potential for modification of planning controls to enable increased development potential around the Warrawong town centre.

3.2.3 Warrawong Town Centre Master Plan

The Warrawong Town Centre Master Plan (2013) establishes a vision for the Warrawong Town Centre as 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” (p. 2).

The vision and desired future character are to be delivered through four key directions:

- Cowper Street is the Main Street.

- Warrawong has a unique village character.
- Warrawong is pedestrian focused.
- Warrawong's public places matter.

Key masterplan directions would be realised through redevelopment of the site:

- the shopping centre and quantum of retail will be retained,
- new extension towards the Cowper and King Street frontages, having nil setback and active street frontages,
- pedestrian laneway providing access from Cowper Street to the retained shopping centre, and
- an urban park between the existing shopping centre and the Cowper Street frontage with active frontages and awnings to the public open space. The urban park would have astro turf, moveable chairs and allow temporary events such as play days, skate events, festivals, outdoor film screenings, pop up markets and picnic days.

The Department acknowledges the redevelopment of the Warrawong Town Centre will create a mixed use, activated, infill development include residential, retail, commercial, recreation and health uses, in proximity to public open space and Lake Illawarra. The proposed redevelopment will revitalise the existing town centre and deliver 1,300 new homes.

4 Discussion of Issues and Planning Considerations

4.1 Environmental

The following section assesses the potential environmental impacts associated with the proposal.

4.1.1 Aboriginal heritage

The NSW Government is committed to protecting Country, community and sacred sites and in July 2023, the Connecting with Country Framework was launched. The framework seeks to provide a framework for the protection of Country, community and sacred sites in the planning and design of our places and buildings.

The site is on the traditional land of the Yuin people, which extends from the Georges River and Port Hacking to the north, the Great Dividing Range to the west, the Towamba River to the south and the Pacific Ocean to the east.

The Coomaditchie Lagoon is located approximately 500 metres to the east of the site and is Identified as locally significant Heritage 6424 under the WLEP 2009. The Statement of Significance for the lagoon (NSW State Heritage Inventory) identifies the lagoons high significance for the Aboriginal community and describes the connection between the Aboriginal community and the local area. Connections include the community's relocation from Hill 60 to the newly established mission beside the lagoon, in the early twentieth century, and its ongoing management by the Coomaditchie United Aboriginal Corporation.

Whilst the site is unlikely to contain Aboriginal sites or places due to being heavily disturbed following the development of the shopping centre and extensive hard-stand parking and loading areas, the site may have cultural significance due to its proximity to Coomaditchie Lagoon which once formed part of a series of lagoons in the Lake Illawarra floodplain. Further, redevelopment of the site may result in the disturbance of Aboriginal artefacts located below ground.

The Department considers that the risk of disturbing Aboriginal artefacts would be adequately mitigated through further investigation during a development assessment. This would include an Aboriginal Heritage Due Diligence Assessment and, if required, an Aboriginal Cultural

Heritage Assessment Report. An Unexpected Finds Protocol may be required to manage impacts during construction.

The Department considers that Connecting with Country principles would met through the implementation of the proposed site-specific clause (refer to **Section 5.6**) that requires that development is consistent with the Warrawong Plaza Design Guidelines (2024). The Guidelines include a requirement that future development enabled by the Planning Proposal showcases Connecting with Country principles in design and consultation approaches, as well as in the design of the built form, landscaping, public art and public domain, drawing on knowledge of Country held by local Aboriginal knowledge holders.

Consultation with the Illawarra Local Aboriginal Land Council and Coomaditchie United Aboriginal Corporation is to be undertaken during public exhibition of the planning proposal.

4.1.2 Contamination

The Planning Proposal is supported by a Preliminary Site Investigation (EI Australia 2023). It includes the result of searches of the NSW Environment Protection Authority's (EPA) Contaminated Land Record of Notices, List of Notified Sites and *Protection of the Environment Operations Act 1997* (POEO Act) Public Register. The results did not identify any regulatory notices applicable to the site or within 500 metres of the site, with the exception of the Caltex Service Station at 75-77 King Street, Warrawong. No impacts from the service station are expected due to the intervening gradient of the topography.

A search of aerial imagery as part of the Preliminary Site Investigation (PSI) shows the site as vacant in the earliest available imagery 1941, until 1951. By 1966, aerial imagery indicates that the site was developed for the purposes of a shopping centre with generally the same building footprint as the existing.

Notwithstanding the above, the PSI recommends the preparation of a Detailed Site Investigation (DSI). The DSI is to include site-wide soil and groundwater sampling and laboratory analysis for potential contaminants identified in the PSI. A Hazardous Materials Survey and Asbestos Management Plan are also recommended. A Remediation Action Plan is to be prepared should the DSI identify a requirement to remediate the site prior to works being undertaken.

The Department considers that the DSI can be undertaken as part of a future development application.

4.1.3 Flooding

The planning proposal is supported by a Flood Assessment Report and Flood Impact Assessment Report (2024) which indicates the site is impacted by:

- overland flooding in the 1% annual exceedance probability (AEP) event under existing conditions, primarily within the southern and eastern setbacks of the existing building (Figure 4), and
- lake flooding in the 1% AEP event in the southern portion of the site.

The Flood Assessment Report and Flood Impact Assessment Report (2024) have been updated in response to consolidated comments from Council, the SES and the Department, as well as a Flood Peer Review (2024) conducted by Rhelm. This included addressing concerns with respect to removing all buildings located within the flood-constrained south-eastern corner of the site. The updated reference design also provides a solution to protect the proposed basement car park from flooding, through the driveway being designed in accordance with Section 6.5.3, Control (d) of Chapter E13 of the WDCP 2009, as shown in **Figure 5**.

The Department considers that the planning proposal will not result in increased density within the flood planning area and any future development application pertaining to the south-eastern corner of the site of the site would remain subject to existing planning provisions. All other matters relating to on-site flood affectation can be addressed during development assessment.



Figure 4 Existing 1% AEP Flood Depth (Water Technology 2024, Fig. 2-5, p. 12)

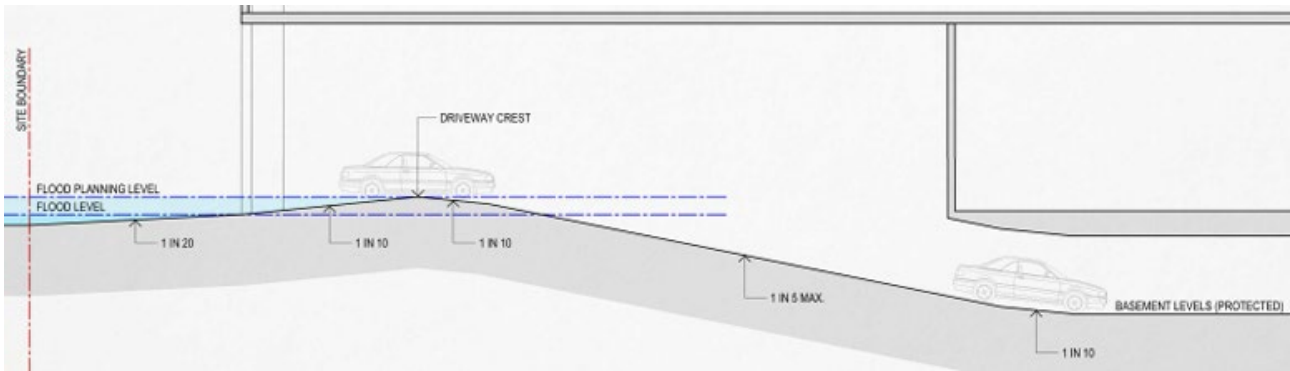


Figure 5 Driveway Crest Section (CHROFI 2024, p. 40)

The Flood Assessment Report and Flood Impact Assessment Report (2024) demonstrates that development enabled by the planning proposal would result in no additional flood affectation within neighbouring properties and a reduction in flood affectation within parts of the surrounding road reserve (**Figure 6**). However, it would result in increased flood affectation within the eastern and western portions of the site, as well as within the road reserve of Cowper and King Streets.

