

Department of Planning, Housing and Infrastructure

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# IRT Group seniors housing, Woonona

State Significant Development Assessment Report (SSD-73910208)

April 2026





# 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 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.

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# Executive Summary

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application for the Illawarra Retirement Trust (IRT) Group seniors housing (SSD-73910208) at 4-6 Popes Road, Woonona in the Wollongong City local government area (LGA).

This report will be provided to the delegate of the Minister for Planning and Public Spaces (the Minister) for their consideration when deciding whether to grant consent to the SSD.

IRT Group (the Applicant) proposes additions and alterations to an existing seniors housing development comprising the construction of five four-storey buildings with 92 independent living units (ILUs), new basement parking and additions to the existing residential care facility (RCF).

The project has an estimated development cost (EDC) of \$121,999,198 and is predicted to generate 190 construction jobs and 91 operational jobs.

The project is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This is because it satisfies the criteria under schedule 1, section 28 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being seniors housing on land outside of the Greater Sydney region with an EDC over \$20 million that includes a RCF component. Consequently, the Minister is the consent authority for the project under section 4.5A of the EP&A Act.

Seniors housing is permissible with consent under section 81 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Other components of the development are ancillary to the seniors housing or wholly permissible with consent.

The Department exhibited the environmental impact statement (EIS) from 29 July 2025 until 26 August 2025. During the exhibition period, the Department received:

- one submission from the public, by way of objection
- a submission from Wollongong City Council (Council), commenting on the proposal
- advice from six government agencies.

Key concerns raised by the community and Council related to height, built form, density, visual impact, external amenity (privacy, solar access, views, traffic) and construction impacts.

The Applicant submitted a response to submissions (RtS) and amendment report on 10 December 2025 providing further justification for the development and proposing refinements to the proposal to address issues raised in submissions and agency advice.

The Department made the RtS and amendment report publicly available on the NSW Planning Portal and referred it to Council and relevant government agencies. Council provided a further submission in response to the RtS, noting that while some issues have been resolved Council maintains its concerns about flooding and stormwater management, visual impacts and heritage conservation. The Department also received further advice from three government agencies.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the Applicant's RtS and amendment report, and additional information.

The Department's assessment concludes that the project is acceptable as:

- it supports State government priorities to deliver well-located housing by delivering a renewed seniors housing development with 92 ILUs and an upgraded RCF to meet the changing needs of an ageing population in an accessible location close to the Woonona town centre
- it is permissible with consent and is consistent with the objectives of the R2 Low Density Residential and E3 Productivity Support zones under the *Wollongong Local Environmental Plan 2009* (WLEP)
- it does not result in unreasonable overshadowing, view or privacy impacts on adjoining buildings or the public domain
- it provides a high level of internal and external amenity for future residents of the ILUs and RCF in line with the *Apartment Design Guide* (ADG) and *Seniors Housing Design Guide Nov 2023* (SHDG)
- it would deliver public benefits including the provision of seniors housing and generate 190 construction and 91 (11 new) operational jobs.

The Department has recommended conditions to appropriately address any residual issues.

Following its detailed assessment, the Department considers the proposal is in the public interest and concludes that the project is approvable, subject to conditions.

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# 1 Introduction

## 1.1 The proposal

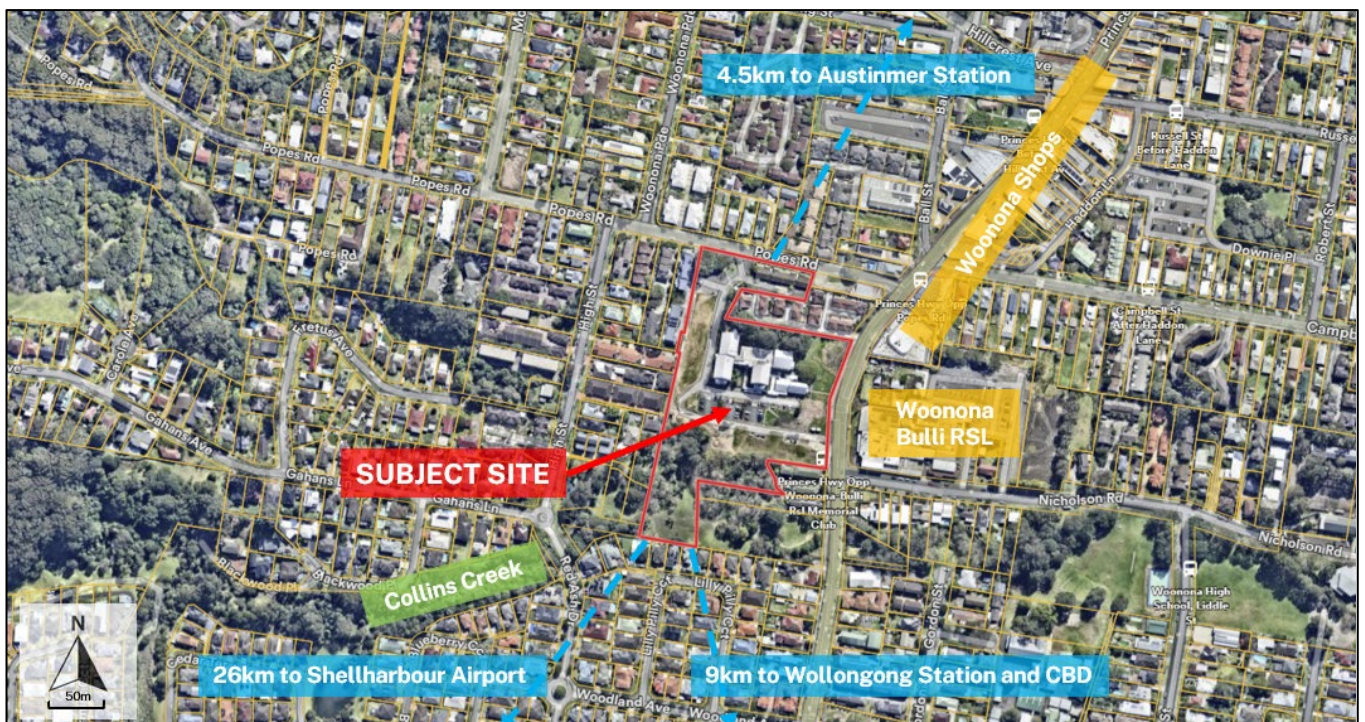
Illawarra Retirement Trust (IRT) Group (the Applicant) proposes additions and alterations to an existing seniors housing development comprising construction of five four-storey buildings with 92 independent living units (ILUs), new single level basement car park and additions to the existing residential care facility (RCF). The proposal also provides a restaurant and staff amenities through the adaptive reuse of a local heritage listed former church, new wellness centre and landscaping.

The project description and mitigation measures provided in the environmental impact statement (EIS), response to submissions (RtS) and amendment report (at **Appendix A**) are the subject of this report and will form part of the development consent if the project is approved.

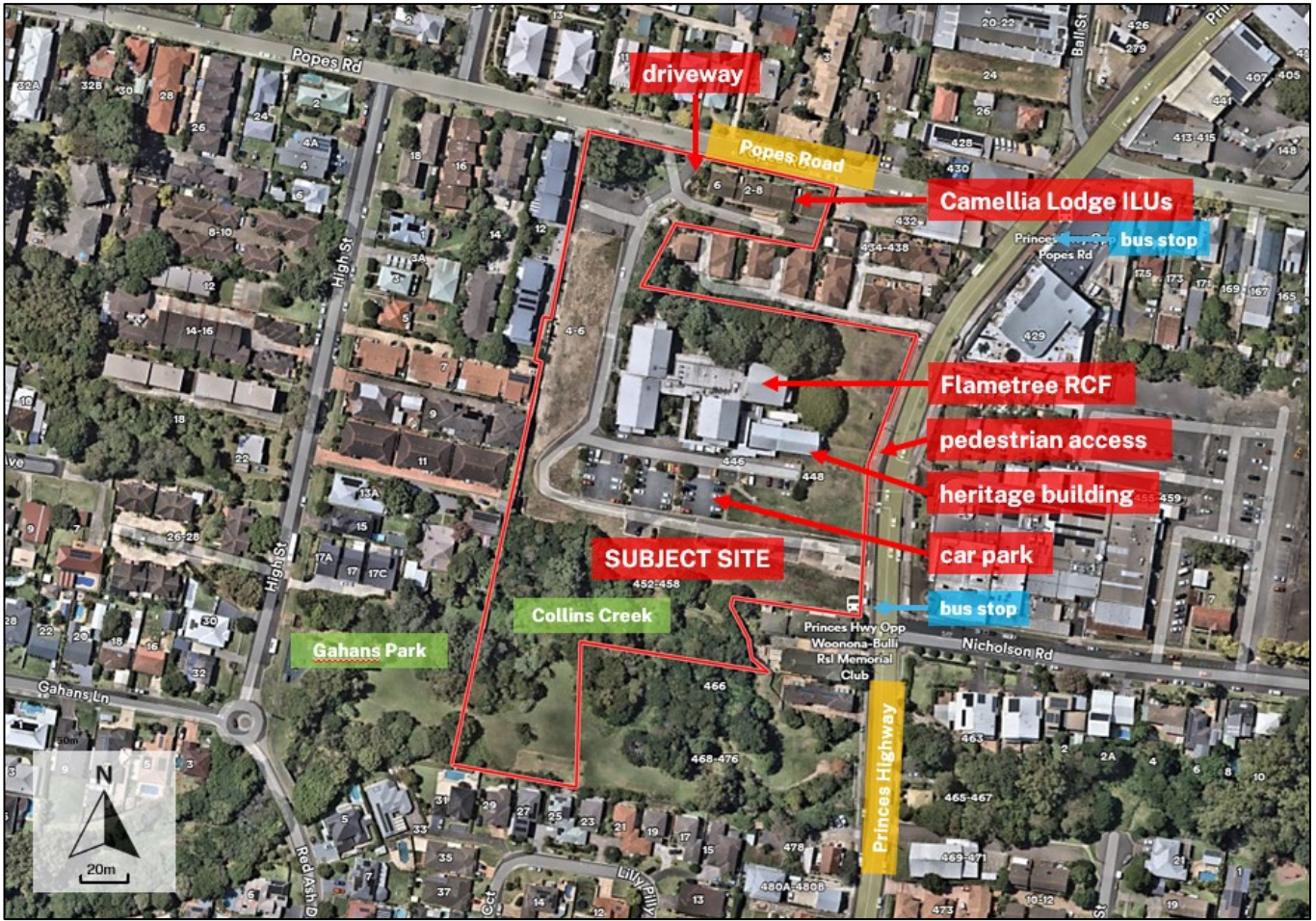
An overview of the proposed development, as refined in the RtS and amendment report, is provided in **Section 2**.

## 1.2 Project location

The site is located at 4-6 Popes Road, Woonona in the Wollongong City local government area (LGA) (see **Figure 1** to **Figure 2**) and key aspects of the site are described in **Table 1**.



**Figure 1** | Local context map, with the site outlined in red (basemap source: Nearmap)



**Figure 2 |** Site and surrounding streets, with the site outlined in red (basemap source: Nearmap)

**Table 1 |** Key aspects of the project site

Aspect	Description
Address	4-6 Popes Road, Woonona
Legal description	Lot 71 in DP 1160947
Site area	29,066m <sup>2</sup>
Existing development	Existing buildings and structures on the site comprise the following ( <b>Figure 2</b> ): <ul style="list-style-type: none"> <li>RCF (named ‘Flametree’) – three storey brick and weatherboard building, with pitched roof, providing 102 beds</li> <li>ILUs (named ‘Camellia Lodge’) – two storey brick building containing 22 dwellings fronting Popes Road</li> <li>local heritage listed former church</li> <li>internal roads and at grade car parking (approximately 78 spaces).</li> </ul>

Aspect	Description
<b>Surrounding roads</b>	The site fronts Princes Highway to the east and Popes Road to the north (both local roads).
<b>Topography</b>	The site generally slopes to the south and southeast towards Collins Creek, with a fall of approximately 10m.
<b>Existing access</b>	Vehicular access to the site is via Popes Road. Pedestrian access is via Popes Road and Princes Highway.
<b>Public Transport</b>	The site is well served by buses along Princes Highway, with a stop at the southeastern corner of the site and another within 40m of the site at the corner of Princes Highway and Popes Road. Bus services provide access to Woonona and Austinmer station to the north and Wollongong city centre to the south, operating 7 days a week at maximum one-hour intervals throughout the day.
<b>Heritage</b>	The site contains the local heritage listed 'Former Woonona Uniting Church'. The Applicant acquired the vacant former church building in around 1999 and converted it into a hall, with kitchen and bathroom facilities.
<b>Flooding</b>	<p>The site is flood prone from two sources.</p> <p>Flooding associated with Collins Creek can occur along the southern portion of the site. Collins Creek is an existing natural creek bed with steep banks and conveys floodwaters during larger flood events, including the probable maximum flood (PMF).</p> <p>Flooding can also occur via an overland flow path within the northern portion of the site, which includes an underground stormwater pipe.</p>
<b>Soil and water</b>	The site is not affected by acid sulfate soils.
<b>Easements or covenants</b>	There is an easement for high voltage underground cables to an existing substation within the site.
<b>Vegetation</b>	Collins Creek is a third order stream with a vegetated riparian corridor (including some native rainforest trees) in the south of the site. The stormwater channel to the north of site is also densely vegetated, including large native trees. Trees on the site are largely a combination of planted species and remnant trees.

Aspect	Description
<b>Surrounding development</b>	<ul style="list-style-type: none"> <li>• <b>North (across Popes Road):</b> Low density attached and detached one to two storey dwellings and commercial premises fronting Princes Highway.</li> <li>• <b>East (across Princes Highway):</b> Woonona Bulli RSL Club and a recently completed three storey mixed use development (non-residential).</li> <li>• <b>South:</b> Attached dwellings fronting Princes Highway, low density attached and detached dwellings (one to two storeys) fronting Lilly Pilly Circuit.</li> <li>• <b>West:</b> Low density attached and detached dwellings (one to two storeys) fronting Popes Road and High Street, and a local park (Gahans Park) to the southwest.</li> </ul>

### 1.3 Related projects and works

#### Development application for demolition

On 24 April 2024, Council granted development consent (DA-2023/808) for staged demolition comprising:

- **Stage 1:** Demolition of the Rectory and ILUs (called ‘Blueberry Ash’ – the ‘Camellia lodge’ ILUs remain), metal sheds, hard landscaping and removal of 17 trees
- **Stage 2:** Demolition of an RCF (named ‘Ribbonwood’), including the bridge that links it with the retained RCF (named ‘Flametree’).

The approved demolition works have been completed.

# 2 Project

## 2.1 Project overview

The State significant development (SSD) application seeks consent for alterations and additions to an existing seniors housing development comprising the construction of five four-storey buildings with 92 ILUs, new basement parking and additions to the existing RCF. The proposal also involves adaptive reuse of the local heritage former church building as a restaurant (internal fit out and operation subject to a separate future development application (DA)), new wellness centre and landscaping.

The key aspects of the project are provided in detail in the Project Description chapter of the EIS, RtS and amendment report (**Appendix A**) and are outlined in **Table 2** and shown in **Figure 3** to **Figure 6**.

