

Appendix C

Statutory Compliance

Table 1 *Statutory Compliance Table*

Statutory Requirement	EIS Section	Technical Study	Comment
NSW Acts of Parliament			
<i>Environmental Planning and Assessment Act 1979</i>			
<i>Section 1.3 – Objects of the Act</i>			
(a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,</i>	Section 5.5		
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>			
(c) <i>to promote the orderly and economic use and development of land,</i>			
(d) <i>to promote the delivery and maintenance of affordable housing,</i>			
(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>			
(f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>			
(g) <i>to promote good design and amenity of the built environment,</i>			
(h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>			

- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

Section 4.15 – Evaluation

(1) Matters for consideration—general in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) the provisions of— (i) any environmental planning instrument, and	This table outlines the relevant provisions of any environmental planning instruments and where those provisions are addressed in the EIS and supporting documentation.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and	Under Section 2.10 of SEPP Planning Systems, development control plans do not apply to State significant development. Nevertheless, the proposal has been designed with consideration of the Wollongong Development Control Plan 2009.
(iiia.) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	This Proposal is not subject to a voluntary planning agreement.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The EIS has been prepared in accordance with the relevant provisions of the EP&A Regulation.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Section 3.4 Section 7.0

(c) <i>the suitability of the site for the development,</i>	Section 7.5		
(d) <i>any submissions made in accordance with this Act or the regulations</i>			Any submissions received will be considered by the applicant following the exhibition of the Environmental Impact Statement.
(e) <i>the public interest</i>	Section 8.6		
Biodiversity and Conservation Act 2016			
Section 7.9 – Biodiversity Assessment for State Significant Development			
(1) <i>This section applies to—</i>			
(a) <i>an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 for State significant development,</i>			
(2) <i>Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.</i>	Section 7.11	Appendix Y	
(3) <i>The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979.</i>			
Section 7.14 – State Significant Development or Infrastructure			
(1) <i>This section applies to an application for development consent for State significant development under Part 4 of the Environmental Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under the Environmental Planning and Assessment Act 1979, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report.</i>			
(2) <i>The relevant authority, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The relevant authority may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.</i>	Section 7.11	Appendix Y	

Statutory Instruments			
<i>Environmental Planning and Assessment Regulation 2021</i>			
<i>Part 8 – Infrastructure and Environment Impact Assessment</i>			
Part 8 of the <i>Environmental Planning and Assessment Regulation 2021</i> include relevant statutory requirements under: • <i>Division 2 Environmental assessment requirements for State significant development, designated development and activities.</i> • <i>Division 5 Environmental impact statements.</i>		EIS	The EIS and SSDA has been prepared to address the relevant provisions under Part 8 of the <i>Environmental Planning and Assessment Regulation 2021</i> .
NSW Environmental Planning Instruments			
<i>State Environmental Planning Policy (Planning Systems) 2021</i>			
<i>Section 2.6 – Declaration of State Significant Development</i>			
(1) <i>Development is declared to be State significant development for the purposes of the Act if—</i> (a) <i>the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i> (b) <i>the development is specified in Schedule 1 or 2.</i>		Section 5.1	
<i>Schedule 1 - 26A In-fill affordable housing</i>			
(1) <i>Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—</i> (a) <i>the part of the development that is residential development has an estimated development cost of—</i> (i) <i>for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or</i> Note— <i>The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.</i> (ii) <i>for development on other land—more than \$30 million, and</i>		Section 5.1	Appendix F
			As the proposed development is for the purposes of infill affordable housing with an estimated development cost of \$275,784,396 (excluding GST), it is declared State significant development. Before a State significant development can be determined, it is subject to a comprehensive assessment under the EP&A Act.

- (b) *the development does not involve development prohibited under an environmental planning instrument applying to the land.*
- (1A) *In determining the estimated development cost for subsection (1)(a), the estimated development cost of existing residential development must be included if—*
 - (a) *the development will be carried out on the same land as the existing residential development, and*
 - (b) *the development will result in—*
 - (i) *for development on land to which subsection (1)(a)(i) applies—at least 40 additional dwellings, or*
 - (ii) *for development on land to which subsection (1)(a)(ii) applies—at least 20 additional dwellings.*
- (2) *This section does not apply to—*
 - (a) *development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 4 applies, or*
 - (b) *a development application made, but not finally determined, before the commencement of this section.*
- (2A) *This section, as in force immediately before the commencement of State Environmental Planning Policy Amendment (Housing) 2024, continues to apply to a development application made, but not finally determined, before the commencement.*
- (2B) *Subsection (1A) applies only if the development application for the development is made—*
 - (a) *on or after 2 August 2024, and*
 - (b) *before 3 August 2025.*

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.119 Development with frontage to classified road

2.119 Development with frontage to classified road

- (1) *The objectives of this section are—*
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and* Section 5.4
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.* Section 7.6
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Section 2.122 – Traffic-generating development

- (1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—
 - (a) new premises of the relevant size or capacity, or Section 5.4
 - (2) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity. Section 7.6

State Environmental Planning Policy (Resilience and Hazards) 2021

Section 4.6 – Contamination and Remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. Section 5.4
Section 7.10
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. Appendix AA

- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

State Environmental Planning Policy (Housing) 2021

Part 2 Development for affordable housing

Clause 15C – Development to which Division applies

Before imposing a condition under the Act, section 7.32, the consent authority must consider the following—

- (a) *affordable housing must aim to create mixed and balanced communities,*
- (b) *affordable housing must be created and managed so that a socially diverse residential population, representative of all income groups, is developed and maintained in a locality,*
- (c) *affordable housing must be made available to very low, low and moderate income households, or a combination of the households,*
- (d) *affordable housing must be rented to appropriately qualified tenants and at an appropriate rate of gross household income,* Section 5.5.1
- (e) *land provided for affordable housing must be used for the purposes of the provision of affordable housing,*
- (f) *buildings provided for affordable housing must be managed to maintain their continued use for affordable housing,*
- (g) *affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the area.*