The Department considers that impacts on the road reserve could be mitigated through infrastructure upgrades, to be determined through the development assessment process.

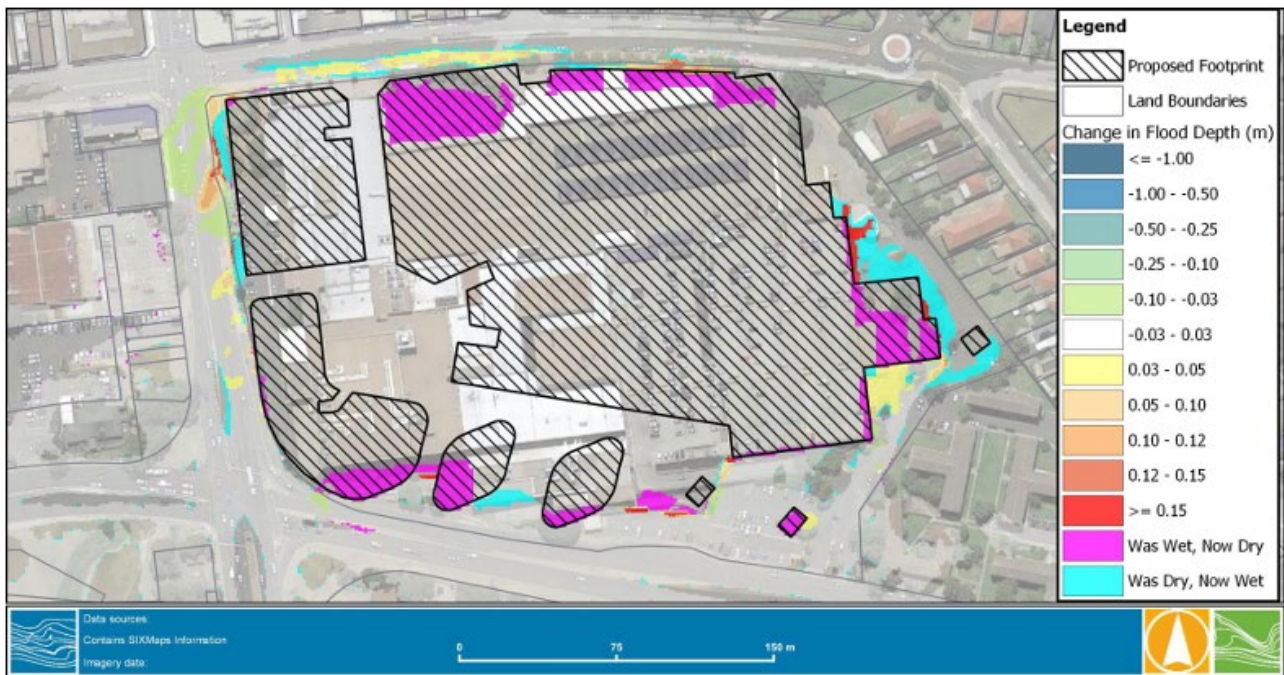


Figure 4 Post-Development 1% AEP Flood Depth Difference vs Existing (Water Technology 2024, Fig. 3-9, p. 27)

4.1.4 Biodiversity

Warrawong is identified in the Urban Greening Strategy 2017-2037 as a suburb (amongst a number of suburbs) with the lowest canopy cover (less than 10%) across the LGA. The canopy cover falls below the City-wide canopy cover of 17% and the optimal canopy cover of 35%.

Canopy cover within the site is reflective of the broader suburb due to the presence of the Warrawong Plaza shopping centre, as well as associated hardstand parking and loading areas. Vegetation is limited to planted garden beds containing a limited number of trees, shrubs, and groundcover. As such, the site has limited biodiversity value.

The Urban Design Report (2023) demonstrates that the reference scheme, enabled by the planning proposal, would achieve 22% canopy coverage. This would be achieved across the 6,507m² of deep soil area, 15,978m² of publicly accessible open space (e.g. through-site links), 12,317m² of private open space (e.g. shopping centre rooftop areas accessible to visitors) and 11.493m² of communal open space (e.g. rooftop areas only accessible to residents) provided for in the reference scheme.

The Department considers that the above would be achieved during development assessment through the implementation of the proposed site-specific clause (refer to **Section 5.6**) that requires that development is consistent with a site-specific development control plan and/or the Warrawong Plaza Design Guidelines (2024). It is noted that the Guidelines include a requirement that future development enabled by the planning proposal achieves a minimum 35% tree canopy cover within areas of open space and public domain at ground level within the site.

4.1.5 Historic heritage

No items of significant or local heritage value are on site or within adjoining land.

4.2 Social

4.2.1 Provision of diverse and affordable housing

Section 1.4 of the EP&A defines ‘affordable housing’ as housing for very low, low and moderate income households. Section 13 of *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) provides that a household is taken to be a very low income household if gross income is less than 50% of the median for the rest of NSW (determined by the Australian Bureau of Statistics), a low income household if it has a gross income of between 50 and 80% of the median and a moderate income household if it has a gross income of between 80 and 120% of the median. Further, the household must pay no more than 30% of its gross income in rent, is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than would be charged under that scheme.

The Economic Report (2024) states Wollongong City LGA is expected to grow by 28,000 new homes between 2021 and 2041, requiring an average of 1,400 new homes delivered each year.

The planning proposal will contribute to the target of 28,000 new dwellings by 2041 and will assist to increase the rate of supply and achieve housing targets.

The planned redevelopment is consistent with the product and locational objectives and intent outlined in all housing strategies produced at a state, regional and local level. The planned 1,300 apartments represent approximately 4.6% of total required new dwellings to 2041 and 8% of the conservative estimate of demand for new apartment product to 2041. The planning proposal anticipates that this supply will be delivered in stages to align with market demand conditions during this period, further ensuring that the delivery of housing onsite aligns with market conditions and economic needs.

The planned apartments will also co-locate new residential supply with employment activities, including those onsite and within the surrounding town centre, which will benefit those existing and future workers in the area. The planned expansion of the Port Kembla Steelworks is expected to generate approximately 30,000 jobs in proximity to the site. The planning proposal will increase housing supply with the provision of 10% of dwellings (approximately 130 dwellings) as affordable housing.

The Department considers that the affordable housing component would be delivered in future through the implementation of the proposed site-specific clause (refer to **Section 5.6**). Based on current provisions in the Housing SEPP, the affordable housing component of the development would be required to be used as such for a period of at least 15 years from the issue of an occupation certificate and managed by a registered community housing provider.

4.2.2 Transition of existing retail functions

Warrawong Town Centre plays a crucial role as a retail hub for communities on the northern side of Lake Illawarra. Within the Warrawong Town Centre, Warrawong Plaza accommodates most of the retail floor space, accommodating major tenancies such as Aldi, Big W, Coles and Woolworths (under construction), large tenancies such as Rebel and The Reject Shop, services such as Australia Post and Commonwealth Bank, a gym (Planet Fitness) and a cinema (HOYTS). It follows that Warrawong Plaza accounts for 76.64% of the total activity in buildings within the Warrawong Town Centre. Accordingly, the retention of existing retail floor space is critical to the liveability of the area, both during and following the completion of construction.

The Urban Design Report (2024) includes an indicative staging plan demonstrating it would be able to continue to provide crucial services during construction. This includes:

- Stage 1: Demolition of smaller tenancies in the north-western portion of the site to enable construction of one large retail tenancy, a range of food and drink premises, part of the cinema, centre office, health and wellness tenancies, four residential towers (8, 10 and two of 17 storeys) associated basement parking and part of the through-site link.