**Table 2 | Key aspects of the project**

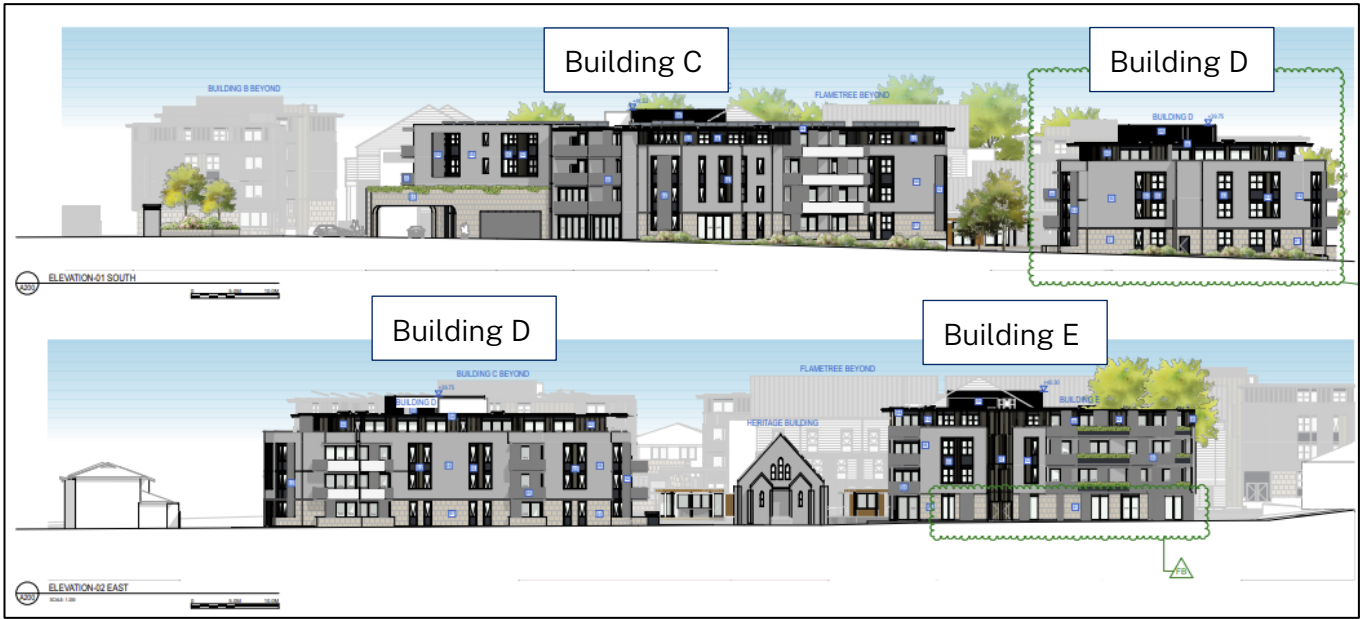
Aspect	Description
<b>Development summary</b>	<p>Alterations and additions to an existing seniors housing development comprising:</p> <ul style="list-style-type: none"><li>• demolition of existing internal road network and at grade parking, bulk earthworks and site preparation works</li><li>• construction of five four-storey buildings (identified as Buildings A to E) comprising 92 ILUs and a social wellness centre (in Building E)</li><li>• alteration and additions to the existing RCF (including general upgrades to the facility and a reduction from 102 rooms to 100 rooms)</li><li>• single storey basement car park, supplemented by at grade parking, to provide 155 parking spaces plus one ambulance parking space</li><li>• conservation and adaptive reuse of the local heritage former church building as a restaurant with staff amenities (internal fit out and operation subject to a separate future DA)</li><li>• internal road and landscaping (including vegetation management within the riparian corridor)</li><li>• servicing and infrastructure augmentation works.</li></ul>
<b>Gross floor area (GFA)</b>	<ul style="list-style-type: none"><li>• Building A: 1,908m<sup>2</sup></li><li>• Building B: 1,031m<sup>2</sup></li></ul>

Aspect	Description
	<ul style="list-style-type: none"> <li>• Building C: 4,042m<sup>2</sup></li> <li>• Building D: 3,112m<sup>2</sup></li> <li>• Building E: 2,338m<sup>2</sup></li> <li>• ‘Flametree’ RCF (existing building and additions): 5,293m<sup>2</sup></li> <li>• Heritage building (existing building and additions): 315m<sup>2</sup></li> <li>• ‘Camelia Lodge’ ILUs (existing building): 656m<sup>2</sup></li> </ul> <p><b>Proposed total GFA: 18,695m<sup>2</sup></b></p>
<b>Floor space ratio (FSR)</b>	0.64:1
<b>Building heights</b>	<ul style="list-style-type: none"> <li>• Building A: 16.05m (RL 41.03) (4 storeys)</li> <li>• Building B: 14.525m (RL 41.88) (4 storeys)</li> <li>• Building C: 15.47m (RL 39.83) (4 storeys)</li> <li>• Building D: 15.38m (RL 39.75) (4 storeys)</li> <li>• Building E: 15.57m (RL 40.30) (4 storeys)</li> <li>• ‘Flametree’ RCF (existing building and additions): 16.83m (RL 41.56) (3 storeys)</li> </ul>
<b>Parking and access</b>	<ul style="list-style-type: none"> <li>• Vehicular access driveway from Popes Road, with ramp to basement in Building B</li> <li>• 155 parking spaces within the basement and on-grade, comprising: <ul style="list-style-type: none"> <li>○ 30 spaces for the RCF</li> <li>○ 92 spaces for ILUs</li> <li>○ 33 spaces for visitors (including 10 on grade)</li> </ul> </li> <li>• One heavy rigid vehicle (HRV) loading bay in basement</li> <li>• Two small rigid vehicle (SRV) loading bays on-grade</li> <li>• One ambulance bay on-grade</li> <li>• Six motorcycle parking spaces</li> <li>• 22 bicycle parking racks (residents) and six bicycle lockers (for staff)</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>• Retention of 19 trees, removal of 104 trees and planting of 208 trees</li> <li>• 17,618m<sup>2</sup> landscaped area</li> </ul>

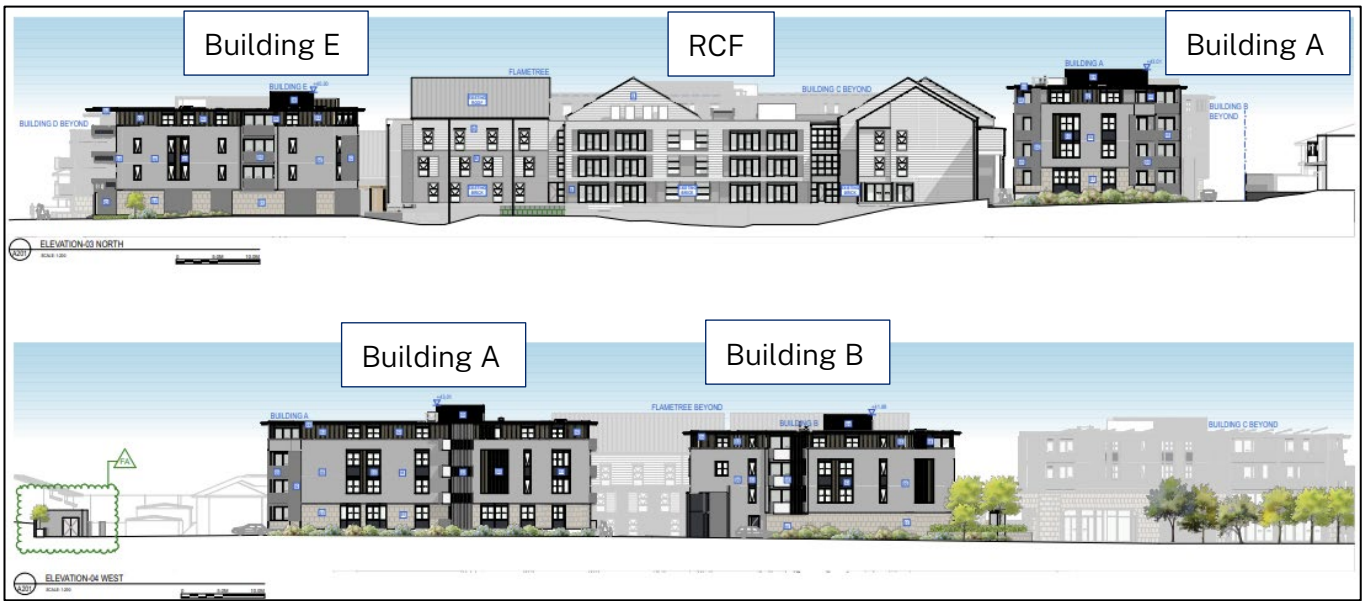
Aspect	Description
	<ul style="list-style-type: none"> <li>• Deep soil across the site (including 7,540m<sup>2</sup> in the riparian corridor)</li> </ul>
<b>Communal open space</b>	<ul style="list-style-type: none"> <li>• 7,651m<sup>2</sup> communal open space for ILUs</li> <li>• 617m<sup>2</sup> communal open space for the RCF</li> </ul>
<b>Dwelling mix</b>	<p>Total of 92 ILUs comprising:</p> <ul style="list-style-type: none"> <li>• 46 x 2 bedroom (50%)</li> <li>• 46 x 3 bedroom (50%)</li> </ul>
<b>Construction staging</b>	<p>The existing RCF will remain operational throughout. Proposed staging (which may occur in sequential order, or another order):</p> <ul style="list-style-type: none"> <li>• <b>Stage 1:</b> groundworks and Stage 2 basement extent</li> <li>• <b>Stage 2:</b> Buildings A, B, C, D and associated landscaping</li> <li>• <b>Stage 3:</b> remainder of basement, Building E and associated landscaping</li> <li>• <b>Stage 4:</b> RCF works (NW and SW wings) and associated landscaping</li> <li>• <b>Stage 5:</b> remainder RCF works (including internal works)</li> <li>• <b>Stage 6:</b> works to the heritage item and remaining landscaping</li> </ul>
<b>EDC</b>	\$121,999,198.00
<b>Employment</b>	190 construction jobs and 91 (11 new) operational jobs



**Figure 3** | Proposed site layout (base plan source: Applicant’s documentation)



**Figure 4** | Southern elevation (TOP) and eastern elevation along Princes Highway (BOTTOM) (source: Applicant’s documentation)



**Figure 5** | Northern elevation (TOP) and western elevation (BOTTOM) (source: Applicant’s documentation)



**Figure 6** | Photomontages: view from Princes Highway to Building D (left) and Building E (right) with the heritage building at centre (TOP), internal view facing west to the port cochere and Building C (left) with Building B in the background (BOTTOM) (source: Applicant's documentation)

# 3 Policy and statutory context

## 3.1 Housing supply

The NSW Government has a target of 377,000 well-located homes by 2029. This policy supports the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes by 2029.

To support the delivery of seniors housing across NSW, in November 2021 an SSD pathway was introduced for large scale seniors housing developments that include RCFs. This SSD application has been submitted pursuant to these initiatives that aim to support the delivery of well-located and accessible seniors housing.

The proposal involves the renewal of an existing seniors housing facility through alterations and additions to the existing RCF and delivery of new ILUs. The development seeks to improve access to contemporary seniors housing and support ageing in place. The proposal aligns with broader strategic objectives to alleviate housing pressure and respond to both community needs and the evolving requirements of an ageing population.

## 3.2 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought, and the permissibility of the project are provided in **Table 3** below.

**Table 3** | Permissibility and assessment pathway

Consideration	Description
<b>Assessment pathway</b>	<p>The project is declared SSD under section 4.36 of the EP&amp;A Act as it satisfies the criteria under section 2.6(1) and section 28 of schedule 1 of Planning Systems SEPP as:</p> <ul style="list-style-type: none"><li>the development is for the purpose of seniors housing, includes a RCF component and has an EDC of more than \$20 million outside of Greater Sydney</li><li>the development is permissible with consent under Part 4 of the EP&amp;A Act</li><li>there are no prohibited components of the development under an EPI.</li></ul>
<b>Consent authority/Decision Maker</b>	<p>The Minister for Planning and Public Spaces is the consent authority under section 4.5(a) of the EP&amp;A Act.</p> <p>In accordance with the Minister’s delegation to determine SSD applications, the Director, Social and Diverse Housing Assessments may determine this application.</p>

Consideration	Description
<b>Permissibility</b>	<ul style="list-style-type: none"> <li>The site is partly zoned R2 Low Density Residential and E3 Productivity Support under the <i>Wollongong Local Environmental Plan 2009</i> (WLEP).</li> <li>Seniors housing is permitted with consent on land in both zones pursuant to section 81 of the Housing SEPP.</li> <li>The restaurant and wellness centre (health services facility) are ancillary to the seniors housing use.</li> </ul>

### 3.3 Other approvals and authorisations

Under section 4.41 of the EP&A Act, several other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the project.

The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section 4** and **Section 5**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix F**).

### 3.4 Planning Secretary's environmental assessment requirements

The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 5 August 2024 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

### 3.5 Mandatory matters for consideration

Mandatory matters for consideration include:

- matters of consideration required by the EP&A Act
- objects of the EP&A Act and ecologically sustainable development (ESD)
- biodiversity development assessment report (BDAR)

- matters of consideration required by the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation)
- matters of consideration required by environmental planning instruments.

The Department's consideration of these matters is summarised in **Appendix C**. As a result of this consideration, the Department is satisfied that the development meets these statutory requirements.

# 4 Engagement

## 4.1 Exhibition of the EIS

### 4.1.1 Public exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the project from 29 July 2025 until 26 August 2025 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Council.

The Department received one public submission by way of objection, advice from six government agencies and a submission by way of comment from Council.

Department officers visited the site and surrounding area on 12 September 2025 to gain a better understanding of the site context and the issues raised in submissions.

The Department requested the Applicant respond to the issues raised in submissions and comments received from government agencies. The Applicant provided a RtS and amendment report (see **Appendix A**). On 10 December 2025, the Department advised the Applicant that amendments to the proposal following exhibition were minor and did not require re-exhibition.

The Department made the RtS and amendment report publicly available on the NSW Planning Portal and notified relevant government agencies and Council. In response, the Department received further submissions from Council and three government agencies.

A summary of the key issues raised in submissions and agency advice is provided below.

### 4.1.2 Summary of advice received from government agencies

A summary of the final agency final advice is provided in **Table 4**. A link to the advice is provided in **Appendix A**.