Chapter 4 Design of residential apartment development

- (1) *The aim of this chapter is to improve the design of residential apartment development in New South Wales for the following purposes*
- (a) *to ensure residential apartment development contributes to the sustainable development of New South Wales by* Section 5.5.1
 - (i) *providing socially and environmentally sustainable housing, and* Section 7.3
 - (ii) *being a long-term asset to the neighbourhood, and*
 - (iii) *achieving the urban planning policies for local and regional areas,*

- (b) to achieve better built form and aesthetics of buildings, streetscapes and public spaces,
 - (c) to maximise the amenity, safety and security of the residents of residential apartment development and the community,
 - (d) to better satisfy the increasing demand for residential apartment development, considering
 - (i) the changing social and demographic profile of the community, and
 - (ii) the needs of a wide range of people, including persons with disability, children and seniors,
 - (e) to contribute to the provision of a variety of dwelling types to meet population growth,
 - (f) to support housing affordability,
 - (g) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions,
 - (h) to facilitate the timely and efficient assessment of development applications to which this chapter applies.
- (2) This chapter recognises that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high-quality design.

State Environmental Planning Policy (Sustainable Buildings) 2022

Section 2.6 – Standards for BASIX development and BASIX optional development

- (1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.
- (2) Schedule 2 sets out the standards that apply to—
 - (a) BASIX development referred to in paragraph (c) or (d) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021, and
 - (b) BASIX optional development if the development application or the application for a complying development certificate was accompanied by a BASIX certificate.
- (3) The standard specified in Schedule 2, section 4 extends to a swimming pool or spa that has a capacity of less than 40,000L if the swimming pool or spa is part of development referred to in paragraph (c) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.
- (4) A standard specified in Schedule 1 or 2 does not apply to development involving a heritage item or in a heritage conservation area to the extent that the Planning Secretary is satisfied that the development is not capable of achieving a standard because of other development controls that apply.

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- (5) *Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

Section 3.2 – Development consent for non-residential development

- (1) *In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
- (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
 - (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*
 - (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
 - (d) *the generation and storage of renewable energy,*
 - (e) *the metering and monitoring of energy consumption,*
 - (f) *the minimisation of the consumption of potable water.*
- (2) *Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

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Section 3.2 – Other considerations for large commercial development

- (1) *In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.*
- (2) *Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.*
- (3) *For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.*
- (4) *Subsection (2), to the extent it relates to energy use, does not apply to large commercial development on land to which the following local environmental plans apply—*
- (a) *Sydney Local Environmental Plan 2012,*
 - (b) *Sydney Local Environmental Plan (Green Square Town Centre) 2013,*

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(c) *Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013.*

- (5) *Despite subsection (4), subsection (2) applies to large commercial development to the extent that the development relates to prescribed serviced apartments.*

Section 3.4 – Other considerations for certain State significant development

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|--|-------------|--------------------------|
| (1) <i>This section applies to non-residential development that is declared to be State significant development by <u>State Environmental Planning Policy (Planning Systems) 2021</u>, section 2.6(1) and specified in that policy, Schedule 1, sections 13–15.</i> | Section 5.4 | Appendix Q
Appendix S |
| (2) <i>In deciding whether to grant development consent to development to which this section applies, the consent authority must consider whether the development will minimise the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.</i> | Section 5.5 | |
| | Section 7.6 | |

Wollongong Local Environmental Plan 2009

Clause 2.2 – Zoning of land to which Plan applies

<i>For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.</i>	Section 5.2
	Section 5.5

Clause 2.3 – Zone objectives and Land Use Table

- | | |
|--|-------------|
| 1. <i>Objectives of zone</i> | |
| • <i>To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.</i> | |
| • <i>To encourage investment in commercial development that generates employment opportunities and economic growth.</i> | |
| • <i>To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.</i> | Section 5.2 |
| • <i>To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.</i> | Section 5.5 |
| • <i>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.</i> | |
| • <i>To encourage development that is consistent with the centre's position in the centres hierarchy.</i> | |
| • <i>To strengthen the role of the Wollongong city centre as the business, retail and cultural centre of the Illawarra region.</i> | |

2. *Permitted without consent*
 - *Building identification signs; Business identification signs; Home occupations*
3. *Permitted with consent*
 - *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 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 2.7 – Demolition required development consent

The demolition of a building or work may be carried out only with development consent.

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Section 5.5

Clause 4.3 – Height of Buildings

- (1) *The objectives of this clause are as follows—*
 - (a) *to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
 - (b) *to permit building heights that encourage high quality urban form,*
 - (c) *to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

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Section 7.1.1

Clause 4.4 – Floor Space Ratio

- (1) *The objectives of this clause are as follows—*

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Section 7.1.2

- (a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
 - (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,
 - (c) to ensure buildings are compatible with the bulk and scale of the locality.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Clause 4.4A – Floor Space Ratio – Wollongong City Centre

- (1) This clause applies to land within the Wollongong city centre.
- (2) Despite clause 4.4, the maximum floor space ratio for a building on land within a zone specified in Column 1 of the Table to this subclause, on land with a site area and street frontage specified opposite that zone in Column 2 of the Table, is—
 - (a) the amount specified opposite that zone in Column 3 of the Table, if the building is used only for residential purposes, or
 - (b) the amount specified opposite that zone in Column 4 of the Table, if the building is used only for purposes other than residential purposes.