- Stage 2: Demolition of Big W and a range of smaller retail tenancies in the north-western portion of the site to enable construction of a new major tenancy for Big W, two other major tenancies, two large tenancies and a range of smaller retail tenancies, food and drink premises, childcare, part of the cinema, health and wellness tenancies, two residential (5 and 6 storeys) and associated basement parking. Aldi and Coles would decant from the south-western corner of the site into the new tenancies in the north-eastern corner.
- Stage 3: Demolition of major tenancies formerly occupied by Aldi and Coles, as well as a range of smaller tenancies in the southern portion of the site to enable completion of the through-site link to Northcliffe Drive, associated Green Heart, a limited number of food and drink premises, health and wellness tenancies and gym, four residential towers (9, 13, 18 and 22 storeys) and associated basement parking.
- Stage 4: Demolition of smaller retail tenancies in the central portion of the site to enable construction of the remaining smaller retail tenancies, two residential towers (5 and 13 storeys) and associated parking.

Under the indicative staging plan, Woolworths would be able to continue functioning from its current premises throughout the construction period. Aldi and Coles would be able to close their existing tenancies in Stage 3 and reopen them overnight in Stage 2, following completion of fit-out of their new tenancies in the latter. Only Big W would be required to cease operations for the duration of Stage 2. All major tenancies would be operational during Stage 3 and 4.

The Department considers that the proposed site-specific clause (refer to Section 5.6), will ensure the retail function of the site is protected during and after construction by requiring that development is consistent with the Warrawong Plaza Design Guidelines (Ethos Urban 2024). The Guidelines include a requirement that future development enabled by the planning proposal is supported by a staging plan that demonstrates how continuity of the primary retail and service functions of the existing shopping centre will be maintained. It specifies the requirement to maintain, at minimum, a full-line supermarket, other fresh food retailers, food and drink premises, pharmacy and automatic teller machine or other banking facilities throughout the construction phase.

4.2.3 Urban design

The Urban Design Report (2024) provides a detailed reference scheme, being an indication of the built form outcome that could be delivered under the Planning Proposal, which includes approximately 55,000m² of non-residential gross floor area (GFA) and 1,300 residential dwellings. The non-residential GFA is to be primarily located within a two-storey shopping centre in the centre of the site, extending to the northern and eastern boundary. It is to

accommodate three major supermarkets and a range of small to large retail tenancies, as well as food and drink premises, medical and associated uses, gym, cinema, and childcare.

A portion of the 1,300 dwellings are to be located across six towers above the shopping centre, ranging in height between five and 17 storeys. The remainder are to be accommodated across six towers ranging in height between nine and 22 storeys along the site's King Street and Northcliffe Drive frontages. These are to be separated from the shopping centre by a through-site link running behind the six towers, connecting Cowper Street at the north-western corner of the site to Northcliffe Drive at the south-eastern corner. Of the eight towers, the two towers in the north-western corner are to sit atop a three-storey podium accommodating food and drink premises and residential.

Height bulk and scale

Built form height is to transition down from the site's King Street and Northcliffe Drive frontages to the northern and eastern boundaries, taking advantage of the parkland to the south to avoid an overbearing impact on the streetscape. It also allows overshadowing impacts to be concentrated over open space, as opposed to more sensitive uses.

The reduced built form height along the northern boundary ensures a human scale along Cowper Street that is critical to its revitalisation, as desired under the Warrawong Town Centre Master Plan (refer to Section 3.2.3). The reduced built form height along the eastern boundary mitigates bulk and scale impacts to residential uses to the east.

The Department considers that an appropriate bulk and scale outcome would be achieved through the implementation of the proposed Height of Buildings Map (refer to Section 5.3) and proposed site-specific clause (refer to Section 5.6) which requires consideration of a site-specific development control plan and/or the Warrawong Plaza Design Guidelines (2024) as part of any future development assessment. More detailed design refinement, including further compliance with the Apartment Design Guide, would also be addressed during development assessment.

Active Street Frontages

The Urban Design Report (2024) reference scheme includes fine-grain retail facing and accessible from Cowper Street, sleeving larger tenancies (e.g. supermarkets) from view. In doing so, the reference scheme flips the current arrangement, encouraging pedestrian activity on Cowper Street to access shops, rather than internally within Warrawong Plaza. The environment would be made further amenable to pedestrians through a high proportion of glazing in the facades of fine-grain retail facing Cowper Street, as well as awnings over the Cowper Street footpath. These factors, combined with the human scale of the reference scheme along the Cowper Street frontage, ensures that the reference scheme will have a positive contribute to the streetscape.

The Department considers that appropriate streetscape activation would be achieved through a proposed Active Street Frontages Map (refer to Section 5.5) and proposed site-specific clause (refer to Section 5.6) as part of this Planning Proposal. The map identifies a requirement to provide active street frontages to parts of both the Cowper and King Street frontages whilst the site-specific clause requires that development is consistent with the Warrawong Plaza Design Guidelines (2024). The Guidelines include a requirement that minimal setbacks, awnings, and active street frontages are provided to Cowper and King Street for the ground floor and podium.

Pedestrian connectivity and laneways

The reference scheme achieves an appropriate pedestrian permeability outcome, including a through-site link between the south-eastern corner of the site and Cowper Street, midway between the intersection with King Street and Taurus Avenue. The through-site link is to pass through an open space area known as the Green Heart that would form a focal point of the site, fronted by food and drink premises and retail premises. Two pedestrian pathways from the King Street frontage are to connect to the main through-site link at the Green Heart, further contributing to permeability through the site.

The Department considers that an appropriate pedestrian permeability outcome would be achieved through the implementation of the proposed site-specific clause (refer to Section 5.6) that, amongst other things, requires that development is consistent with the Warrawong Plaza Design Guidelines (2024). The Guidelines include a requirement that future development enabled by the Planning Proposal includes a through-site link as indicated in the reference scheme.

4.3 Economic

4.3.1 Retail, commercial and other non-residential

The Economic Report, 2024 provides a Project Benefit Assessment on the retail, commercial and other non-residential uses proposed under the reference scheme, enabled by the Planning Proposal, would generate (p. 26):

- 350 full time equivalent (FTE jobs),
- an overall economic impact of \$140 million per annum in economic output,
- \$70 million per annum in gross value add, and
- \$50 million per annum in income based on the combined direct and indirect impacts (attributed to economic flow on effects).

The Project Benefit Assessment outlines a number of wider benefits arising from development enabled by the planning proposal, primarily relating to the increased local captive population. For example, the increased local captive population would drive increased patronage of existing public transport services, allowing them to operate more efficiently. It would also drive increased demand for existing retail and services within the site and in the broader town centre, allowing business owners to consider expanding operating hours and hiring additional staff. Similarly, it would encourage the opening of new business both within the site and in the broader town centre, contributing to the revitalisation of the town centre and the creation of an 18-hour economy.

4.3.2 Homes

The Economics Report (2024) demonstrates a continuing trend of development of apartments and townhouses significantly exceeding the development of houses in the Wollongong LGA over the last ten years. Based on market trends over the past ten years, apartment delivery and demand has been significantly higher than houses, demonstrating a shift in housing product demand. Based on these trends, 16,160 of the 28,000 required new homes are likely to be apartments or townhouses. Suggesting that the trend is driven by a range of market conditions such as an ageing population, an increase in single and couple households and increasing pressures on housing affordability. Development enabled by the planning proposal would meet approximately 8% of this demand, delivered in stages in line with market demand and take up. The 1,300 apartments will increase housing diversity and affordability based on the definitions and objectives of the various housing strategies, as well as increase housing supply in co-location with shops, services, and public transport.

4.4 Infrastructure

The Traffic Impact Assessment (2024) was refined in response to comments provide by the Department, Council, and a technical Transport Peer Review (2024) conducted by ARC Traffic and Transport, that provided recommendations that were supported by TfNSW. The revised Traffic Impact Assessment was submitted to the Department on 28 March 2024.

4.4.1 Transport

Existing road network

The key regional connectors to Warrawong and the key local roads providing access to the site include:

- King Street, a regional road (B85) which runs north-south between Five Islands Road and Shellharbour Road.