**Table 4** | Summary of agency advice

Agency	Advice summary
<b>NSW State Emergency Service (NSW SES)</b>	Following review of the RtS, NSW SES maintains that the proposal addresses flood risks to vulnerable occupants on the site.  NSW SES recommends:

Agency	Advice summary
	<ul style="list-style-type: none"> <li>• undertaking extended duration flood modelling to confirm the potential maximum duration of isolation</li> <li>• investigating ways to improve access and egress during frequent flood events (such as regarding driveway design)</li> <li>• liaising with DCCEEW and Council regarding preserving natural flood function and addressing requirements of the WLEP.</li> </ul>
<b>Transport for NSW (TfNSW)</b>	<p>TfNSW request that:</p> <ul style="list-style-type: none"> <li>• the Construction Pedestrian and Traffic Management Plan (CPTMP) ensures that construction vehicles do not disrupt the State road network</li> <li>• appropriate traffic management strategies and sufficient onsite parking is provided to prevent queuing on Memorial Drive, being the nearest classified (State) road.</li> </ul>
<b>NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Heritage NSW Aboriginal Cultural Heritage (ACH)</b>	<p>Heritage NSW confirms that issues raised in response to the EIS are addressed in the RtS (such as confirming that a culturally significant tree is conserved and recorded).</p> <p>Accordingly, Heritage NSW recommend conditions of consent.</p>
<b>NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group</b>	<p>DCCEEW Water Group request:</p> <ul style="list-style-type: none"> <li>• clarification whether the basement is drained or tanked</li> <li>• details of any construction or operational groundwater interception</li> <li>• preparation of a dewatering management plan</li> <li>• an updated vegetation management plan (VMP) that considers the Guidelines for Controlled Activities with respect to Collins Creek.</li> </ul> <p>The requested items have been addressed through recommended conditions of consent.</p>
<b>NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Conservation Programs, Heritage &amp; Regulation (CPHR)</b>	<p>CPHR confirm that issues raised in response to the EIS (biodiversity and flooding) are largely addressed and recommend the following conditions to address outstanding issues:</p> <ul style="list-style-type: none"> <li>• submission and implementation of a VMP</li> </ul>

Agency	Advice summary
	<ul style="list-style-type: none"> <li>consultation with Council to manage identified flood risk issues, and with NSW SES on a final Flood Emergency Response Plan (FERP).</li> </ul> <p>Further, in its submission to the EIS, CPHR recommend conditions in relation to biodiversity credits and tree protection and pre-clearing protocols.</p>
<b>Endeavour Energy</b>	Endeavour Energy request the existing easement for underground cables to the substation, located centrally in the site, be addressed in the proposal.

### 4.1.3 Summary of council submissions

Council made a submission by way of comment following public exhibition of the EIS. Council provided a further submission in response to the RtS and amendment report, noting that while some issues have been addressed, others remain outstanding. It also provided a list of items to include in conditions. A link to all submissions is provided in **Appendix A**.

A summary of Council's outstanding concerns with the proposal is provided below:

- **Tree removal:** Trees 112-116 outside of the site would be impacted by the development. Council recommends the Applicant obtain landowner's consent to remove these trees.
- **Flood management:** Notwithstanding the additional flood impact assessment submitted, Council maintains concern with the realignment of the northern flow path for Building E (around a sensitive use), building over a piped watercourse and the basis of assessment (requesting analysis against Council's latest adopted flood study (Collins Creek FRMS&P, 2025).
- **Safety:** Council recommends wider (2.5m) footpaths that are clear of vegetation to encourage safety and natural surveillance.
- **View corridors and built form:** Council recommends further setback to the northeastern corner of Building D and increasing the front setback to Princes Highway to retain views to the heritage item. Council raised further concerns with respect to the loss of short-range views and the proximity of Buildings D and E to the heritage item.
- **Heritage:** Council raised concern that the location of the basement may compromise integrity of the heritage item. Council notes that the fit out of the heritage item will be subject to a separate DA, however, recommends that these works be detailed in the subject application.

- **Design:** Council requests detail on materials (including more robust materials), revised photomontages, revision to Building C to minimise its bulk and scale (such as an L-shape rather than a triangular shape to improve ADG amenity consistent with SDRP comments) and better integration of rooftop services into the built form.
- **Landscape:** Council requests detail of trees to be retained and removed, greater buffer between Building A and the internal road to the west (rather than a screen fence), greater detail of mounding to reduce the visual prominence of the basement ramp.
- **Amenity:** Council raised concerns with natural light to the Building C and D corridors, increased apartment depths, access route to the RCF from the basement, number of storage cages, separation of chute and resident accessible waste rooms.

#### 4.1.4 Summary of public submissions

The Department received one submission during the public exhibition period of the EIS objecting to the proposal. The submission objected to the development due to loss of solar access to their property, being adjacent to proposed Building D at the southern site boundary. The submission is provided in **Appendix A**.

# 5 Assessment

The Department has considered all documentation submitted by the Applicant, the issues raised in submissions and the advice provided by Government agencies in its assessment of the proposal.

The Department considers the key assessment issues associated with the proposal are design excellence, built form, flood management, and heritage.

The Department's consideration of other issues is described in **Section 5.5** and the appendices of this report.

## 5.1 Design excellence

The Planning Secretary's environmental assessment requirements (SEARs) for the project required review by the State Design Review Panel (SDRP). It is noted that the WLEP does not set a design excellence provision for development on the site.

The SDRP reviewed the proposal on two occasions, being on 18 September 2024 and 5 February 2025.

In its second review, the SDRP commended the amendments made to the project in response to the initial SDRP, and provided the following further recommendations:

- **Connection with Country:** represent Country by protecting sightlines to the escarpment and riparian zone and ensuring design responses are guided by local Aboriginal knowledge-holders.
- **Built form and siting:** locate buildings to retain sightlines to the escarpment, heritage building and riparian corridor, reduce the height of Building D and E to improve relationship to the heritage building and protect neighbouring residential amenity.
- **Circulation and wayfinding:** create a continuous walking path to connect communal spaces, provide clear entrances to all buildings, and create a wayfinding and circulation strategy.
- **Landscape:** use soft landscaping to better integrate the concrete (stormwater) channel.
- **Sustainability:** demonstrate how each element of the ESD strategy will be achieved.

The proposal was amended in response to these SDRP recommendations prior to lodgement of the EIS.

The Department is satisfied that the proposal has adequately responded to the recommendations of the SDRP and is satisfied that the proposal exhibits design excellence as:

- the Applicant has engaged with local Aboriginal knowledge-holders to inform the design, and in response the proposal incorporates native planting, local materials and colour selections, cultural signage and curvilinear pathway shapes to mimic natural water flow
- the layout of buildings has been revised, including the removal of a storey from Building E. A visual impact analysis has been provided to demonstrate that the massing of the revised buildings protect views to the escarpment, responds positively to the heritage building (see **Section 5.4**) and maintains amenity to adjoining residences (see **Section 5.2**)
- the landscape design incorporates a continuous walking path to connect the communal outdoor spaces and buildings, has capacity for clear wayfinding and building identification signage and integrates the concrete (stormwater) channel into the wider landscape design through capping, soft landscaping and tiering (see **Section 5.5**)
- ESD elements, including passive solar design, water-sensitive urban design, and renewable energy sources (solar panels) are clearly demonstrated in the proposal.

## 5.2 Built form

The Department considers that building height and bulk and scale are key to determining the suitability of the built form of the proposal.

### 5.2.1 Building height

The WLEP allows a maximum building height of 9m for most of the site and 11m to the north-east corner of the site (see **Figure 7**).



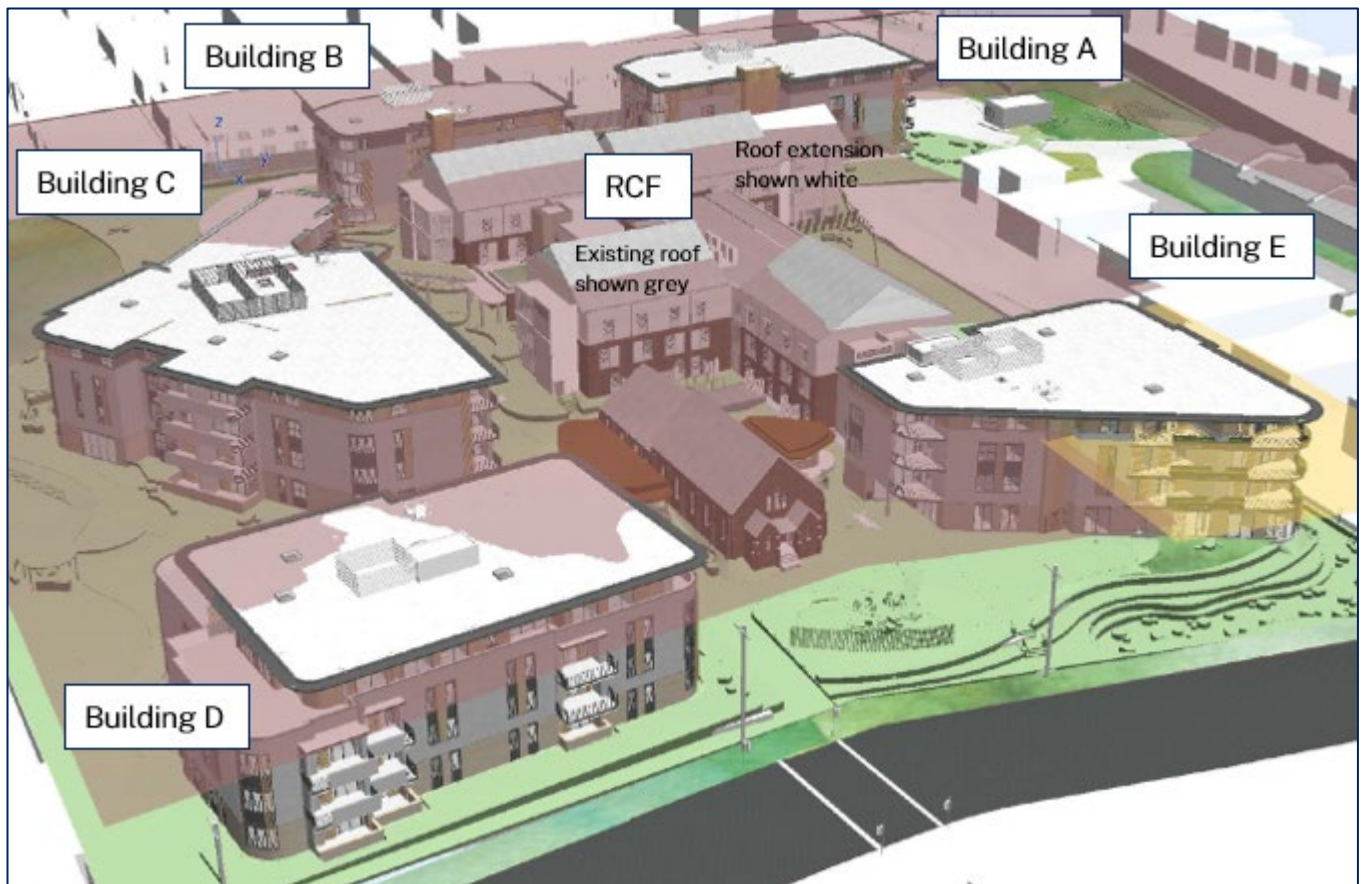
**Figure 7** | WLEP height of buildings map (source: NSW Planning Portal Spatial Viewer)

The Housing SEPP sets the maximum building height at 3.8m above the WLEP building height. The maximum building heights are therefore 11.8m for most of the site and 14.8m for the north-east corner of the site.

The proposal seeks approval for five buildings and an extension to the RCF, with heights ranging from 14.525m to 16.05m (see **Table 5** and **Figure 8**). The Applicant has submitted a written request under clause 4.6 of the WLEP to vary the maximum height of buildings development standard, which is considered in detail in **Appendix D**.

**Table 5** | Proposed building heights and variations

Building	Maximum height under WLEP (m)	Maximum height under Housing SEPP (m)	Proposed height (m)	Variation to tallest point of each building (m) (%)
<b>A</b>	9	12.8	16.05	3.25 (25%)
<b>B</b>	9	12.8	14.525	1.725 (13%)
<b>C</b>	9	12.8	15.47	2.67 (21%)
<b>D</b>	9	12.8	15.38	2.58 (20%)
<b>E</b>	9 (R2 zone) 11 (E3 zone)	12.8 (R2 zone) 14.8 (E3 zone)	15.57 (R2 zone) 15.52 (E3 zone)	2.77 (R2 zone) (22%) 0.72 (E3 zone) (5%)
<b>RCF</b>	9	12.8	13.9	1.1 (8%)



**Figure 8** | Proposed building heights above the development standard shown in white and grey (source: Applicant's RtS)

Council raised concern that the proposed heights present a poor relationship with adjacent built form, compromise view corridors and relationship with the heritage building.

The height exceedances largely relate to the roof levels of Buildings A, C, D, E and the new addition to the Flametree RCF (**Figure 8**). The Applicant states that the additional height results from the application of flood planning levels, increased ground floor height to accommodate the wellness hub (Building E) and communal area (Building C), and the provision of rooftop servicing. The Applicant also maintains that additional height has been incorporated to allow for reduced building footprints to preserve view corridors, increased separation to the heritage item and Collins Creek, and to achieve accessible pedestrian movement throughout the site. Notably, the existing RCF pitched roof has a greater height than the proposed new buildings.

The Department has considered the Applicant's clause 4.6 variation request in **Appendix D**, and is satisfied that the proposed height is acceptable, as there are sufficient environmental planning grounds to justify the variation and that compliance with the height development standard is unreasonable and unnecessary in this instance.

Having carefully considered the concerns raised by Council, the Department is satisfied that the proposed building heights are acceptable as:

- the overall site layout includes additional height to achieve an efficient built-form response, which incorporates flood planning measures, and provides adequate height for the wellness centre and communal areas. This approach allows for reduced building footprints, improved building separation and setbacks, enhanced pedestrian connectivity, and maximises open space and view corridors while responding appropriately to flooding, heritage constraints, Collins Creek and site topography
- the additional height does not increase the overall bulk of the development, with the proposal remaining consistent with the maximum floor space NDDS applying to the site (**Appendix E**). As such, the height variation does not result in additional floor area, traffic generation or infrastructure demand beyond that of a height-compliant scheme
- the buildings incorporate recessed upper storeys and provide an appropriate built-form transition to neighbouring properties, and the proposed building heights do not result in adverse amenity impacts, including overshadowing, overlooking or unacceptable visual impacts (see **Section 5.2.2**)
- the new buildings are below the existing pitched roof height of the RCF, and rooftop services, plant, and lift overrun are centrally located to minimise visibility from adjoining properties, within the site and the public domain
- the design exhibits design excellence and is supported by the SDRP (see **Section 5.1**)

- the development, with additional height, aligns with the Principles of Policy of the Housing SEPP and continues to satisfy the objectives of the height of buildings development standard in WLEP
- the Applicant's request to vary the maximum height of building development standard is supported, as considered in **Appendix D**.

### 5.2.2 Bulk and scale

In its submission, Council raised concerns regarding the bulk and scale of the proposal, including from rooftop plant, building separation, the proximity of Building D and Building E to the heritage building and the development impacting views to the Illawarra escarpment. Council recommended increasing the setbacks from Princes Highway and providing greater building separation from the heritage building.

The Department also received a submission from a neighbouring landowner, raising concerns about the loss of solar access due to the scale and location of Building D.

In assessing the bulk and scale of the proposal, the Department has considered density (floor space ratio), building separation (privacy), solar access to adjoining properties and visual impacts.

#### Density (floor space ratio)

A maximum floor space ratio (FSR) of 0.5:1 applies to the site under WLEP. The Housing SEPP allows an additional 25% of the maximum FSR if used for ILUs and the RCF. The maximum FSR is therefore 0.625:1.