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Clause 4.6 – Exceptions to development standards

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

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- (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*
- (4) *The consent authority must keep a record of its assessment carried out under subclause (3).*
- (5) *(Repealed)*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *(Repealed)*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (caa) *clause 5.5,*
 - (ca) *clause 4.2A or 8.3.*

Clause 5.10 – Heritage conservation

- (1) *Objectives The objectives of this clause are as follows—*
 - (a) *to conserve the environmental heritage of Wollongong,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) *to conserve archaeological sites,*
 - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (2) *Requirement for consent Development consent is required for any of the following—*

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- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (e) *erecting a building on land—*
 - (ii) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (iii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

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 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*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (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.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
 - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) *the intended design and scale of buildings resulting from the development,*
 - (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,*

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- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Clause 7.1 – Public utility infrastructure

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|---|-----------------------------|-------------|
| (1) <i>The objective of this clause is to ensure that sufficient infrastructure is available to service development.</i> | | |
| (2) <i>Development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</i> | Section 5.5
Section 7.15 | Appendix HH |
| (3) <i>This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.</i> | | |

Clause 7.5 – Acid sulfate soils

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|--|-----------------------------|-------------|
| (1) <i>The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</i> | | |
| (2) <i>Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</i>
<i>Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i> | | |
| (3) <i>Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</i> | | |
| (4) <i>Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</i>
<i>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</i>
<i>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</i> | Section 5.5
Section 7.10 | Appendix AA |
| (5) <i>Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</i>
<i>(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</i> | | |

- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—
 - (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
 - (b) the works are not likely to lower the watertable.

Clause 7.6 – Earthworks

- (7) The objectives of this clause are as follows—
 - (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,
 - (b) to allow earth works of a minor nature without separate development consent.
- (8) Development consent is required for earthworks, unless—
 - (a) the work is exempt development under this Plan, or
 - (b) the consent authority is satisfied the work is of a minor nature.
- (9) Before granting development consent for earthworks, the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or of the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material or the destination of any excavated material,
 - (f) the likelihood of disturbing Aboriginal objects or other relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

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Clause 7.13 – Certain land within employment or mixed use zones

- (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.*
- (2) *This clause applies to land in Zone E1 Local Centre, Zone E2 Commercial Centre or Zone MU1 Mixed Use, other than—*
 - (a) *land to which clause 7.19 applies, or* Section 4.7.2
 - (b) *land identified as “12” on the Key Sites Map.* Section 5.5
- (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—*
 - (a) *will not be used for the purpose of residential accommodation, and*
 - (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.*

Clause 7.18 – Design excellence in Wollongong city centre and at key sites

- (1) *The objective of this clause is to deliver the highest standard of architectural, landscape and urban design.*
- (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—*
 - (a) *land within the Wollongong city centre,* Section 5.5
 - (b) *land shown edged heavy black and distinctively coloured on the Key Sites Map (a key site).* Section 7.1
- (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.* Section 7.2
Section 7.3

Appendix G

Clause 7.22 – Development in local centres

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure the scale and function of development in local centres are appropriate for the location,*
 - (b) *to ensure development in local centres is compatible with the desired future character and amenity of surrounding residential areas.*
- (2) *This clause applies to land in Zone E1 Local Centre or Zone E2 Commercial Centre.* Section 5.5
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—* Section 7.3
 - (a) *the impact of the development on—*
 - (i) *the amenity of surrounding residential areas, and*

- (ii) the desired future character of the local centre, and
- (b) whether the development is consistent with the hierarchy of centres.

Clause 8.1 – Objectives for development in Wollongong city centre

The objectives of this Part and (in so far as it relates to the Wollongong city centre) clause 7.18 are as follows—

- (a) to promote the economic revitalisation of the Wollongong city centre,
- (b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,
- (c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,
- (d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,
- (e) to facilitate the development of building design excellence appropriate to a regional city,
- (f) to promote housing choice and housing affordability,
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,
- (h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.

Section 5.5

The site is located within the Wollongong City Centre and therefore Part 8 applies.

Clause 8.3 – Sun plane protection

- (1) The objective of this clause is to protect specified public open space from excessive overshadowing by restricting the height of buildings.
- (2) This clause applies to land coloured yellow on the Sun Plane Protection Map.
- (3) Development on land to which this clause applies is prohibited if the development results in any part of a building projecting above a sun access control set out in this clause.
- (4) MacCabe Park The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “MacCabe Park—Burelli Street” is—
 - (a) 32 metres above the point, or
 - (b) if the point is within 26.4 metres of the boundary of Burelli Street— metres above the point, where D is the shortest distance in metres between the point and the boundary of Burelli Street.
- (5) The sun access control for any point on land shown coloured yellow on the Sun Plane Protection Map and marked “MacCabe Park—Keira Street” is—

Section 5.5
Section 7.2.2

Appendix B

- (a) 24 metres above the point, or
- (b) if the point is within 4.4 metres of the boundary of Keira Street— metres above the point, where D is the shortest distance in metres between the point and the boundary of Keira Street.
- (10) If a calculation for a sun access control for a point gives a figure of zero or less, the sun access control is taken to be at the same height as the point.
- (11) A reference in this clause to a point on land means a point at ground level (existing) on the land.

Clause 8.4 – Minimum building street frontage

- (1) The objective of this clause is to ensure that buildings have a minimum width to provide for the efficient development of land and design of buildings.
- (2) Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use.
- (3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that it is not physically possible for the building to be erected with at least one street frontage of 20 metres or more.

Section 5.5
Section 7.1

Appendix B

Clause 8.6 – Building separation within Zone E2 Commercial Centre or Zone MU1 Mixed Use

- (1) The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.
- (2) Buildings on land within Zone E2 Commercial Centre or MU1 Mixed Use must be erected so that—
 - (a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and
 - (b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and
 - (c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.
- (3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than—
 - (a) 20 metres from any habitable part of a dwelling contained in any other building, and
 - (b) 16 metres from any other part of any other building.