- Northcliffe Drive, an east-west connection between Port Kembla to the east and Princes Motorway and Highway to the west.
- Cowper Street, an east-west local street connecting Illawarra Street (an extension of Northcliffe Drive) to the east and Flagstaff Road (an extension of Five Islands Road) to the north-west via an intersection with King Street adjacent to the site.
- Shellharbour Road, a local road that generally runs north-south between a terminus south of Five Islands Road and Northcliffe Drive.
- Green Street and Montgomery Avenue, a local road providing an east-west connection in the northern part of the town centre.

As shown in **Figure 7**, the site has five existing access points. These include two access points from Cowper Street, one access point from King Street and two access points from Northcliffe Drive. All the access points from Cowper and King Streets provide for left in and left out movements. On the Northcliffe Drive frontage, Access 4 provides for left out only whilst Access 5 allows all movements via a seagull configuration.

Access 1 and 5 are the primary access points, facilitating circulation through the majority of the 1,623 parking spaces on-site, as well as connectivity to a number of internal service areas for service vehicles. Access 2, 3 and provide access to/from two smaller parking areas and some loading areas.

The Traffic Impact Assessment (2024) submitted as part of the planning proposal found that the intersection of King Street and Northcliffe Drive would be over capacity in 2028 as a result of natural growth in the area, even without development enabled by the planning proposal.

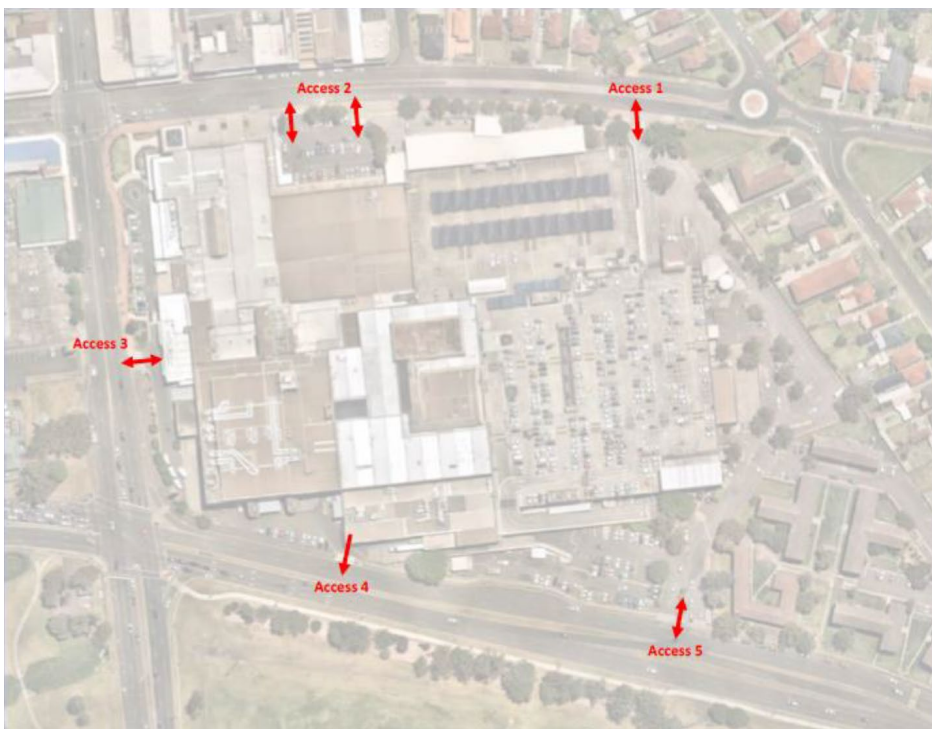


Figure 5: Existing site access points (Traffic Report, 2024)

Proposed road network

As shown in **Figure 8**, the reference scheme includes six access points including two access points from Northcliffe Drive and four access points from Cowper Street. Separate service vehicle access driveways to a north-south link along the eastern boundary of the site would be provided from Cowper Street and Northcliffe Drive, also allowing for casual loading and drop-off/pick-up for small vans and passenger vehicles.

A requirement to provide between 3,000 and 3,500 parking spaces is calculated in the Traffic Impact Assessment (2024, p. 22) in accordance with the WDCP 2009, up to 1,877 more spaces than the 1,623 spaces currently available on-site. The Department considers that the required quantity of parking could be accommodated within two to three levels of basement parking, to be resolved during development assessment. A proportion of the spaces would be reserved for disabled parking, car share and electric vehicle charging. The basement levels would also accommodate bicycle and motorcycle parking in accordance with the WDCP 2009.

The Traffic Impact Assessment (2024) provides an assessment of the reference scheme enabled by the planning proposal on the surrounding road network. It concludes that the intersection of King and Cowper Street would be over capacity in the weekday PM peak from 2028 (Stage 1 of development enabled by the Planning Proposal) and the intersection of King Street and Northcliffe Drive would be overcapacity in the weekday PM peak and Saturday peak from 2028 (Stage 1 of development enabled by the planning proposal).

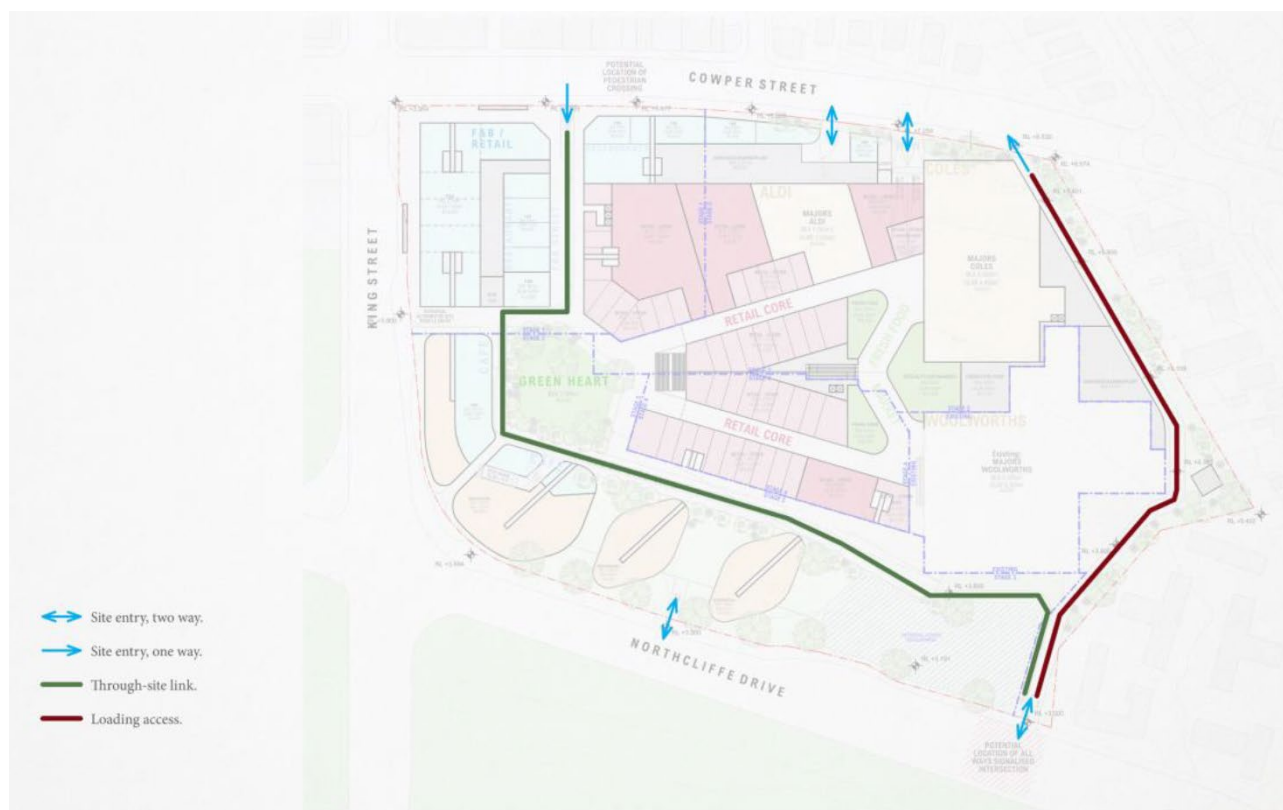


Figure 8: Reference scheme access points (ARUP 2024, Fig. 14, p. 22)

All other assessed intersections would continue to function with minimal change in level of service. These include the intersection of Access 5 and Northcliffe Drive (upgraded to a signalised intersection), the intersection of Northcliffe Drive, Shellharbour Road and Illawarra Street and the intersection of Shellharbour Road and Cowper Street.