The proposed FSR is 0.64:1, which is 0.015:1 (2.4%) greater than the maximum. The variation equates to an exceedance of 436m<sup>2</sup> in GFA.

The Housing SEPP provides non-discretionary development standards (NDDS) that permit a maximum FSR of 1:1 for a RCF and 0.5:1 for ILUs.

As explained in **Appendix E**, the Applicant has calculated a proportion-based NDDS-led FSR to establish a site-wide maximum FSR of 0.644:1, which is greater than the proposed FSR of 0.64:1. The proposal therefore complies with the NDDS FSR.

Notwithstanding, the Applicant has submitted a written request to vary the maximum FSR development standard under the Housing SEPP (**Appendix A**). The Department has considered the proposed FSR and supports the Applicant's request to vary the development standard as considered in **Appendix E**.

The Department therefore considers the proposed density appropriate for the site and the variation to the development standard justified.

## Building separation (privacy)

Council's submission raised concerns regarding visual privacy impacts on adjoining properties to the west and south of the site.

To maintain privacy, for buildings up to four storeys the ADG recommends minimum building separation distances of 12m between habitable rooms and balconies, 9m for habitable rooms and non-habitable rooms and 6m for non-habitable rooms (and half the distance for buildings adjacent to a site boundary).

As considered in **Appendix C**, the proposal exceeds the minimum building separation distances in the ADG to the west and south of the site. The proposal incorporates measures to further mitigate privacy impacts, such as strategic placement of windows, balconies and communal areas to minimise overlooking into adjoining residential properties.

The Applicant has also amended the proposal to increase the separation between Building D and the southern boundary from 7.3m to between 9.7m and 14.22m. In addition, privacy impacts to adjoining properties to the west have been mitigated through the inclusion of privacy screens, louvres and solid balustrades to the western façades of Building A and Building B, together with a landscaped buffer and green wall along the western boundary.

Internally, the proposal provides the recommended separation distances in the ADG, except for two instances identified below. While the RCF is not subject to the ADG, these matters have nonetheless been assessed to demonstrate the acceptability of the built form: (see

### Figure 9):

- 10.8m (rather than the recommended 12m) separation between Building C and a RCF sitting room – adequate privacy is achieved via screening to the Building C corner window
- 6.6m (rather than the recommended 9m) separation between Building E and the RCF (at one balcony) - adequate privacy is achieved as the subject RCF wall is windowless. The balcony achieves sufficient outlook amenity as it is dual aspect, with its second aspect unimpeded.

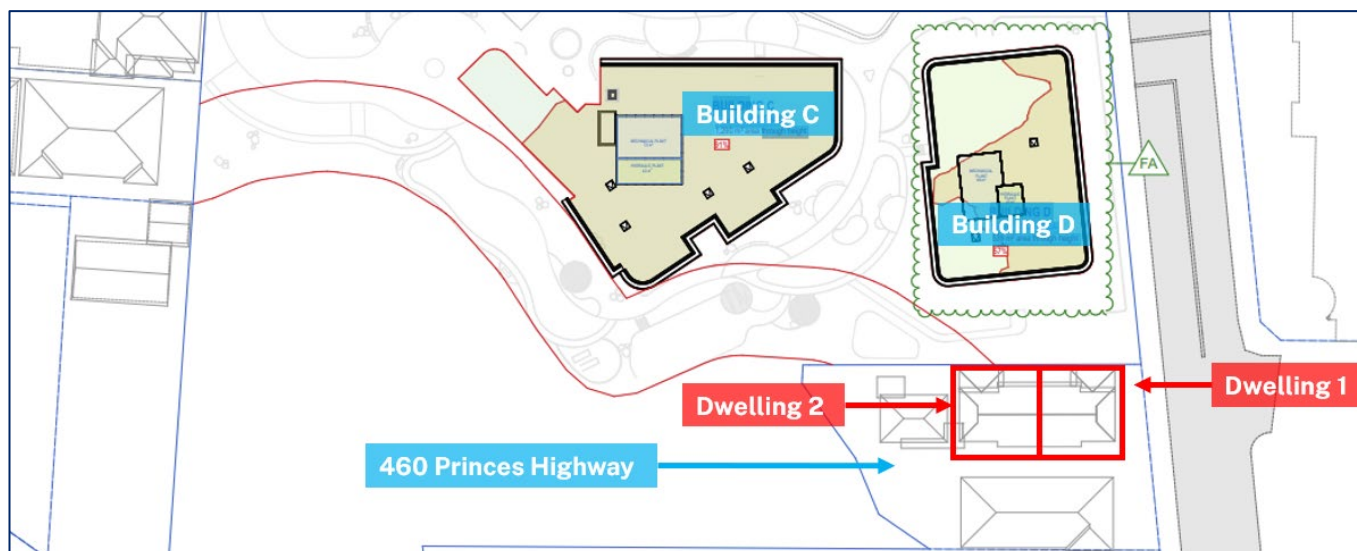
Overall, the Department is satisfied that the external and internal building separation meets the ADG objective (with two minor internal numerical reductions considered acceptable), as the proposal includes adequate privacy mitigation measures, including screening, planting and strategic placement of balconies and openings.



**Figure 9** | Site plan showing building separation distances (source: Applicant's documentation).

### Solar access to adjoining properties

Council and a public submission raised concerns regarding overshadowing impacts from Building D to neighbouring properties to the south of the site on Princes Highway (**Figure 10**).



**Figure 10** | Partial site plan showing adjoining buildings. (base image source: Applicant’s architectural plans).

In response, the Applicant amended Building D as follows:

- reduced the size of the building, and associated reduction in ILUs from 32 to 26
- increased the southern building setback from 7.3m to between 9.7m and 14.22m
- recessed the top floor from the southern and eastern boundaries.

As a guideline to assessing solar access, the ADG recommends that living rooms and private open space receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter in the Wollongong LGA.

In addition to making design changes, the Applicant provided shadow diagrams to compare overshadowing by the previous building on site building (now demolished) and the proposed amended building during 9am to 3pm at mid-winter. The diagrams demonstrate that:

- Dwelling 1 (ground floor living room windows) received solar access between 9am and 1pm (four hours) in mid-winter. As a result of the revised proposal, this dwelling’s solar access is reduced to between 9am to 11am (two hours)
- Dwelling 2 (ground floor living room windows) received solar access between 1pm and 2pm (one hour) in mid-winter. As a result of the revised proposal, this dwelling will receive an additional half hour of solar access from 1.30 to 3pm (1.5 hours)
- the principal private open space to each dwelling is enclosed and therefore not impacted by the proposal.

The Department considers the change to solar access to adjoining properties to be acceptable and reasonable as:

- the amended (increased) proposed setback exceeds the recommended ADG distance, and the building has been reduced in scale to:
  - retain two hours solar access to Dwelling 1 in mid-winter, which meets the ADG recommended minimum
  - provide Dwelling 2 with an additional half hour of solar access when compared with the previous condition, consistent with ADG guidance
- the proposal's upper storey setback achieves an overshadowing outcome that is commensurate to a height compliant envelope, and as such the proposed four storeys (with height exceedance) does not compromise solar access to either dwelling.

### Visual impacts

In its submission, Council raised concerns regarding the visual impacts of the proposed development and loss of views of the heritage building, the Illawarra escarpment and riparian corridor, including when looking west through the site from the Princes Highway.

The Applicant has provided a visual impact assessment (VIA) to demonstrate the visual impacts of the proposal from various locations, including views to the heritage building and escarpment (**Appendix A**). The VIA notes that the riparian corridor (prior to demolition of existing buildings on site) cannot be viewed from the street frontages and is therefore not impacted by the proposal.

The VIA includes photomontages to compare the existing and proposed views. The Department considers the three views at **Figure 11** ('View 1'), **Figure 14** ('View 2') and **Figure 16** ('View 3') as most relevant to view impact analysis.

View 1 and View 2 demonstrate that the heritage building, when viewed from north and south of the site, was predominately obstructed by former buildings on the site. At View 2, the front façade of the heritage building remains visible with the proposed development. Looking directly toward the site in View 3, the heritage building remains clearly visible, with adjacent proposed buildings set back to protect its setting.

The impact to escarpment views varies with distance from the site. From View 1, viewing of the escarpment is impacted, whereas the escarpment view remains generally the same as existing from View 2. At View 3, the escarpment is occluded to the north and south, however the proposed built form has been arranged to preserve escarpment viewing directly through the site, with a view corridor adjacent to and above the church. The compliant envelope shown at View 1 and View 3 demonstrate that the same occlusion of the escarpment occurs without the proposed height exceedance.



**Figure 11** | View 1: Existing view to the site from Princes Highway and Nicholson Road junction, with the ridge of the heritage building highlighted orange (base image source: Applicant's VIA)



**Figure 12** | View 1: Photomontage of the proposal from Princes Highway and Nicholson Road junction (source: Applicant's VIA)



**Figure 13** | View 1: Analysis of the proposed height (shown purple) compared with a compliant height (shown cyan). The ridgeline of the heritage building is highlighted by orange (base image source: Applicant's VIA)



**Figure 14** | View 2: Existing view to site from Princes Highway and Campbell Street junction, ridge of heritage building highlighted orange (base image source: Applicant's VIA).



**Figure 15** | View 2: Photomontage of the proposal, ridgeline of heritage building highlighted in orange (base image source: Applicant's VIA).



**Figure 16** | View 3: Existing view to site looking west across Princes Highway, showing the heritage building with Flametree RCF behind (base image source: Applicant's VIA).



**Figure 17** | View 3: Photomontage of the proposal looking west across Princes Highway (source: Applicant's VIA).



**Figure 18** | Analysis of the proposed height (shown purple) compared with a compliant height (shown cyan) (source: Applicant's VIA).

Having carefully considered Council’s submission and the Applicant’s VIA, the Department is satisfied that the visual impacts of the proposed development are acceptable as:

- the development results in a minor loss of views to the escarpment and heritage building as viewed along Princes Highway, improving with distance from the site
- the building height variation results in minor additional visual impact and a compliant scheme does not retain views to the escarpment or improve views to the heritage building
- the former buildings on site had similar visual impacts as they blocked views to the heritage building as viewed along the Princes Highway
- the development retains views to the heritage building and escarpment through the site, looking west
- the design, form and scale of the proposed buildings generally align with the planning controls for the site, and are compatible with the streetscape (see **Section 5.2**).

### 5.3 Flood management

The site is mapped as flood prone land subject to overland flow flooding from the north, Collins Creek and Pacific Highway. The site is subject to both the 1% annual exceedance probability (AEP) and probable maximum flood (PMF) events.

Pre-development PMF depths range from approximately 0.15m to 1m at the northern portion of the site near Popes Road, 0.15m to over 2m towards the centre of the site north of the RCF, and 0.15 to over 2m at the southern portion adjoining Collins Creek (see **Figure 19**).

Parts of Building A, Building E and the RCF building are likely to be affected by flooding. The post development PMF depths remain consistent at a range of approximately 0.15 to 2m to the northern portion of site and 0.15 to 2m to the south (see **Figure 20**), noting that the proposal does not impact the flood flow path adjoining Collins Creek at the southern portion of the site (see **Table 6**).

**Table 6** | Comparison of pre-development and post-development PMF flood depths

Location	Pre-development PMF depths (m)	Post-development PMF depths (m)
<b>Near Popes Road</b>	Less than 0.15 to 1	Less than 0.15 to 0.5
<b>North of Flametree RCF</b>	Less than 0.15 to over 2	Less than 0.15 to over 2
<b>Princes Highway</b>	Less than 0.15 to over 2	Less than 0.15 to 1
<b>Collins Creek</b>	Less than 0.15 to over 2	Less than 0.15 to 2

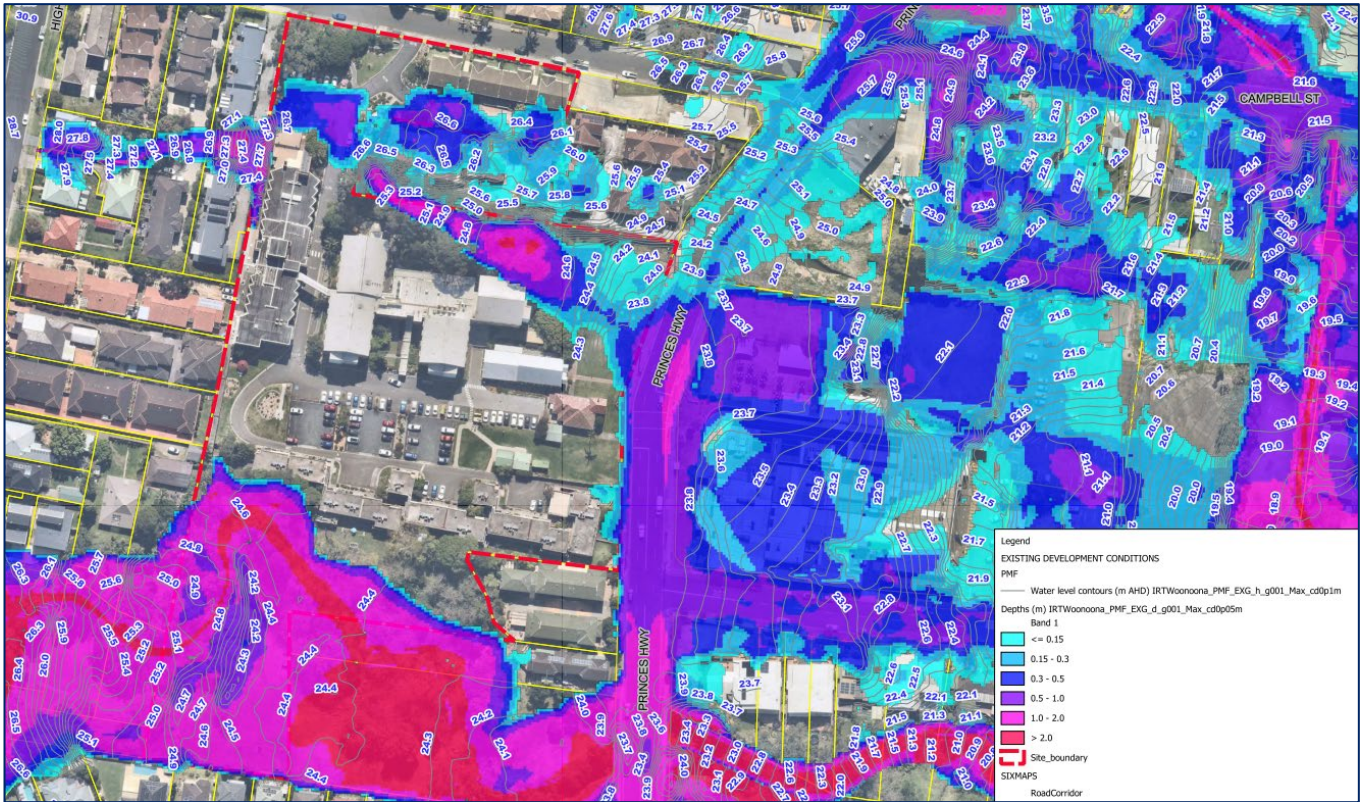


Figure 19 | Pre-development PMF depths at the site (source: Applicant's flood letter)