Section 5.5
Section 7.1.7

Appendix NN

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- (4) *For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.*
-

Table 2 *Summary of Strategic Context*

Strategic Plan	Strategic Context
<i>National Housing Accord 2022</i>	The Federal Government announced the National Housing Accord in October 2022, which committed to delivering 1.2 million houses in well-located areas in 5 years starting from July 2024. The Accord lays the groundwork to improving affordability by addressing Australia's housing supply challenges and enabling the delivery of more social and affordable housing. The Housing Accord includes: • an initial, aspirational national target of delivering a total of one million new, well located homes over 5 years from 2024, and • immediate and longer-term actions for all parties to support the delivery of more affordable homes. The proposed development is aligned with the National Housing Accord as it seeks to deliver a significant amount of additional housing in a modern and contemporary living style, in a strategic location.
<i>NSW State and Premier's Priorities</i>	The proposal will deliver on key State and Premier's priorities, principally, through the delivery of additional housing within a strategic location. Additionally, the proposal will deliver on the priority of 'well connected communities with quality local environments' through the provision of quality open space and community facilities. Specifically, the development comprises a new public plaza on the eastern part of the site. Further, the site also has significant strategic merit to improve the connectivity of the community by providing residential accommodation within proximity to major public transport infrastructure, including the Wollongong Train Station and several bus routes that connect the site to various locations around the southeast coast.
<i>NSW Housing Strategy: Housing 2041</i>	The Strategy supports the provision of new housing stock in NSW and In-Fill Affordable Housing is identified as a housing typology to support the diversity and affordability of the rental market. This helps to meet all of the four key pillars of the NSW housing system by making a significant contribution toward the housing shortfall in the region, providing a diverse mix of housing to meet local need and by providing 15% affordable housing (refer to Figure 1).



Figure 1 *NSW Housing Strategy key pillars*

Source: Housing 2041, NSW Government

<i>NSW Housing Targets</i>	The NSW Government has a target to deliver 377,000 new homes across the state by 2029 under the National Housing Accord. A 5-year target of 9,200 new dwellings has been identified for Wollongong. The proposal will make a significant contribution to meeting this target.
<i>Future Transport Strategy</i>	The Future Transport Strategy sets out a 40-year vision, directions and outcomes framework for customer mobility in NSW and will guide transport investment over the longer term. The refreshed Future Transport Strategy takes into account events such as the COVID-19 pandemic, drought, bushfires, floods, alongside population growth and global megatrends. It includes a new focus on the six cities region, striving to revitalise and connect communities, encourage thriving local neighbourhoods, and built on economic success. The proposal is consistent with the Strategy by delivering increased residential accommodation within a highly accessible location within the Wollongong CBD and in close proximity of Wollongong Station, providing for enhanced access to transport, jobs, education and health services. The proposal does not prevent the objectives of the Strategy from being achieved.
<i>Illawarra Shoalhaven Region Plan 2041</i>	The Illawarra Shoalhaven Regional Plan 2041 establishes the strategic framework for the Illawarra and Shoalhaven region, which includes Wollongong. It sets strategic objectives that relate to key areas such as housing, sustainability, transport and the economy. These objectives seek to guide development within the region. The proposal assists to satisfy key objectives under the Illawarra Shoalhaven Regional Plan. Specifically, the proposal seeks to provide much need supply of housing, including affordable housing. This supply is optimally located within walking distance to public transport including Wollongong Train Station and is located in the heart of the Wollongong CBD, with many services, amenities and recreation facilities located within the surrounds. Additionally, the proposed development will provide opportunities for new and publicly accessible connections to be provided through the site for pedestrians and cyclists. These connections improve the permeability of the locality and provide for better linkages across the Wollongong CBD.
<i>Wollongong Local Strategic Planning Statement 2020</i>	The Wollongong Local Strategic Planning Statement (LSPS) establishes a 20-year vision for land use to guide future growth within the Wollongong LGA. It also aims to align within the vision and objectives set under the Illawarra Shoalhaven Regional Plan 2041 and Wollongong Community Strategic Plan. The LSPS identifies the site within the Wollongong City Centre and marks it as a key location for higher density residential flat buildings. The proposal will achieve the objectives of the LSPS by locating increased height and density in a strategic location within the Wollongong CBD. The siting and massing of the development seeks to capitalise on this opportunity by providing taller buildings in appropriate locations around the site that seek to add to and define the Wollongong skyline.
<i>Our Wollongong Our Future 2032 Community Strategic Plan</i>	The Wollongong 2032 Community Strategic Plan was adopted on 28 June 2022 and outlines the vision and goals for the Wollongong area, with Wollongong City Centre at its core. Key objectives from the 2028 and 2032 plans as they relate to the site include: • Continue to build Wollongong as a vibrant, modern city with a revitalised city centre and an active evening economy. • Build our city as a tourist destination of choice for conferences, events, and a place to live, learn, work and visit. • Work with partners to decrease car dependency and facilitate sustainable transport to provide convenient movement throughout the city, with sustainable transport modes such as walking and cycling.

- Integrated communities close to public transport and local services and facilities focused around existing train stations and town and village centres are planned for and encouraged.
- Housing choice in the Wollongong Local Government Area is improved, considering population growth, community needs and affordability.

Draft Housing and Affordable Housing Options Paper

The Draft Housing and Affordable Housing Options Paper analyses the housing needs of the Wollongong LGA. It outlines key issues and planning priorities with respect to housing and provides recommendations to address them. It will ultimately inform the development of a new Housing Strategy for the Wollongong LGA.

The proposal supports key planning priorities and recommendations under the Draft Housing and Affordable Housing Options Paper as follows:

- The proposal as presented allows for increased levels of density on the site when compared to that permitted under the base planning controls whilst maintaining high levels of residential amenity and design. This facilitates additional dwellings of various sizes and increased provision of affordable housing in response to the needs of the LGA.
- The siting, massing and design of the proposal facilitates the provision of additional apartments, which enables greater opportunity for adaptable housing types to be provided within the scheme. Further, the additional yield facilitated by the design enables the provision of affordable housing.

A City for People - Wollongong City Centre & Planning Review

A City for People was released in April 2016 and sets the Vision and Strategic direction to guide the delivery of Wollongong City Centre as a dynamic and vibrant regional City. Its vision establishes the benchmark for all aspects of decision making for the City Centre and is intended to be used by policy makers, the development industry, the community and land owners to guide strategy and investment.

The proposal aligns with the City Centre vision as it seeks to deliver a mix of uses in the form of shop top housing, commercial, retail and hotel uses with integrated public domain that is focused on human scale development and creating an accessible pedestrian environment through the proposed through the new public plaza and through-site link.