Suggested mitigation measures include upgrades to the layout and operation of the intersection on King Street to increase capacity, noting that there is physical capacity within the existing road reserve, within the Warrawong Plaza site and within adjoining public land to accommodate additional lanes if required. Other mitigation measures include management of traffic through the site, as well as encouragement of active and public transport.

The Department considers that upgrades to the surrounding road network to accommodate increased traffic generated by development enabled by the planning proposal can be resolved at during a staged development assessment, in coordination with Council and TfNSW. This may involve negotiation of Voluntary Planning Agreement (VPA) between relevant parties.

Active and public transport

Two bus stops are located on Cowper Street and a further two bus stops are located on King Street. The four bus stops provide access to seven bus routes, including:

- Route 34, a loop service connecting Wollongong and Warrawong via Unanderra.
- Route 37, a loop service connecting Wollongong and Shellharbour via Dapto.
- Route 43, a loop service connecting Port Kembla and Mount Brown.
- Route 51, connecting Wollongong and Oak Flats via Stockland Shellharbour.
- Route 53, connecting Wollongong to Shellharbour via Warrawong and Shell Cove.
- Route 57, a loop service connecting Wollongong and Shellharbour via Warrawong.
- Route 65, a loop service connecting North Wollongong and Port Kembla.

The Traffic Impact Assessment (2024) provides that the reference scheme, enabled by the planning proposal, would result in a net increase in public transport usage (Table 33, p. 32) that is capable of being accommodated by existing services.

The intersections of King and Cowper Streets and King Street and Northcliffe Drive provide signalised crossing of all approaches. The new traffic signals at the intersection of King, Greene Street and Montgomery Streets will also provide signalised pedestrian crossings on each approach. Shared paths are also provided in Northcliffe Drive and King Street. According to the Warrawong Town Centre Master Plan, widened footpaths and new pedestrian crossings will be provided on Cowper Street and King Street to provide a more pedestrian friendly environment and enhance accessibility to bus stops in Cowper Street.

Off-road shared bicycle paths are limited to along Northcliffe Drive and King Street, south of the site.

The Traffic Impact Assessment (2024) provides that the reference scheme, enabled by the planning proposal, would result in an increase in walking (Table 31, p. 31) and cycling (Table 32, p. 31).

4.4.2 Utilities

The planning proposal is supported by an Electrical, Telecommunication, Sewerage and Water Network Capacity Assessment and Site Servicing Report (2023).

Electricity

The Assessment and Site Servicing Report (2023) provides an assessment of the capacity of existing infrastructure to accommodate the reference scheme, being an indication of the likely built form outcome resulting from the planning proposal. In doing so, it relies on the following assumptions:

- Full electrical building with no gas cooking.
- Electrical Vehicle Charging (EV) provision is based on assumption load management system will be in use, that Basement 1 parking is for Retail (Class 6) and Basement 2 parking is for Residential (Class 2) use.
- Residential load does not include any facilities (swimming pool/sauna/gym) at this stage.
- Only 1 set of fire pump will be in operation any one time for residential area.

Based on the preliminary assessment, existing infrastructure could only support part of the future load of the retail and commercial development. Accordingly, increased supply would be required from the electricity supply authority for the area, being Endeavour Energy.

In response to an enquiry as part of the Electrical, Telecommunication, Sewerage and Water Network Capacity Assessment and Site Servicing Report, Endeavour Energy provided a Supply Offer for an additional load of 4,573 amps per phase. The Supply Offer notes that a new 11 kilovolt feeder from the Port Kembla ZS (located on Flagstaff Road, approximately one kilometre from the site) to the site would need to be established. The Department considers that these upgrades could be delivered as part of a future development enabled by the planning proposal.

Potable water

In response to an enquiry as part of the Electrical, Telecommunication, Sewerage and Water Network Capacity Assessment and Site Servicing Report, Sydney Water advised that current water infrastructure does not have capacity to serve the proposed development. The following preliminary options to meet the needs of the development were identified:

1. Upsizing the 150mm and 100mm water mains on Cowper St to DN200 minimum. A new water meter connection will be made to serve the residential development with the retail

connection to be retained where possible. A separate connection will be made for fire services.

2. Upsizing the 150mm water mains on King St to DN200 minimum. The existing water meter connection will be removed and an upsized connection be made to serve both the residential and retail parts of the development. A separate connection will be made for fire services.

The Department considers that these upgrades could be provided as part of future development enabled by the planning proposal. More detailed advice provided by Sydney Water could be resolved during development assessment.

Sewer

In response to an enquiry as part of the Electrical, Telecommunication, Sewerage and Water Network Capacity Assessment and Site Servicing Report, Sydney Water advised that whilst some upsizing of existing site sewer infrastructure will be required, the sewer authority mains are sufficient to serve the development provided multiple connections are made to the authority mains bounding the site. The Department considers that more detailed advice provided by Sydney Water could be resolved during development assessment.

Stormwater

The planning proposal is supported by an Electrical, Telecommunication, Sewerage and Water Network Capacity Assessment and Site Servicing Report (2023). Under existing conditions, the site is nearly entirely hardstand. Runoff drains to a number of pits along a pipeline that bisects the site, carrying flows from the local catchment to open space and Lake Illawarra to the south. A second pipe and pits are also located in the south-western portion of the site, beginning to the west of the north-south pipeline and draining to the Northcliffe Drive/King Street intersection.

The reference scheme, being an indication of the built form outcome that could be enabled by the planning proposal, would result in an improvement on current conditions through the provision of 6,586m² of deep soil area landscape area for on-site stormwater infiltration. The Department considers that further opportunities to reduce off-site stormwater impacts would be detailed in a stormwater management plan during development assessment, including on-site stormwater reuse in accordance with the requirements of *State Environmental Planning Policy (Sustainable Buildings) 2022*.

It is noted that the reference scheme does not address the bisecting north-south pipeline that may compromise the design of basement parking. The Department considers that this concern could be resolved during development assessment.

Telecommunications and NBN

The Assessment and Site Servicing Report (2023) includes a description of available infrastructure, including telecom ducting along King Street and Northcliffe Drive with incoming Telstra and NBN cables. The Department considers that connections to communication services could be delivered as part of a future development enabled by the planning proposal in consultation with Telstra and NBN Co.

5 Explanation of Intended Effect

The following sections are to be read as an explanation of the intended effect of the proposed SEPP for the purpose of Section 3.30(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

It is intended to make a State Environmental Planning Policy (SEPP) to amend the Wollongong LEP 2009. The proposed amendments are outlined in Table 1.

5.1 Explanation of LEP provisions

This section details the proposed amendments to the Wollongong LEP 2009.

Table 2 outlines current and proposed controls for Lot 2 DP 216785, Lot 1 DP 217579, Lot A DP 421454, Lot 2 DP 535215 and Lot 1 and 2 DP 571183 (43-65 Cowper Street, Warrawong).

Table 2: Current and proposed controls

Control	Current	Proposed
Land use zone	E2 Local Centre	No change proposed
Additional permitted use	None	Residential flat buildings
Maximum height of buildings	24m	A range of heights from 24m to 78m
Floor space ratio	2.5:1	No change proposed
Key site	None	Area 11
Active street frontages	None	Part of the Cowper and King Street frontages
Local site provision	None	Require that development: With an estimated development cost of more than \$75 million is State Significant Development (SSD); and With an estimated development cost of more than \$75 million or development for the purpose of subdivision or residential accommodation: <ul style="list-style-type: none">– Retains 50,000m² of non-residential floor space following completion of all stages of development;– Provides at least 10% of residential gross floor area as affordable housing for a period of at least 15 years;– Is consistent with the Warrawong Plaza Design Guidelines (Ethos Urban 2024); and– Is consistent with a site-specific development control plan.