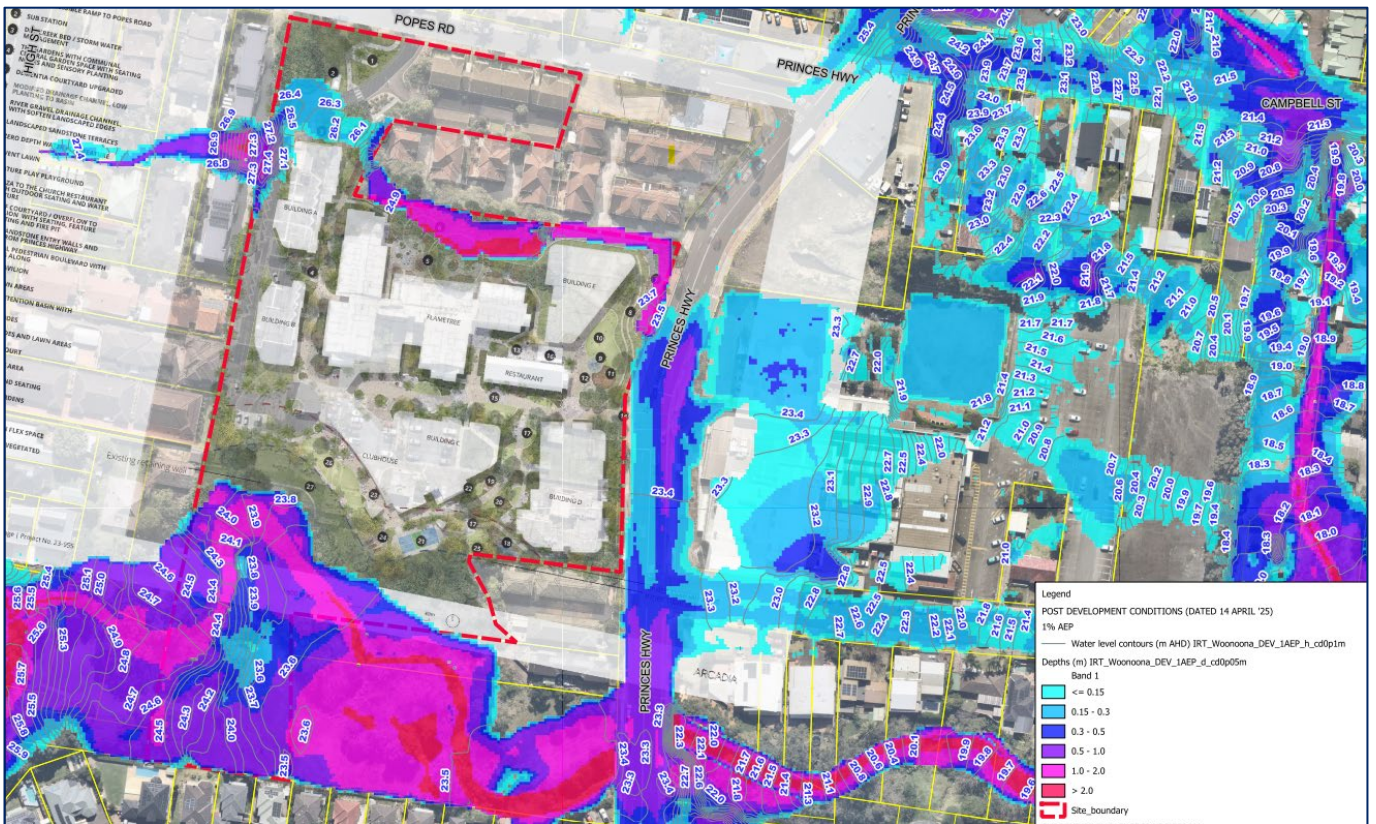


Figure 20 | Post-development PMF flood depths and levels (source: Applicant's documentation)

The flood modelling identifies that the likely time that the site is isolated during a PMF event is one hour and 45 minutes.

Based on the post development flood modelling, the flood planning levels (FPL) required by Council for each flood affected building are identified in **Table 7** below.

### 5.3.1 Flood mitigation measures

The proposal includes an enclosed concrete culvert located between Building E and adjoining northern boundary (see **Figure 21**). During a weather event, the culvert diverts stormwater flow safely to the existing discharge location. The culvert is capped with soil and turf and as such is integrated into the landscape. To the Princes Highway frontage of Building E, the landscape tiers down to a gravel and planted riverbed to contain the flow of stormwater.

Council and CPHR raised concerns regarding the proposed redirection of a flood flow path around a sensitive land use and recommended that conditions of consent be imposed on any approval to mitigate flood impacts and minimise flood risk to life.

CPHR and SES recommended the implementation of a Flood Emergency Response Plan (FERP) to mitigate identified flood risk at the development. A condition of consent is recommended, requiring the implementation of a FERP.

The Department sought independent advice on the Applicant's flooding response. The advice concludes that the development adequately manages flood impacts and the proposed flood mitigation measures will improve flood safety during weather events.

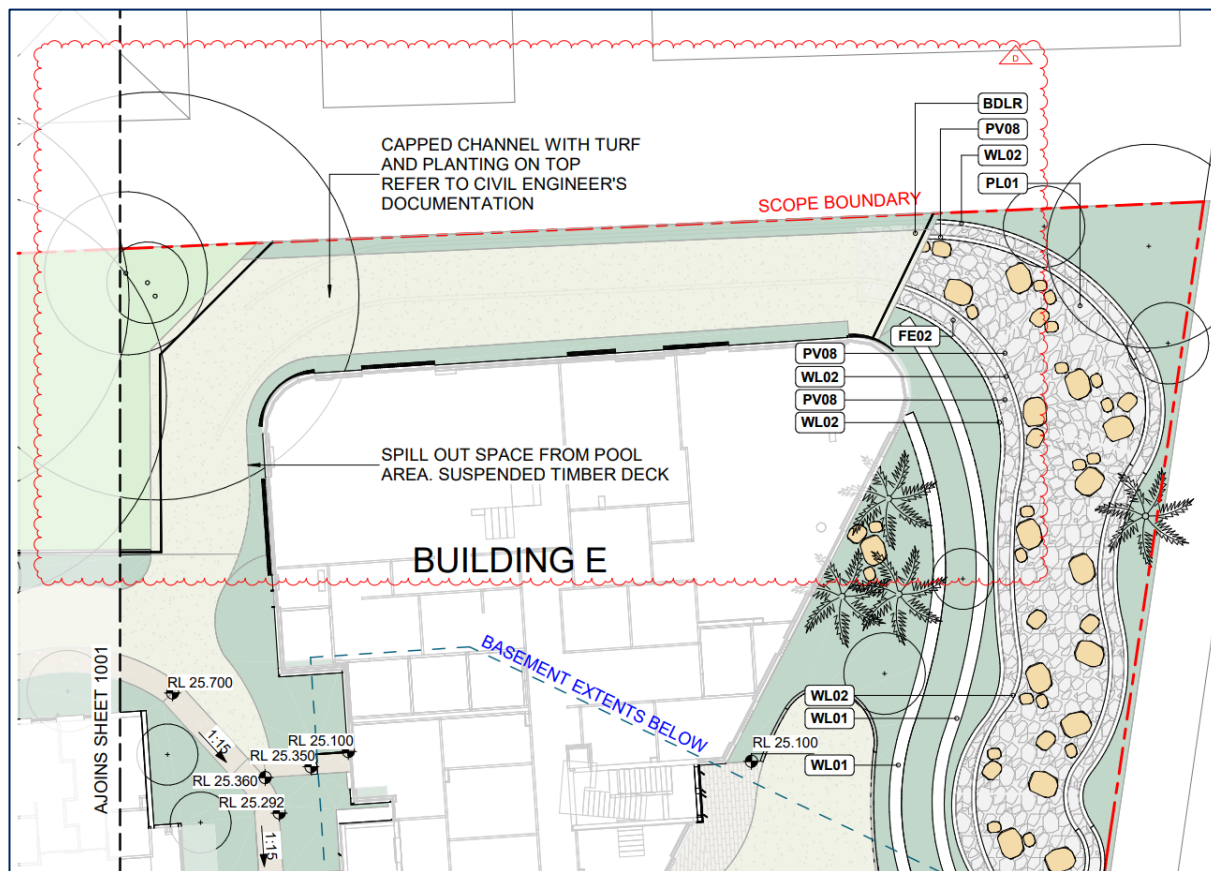
The Department therefore concludes that the proposed culvert is adequate to mitigate flood impacts by managing flow through and within the proposal.

Further, the proposal has been designed with floor levels above the PMF as required, summarised in **Table 7** below (refer the proposed finished floor levels (FFL)).

**Table 7** | FPLs and proposed finished floor levels (FFLs)

Building / entrance	Minimum floor level	Flood planning level	Proposed FFL
<b>Basement entrance</b>	1% AEP + 0.2m	26.75	27.10
<b>A</b>	PMF + 0.5m	27.75	27.75
<b>B</b>	(not flood affected)	-	26.63 (storage area)
<b>C</b>	(not flood affected)	-	26.20

Building / entrance	Minimum floor level	Flood planning level	Proposed FFL
<b>D</b>	PMF + 0.5m	24.50	24.50
<b>E</b>	PMF + 0.5m	25.10	25.14
<b>Flametree RCF</b>	(not flood affected)	-	26.63
<b>Heritage building</b>	(not flood affected)	-	26.43



**Figure 21** | Location of enclosed concrete culvert and landscaping detail (source: Applicant’s documentation)

### 5.3.2 Flood Emergency Response Plan

The proposed development includes seniors housing which is classified as sensitive development under section 5.22 of WLEP. The Applicant’s flood report recommends shelter-in-place for occupants during a flood event. The response is acceptable as all levels, except the basement have FFLs above the PMF or 1% AEP plus 0.5m freeboard ensuring that the residents are unaffected during flood events.

The Department notes that during a 20% AEP flood event the site is not entirely isolated and emergency services can traverse the floodwaters and driveway to access site and transfer patients to Bulli Hospital (approximately 800m away). During a 10% AEP event, emergency services can access the site from the northeastern corner of the site.

Shelter-in-place also reduces the evacuation load in the area through allowing residents to remain safely onsite during a flood event.

CPHR and NSW SES did not raise concerns about the proposed shelter-in-place approach, however recommended further consultation with Council and NSW SES on the FERP.

A condition of consent is recommended requiring the preparation of a detailed FERP based on the detailed design of the development, in consultation with Council and NSW SES. The Department concludes that subject to consent conditions, shelter-in-place is an appropriate flood emergency plan. The development will allow safe habitation during floods and in certain events, maintaining emergency vehicle access and hospital transport.

The Department sought independent advice to inform its assessment of the proposed flood management response and procedure. The advice concluded that the development provides high-level protection to residents and occupants as:

- the development's layout and drainage features, including the concrete channel are adequate to manage flood impacts
- the FERP protects occupants during flood events, includes adequate shelter-in-place capacity
- all finished floor levels are at or above the PMF flood planning levels

The Department is satisfied that the development incorporates satisfactory physical and operational mitigation measures to manage flood risks. The Department is satisfied that adequate flood management is proposed, with consent conditions ensuring resident safety during floods.

## 5.4 Heritage

The site contains a locally listed heritage item, the 'Former Woonona Uniting Church' at 2-8 Popes Road (see **Figure 22** and **Figure 23**).

The Applicant's Statement of Heritage Impact (SoHI) states that the heritage building, built around 1909 is representative of Interwar period church buildings and is significant to the local area for historical and aesthetic reasons. The building is currently used as a hall (see **Figure 24**).



**Figure 22 |** WLEP heritage map (source: NSW Planning Portal Spatial Viewer)



**Figure 23 |** Photo of the 'Former Woonona Uniting Church' building looking west from Princes Highway (source: Applicant's documentation).



**Figure 24 |** Heritage building interior with timber raked ceiling, arched windows and contemporary additions including partitions and lighting. (source: Applicant's documentation).

The proposal includes alterations and additions to adaptively reuse the heritage building as a restaurant, integrating it into the seniors housing development and in turn giving it an active use into the future. The proposal includes pavilions on either side of the building for amenities and covered open space (see **Figure 25**). The detailed internal fit-out is subject to a future DA, however the Applicant has provided in-progress documentation of the fit-out for information (see **Figure 26** and **Figure 27**).

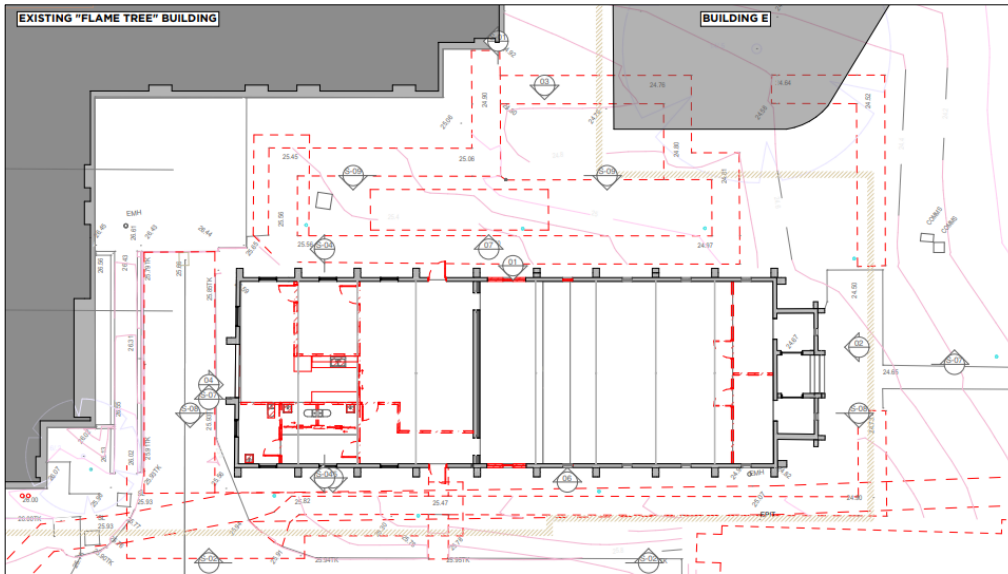
Council raised concerns with loss of heritage fabric, potential damage to the building associated with the basement construction and loss of views to the building due to the proximity of Building D, Building E and the pavilion additions.

In response, the Applicant submitted a revised SoHI which assesses the impacts of the proposed works to the heritage building against the heritage conservation provisions of WLEP. The Department notes that the heritage building has been previously altered, however the proposal retains remaining significant fabric including the physical volume of the principal hall space, raked timber ceilings and arched windows and doors.