Wollongong City Centre Urban Design Framework

The Wollongong City Centre Urban Design Framework was released in September 2020 and seeks to provide a set of Objectives, Directions and Strategies to inform Planning Policy Change to realign with A City for People.

Objectives and directions relevant to the site include:

- The objective to create a green and walkable city where the city street grid is clear and facilitates walking and the revitalised public spaces support growth and an active, healthy community. This objective is supported by the direction to strengthen the structure of the City through a permeable site that prioritises pedestrian permeability and movement.
- The objective to create a vibrant and growing Regional City that promotes a diversity of uses to encourage a vibrant City Centre, day and night, and is an attractive place to live, work and visit. This objective is supported by the direction to develop active commercial streets that respond to character.

Further detail is provided within the Design Report at **Appendix G**.

<i>Better Placed</i>	The objectives and design principles of Better Placed have been considered and responded to in the proposed design. The document seeks to promote good design and capture our collective aspiration and expectations for the places where we work, live and play. Better Placed includes seven objectives for good design, which has been considered in the preparation of the proposed development.
<i>Connecting with Country Framework</i>	The Connecting to Country Framework acts as a guide for developing connections with Country to inform the planning, design, and delivery of built environment projects in NSW. Connection to Country will be incorporated throughout the lifecycle of the proposal and has formed part of the design development process. Further detail is provided within the Design Report at Appendix G.
<i>Our Wollongong Our Future 2035 Community Strategic Plan (2025)</i>	The Our Wollongong Our Future 2035 Community Strategic Plan was endorsed on 30 June 2025. Its role is to provide an overarching community vision to inform action over the next 10 years and is underpinned by four (4) community goal which are to make Wollongong LGA sustainable, connected, vibrant, and inclusive. The plan is informed by extensive community consultation which revealed key themes for improvement such as housing, heritage, local economy, and environment. Key actions aligning with the proposal are: • <i>Increase our resilience to natural disasters and ability to adapt to a changing climate, to protect life, property, and the environment</i> • <i>Facilitate ecologically sustainable development that considers the current and future needs of our community and environment.</i> • <i>Deliver high quality, fit for purpose and sustainable infrastructure to support a growing and resilient city.</i> • <i>Housing provides choice, affordability, and liveability for our diverse community.</i> • <i>Develop and implement programs and projects that achieve proactive heritage management, education and promotion.</i> • <i>Plan and provide sustainable infrastructure for safe and liveable places integrated with the environment and accessible to key transport routes.</i> • <i>Plan and deliver an accessible, safe, clean and inviting public domain.</i> • <i>Increase and attract new business investment and enterprise to Wollongong while supporting and growing existing local businesses.</i> • <i>Continue to build Wollongong CBD as a vibrant employment precinct with an active evening economy.</i> • <i>Promote the Wollongong Local Government Area as an event, conference and visitor destination.</i> • <i>Using community art and cultural development practices, our places and spaces reflect the creativity, history, and identity of our people.</i> The proposal will deliver a high quality mixed-use development rich in amenity through the provision of significant residential and non-residential uses, including commercial, retail, and hotel. The site is well located within the Wollongong City Centre with ready access to existing employment opportunities (on top of those to be supplied by the proposal itself) and within proximity of public transport. The proposal includes both at market and affordable housing in a range of typologies and sizes to cater to a diverse housing market. The proposal also exhibits a strong commitment to sustainability through the integration of ecologically sustainable development and trees and landscaping.

Wollongong Retail and Business Centres Strategy (2023)

The Wollongong Retail and Business Centres Strategy describes the current and future retail, commercial, and urban service needs of the LGA. It provides a vision and recommendations to ensure the centres within Wollongong can be highly functional and enable high-quality environments for the community. Wollongong City Centre, in which the proposal is located, is identified as a Regional City with a large proportion of commercial land and higher-order services including hospitals and tertiary education. This area is also acknowledged for its emerging role to provide complementary residential uses.

The strategy outlines that Wollongong City Centre has 122,450 sqm (2021) of existing retail floorspace with a projected demand for 213,625 sqm by 2041. The proposal comprises 7,257sqm of commercial floorspace, 8,064sqm of retail floorspace, and 8,794sqm of hotel floorspace significantly contributing to meeting non-residential goals for the city centre. The proposal included a preliminary impact assessment to determine the demand for the proposed commercial floorspace of 24,115 sqm with employment estimates provided at Appendix F to the EIS.

Significantly, the proposal responds to the recommendations of the strategy, including:

- *4. Prevent the oversupply of retail floorspace* – The proposal is supported by employment estimates to ensure floorspace responds to demand.
- *6. Explore opportunities to increase residential density* – The proposal includes high-density residential development as part of a mixed-use project.
- *10. Complement online trading with exception physical retail offerings* – The proposal includes 21 retail tenancies.
- *11. Facilitate an appropriate range of land use options to increase activity within, and patronage of, centres* – A range of retail and commercial land uses are proposed to introduce a diverse range of non-residential uses that are co-located with residential uses.
- *15. Incorporate public art to create places which are distinctive, and reflect local identity* – Public art opportunities are provided within the through-site link.
- *18. Plan for walkable centres* – The proposal includes a through-site link to promote pedestrian permeability and mobility throughout the town centre. The proposal is also centrally located with good access to public transport which will support effective active transport mode share.
- *19. Support cycling to centres* – The proposal includes a total of 320 bicycle spaces including 228 residential spaces and 92 commercial/retail spaces.
- *22. Facilitate diverse land use outcomes and leverage the city's assets* – The proposal will provide diverse residential land uses (affordable and market in a range of sizes) with a mix of commercial uses.