5.2 Additional permitted use

It is noted that shop top housing is already permitted with consent on the site, being a building containing commercial premises or health services facilities at the ground floor and residential uses above.

The additional permitted use of residential flat buildings is to be introduced to the site. This would allow the construction of buildings that have residential uses for the full height of the development, including on the ground floor. Residential flat buildings are envisaged along the site's Northcliffe Drive frontage under the reference scheme, enabled by the planning proposal.

5.3 Height of buildings

It is proposed to amend the Wollongong LEP 2009 Height of Buildings Map to allow for an increase in the maximum permitted height from 24 metres to a maximum of 78 metres as shown in **Figure 9**.

The increase in height will assist to deliver housing diversity across the site, catering to the changing demographics and providing affordable housing solutions.

The amendment seeks to transition height, with the tallest buildings situated along the western and southern boundaries of the site, scaling down towards low density residential areas to the east and north.

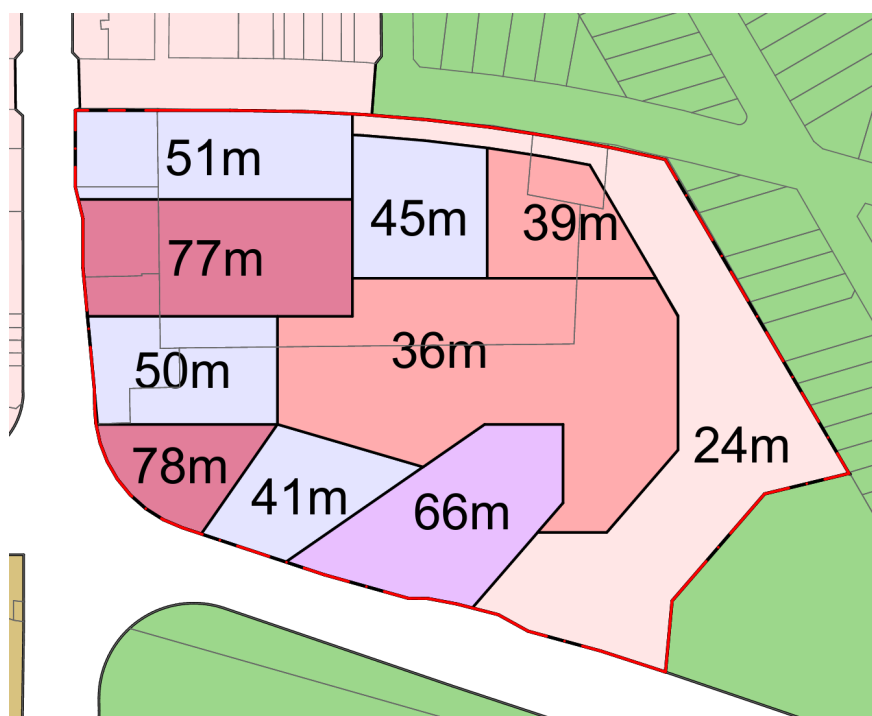


Figure 6: Proposed height of buildings map (CHROFI 2024)

5.4 Key site

Identifying the site as a Key Site, activates clause 7.18 (Design excellence in Wollongong city centre and at key sites) of the Wollongong LEP 2009. This clause requires a review of the proposed development design by Council's Design Review Panel, if the building height is or exceeds 35 metres, has an estimated development cost of more than \$1,000,000 on a key site or if requested by the applicant.

The consent authority for the development application would also need to be satisfied that the proposal exhibits design excellence, having regard to the considerations under clause 7.18(4). These include standard of architectural design, materials and detailing, form, external appearance, impacts on the quality and amenity of the public domain, impacts on view corridors, overshadowing, suitability of the land, land use mix, heritage and streetscape, relationship between towers, bulk and scale, street frontage height, environmental impacts, ecologically sustainable development and pedestrian, cycle, vehicular and service access, and circulation.

5.5 Active street frontage

Identifying part of the site's Cowper and King Street frontages as active frontages as shown in **Figure 10** below, activates clause 7.19 (Active Street frontages) of the Wollongong LEP 2009. Consequently, the consent authority for any future development application would need to be satisfied that the ground floor of the building facing the parts of Cowper and King Street shown red are used for the purposes of business or retail premises and its street frontage enables direct visual and physical connect between the street and the interior of the building.

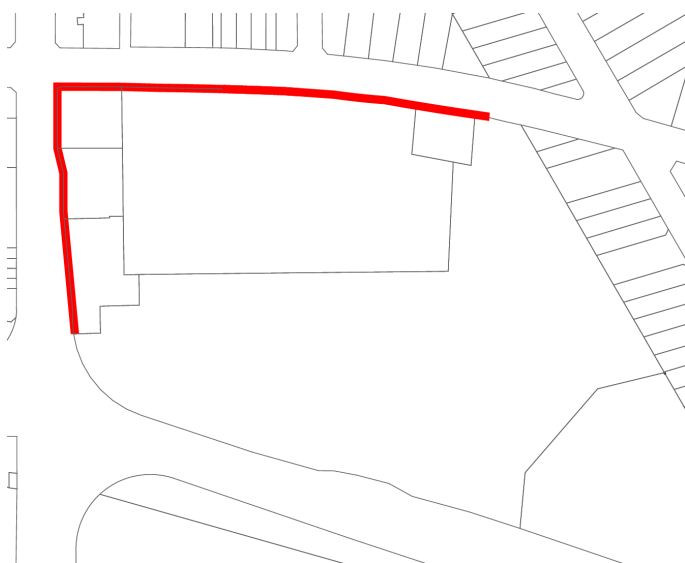


Figure 107: Proposed active street frontages map (CHROFI 2024)

5.6 Local site-specific provision

A local site-specific clause is to be introduced to require development with an estimated development cost of more than \$75 million to be considered State Significant Development.

Development that has a development cost of more than \$75 million or is for the purpose of subdivision or residential accommodation is to:

- Retain at least 50,000m² of non-residential floor space following completion of all stages of development, including future stages that may not be the subject of that development application.
- Provide at least 10% of residential floor space (not including gross floor area used for the purpose of group homes or seniors housing) will be used for affordable housing for a period of at least 15 years from the date of issue of an occupation certificate, enforced through a restriction registered against the title of the land in accordance with Section 88E of the *Conveyancing Act 1919* and managed by a registered housing provider.
- Be consistent with the Warrawong Plaza Design Guidelines, submitted by the applicant as part of the planning proposal.
- Be consistent with a site-specific development control plan that provides for a range of considerations, including design principles, distribution of land uses, building envelopes and controls, vehicle and pedestrian access, housing mix, encouragement of transport sustainability, public domain improvements, through-site links, staging, ecologically sustainable development and environmental impacts.

5.7 Development control plan

The proposed local site-specific provision provides that any future development with an estimated development cost of \$75 million is State Significant Development which would not require drafting a development control plan with Wollongong Council. However, if the development does not have an estimated development cost of \$75 million or more involve subdivision or residential accommodation, a development control plan would need to be drafted in coordination with Council.

5.8 Contributions

5.8.1 Local contributions

Local contributions are to be determined in coordination with Council following public exhibition.

5.8.2 State contributions

State contributions are subject to the new Housing and Productivity Contribution (HPC) which will levy contributions towards infrastructure projects to support the provision of new housing and productivity. Funding state and regional infrastructure project such as active transport, transport, education, health, emergency, justice and open space and conservation.

6 Consistency with relevant legislation and policies

6.1 Section 9.1 Ministerial Directions

The proposal is consistent with the relevant Section 9.1 Directions. A full consideration of the proposal's consistency with the Section 9.1 Directions can be found in **Appendix C**.

6.2 State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs. A full consideration of the proposal's consistency with the SEPPs can be found in **Appendix D**.