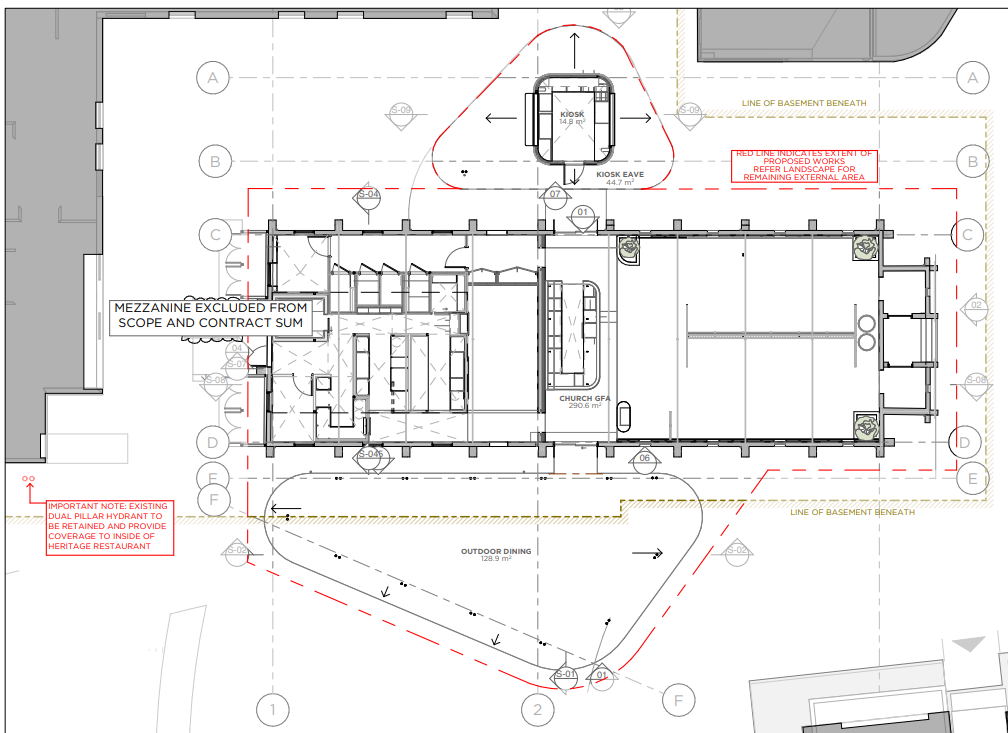
View impacts to the heritage building have been considered by the Department as acceptable, as discussed in **Section 5.2.2**.



**Figure 25** | Visualisation of heritage building showing proposed new opening (centre of image) and southern pavilion (source: Applicant's documentation).



**Figure 26 | Proposed demolition to heritage building (source: Applicant's documentation)**



**Figure 27 | Proposed ground floor plan showing alterations and additions to heritage building (source: Applicant's documentation).**

The Department is satisfied that the proposed development and adaptive reuse of the heritage item would not impact upon its heritage significance, as:

- the proposal is supported by a SoHI, which confirms that the proposal includes demolition of contemporary fabric (such as partition walls). Demolition of original fabric is limited to two arch windows for conversion to doorways

- the heritage building, including its significant heritage fabric, is retained and protected and proposed alterations and additions are sympathetic and will ensure its conservation and continued use
- the fit out and operation of the restaurant will be subject to a separate DA requiring further assessment
- the VIA demonstrates that sightlines to the heritage building are retained, and that the pavilions are lower than its external walls, appear recessive and do not visually overwhelm the heritage building (see **Section 5.2.2**)
- the proposal has been designed to complement its built form and character through the selection of complementary colours, materials and finishes and providing adequate separation to Building D and Building E
- conditions are recommended to protect the heritage item during construction, including preparation of an unexpected finds protocol, submission of a schedule of conservation works and a schedule of ongoing maintenance works, and preparation of a Heritage Interpretation Plan and a Heritage Construction Management Plan.

## 5.5 Other issues

The Department’s consideration of other issues is summarised in **Table 8** below.

**Table 8** | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
<b>Biodiversity</b>	<p>As considered in detail in <b>Appendix C</b>, the Applicant has submitted a BDAR that assesses the biodiversity impacts of the proposal.</p> <p>The BDAR confirms that, while development is largely concentrated within the existing cleared portion of site, the proposal directly impacts 0.03ha of <i>Illawarra Escarpment Bangalay x Blue Gum Wet Forest</i> in a ‘Moderate’ condition.</p> <p>To offset this, the BDAR proposes several mitigation measures identified in <b>Appendix C</b>, including the retirement of one ecosystem credit and one species credit.</p> <p>CPHR confirmed that Biodiversity Assessment Model (BAM) had been accurately applied and</p>	<p>The Department recommends conditions requiring:</p> <ul style="list-style-type: none"> <li>• the retirement of ecosystem and species credits</li> <li>• implementation of the BDAR management and mitigation measures.</li> </ul>

Issue	Findings and conclusions	Recommended conditions
	<p>provided recommended conditions, including the retirement of biodiversity credits, tree protection and vegetation management.</p> <p>The Department is therefore satisfied that the proposal suitably offsets any potential biodiversity impacts, subject to the recommended conditions.</p>	
<p><b>Colours, materials and finishes</b></p>	<p>Council raised concerns regarding the selection of colours, materials and finishes.</p> <p>The proposal was reviewed by SDRP twice who supported the material selection, noting their high-quality and appropriateness to the context.</p> <p>The Department is therefore satisfied with the proposed colours, finishes and materials.</p>	<p>No conditions required.</p>
<p><b>Traffic and access</b></p>	<p>The application is supported by a Traffic and Accessibility Impact Assessment (TAIA) that evaluates traffic generation, parking and vehicle servicing.</p> <p>Council recommended that the proposed preliminary green travel plan (GTP) be finalised to encourage the use of sustainable transport, including the provision of staff bicycle spaces and end-of-trip facilities.</p> <p>The proposal includes 28 bicycle parking spaces and end-of-trip facilities in the basement, which the Department considers is adequate to promote the use of sustainable transport by staff, which is approximately 91 ongoing staff employed by the development.</p> <p>Council also raised concerns regarding vehicular manoeuvrability in the basement. In response, the Applicant provided swept path diagrams which demonstrate compliance with the relevant Australian Standard.</p>	<p>The Department recommends conditions requiring:</p> <ul style="list-style-type: none"> <li>• the preparation and implementation of a CPTMP</li> <li>• the preparation and implementation of a final GTP</li> <li>• compliance with vehicle access requirements of AS2890.1.</li> </ul>

Issue	Findings and conclusions	Recommended conditions
<p><b>Car parking</b></p>	<p>The Housing SEPP provides a NDDS for minimum ILUs and RCF parking rates. As outlined in <b>Appendix C:</b></p> <ul style="list-style-type: none"> <li>the rate for ILUs (one space per five units) would require 18 spaces. The 92 spaces proposed exceeds the minimum.</li> <li>the rate for RCF (one space per 15 beds, plus one per two staff members and an ambulance bay) would require 27 spaces. The 30 spaces proposed, plus an ambulance bay, exceeds the minimum.</li> </ul>	<p>The Department recommends conditions requiring:</p> <ul style="list-style-type: none"> <li>allocation of spaces to specific uses</li> <li>compliance with vehicle access requirements of AS2890.1.</li> </ul>
<p><b>Construction impacts</b></p>	<p>The Applicant provided an assessment of likely construction impacts including:</p> <ul style="list-style-type: none"> <li>Construction and Demolition Waste Management Plan (CDWMP) which considered construction waste removal and minimisation</li> <li>Demolition Noise and Vibration Management Plan (DNVMP) which considers noise and vibration impacts and provides recommendation to ensure appropriate levels of impact to nearby occupants.</li> </ul> <p>TfNSW raised concerns regarding traffic impacts during construction and recommended that a Construction Pedestrian and Traffic Management Plan (CPTMP) be prepared to manage impacts on the local road network.</p> <p>While the Department acknowledges that some construction impacts are unavoidable, the Department is satisfied that these impacts are temporary and can be carried out without causing unreasonable construction impacts.</p> <p>The Department recommends conditions to ensure that construction does not adversely impact the amenity of surrounding properties.</p>	<p>The Department recommends conditions requiring the:</p> <ul style="list-style-type: none"> <li>preparation of a CPTMP</li> <li>implementation of CDWMP</li> <li>preparation of Construction Environmental Management Plan</li> <li>preparation of Construction Noise and Vibration Management Plan</li> <li>preparation of Construction Soil and Water Management Plan.</li> </ul>

Issue	Findings and conclusions	Recommended conditions
<b>Heritage (cultural)</b>	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the application. This notes that, due to previous land disturbance and development, there is a low potential for items or sites of archaeological significance on the site.</p> <p>The ACHAR notes that a culturally significant tree, adjacent to the development site, will not be disturbed by the development.</p> <p>Heritage NSW Aboriginal Cultural Heritage Regulation (Heritage NSW) raised no concerns, subject to recommended conditions of consent for the protection of Aboriginal cultural heritage.</p> <p>The Department is satisfied that the development would not impact upon the cultural significance of the area, subject to inclusion of the recommended conditions from ACHR.</p>	<p>The Department recommends conditions relating to:</p> <ul style="list-style-type: none"> <li>• inclusion of Aboriginal heritage management procedures in the Construction Environmental Management Plan</li> <li>• an unexpected finds protocol.</li> </ul>
<b>Waste management</b>	<p>The application is supported by an Operational Waste Management Plan (WMP) and Construction and Demolition WMP, which estimates waste to be generated by the development and its proposed management.</p> <p>The proposal includes dedicated waste storage rooms in the basement under each building. The operational WMP includes:</p> <ul style="list-style-type: none"> <li>• suitably sized waste rooms for bins and access</li> <li>• private contractor to service the ILU and RCF waste</li> <li>• waste management systems and methods</li> <li>• general waste chutes and recycling bin cupboards on each ILU residential level in Buildings C, D and E</li> </ul>	<p>The Department recommends conditions requiring the implementation of the WMPs.</p>

Issue	Findings and conclusions	Recommended conditions
	<ul style="list-style-type: none"> <li>ongoing management from building manager and contractors.</li> </ul> <p>Council raised concerns regarding the configuration of bin rooms, accuracy of waste generation rates and inclusion of food organic and garden organics (FOGO).</p> <p>In response, the Applicant amended the configuration of waste rooms to reflect the rates provided by Council, including provision of FOGO bins.</p> <p>The Department is satisfied that the development will manage construction and ongoing waste, subject to recommended conditions.</p>	
<b>Stormwater management</b>	<p>Council raised concerns regarding stormwater management and incorporating infrastructure into the development's flood management system.</p> <p>The application is supported by a Stormwater Concept Management Plan (SCMP) and Stormwater Management Report (SMR), which propose stormwater management methods, including onsite detention.</p> <p>The Department is satisfied that stormwater can be appropriately managed by the development, subject to recommended conditions.</p>	<p>The Department recommends conditions regarding:</p> <ul style="list-style-type: none"> <li>compliance with recommendations of SCMP and SMR</li> <li>onsite detention.</li> </ul>
<b>Landscape design and tree management</b>	<p>The proposal includes landscaping to the perimeter and between buildings, including a continuous walking path connecting the several areas of communal open space for recreation.</p> <p>Council raised concerns regarding tree removal, impacts to trees on adjoining sites and lack of a landscape buffer between the development, internal driveway and neighbouring properties to the west.</p> <p>The Department also raised initial concerns about the design of the internal driveway, and the</p>	<p>The Department recommends conditions regarding:</p> <ul style="list-style-type: none"> <li>tree management and supervision of project arborist</li> <li>verification of completion of landscaping works and continued maintenance</li> </ul>

Issue	Findings and conclusions	Recommended conditions
	<p>pedestrian environment due to potential for vehicle dominance.</p> <p>In response to submissions, the Applicant amended the landscape design by:</p> <ul style="list-style-type: none"> <li>widening the landscape buffer along the western boundary of the site to 1.5m, increasing planting and including a green wall for increased privacy</li> <li>incorporating shared-use design principles including low-speed environment, flush kerb detailing, contrasting surface materials and widened pavement treatments to the internal driveway</li> </ul> <p>The Department considers the proposed landscaping and tree strategy acceptable as:</p> <ul style="list-style-type: none"> <li>the proposal exceeds the landscaping and deep soil requirements for seniors housing under the Housing SEPP</li> <li>the landscape plan includes native species and is designed for the recreation of occupants</li> <li>sufficient landscaping is provided to the western boundary to protect privacy and improve outlook</li> <li>the internal driveway will be designed as a shared space, so will not be vehicle dominated</li> <li>the concrete (stormwater) channel is integrated into the landscape design</li> <li>conditions are recommended to protect retained trees, including those on adjoining sites.</li> </ul>	<ul style="list-style-type: none"> <li>confirmation that the internal driveway has been designed to incorporate shared space principles.</li> </ul>
<p><b>Excavation and basement layout</b></p>	<p>The proposal includes a single level basement requiring excavation to a depth of up to 5.9m.</p>	<p>The Department recommends conditions to ensure</p>

Issue	Findings and conclusions	Recommended conditions
	<p>DCCEE Water did not raise concerns, subject to conditions which have been recommended as conditions of consent.</p> <p>Council raised concerns regarding excavation impacts to the watercourse, proximity to coal seam and impacts to the heritage building.</p> <p>In response, the Applicant investigated groundwater conditions further and submitted an additional Geotechnical Investigation and Groundwater Monitoring Report (geotechnical report), which found groundwater above the excavation levels and the presence of coal seams.</p> <p>The Applicant amended the basement design to be fully watertight and tanked in accordance with the recommendations of the geotechnical report.</p> <p>The SoHI submitted notes that the proposed basement level does not encroach the footprint of the heritage building, and that potential impacts of the basement level are mitigated by the HCMP and structural engineering plan.</p> <p>The Department is satisfied that the development will not result in unacceptable impacts as:</p> <ul style="list-style-type: none"> <li>• the Applicant amended the proposal so that the basement is fully tanked</li> <li>• the geotechnical report recommends excavation and construction methodology to manage the groundwater and presence of a coal seam, including appointment of a Geotechnical Engineer to supervise the works</li> <li>• a dilapidation report is to be prepared</li> <li>• construction methodology proposed to mitigate impacts to the heritage building.</li> </ul>	<p>groundwater is appropriately managed including:</p> <ul style="list-style-type: none"> <li>• tanking of the basement</li> <li>• project supervision by Geotechnical Engineer</li> <li>• a dilapidation report for all adjoining buildings including the heritage building</li> <li>• requiring adherence with the requirements of the geotechnical report and conditions provided of DCCEE Water.</li> </ul>

Issue	Findings and conclusions	Recommended conditions
<p><b>Council’s local infrastructure contributions</b></p>	<p>The Applicant meets the local development contribution exemption criteria pursuant to Ministerial Direction dated 14 September 2007 under section 7.17 of the EP&amp;A Act (MD 2007) as IRT Group is:</p> <ul style="list-style-type: none"> <li>• a not-for-profit organisation; and</li> <li>• a registered Community Housing Provider and so defined as a social housing provider under the Housing SEPP.</li> </ul> <p>The Department has considered the applicability of 7.11 contributions to the proposal and notes:</p> <ul style="list-style-type: none"> <li>• MD 2007 provides that conditions for contributions (public amenities or services) cannot be imposed on a seniors housing development consent pursuant to the Housing SEPP if the application is made by a social housing provider as defined by the Housing SEPP</li> <li>• the <i>The Wollongong City-Wide Development Contributions Plan (2025)</i> confirms that the development is exempted if the MD 2007 applies.</li> </ul> <p>The Department concludes that the development is exempt from payment of section 7.11 development contributions.</p>	<p>No conditions required.</p>
<p><b>Housing Productivity Contribution (HPC)</b></p>	<p>The <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023</i> (HPC Order) applies to residential development, including seniors housing. The HPC order exempts RCFs but applies to ILUs.</p> <p>The HPC levy has therefore been applied to the development through a general condition of consent.</p>	<p>Condition to make an infrastructure contribution in accordance the HPC Order.</p>

## 6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, Council and public submissions, and strategic government policies and plans.