Wollongong Housing Strategy

The Wollongong Housing Strategy (2023) intends to guide future housing directions for Wollongong LGA over the next 10-20 years by assessing and setting framework for residential supply and demand. The strategy acknowledges Wollongong's role to provide an additional 28,000 dwellings by 2041 with a focus for 10,520 of these to be located within Ward 2 (largely Wollongong City Centre). The strategy also outlines a vision for housing in Wollongong and includes:

- Housing will respond to environmental setting and heritage.
- Housing will be diverse (in size, type, price, adaptable, etc.) and provide choice for residents.
- Higher density housing options in appropriate locations within Wollongong City Centre will be provided.
- Increase in affordability in the housing market to cater to a range of incomes and situations.

The proposal achieves each of these objectives. A total of 546 apartments are provided within the City Centre supporting the ability of the LGA to meet its housing targets. Housing mixes are provided below:

- Market housing:
 - 106x 1 bedroom
 - 218x 2 bedroom
 - 87x 3 bedroom
 - 3x 4 bedroom
- Affordable housing:
 - 57x 1 bedroom
 - 72x 2 bedroom
 - 3x 3 bedroom

Wollongong Heritage Strategy

The Heritage Strategy intends to acknowledge Wollongong's history by sustainably managing cultural heritage, ensuring the active engagement of all relevant stakeholders throughout development processes, provide a mechanism for monitoring Council's performance in heritage management, and providing supporting policy framework to enable its delivery.

The Heritage Strategy outlines nine (9) key strategies to achieve the above listed objectives. Of relevance to the proposal are:

- *Strategy 1: Actively involve the community in the management of Wollongong's heritage* – Throughout the design stages of the proposal, the project team has engaged and consulted with a range of community members and groups to ensure a locally appropriate response to the heritage items on the site. These are listed within Section 6.1 of the EIS and included Heritage NSW and multiple Aboriginal parties.
- *Strategy 6: Identify and manage key heritage precincts, streetscapes, cultural and natural landscapes* – The site comprises one heritage listed item and another item of non-legislated historical significance. Each of these item's facades are to be retained in part to preserve the heritage character of the streetscape.
- *Strategy 9: Promote sustainable development and Caring for Country as tools for heritage management* – As part of the proposal, an Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared. Consultation with the local Aboriginal community was undertaken to assess Aboriginal cultural heritage associated with the site and surrounds. Appended to the EIS at Appendix U, the ACHAR concluded the site is unlikely to contain aboriginal objects or specific cultural values. Multiple mitigation measures were recommended and considered.

Overall, the proposal is sympathetic to the nearby heritage items whilst also responding to the desired future character of the Wollongong CBD. A Statement of Heritage Impact has been provided at Appendix W of the EIS.

Wollongong Tourism Accommodation Strategy

The Wollongong Tourism Accommodation Strategy intends to bolster the LGA's tourism capabilities with a particular focus on attracting major events and business conferences. The strategy provides a land use framework that supports investment in more hotel rooms to maximise economic and employment benefits. The strategy includes proposing amendments to the LEP and DCP to promote development feasibility of hotels given the relatively low number of projects progressing to construction. It is noted that the strategy was adopted by Council on 24 February 2025, however, LEP amendments have not been made to endorse the changes sought through the strategy.

The proposal includes uses for the purposes of “hotel and motel accommodation” as defined under the Wollongong LEP 2009. While statutory amendments have not been made, the proposal aligns with the intent of the strategy through the provision of 166 high quality hotel rooms located within a high-density mixed-use development. Located centrally within the Wollongong City Centre near key employment and entertainment uses, the proposal would be able to attract major events and conferences while also capitalising on its proximity to the coastline. Notably, the proposal is committed to progressing its construction, supported by an Infrastructure Delivery, Management and Staging Plan at Appendix HH to the EIS.

*Sustainable Wollongong 2030: A
Climate Healthy City Strategy*

The Sustainable Wollongong 2030: A Climate Healthy City Strategy outlines Council’s commitments to environmental sustainability and pathways to create a sustainable, greener, healthier, cooler and more liveable city. The strategy revolves around six (6) priority areas as follows:

- *A city whose Council shows leadership.*
- *A city that works together.*
- *A low emissions city.*
- *A city in harmony with our environment.*
- *A low waste city.*
- *A climate and water resilient city.*

The proposal is accompanied by an ecologically sustainable development (ESD) report at Appendix Q of the EIS. This outlines commitment to reduce energy consumption through efficient design of internal building systems and technologies, a well-designed façade and ventilation system, hot water pump systems, appliance and equipment that are highly rated, and dedicated waste recycling rooms that allow space for the separation and storage of recyclable waste.

The proposal also focuses on providing natural cooling to alleviate urban heat island effects such as the inclusion of 208 new trees that will contribute to increased tree canopy and significant landscaping with permeable surfaces.

*Wollongong Climate Change
Mitigation Plan*

The Wollongong Climate Change Mitigation Plan intends to directly respond to the real threats of climate change through a “whole-of-community” approach. The proposal contributes to the plan by aligning with actions relating to residential components of the development such as electric appliances and low carbon products as detailed within the ESD report at Appendix Q of the EIS.

The proposal will also support Council’s actions by:

- Increasing diversion rates of construction waste to recycling and away from landfill.
- Increasing vegetation and tree canopy cover in urban centres.
- Increasing access of residential uses to public transport to discourage private vehicle usage.
- Aligning with ESD principles.