Appendix A – Consistency with the Illawarra Shoalhaven Regional Plan 2041

Planning Priority	Justification
<u>Objective 1</u> Strengthen Metro Wollongong as a connected, innovative, and progressive City	<p>The Planning Proposal is expected to have minimal impact on the role and function of Metro Wollongong as it would result in not net change in the quantum of non-residential floor space. Should a future proposal include a quantum of non-residential floor space that significantly exceeds the existing quantum, an economic impact assessment can be requested as part of the development assessment process to provide justification with respect to impacts on the role and function of Metro Wollongong.</p>
<u>Objective 2</u> Grow the region's Regional Cities	<p>The Planning Proposal would contribute to Warrawong's growth by enabling the revitalisation of existing offerings within the site, improved relationship between the site and public domain, increased public open space within the site and increased housing supply and diversity for the region.</p>
<u>Objective 3</u> Grow the Port of Port Kembla as an international trade hub	<p>The Planning Proposal would provide increased housing supply and diversity in close proximity to Port Kembla.</p>
<u>Objective 4</u> Activate regionally significant employment precincts to support new and innovative economic enterprises	<p>The Planning Proposal ensures that any future development within the site would be required to retain a quantum of non-residential floor space that is equivalent to the existing.</p>
<u>Objective 5</u> Create a diverse visitor economy	<p>The Planning Proposal would contribute to a diverse visitor economy by enabling the revitalisation of existing offerings within the site.</p>

Planning Priority	Justification
<u>Objective 6</u> Activate the region's harbours to promote the blue highway	The Planning Proposal would not have any impact on the region's harbours.
<u>Objective 7</u> Respond to the changing nature of retail	The Planning Proposal would enable the revitalisation of existing offerings within the site.
<u>Objective 8</u> Strengthen the economic self-determination of Aboriginal communities	The revitalised non-residential floor space creates the opportunity for Aboriginal-owned businesses to trade from the centre. Consultation with the Illawarra Local Aboriginal Land Council and Coomaditchie United Aboriginal Corporation is to be undertaken following public exhibition of the Planning Proposal.
<u>Objective 9</u> Promote agriculture innovation, sustainability and value-add opportunities	The Planning Proposal would not have any impact on agriculture.
<u>Objective 10</u> Sustainably maximise the productivity of resource lands	The Planning Proposal would not have any impact on resource lands.
<u>Objective 11</u> Protect important environmental assets	The site is significantly disturbed. The reference scheme demonstrates that development enabled by the Planning Proposal would result in an improvement on current conditions through increase in landscape area and canopy cover within the site. The requirement to deliver the increased in landscape area and canopy cover is ensured through the Warrawong Plaza Design Guidelines, given statutory weight under the proposed site-specific clause (refer to Section 5.6).
<u>Objective 12</u> Build resilient places and communities	The reference scheme, Flood Assessment Report and Flood Impact Assessment (Water Technology 2024) have been revised in response to consolidated comments from Council, the SES and the Department, including peer review by Rhelm. The Department considers that that

Planning Priority	Justification
	the revised documents adequately resolve key concerns, such that the Planning Proposal is suitable for public exhibition.
<u>Objective 13</u> Increase urban tree canopy cover	The reference scheme demonstrates that development enabled by the Planning Proposal would result in an improvement on current conditions through increase in landscape area and canopy cover within the site. The requirement to deliver the increased in landscape area and canopy cover is ensured through the Warrawong Plaza Design Guidelines, given statutory weight under the proposed site-specific clause (refer to Section 5.6).
<u>Objective 14</u> Enhance and connect parks, open spaces and bushland with walking and cycling paths	The reference scheme demonstrates that development enabled by the Planning Proposal would include new public open space along a new through-site link from Cowper Street to Northcliffe Drive. The requirement to deliver the through-site link is ensured through the Warrawong Plaza Design Guidelines, given statutory weight under the proposed site-specific clause (refer to Section 5.6).
<u>Objective 15</u> Plan for a Net Zero region by 2050	Development enabled by the Planning Proposal would be required to comply with the Sustainable Buildings SEPP, including requirements pertaining to residential and non-residential development. As a State Significant Development, this would include a requirement to demonstrate that the development will minimise the use of fossil fuels as part of the goal of achieving net zero emissions in NSW by 2050.
<u>Objective 16</u> Support the development of a circular economy	Development enabled by the Planning Proposal would be required to comply with the Sustainable Buildings SEPP, including requirements pertaining to residential and non-residential development. This includes the requirement to minimise waste from demolition and construction, including by choice and reuse of building materials.
<u>Objective 17</u> Secure water resources	Development enabled by the Planning Proposal would be required to comply with the Sustainable Buildings SEPP, including requirements pertaining to residential and non-residential development. This includes the requirement to demonstrate that development is designed to enable the minimisation of the consumption of potable water.
<u>Objective 18</u>	The Planning Proposal enables the colocation of increased housing supply with retained retail, reducing demand for private vehicle trips

Planning Priority	Justification
Provide housing supply in the right locations	by allowing future residents of development enabled by the Planning Proposal to be within a short walking distance of necessities.
<u>Objective 19</u> Deliver housing that is more diverse and affordable	The Planning Proposal contributes to housing diversity and affordability by requiring the dedication of a portion of development enabled by the Planning Proposal as affordable housing.
<u>Objective 20</u> Establish a shared vision for the future of Bombo Quarry lands	The site is not located in proximity to Bombo Quarry.
<u>Objective 21</u> Respond to the changing needs of local neighbourhoods	The Planning Proposal would respond to the changing needs of local neighbourhoods by enabling the revitalisation of existing offerings within the site, improved relationship between the site and public domain, increased public open space within the site and increased housing supply and diversity for the region.
<u>Objective 22</u> Embrace and respect the region's local character	The Planning Proposal embraces and respects the region's local character by enabling the redevelopment of the major shopping centre within the site, externalising the retail offering and therefore encouraging pedestrian activity along Cowper and King Street. This, combined with the increased local captive population arising from the residential component of the Planning Proposal, encourages the revitalisation of the Warrawong Town Centre.
<u>Objective 23</u> Celebrate, conserve and reuse cultural heritage	The site is not identified as being or adjoining a Heritage Item or within a Heritage Conservation Area under the Wollongong LEP 2009.
<u>Objective 24</u> Support major events, public art and cultural activities	The reference scheme includes new public open space centrally within the site, in which public art and cultural activities could occur. The requirement to deliver public open space is ensured through the Warrawong Plaza Design Guidelines, given statutory weight under the proposed site-specific clause (refer to Section 5.6).
<u>Objective 25</u>	Both Northcliffe Drive and King Street facilitate connections to the M1 Princes Motorway that provides connectivity to Western Sydney via Picton or Appin Road.

Planning Priority	Justification
Collaborate to leverage opportunities from Western Sydney's growth	
<u>Objective 26</u> Create faster rail connections between Greater Sydney, Wollongong and Nowra	The Planning Proposal would not prevent the delivery of faster rail connections across the region.
<u>Objective 27</u> Protect major freight networks	The Planning Proposal would not impact major freight networks.
<u>Objective 28</u> Create connected and accessible walking and cycling networks	The reference scheme demonstrates that development enabled by the Planning Proposal would include new public open space along a new through-site link from Cowper Street to Northcliffe Drive. The requirement to deliver the through-site link is ensured through the Warrawong Plaza Design Guidelines, given statutory weight under the proposed site-specific clause (refer to Section 5.6).
<u>Objective 29</u> Utilise smart infrastructure to drive resilience, prosperity and vibrant places	It would be appropriate to consider the implementation of smart infrastructure during development assessment.
<u>Objective 30</u> Prepare for mobility changes that improve connectivity and sustainability	The Planning Proposal enables colocation of increased housing supply with retained retail, reducing reliance on private vehicle travel. It would be appropriate to consider additional measures to cater to mobility changes during development assessment. It is anticipated this would include electric vehicle charging stations and personal electric transport devices (e.g. e-scooters and e-bikes).