The Department's assessment concludes that the proposal is acceptable as:

- it supports State Government priorities to deliver well-located housing as it includes 92 ILUs and an upgraded RCF to meet the changing needs of an ageing population in an accessible location close to the Woonona town centre
- it is permissible with consent and is consistent with the objectives of the R2 Low density residential and E3 Productivity support zones under the WLEP
- it does not result in unreasonable overshadowing, view or privacy impacts on adjoining development or the public domain
- it provides a high level of internal and external amenity for future residents of the ILUs and RCF in line with the principles and design criteria of the Apartment Design Guide and Seniors Housing Design Guide
- it would deliver public benefits including the provision of seniors housing, and the generation of 190 construction and 91 operational jobs.

The Department has recommended a range of conditions to manage any residual environmental impacts. See the recommended conditions of consent at **Appendix F**.

The Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is approvable, subject to conditions.

# 7 Recommendation

It is recommended that the Director, Social and Diverse Housing Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of IRT Group seniors housing, Woonona (SSD-73910208) as amended, subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix F**).

Recommended by:



**Angela Berryman**  
Planning Officer  
Social and Diverse Housing Assessments

Recommended by:



**Aaron Hogan**  
A/Team Leader  
Social and Diverse Housing Assessments

## 8 Determination

The recommendation is **adopted** by:



**Stephen Dobbs**

A/Director

Social and Diverse Housing Assessments

# Appendices

## Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed at [Seniors Housing - IRT Woonona Redevelopment | Planning Portal - Department of Planning and Environment.](#)

- Environmental Impact Statement.
- RtS and amendment report.
- Applicant's additional information.
- Submissions (public and Council).
- Government agency advice.

## Appendix B – Summary of the Department’s consideration of community views

**Table 9** | Key issues and how they have been considered

Issue	Consideration
<p><b>Solar access</b></p>	<p>The public submission raised concerns about the potential loss of sunlight to properties south of the site from Building D.</p> <p>In response, the Applicant amended Building D by reducing its size (resulting in a reduction in ILUs from 32 to 26), increased its setback from the southern boundary (from 7.3m to between 9.7m and 14.22m) and recessed the top floor from the southern and eastern boundaries.</p> <p>The above amendments enable retention of two hours solar access to living room windows (where greater than two hours was received in existing condition) or additional solar access to the existing condition (where less than two hours was received in existing condition) (see <b>Section 5.2</b>).</p> <p>The Department considers the change to solar access to adjoining properties to be acceptable, and notes that the proposed exceeding height does not result in any additional solar impact when compared with a compliant envelope.</p>
<p><b>Building height</b></p>	<p>The public submission raised concern regarding the height and scale of Building D, as it is adjacent to the two storey townhouses along the southern boundary.</p> <p>The Applicant seeks a variation to the maximum height of buildings development standard for Building D, amounting to 20% at its highest point (the rooftop plant). However, adjacent to the southern boundary, the Applicant has amended the proposal to incorporate an increased upper storey setback. As a result, the three storey built form that interfaces with the southern boundary would remain below the maximum permissible permitted height.</p> <p>The Department supports the height of Building D, and the Applicant’s request to vary the standard, as it aligns with the Principles of Policy of the Housing SEPP and continues to satisfy the objectives of the height of buildings development standard in WLEP, is setback from the southern boundary by a distance that exceeds the minimum recommended in the Apartment Design Guide, and it does not result in significant adverse</p>

Issue	Consideration
	<p>amenity impacts, including overshadowing, overlooking or unacceptable visual impact.</p> <p>Further, the height exceedance is largely due to accommodating flood planning measures and adopting a bult form strategy that maximises open space and view corridors. The new buildings, including Building D, do not exceed the height of the existing RCF building on the site (which is retained).</p>

## Appendix C – Statutory considerations

### Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is shown in **Table 10**.

**Table 10** | Matters for consideration

Matters for consideration	Assessment
<b>Environmental planning instruments, proposed instruments, development control plans &amp; planning agreements</b>	<b>Section 5</b> – Assessment <b>Appendix C</b> – Statutory considerations
<b>EP&amp;A Regulation</b>	<b>Appendix C</b> – Statutory considerations
<b>Likely impacts</b>	<b>Section 5</b> – Assessment <b>Appendix C</b> – Statutory considerations
<b>Suitability of the site</b>	<b>Section 1.2</b> – Project location <b>Section 3</b> – Policy and statutory context <b>Section 5</b> – Assessment <b>Appendix C</b> – Statutory considerations
<b>Public submissions</b>	<b>Section 4</b> – Engagement <b>Section 5</b> – Assessment <b>Appendix B</b> – Summary of the Department’s consideration of community views
<b>Public interest</b>	<b>Section 4</b> – Engagement <b>Section 5</b> – Assessment <b>Section 6</b> – Evaluation <b>Appendix C</b> – Statutory considerations

### Objects of the EP&A Act

In determining the application, the consent authority should consider whether the project is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ESD. Consideration of those factors is described in **Table 11** below.

As a result of its analysis, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

**Table 11 | Objects of the EP&A Act and how they have been considered**

Object	Consideration
<p><b>(a) 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,</b></p>	<p>The project promotes the social and economic welfare of the community by providing seniors housing and jobs in an accessible location, contributing to the achievement of State, regional and local planning objectives.</p> <p>The project does not adversely impact the State’s natural or other resources.</p>
<p><b>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</b></p>	<p>The project includes ESD initiatives and sustainability measures, which target the Net Zero Action Plan outlined by Greenstar by 2050.</p> <p>Further consideration of ESD is provided below.</p>
<p><b>(c) to promote the orderly and economic use and development of land,</b></p>	<p>The proposal represents the orderly and economic use and development of land as it will increase seniors housing and employment opportunities supported by ancillary services and public transport.</p> <p>The proposed land uses are permissible, and the form of the development has been designed having regard to the applicable planning controls, the character of the locality and the context of surrounding sites.</p>
<p><b>(d) to promote the delivery and maintenance of affordable housing,</b></p>	<p>The project does not directly provide affordable housing but will provide dedicated housing for seniors.</p>
<p><b>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</b></p>	<p>The project will not adversely affect the protection of the environment. Also see the consideration of biodiversity below.</p>
<p><b>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</b></p>	<p>With respect to built heritage, the proposal will adaptively reuse the locally listed former church building to conserve and protect its value and significance, and building works will be managed by a Heritage Construction Management Plan, as discussed in <b>Section 5 and Appendix C.</b></p>

Object	Consideration
	<p>With respect to Aboriginal cultural heritage, the location of the culturally significant tree means that strategies to minimise harm are not required. However, the proposal commits to strategies to minimise potential harm to the culturally significant tree and the adjacent moderate potential area, by creation of a buffer zone and fencing to avoid disturbance.</p> <p>While the application notes the site is unlikely to encounter Aboriginal and non-Aboriginal archaeological deposits, the Department recommends a condition requiring the implementation of an unexpected finds protocol during construction.</p>
<p><b>(g) to promote good design and amenity of the built environment,</b></p>	<p>The proposal demonstrates a good design approach to the relevant planning controls and local character, as discussed in <b>Section 5</b> above.</p> <p>The building has been revised to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity (as discussed in <b>Section 5</b> and <b>Appendix C</b>).</p> <p>Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.</p>
<p><b>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</b></p>	<p>The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site-specific construction management plan.</p> <p>Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts.</p> <p>Ongoing management and maintenance of the development shall be managed by the building management.</p>
<p><b>(i) to promote the sharing of the responsibility for environmental planning and assessment between the</b></p>	<p>The Department publicly exhibited the proposal as outlined in <b>Section 4</b>. This included consultation with Council and other government agencies, and consideration of their responses.</p>

Object	Consideration
different levels of government in the State,	
<b>(j) to provide increased opportunity for community participation in environmental planning and assessment.</b>	<p>The Department publicly exhibited the application, which included notifying adjoining landowners and displaying the application on the Department’s website.</p> <p>The Department placed the Applicant’s RtS, amendment report and additional information on its website, in addition to providing a copy to Council and other relevant government agencies.</p> <p>The engagement activities carried out by the Department are detailed in <b>Section 4</b>.</p>

### Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The proposal includes ESD initiatives and sustainability measures, including rehabilitation of the biodiversity of the Collins Creek riparian zone. The Applicant has committed to exceeding the minimum BASIX Energy and Water Requirements. The development also provides for good sustainable design through the provision of adequate cross-ventilation, solar access, inclusion of rainwater tanks for garden irrigation, 70% low-water use/ indigenous planting, among other measures. A copy of the Applicant’s ESD report can be viewed at **Appendix A**.

The Department has considered the proposal in relation to the ESD principles. The Precautionary and Inter-Generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the proposal. The conservation principle has been applied through the restoration of the Collins Creek riparian zone, as well as landscaping within the development. The valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of new employment opportunities.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Overall, the proposal is consistent with ESD principles, and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

### **Biodiversity development assessment report**

Section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).

The EIS included a BDAR, which assessed the biodiversity values on the site, impacts of the proposal in accordance with the BC Act and includes offsets and mitigation measures.

The BDAR confirmed:

- the proposed development results in direct impacts to 0.03ha of *Illawarra Escarpment Bangalay x Blue Gum Wet Forest* in a 'Moderate' condition
- a total of one ecosystem credit and one species credit (*Chalinolobus dwyeri* (Large-eared Pied Bat)) is required to offset the proposed development
- the proposal involves development within the riparian corridor of Collins Creek (3rd order stream). In accordance with the *Water Management Act 2000* (WM Act), the development requires Controlled Activity Approval (CAA). The Applicant has this approval (obtained under DA-2023/808), which is due to expire on 14 July 2027.

To address the above, the BDAR identifies the following mitigation measures:

- the retirement of one ecosystem credit and one species credit in accordance with the BC Act
- an area equivalent to the proposed encroachment into the outer 50% of the Vegetated Riparian Zone (VRZ) has been added to the VRZ
- the inner 50% of the VRZ is proposed to be fully protected and vegetated with native endemic riparian plant species
- preparation of a Construction and Environmental Management Plan (CEMP) that will outline management actions to avoid inadvertently causing additional impacts to those described in the BDAR
- appropriate pre-clearance protocols at the time of vegetation clearing to mitigate and avoid potential harm or injury to fauna present within the site.

The proposal also includes deep soil landscape planting, which will mitigate the loss of planted native vegetation.

CPHR Group reviewed the proposed BDAR and confirms that Biodiversity Assessment Method (BAM) 2020 Appendix C: Streamlined assessment module – small area is applicable and has been satisfactorily applied. CPHR provided recommended conditions, including the retirement of biodiversity credits, tree protection and vegetation management.

The Department considers that biodiversity impacts can be managed and mitigated, subject to the recommended conditions requiring the above mitigation measures prior to commencement of works. The Department also recommends a condition requiring the CAA be extended should the proposed works be undertaken beyond the expiry date.

### **EP&A Regulation**

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*
- *Cumulative Impact Assessment Guidelines for State Significant Projects.*

The Department considers the requirements of the EP&A Regulations have been complied with.

### **Environmental Planning Instruments (EPIs)**

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's assessment.

#### **State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)**

Refer to **Section 3, Table 3.**

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP)**

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Chapter 2 of the Infrastructure SEPP is relevant to this proposal as the proposal involves relocation of an existing padmount substation from the centre of the site, with high voltage cables located in an easement. An assessment of the proposal against the relevant Infrastructure SEPP requirements is provided at **Table 12**.

**Table 12 | Infrastructure SEPP compliance table**

Infrastructure SEPP standard	Consideration
<b>Division 5 Electricity transmission or distribution</b>	
<b>Subdivision 2 Development likely to affect an electricity transmission or distribution network</b>	
<b>2.48 Determination of development applications – other development</b>	<ul style="list-style-type: none"> <li>• The application was referred to Endeavour Energy pursuant to clause 2.48 of the Infrastructure SEPP.</li> <li>• Ausgrid noted that there is an easement for high voltage underground cables to a padmount substation located on the site.</li> <li>• The Applicant has coordinated with Ausgrid to establish a new padmount location to replace the existing substation (at the northwest corner of the site), with new easement to Popes Road.</li> <li>• The Department recommends standard conditions relating to construction and engagement with utilities.</li> </ul>

**State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)**

Section 4.6 of the Hazards SEPP requires that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, the consent authority must be satisfied that it is suitable for its intended use in its contaminated state or that it will be suitable for its intended use after remediation.

A Preliminary Site Investigation (PSI) was undertaken by Douglas Partners in July 2023, including extensive testing and review of historical data. The PSI noted the site was previously used for residential purposes from 1884, with a service station located in the northeast corner between 1963 and 1991. Previous investigations identified contaminants in the groundwater at the former service station location. As these investigations are more than ten years old, and contaminant concentrations may have changed, the PSI recommended that a Detailed Site Investigation (DSI) be undertaken, targeting areas of fill and in the location of former buildings.

A Hazardous Materials Survey was undertaken by Reditus in July 2023. This identified that hazardous materials are to be removed prior to demolition works, which has been undertaken in accordance with the development consent for demolition issued by Council.

A DSI was prepared by Soilsrock Engineering Pty Ltd in May 2025, which confirmed that the site is suitable for the continued use of the site for seniors housing, without the need for remediation, as the detected concentration of potential contaminants were at values below the adopted assessment criteria. The DSI recommended:

- the preparation of a Site Construction Management Plan
- classification of removed soil in accordance with the Waste Classification Guidelines, Part 1: Classifying Waste NSW EPA (2014)
- an Unexpected Finds Protocol during excavation
- further contamination assessment following completion of demolition works (which have now been completed)
- preparation of a Dewatering Management Plan and assessment of imported material.

Based on the above, the Department is satisfied that the site is suitable for development, subject to recommended conditions. The Department recommends a condition requiring confirmation that no further hazardous materials and concentrations were identified in the further assessment following completion of demolition works.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)**

Chapter 2 of the Biodiversity SEPP aims to protect the biodiversity value of trees and other vegetation in non-rural areas of the State and the amenity of non-rural areas through this preservation.

As noted above, a BDAR has been prepared which confirms the development results in the removal of 0.03ha of native vegetation and potential habitat vegetation. To address the removal, the BDAR recommended the retirement of one ecosystem credit and one species credit together with other management and mitigation measures. CPHR reviewed the BDAR and provided recommended conditions of approval.

The proposal also includes the removal of 104 existing trees. The Department has considered biodiversity impacts, tree removal and retention at **Appendix C** and **Section 5.5**.

The Department concludes the tree removal is unavoidable and compensated for by the provision of 208 new / replacement trees, and associated landscaping and protection of the existing trees to be retained. The Department considers the identified impacts can be appropriately managed and mitigated, subject to the recommended conditions.

### **State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainability SEPP)**

The Sustainability SEPP encourages the design and construction of more sustainable buildings to help meet climate change targets. It sets increased sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.

A BASIX certificate was submitted demonstrating the proposal achieves compliance with BASIX water, energy and thermal comfort requirements under the Sustainability SEPP. The Department recommends a condition requiring compliance with the BASIX certificate.