*Wollongong Climate Change
Adaptation Plan (CCAP)*

Wollongong CCAP seeks to provide a framework to adapt infrastructure and services to continue operating effectively in the face of evolving climatic conditions. The plan highlights overarching objectives to inform development to enable this to occur. While these generally relate to how Council will enact change, the CCAP addresses the following anticipated climate change implications:

- Heat: Acknowledging there will be an increase in hot days in Wollongong, development must adapt to ensure the safety and health of the community. This includes the strategic consideration of shade, including trees, open space, power control supplies, and future proofing of buildings.
- Flooding: Climate change will lead to increased flooding and landslides which may result in loss of life, access to key services, damages to public and private space/buildings. Planning for the increased likelihood and severity of flooding can take form in the review of emergency responses, a precautionary approach to building in flooding areas, and cooperation with those already flood prone.
- Bushfire: Hotter temperatures and periods of dryness create conditions that foster bushfires which can result in loss of life and damage to property. A detailed review and consideration of bushfire is proposed to be undertaken by Council. It is noted that the site is unlikely to be impacted by bushfire given its location in a dense urban area.
- Storms: Climate change will lead to increased frequency and severity of storms and can exacerbate erosion, recovery costs, blackouts, etc. To plan for storms it is considered important to have up to date emergency plans and consideration of future coastal hazards.
- Drought: Rainfall patterns are changing and can result in prolonged periods of drought resulting in stress on water availability, public space maintenance and use, and degradation of natural areas. Roles are assigned to Council to consult with Sydney Water to explore augmentation of existing recycled water systems and water systems generally into the future.
- Sea-level rise: Sea-level rise and tidal inundation can impact groundwater levels, erosion, and biodiversity as well as damage to buildings and infrastructure. Preparation of a coastal management plan in accordance with NSW Coast Management Framework will be carried out by Council and will enable better coordination of responses and option for infrastructure. Monitoring will continue to occur.

While the above items are not of direct relevance to the proposal and actions are to be undertaken on a local council or state government level, the proposal supports the delivery of efficient buildings and commitments to reducing the effects of climate change. The proposal is accompanied by an ecologically sustainable development report at Appendix Q of the EIS. This outlines goals of the development to meet environmental benchmarks including greenhouse gas reductions and sustainable water/waste systems to alleviate climate stress.

*Wollongong Urban Heat Strategy
(2023)*

The Wollongong Urban Heat Strategy is focused on Council's role in addressing heat-related risks and identifies objectives and actions to support the following four (4) goals:

- *Minimise the impacts of heat on the Wollongong community.*
- *Minimise the impacts of heat on the local environment.*
- *Plan and prepare Council's workforce for more frequent hot days and heatwave conditions.*
- *Plan, design and manage urban infrastructure to reduce the UHI effect, create cooler microclimates, and support indoor thermal comfort.*

The strategy identifies non-council development as a shared responsibility between public and private. The proposal falls into this category and will be “influenced” by Council’s outcomes-based assessment, including the role of land use planning and approvals. The proposal adequately responds to urban heat island issues through the provision of landscaping and greening, and the lack of unnecessary hardstand areas. Specifically, the proposal includes the planting of 208 additional trees that will help mitigation the urban heat island effect through tree canopy cover.

Wollongong Waste and Resource Recovery

The Wollongong Waste and Resource Recovery plan sets four (4) goals that the proposal aligns with as follows:

- *Reduce waste to landfill.*
- *Transition to a circular economy.*
- *Reduce our waste related emissions.*
- *Improve our waste management.*

The proposal is supported by an operational waste management plan at Appendix FF of the EIS and a construction and demolition waste management plan at Appendix GG. The project adequately considers construction and demolition waste to ensure that they are transported to the correct resource recovery facility or landfill site, including excavation and green materials, timber, plasterboard, and other materials. Materials such as bricks, tiles, concrete, and metals are proposed to be reused in full or recycles where necessary reducing the amount of material going to landfill and retaining embodied carbon.

Urban Greening Strategy

Urban greening is important for a variety of reasons including providing a sense of place/local identity, shade and cooling, reducing exposure to sun, improving mental wellbeing, encourages outdoor activity, reduces energy consumption/emissions/cost, increases asset longevity, promotes biodiversity, and reduces the impacts of climate change. The Urban Greening Strategy attempts to provide a coordinated approach to managing urban vegetation and outlines steps to plan and invest public urban greening.

The strategy identifies that private tree canopy cover is below optimum levels despite the importance of private tree canopy cover as a major contributor to creating the urban forest. The strategy provides the following objectives that the proposal strives to achieve:

- *Grow: Green the city and increase canopy cover* – The proposal intends to retain six (6) trees on the site and will provide an additional 208 trees, greatly contributing to increase tree canopy on the site and mitigating the urban heat island effect.
- *Manage: protect and maintain existing vegetation* – The proposal results in no net loss of vegetation on private land due to the introduction of significance tree canopy cover.
- *Improve: diversify planting and improve urban ecology* – Urban ecology will be improved through the introduction of new trees which vary in species and will be integrated with accompanying landscaping.
- *Engage: educate and partner with our community* – The proposal has engaged arboricultural and biodiversity consultants to determine impacts of the development. Consultation has been undertaken with Council and the relevant authorities.

*Wollongong CBD Night Time
Economy*

In alignment with a suite of Wollongong Council strategic documents, the Night Time Economy council policy seeks to create vibrant and lively environments that allow businesses to operate later into the night. The policy intends to establish appropriate hours of operation for businesses in Wollongong CBD for appropriate locations while minimising adverse impacts on residents.

The site is zoned E2 Commercial Centre and, under the policy, could be subject to the following operating hours Thursday through Saturday and days preceding public holidays:

- Indoor areas = 2am
- Outdoor area without residential interface = 2am
- Outdoor area with residential interface = 12am

While the proposal includes a range of commercial, retail, and hotel uses that could capitalise on these operating hours, hours of operation are subject to separate future approvals.

*Wollongong Transport Strategy
2025-2035*

The Wollongong Transport Strategy 2025-2035 sets a 10-year direction for transport infrastructure in Wollongong and provides a framework for Council to implement infrastructure upgrades to meet anticipated future demand. The strategy is grounded in the analysis of existing trends, informing strategic directives and producing recommendations.

The strategy's vision revolves around the movement of people throughout the LGA by targeting active transport, public transport, and micromobility; and improving Wollongong's economic role through supporting freight. This vision is underpinned by goals that the proposal directly aligns with, including:

- *Achieve competitive public transport:* The proposal site is well located in the CBD with access to public transport including the train and buses.
- *Integrate sustainable transport and land use and Increase the use of active modes:* The proposal encourages active transport methods including cycling as evidenced through the generous provision of both residential and commercial/retail parking spaces.