Appendix B – Consistency with local plans and policy

Wollongong Local Strategic Planning Statement (LSPS) 2020	Consistent	Reasons for consistency or inconsistency
Jobs and Economic growth	yes	<p>The proposal will:</p> <ul style="list-style-type: none"> • Increase local employment during the construction (+540 FTE jobs) and operational (+540 FTE jobs) phases of the project. • The proposal will support appropriate jobs generation in other (non-Wollongong city centre) employment areas across the LGA. • Supports Warrawong as a major centre and second largest commercial centre in the LGA.
Housing for all	yes	<p>Housing typologies in Warrawong are generally older single and two storey detached dwellings, the proposal will introduce units to the area, expand housing options,</p> <p>The provision of units will provide smaller dwellings responding to smaller household sizes within the locality and region.</p>
Inclusive and connected communities	yes	<p>The proposed development will locate new and affordable housing in a location which is well supported by public transport, open space and existing infrastructure. The proposed development will improve the built form, streetscapes and public spaces, creating inclusive and attractive public places, and will cater to the daily needs of the local community.</p>
Climate Action and Resilience	yes	<p>The proposed development is sustainable and resilient having regard to local environmental conditions.</p>
Protect the Natural Environment	yes	<p>The proposal will increase and enhance public open space, improve planting and tree canopy on the site and includes mitigation measures to protect Lake Illawarra from stormwater runoff.</p>

Wollongong Local Strategic Planning Statement (LSPS) 2020	Consistent	Reasons for consistency or inconsistency
Enabling Infrastructure and Transport	yes	<p>The proposed development will leverage from its location on several public transport routes linking Wollongong to the north, Shellharbour in the south and the Southern Freeway/Princes Highway (via Lake Heights and Berkeley).</p> <p>The redevelopment will assist to make the town centre more inviting and pedestrian friendly, encouraging walkability.</p>

Appendix C – Consistency with applicable 9.1 Directions

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The planning amendments are consistent with the relevant aims, objectives, and provisions of the Regional Plan.
1.3 Approval and Referral Requirements	Yes	The planning amendments do not include concurrence, consultation or referral provisions or identify any developments as designated development.
1.4 Site Specific Provisions	Yes	<p>The planning amendments will introduce site-specific provisions as outlined in Section 5.6.</p> <p>The Section 9.1 Ministerial Directions provide that a Planning Proposal may be inconsistent with the direction if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the Planning Proposal that are inconsistent are of minor significance.</p> <p>The Department considers that the site-specific provisions are of minor significance, and assist to achieve positive planning outcomes. These include retention of a comparable quantity of non-residential uses within the site to existing, dedication of a proportion of residential GFA for affordable rental housing, requiring consistency with the Warrawong Plaza Design Guidelines and preparation of a site-specific development control plan.</p>
3.1 Conservation Zones	Yes	The site is significantly disturbed, comprising an existing shopping centre, associated parking facilities and minimal, planted landscape areas. It does not contain land that is or would be appropriate to identify as an environmentally sensitive area.
3.2 Heritage Conservation	Yes	The site is not identified as being or adjoining a Heritage Item or as being within a Heritage Conservation Area under the Wollongong LEP 2009. The site is highly disturbed, occupied by an existing shopping centre. Consultation with the Illawarra Local Aboriginal

Directions	Consistent	Reasons for Consistency or Inconsistency
		Land Council and Coomaditchie United Aboriginal Corporation is to be undertaken following public exhibition of the Planning Proposal.
3.5 Recreation Vehicle Areas	Yes	The Planning Proposal does not enable the site to be used for the purpose of a recreation vehicle area.
4.1 Flooding	Yes	<p>Direction 4.1(1) is satisfied on the basis that the Flood Impact Assessment and Flood Impact Assessment Report (Water Technology 2024) confirm that they have been prepared in accordance with the Flood Prone Land Policy, Floodplain Development Manual, Considering Flooding in Land Use Planning Guideline, the Lake Illawarra Floodplain Risk Management Strategy and the Kully Bay Overland Flow Study (the relevant flood studies prepared in accordance with the principles of the Floodplain Development Manual and adopted by Council) and thus satisfying.</p> <p>Direction 4.1(2) does not apply as the site is not located within an existing recreation, rural, special purpose or conservation zone.</p> <p>The reference scheme, Flood Assessment Report and Flood Impact Assessment (Water Technology 2024) have been revised in response to consolidated comments from Council, the SES and the Department, including peer review by Rhelm. The Department considers that that the revised documents adequately resolve key concerns relating to Direction 4.1(3) and 4.1(4), such that the Planning Proposal is suitable for public exhibition.</p> <p>Direction 4.1(5) does not apply as the Planning Proposal does not include mapping of the flood planning area.</p>
4.2 Coastal Management	Yes	The Department considers that the Planning Proposal is consistent with the objects of the Coastal Management Act, the NSW Coastal Management Manual and Toolkit, section 3.2 of the NSW Coastal Design Guidelines and the applicable certified coastal management program, the Lake Illawarra Coastal Management Program (BMT 2020), satisfying Direction 4.2(1). The reference scheme demonstrates that development enabled by the Planning Proposal would result in an improvement on current conditions through increase in landscape area and canopy cover within the site. The requirement to deliver the increased in landscape area and canopy cover is ensured through the Warrawong Plaza Design

Directions	Consistent	Reasons for Consistency or Inconsistency
		<p>Guidelines, given statutory weight under the proposed site-specific clause (refer to Section 5.6).</p> <p>Direction 4.2(2) does not apply as the site is not mapped as Coastal Vulnerability Area under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, nor is it identified as affected by a current or future coastal hazard in a local environmental plan, development control plan or study or assessment undertaken by or on behalf of the relevant planning authority, the planning proposal authority or a public authority.</p> <p>Direction 4.2(3) does not apply as the site is not mapped as Coastal Wetlands or Littoral Rainforests.</p> <p>Direction 4.2(4) does not apply as the Planning Proposal does not propose to amend maps under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>.</p>
4.5 Acid Sulfate Soils	Yes	<p>The Planning Proposal is supported by a Preliminary Site Investigation (EI Australia 2023) which concludes that preliminary investigation and/or screening may be necessary in the parts of the site within Class 3 Acid Sulfate Soils, whilst no further assessment is necessary for the remainder of the site given the low risk profile.</p> <p>It is noted that development of the site for urban uses is already permitted with consent. The retention of the existing Acid Sulfate Soils Map and associated clause under the Wollongong LEP 2009 ensure that acid sulfate soils will be considered as part of any future development assessment.</p>
5.1 Integrating Land Use and Transport	Yes	<p>The Planning Proposal alters the zone and provisions relating to the site that is located within urban land.</p> <p>The Planning Proposal is consistent with Direction 5.1(1) as it is consistent with the aims, objectives and principles contained in Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001) in that it will enable increasing housing provision in close proximity to good public transport services. The collocation with retail uses also ensures that future residents of the site are able to access services without using private vehicles.</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
7.1 Employment Zones	Yes	<p>The Planning Proposal retains the existing employment zone. Notwithstanding the introduction of the additional permitted use of residential flat buildings, the Planning Proposal will not result in a reduction in the quantity of employment floor space within the site by way of the introduction of a site-specific clause (refer to Section 5.6) requiring the provision of at least 50,000m² non-residential floor space.</p>

Appendix D – Consistency with applicable state environmental planning policies (SEPPs)

SEPP	Consistent	Reasons for consistency or inconsistency
SEPP (Housing) 2021	Yes	The planning amendments seek to provide 15% affordable housing for 10 years.
SEPP (Transport & Infrastructure) 2021	Yes	Future development applications will require concurrence with TfNSW as per Schedule 3 of the SEPP, as the proposed amendments will result in more than 300 residential dwellings.
SEPP (Resilience and Hazards) 2021	Yes	The Preliminary Site Investigation indicate the potential for gross contamination at the site arising from on-site sources is generally considered to be low to moderate. any contamination found on the site can be addressed through the development application process.