More specifically, the project acknowledges the following key strategic directions of the strategy:

Movement and Place	Walking	Bike Riding and Scooting	Public Transport	Freight, loading and servicing	Parking
A connected and resilient region	Walking is desirable for all ages, abilities and genders	Safe, comfortable and convenient bike riding infrastructure	Competitive public transport services	Protect and plan for resilient freight corridors	Manage parking demand and allocation
Enhance awareness and action 'Towards Zero'	The environment for walking is comfortable	Expand the bike riding network	Improve public transport network planning within the LGA	Manage kerbside deliveries and servicing	Managing parking allocation
Streets and roads respond to their desired function	The walking network is improved	Grow bike riding tourism	Integrate with other transport modes		Improving parking efficiency through system improvement
Streets support a range of users and uses					

The proposal is supported by a green travel plan at Appendix T of the EIS to promote sustainable transport choices including walking and cycling, buses, car-sharing, as well as improving amenity and facilities to enable sustainable transport modes from and to the site. This will promote movement and place, walking, bike riding and scooting, and public transport objectives as outlined above.

Wollongong Cycling Strategy 2030

Acknowledging the importance of active modes of transport as part of the broader transportation network, the City of Wollongong Council released their Cycling Strategy to promote opportunities for cycling throughout the LGA. The strategy intends to guide the growth of Wollongong and is designed to align with other goals relating to net zero emissions, shared pathways, safe pedestrian and commuter behaviours, etc. The strategy addresses community opinions, existing strategic contexts, and baseline statistics to formalise the following goals:

- *Safe cycling infrastructure.*
- *Convenient modes of transport.*
- *Planned strategies to promote participation.*
- *Business, tourism and events.*
- *Innovation and solutions to encourage participation.*

The proposal intends to contribute to achieving these priorities by supplying generous provisions of cycling parking to enable meaningful active transport options. A total of 320 cycling spaces are provided as listed below. These are supported by high-quality end of trip facilities to encourage usage.

- Residential: 182 spaces.

- Residential visitor: 46 spaces.
- Retail staff: 69 spaces.
- Retail visitor: 19 spaces.
- Retail (supermarket) employee: 2 spaces.
- Retail (supermarket) visitor: 2 spaces.

*Wollongong City Centre
Movement and Place Plan*

The City Centre Movement and Place Plan was endorsed by Council on 15 December 2025. The strategy intends to deliver a vibrant city whose public domain networks allow people to not only move freely, but also activate the local economy and interact with their community. The strategy provides more detailed and place-based recommendations that largely align with the strategic directions of other Council strategies including the Wollongong Transport Strategy.

Key challenges are also identified in which the proposal responds to:

- Safety issues and concerns inhibit some people using non-car modes, and/or from coming to the City Centre altogether.
- Not all groups have equal access to services, jobs and opportunities in the City Centre.
- The balance between access to/through the city and street amenity has not been struck.
- Mode shift to active and public transport is required to balance growth with city amenity and function.
- The economy is not supported by parking management.
- Nighttime activity is not supported by traffic options.

Moreover, the proposal aligns with the relevant recommendations by:

- Assisting in the activation of Crown Street through the use of civic spaces.
- Limits driveway crossover on crown street.
- Supports walking routes and shade/shelter on the street.
- Adds a through-site link to promote pedestrian permeability.
- Retention of bike paths running along the south of the site.

Economic Development Strategy

The Economic Development Strategy is tasked with establishing a broader roadmap for fostering a resilient, inclusive, and sustainable economy. The strategy sets five (5) key priority areas being:

- 1. *A city that is open for business, supports new growth and investment* – Attracting new jobs, investment, businesses, key infrastructure, and regional stakeholders.
 - 2. *A business friendly city* – Supporting local businesses.
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- 3. *A vibrant and connected city* – Enhancing reputation as an events/conferencing destination, development a 24hr economy, promote accessibility.
- 4. *A city that fosters innovation and inclusion* – Promoting initiatives undertaken and work with local stakeholders, building a workforce that reflect diversity.
- 5. *An environmentally sustainable city* – Supporting investment and innovation in a clean energy transition and waste reduction in a circular economy.

The proposal intends to deliver 24,115 sqm of commercial floorspace, including a supermarket, hotel, and 21 tenancies. This significant amount of non-residential space will foster employment and job growth in the area and contribute to building Wollongong City Centre's economy.

Animating Wollongong – Public Art Strategy 2022-2032

Animating Wollongong exists to support public art in the LGA, recognising its importance across early planning, construction, and management of urban centres. The strategy provides a framework to deliver actions and embed artistic practices into places and spaces. The strategy is underpinned by five (5) main guiding principles including belonging, opportunity, place, value, and elevate.

The proposal provides opportunity to provide public art through its through-site link which would contribute to achieving the principles by supporting the creative community, valuing art in a highly trafficked area, and allowing site-specific works to enhance a public space.

City Centre Public Domain Technical Manual

The City Centre Public Domain Technical Manual (CCPDTM) is a management policy that specifies and coordinates the design and construction of the public domain in the Wollongong City Centre. The CCPDTM establishes design principles as well as materials, finishes, and performance standards to be used in the public domain. The proposal intends to improve the public domain within and around the site, including the provision of a new plaza and an activated through-site link to create a public thoroughfare.

Within the manual, the proposal site is bound by streets classed as core streets and civic streets which typically experience higher levels of pedestrianisation and foot traffic. Design principles associated within these hierarchy roads are considered. A public domain concept plan has been prepared by SGC Consultants and is provided at Appendix EE of the EIS. The concept plan considers and implements the relevant components of the CCPDTM including paving patterns as detailed on page 18 within the manual.

Draft Delivery Program 2025-2029 and Operational Plan 2026-2027

The delivery program and operational plan has the role of outlining the projects and services that Council deliver, and include community facilities, footpaths, and investments into sustainability and climate action.

Footpaths are to be renewed along Crown Street from Atchison Street to Crown Lane on the North site, opposite the site. These works are intended to be designed in 2026/2027 and construction between 2027 and 2029.