### State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The Housing SEPP seeks to enable the development of diverse housing types that meet the needs of the community, provide housing in areas of existing infrastructure and services, provide housing that minimises environmental impacts and reflects / enhances its locality, support short-term rental accommodation and mitigate the loss of existing affordable rental housing.

Chapter 3 of the Housing SEPP includes provisions relating specifically to seniors housing development, including ILUs and RCFs. An assessment of the development against the relevant considerations of the Housing SEPP is provided at **Table 13**, **Table 14** and **Table 15**.

**Table 13** | Housing SEPP compliance table

Housing SEPP	Consideration
<b>Chapter 3, Part 5 - Housing for seniors and people with a disability</b>	
<b>Division 1 Land to which this part applies</b>	
<p><b>79 Land to which Part applies</b></p> <p>This Part applies to land in the following zones –</p> <p>(c) Zone R2 Low Density Residential,</p> <p>(e3) Zone E3 Productivity Support,</p>	<p>The site is partly zoned R2 Low Density Residential and E3 Productivity Support under the WLEP and therefore the Housing SEPP applies.</p>
<p><b>81 Seniors housing permitted with consent</b></p>	<p>Seniors housing is permitted in the R2 Low Density Residential and E3 Productivity Support zones.</p>
<b>Division 3 Development Standards</b>	
<b>84 Development standards–general</b>	
<p>(1) This section applies to development for the purposes of seniors housing involving the erection of a building.</p>	<p>This section applies as the development is for the purposes of seniors housing and involves the erection of buildings.</p>

Housing SEPP	Consideration
(2) Development consent must not be granted for development to which this section applies unless –	
(a) the site area of the development is at least 1,000 m <sup>2</sup> , and	The site area exceeds 1,000m <sup>2</sup> .
(b) the frontage of the site area of the development is at least 20m measured at the building line, and	The site frontage exceeds 20m.
<p><b>85 Development standards for hostels and independent living units</b></p> <p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p>	The relevant standards of Schedule 4 are considered at <b>Table 14</b> .
<b>87 Additional floor space ratios</b>	
<p>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if –</p> <p>(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5 or another environmental planning instrument</p>	This section applies as residential flat buildings are permitted in the R2 Low Density Residential zone and shop top housing is an additional permitted use in the E3 Productivity Support zoned component of the site pursuant to Schedule 1(34) of the WLEP.
<p>(2) Development consent may be granted for development to which this section applies if the site area of the development is at least 1,500m<sup>2</sup>, and the development will result in a building with one or more of the following –</p> <p>(a) a maximum permissible floor space ratio plus –</p> <p>...</p> <p>(iii) for development involving independent living units and residential care facilities – up to an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, or</p>	<p>The site area exceeds 1,500m<sup>2</sup>.</p> <p>The development involves ILUs and RCF, so benefits from an additional 25% of the maximum permissible FSR.</p> <p>The maximum FSR for the site under WLEP is 0.5:1. This section therefore permits a maximum permissible FSR of 0.625:1.</p> <p>The development proposes a FSR of 0.64:1. A written request to vary the development standard is submitted with the application, refer to <b>Appendix E</b>.</p>

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(b) a height of not more than 3.8m above the maximum permissible building height.

The maximum permissible building height under WLEP is 11m (E3 Productivity Support zone) and 9m (R2 Low Density Residential zone). This section therefore allows the maximum permissible building height of 14.8m (E3 Productivity Support zone) and 12.8m (R2 Low Density Residential zone).

The development proposes a maximum height of 16.05m.

A written request to vary the development standard is submitted with the application, refer to **Appendix D**.

**88 Restrictions on occupation of seniors housing**

(1) Development permitted under this Part may be carried out for the accommodation of only the following –

- (a) seniors or people who have a disability,
- (b) people who live in the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration and provision of services to housing provided under this Part.

The proposal includes ILUs and RCF beds and will accommodate groups listed in section 88(1)(a)-(c).

(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.

The Department has recommended conditions to ensure occupation is restricted to only persons specified by section 88 and the EP&A Act.

**89 Use of ground floor of seniors housing in business zones**

(1) This section applies to a building used for the purposes of seniors housing on land in a business zone.

The site is partly zoned R2 Low Density Residential and E3 Productivity Support.

The E3 Productivity Support is a type of business zone under section 4(3) of SEPP Housing. Building E

Housing SEPP	Consideration
	is located within the business zone portion of the site.
(2) Development consent must not be granted for development under this Part unless the part of the ground floor of the building that fronts a street will not be used for residential purposes.	Building E fronts Princes Highway and includes a wellness centre (health services facility) at the ground floor.
<p><b>91 Fire sprinkler systems in residential care facilities</b></p> <p>(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.</p> <p>(2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.</p>	The Department has recommended conditions requiring the installation of a fire sprinkler system.
<b>Division 4 – Site-related Requirements</b>	
<p><b>93 Location and access to facilities and services– independent living units</b></p> <p>(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services –</p> <ul style="list-style-type: none"> <li>(a) by a transport service that complies with subsection (2), or</li> <li>(b) on-site.</li> </ul>	<p>Residents will have access to a public bus stop via a suitable access pathway, which is approximately 40m walking distance from the site on the Princes Highway (well within the required 400m maximum). Multiple bus services from this stop connect residents to facilities and services located at the Woonona town centre, which is itself less than 400m walking distance from the site (approximately 200m walking distance), and beyond to Wollongong.</p> <p>In addition, a wellness centre and restaurant are proposed on the site.</p>
<p><b>94 Location and access to facilities and services– residential care facilities</b></p> <p>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that</p>	<p>Refer response to Section 93.</p> <p>The Applicant has confirmed that an existing transport service for RCF residents will continue to provide access to facilities and services.</p>

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residents of the facility will have access to facilities and services –

- (a) on-site, or
- (b) by a transport service other than a passenger service.

**95 Water and Sewer**

(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will –

- (a) be connected to a reticulated water system, and
- (b) have adequate facilities for the removal or disposal of sewage.

The Applicant confirms that the site has access to existing water and sewer services, and the development will be connected to a reticulated water system.

**Division 5 – Design Requirements**

**97 Design of seniors housing**

(1) In determining a development application for development for the purposes of seniors housing, a consent authority must consider the Seniors Housing Design Guide, published by the Department in December 2023.

The proposal has been designed in accordance with the SHDG, as considered in **Table 16**.

(2) Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.

The Department is satisfied that the proposal demonstrates adequate consideration of the design principles for seniors housing, as considered in **Table 15**.

**Division 7 – Non-discretionary Development Standards**

**107 Non-discretionary development standards for hostels and residential care facilities–the Act, s.4.15**

(a) No building has a height of more than 9.5 m, excluding servicing equipment on the roof of a building.

The existing RCF on the site is proposed to be altered and enlarged, however without adding additional

Housing SEPP	Consideration
	height, which in its existing form already exceeds 9.5m.
<p>(b) Servicing equipment on the roof of a building which results in the building having a height of more than 9.5m –</p> <ul style="list-style-type: none"> <li>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</li> <li>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</li> <li>(iii) does not result in the building having a height of more than 11.5m.</li> </ul>	While rooftop servicing is located at a height greater than 11.5m, the Department is satisfied that it is fully contained and suitably screened.
<p>(c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.</p>	<p>The Applicant meets this standard by applying a proportion-based FSR calculation based on the 0.5:1 non-discretionary development standard for ILUs and the 1:1 non-discretionary development standard for RCFs. This enables a site-wide maximum FSR of 0.644:1, which is greater than the proposed FSR of 0.64:1.</p> <p>As noted in section 87(2)(a) above the proposal exceeds the maximum FSR development standard for the site of 0.625:1. The Applicant has submitted a clause 4.6 variation request which the Department supports, as considered in and <b>Section 5.2.2</b>.</p>
<p>(d) Internal and external communal open spaces with a total area of at least –</p> <ul style="list-style-type: none"> <li>(ii) for a residential care facility – 10m<sup>2</sup> for every bed.</li> </ul>	As the modified RCF contains 100 rooms, a minimum of 1,000m <sup>2</sup> of internal and external communal open space is required. The external communal open space is 617m <sup>2</sup> and the internal communal open space exceeds 383m <sup>2</sup> . As such, the proposal complies with this requirement.
<p>(e) At least 15m<sup>2</sup> of landscaped area for every bed.</p>	As the modified RCF contains 100 rooms, a minimum of 1,500m <sup>2</sup> of landscaped area is required. The proposed RCF landscaped area is 617m <sup>2</sup> , and residents benefit from the greater landscaped area

Housing SEPP	Consideration
	across the site, which cumulatively well exceeds 1,500m <sup>2</sup> . The landscaped area is acceptable.
(f) A deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.	The deep soil area across the greater site well exceeds the minimum 15% of the site area (4,358m <sup>2</sup> ). The Collins Creek corridor alone provides 7,540m <sup>2</sup> of deep soil.
(h) For a residential care facility – at least 1 parking space for every 15 beds in the facility,  (i) At least 1 parking space for every 2 employees who are on duty at the same time,	30 parking spaces are provided for the RCF, which exceeds the minimum required at (h) (7 spaces for 100 beds) and (i) (20 spaces for 40 employees on duty) combined.
(j) At least 1 parking space for the purpose of ambulance parking.	A dedicated ambulance bay is provided on grade.

**108 Non-discretionary development standards for independent living units – the Act, s 4.15**

(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,	The ILU buildings exceed 9.5m in height. The buildings also exceed the maximum height permitted at section 87(2)(b). A written request to vary the development standard is submitted with the application, as considered in <b>Appendix D</b> .
(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m –  (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and  (ii) is limited to an area of no more than 20% of the surface area of the roof, and  (iii) does not result in the building having a height of more than 11.5m,	Rooftop servicing is located at a height greater than 11.5m. Notwithstanding this, the Department is satisfied that it is limited in area, centrally located on each rooftop and is fully contained and suitably screened.
(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The Applicant meets this standard by applying a proportion-based FSR calculation based on the 0.5:1 non-discretionary development standard for ILUs and the 1:1 non-discretionary development standard

Housing SEPP	Consideration
	<p>for RCFs. This enables a site-wide maximum FSR of 0.644:1, which is greater than the proposed FSR of 0.64:1.</p> <p>As noted in section 87(2)(a) above, the proposal exceeds the maximum FSR development standard for the site of 0.625:1. The Applicant has submitted a clause 4.6 variation request, which the Department supports as considered in and <b>Section 5.2.2</b>.</p>
<p>(d) a minimum landscaped area that is the lesser of –</p> <p>(i) 35m<sup>2</sup> per dwelling, or</p> <p>(ii) 30% of the site area,</p>	<p>The landscaped area for the ILUs is 7,651m<sup>2</sup>, which exceeds 35m<sup>2</sup> per dwelling (3,220m<sup>2</sup>) (this is the lesser, 30% of the site area being 8,715m<sup>2</sup>).</p>
<p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p>	<p>The deep soil area across the greater site well exceeds the minimum 15% of the site area (4,358m<sup>2</sup>). The Collins Creek corridor alone provides 7,540m<sup>2</sup> of deep soil.</p>
<p>(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</p>	<p>74% (68/92) of ILUs receive the required solar access.</p>
<p>(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building –</p> <p>(i) at least 15m<sup>2</sup> of private open space per dwelling, and</p> <p>(ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor,</p>	<p>76% (13/17) of ground floor apartments have an area less than 15m<sup>2</sup> and/or less than 3m in depth. However, the communal open space exceeds 25% of the site area and therefore adequately compensates for this departure from this standard.</p>
<p>(i) for a dwelling in a multi-storey building not located on the ground floor – a balcony accessible from a living area with minimum dimensions of 2m and –</p> <p>(i) an area of at least 10m<sup>2</sup>, or</p>	<p>All dwellings located above the ground floor contain balconies at least than 10m<sup>2</sup> in area with minimum dimension of 2m.</p>

Housing SEPP	Consideration
(ii) for each dwelling containing 1 bedroom – an area of at least 6m <sup>2</sup> ,	
(j) for a development application made by, or made by a person jointly with, a social housing provider or Landcom – at least 1 parking space for every 5 dwellings,	IRT is a registered community housing provider (and therefore a social housing provider). The development provides 92 parking spaces for ILUs which exceeds the minimum number of spaces (18 spaces).

**Table 14 |** Consideration of the relevant sections of Schedule 4 of the Housing SEPP

Schedule 4 standard	Consideration
<b>Part 1 Standards applying to hostels and independent living units</b>	
<p><b>2 Siting standards</b></p> <p>(2) If the whole of the site does not have a gradient of less than 1:10 –</p> <p>(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</p> <p>(b) the wheelchair access provided must be by a continuous accessible path of travel to an adjoining public road or an internal road or a driveway that is accessible to all residents.</p> <p>(3) Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</p>	<p><i>As IRT is a social housing provider, this section does not apply to the ILUs above the ground floor. The below assessment therefore relates to the ILUs located on the ground floor only.</i></p> <p>A continuous accessible path of travel has been provided from site entries off Popes Road and Princes Highway (which are accessible to all residents) to each ILU entrance.</p> <p>The Access Report submitted with the EIS confirms that common areas have been designed with capacity to achieve wheelchair access to all common facilities.</p> <p>Detailed design and construction would form part of construction certificates. The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>
<p><b>3 Letterboxes</b></p> <p>(1) Letterboxes –</p> <p>(a) must be located on a hard standing area, and</p>	<p>The Accessibility Report submitted with the RtS confirms that the development is able to meet these requirements. Detailed design and construction would form part of construction certificates.</p>

Schedule 4 standard	Consideration
<p>(b) must have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and</p> <p>(c) must be lockable by a lock that faces a wheelchair accessible path.</p> <p>(2) If a structure contains multiple letterboxes, the structure must be in a prominent location.</p> <p>(3) At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).</p>	<p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>
<p><b>4 Car parking</b></p> <p>(2) If parking spaces associated with a class 1, 2 or 3 building under the <i>Building Code of Australia</i> are provided in a common area for use by occupants who are seniors or people with a disability, the following applies –</p> <p>...</p> <p>(c) for a group of 8 or more parking spaces –</p> <p>(i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) at least 50% of the parking spaces must –</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.</p> <p>(4) At least 5% of any visitor parking spaces must comply with AS/NZS 2890.6.</p> <p>(6) If multiple parking spaces are accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.</p>	<p>92 spaces are provided for the ILUs, including:</p> <ul style="list-style-type: none"> <li>• 15% (14) are accessible (compliant)</li> <li>• 50% (46) are 3.2m wide (compliant).</li> </ul> <p>33 visitor parking spaces are proposed, including 9% (3) being accessible, exceeding 5%.</p> <p>Detailed design and construction, including compliance with the relevant Australian Standards, would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>
<p><b>5 Accessible entry</b></p>	<p><i>As IRT is a social housing provider, these sections do not apply to the ILUs above the ground floor. The below</i></p>

Schedule 4 standard	Consideration
<p><b>6 Interiors</b></p> <p><b>7 Bedroom</b></p> <p><b>8 Bathroom</b></p> <p><b>9 Toilet</b></p> <p><b>10 Surfaces of balconies and external paved areas</b></p> <p><b>11 Door hardware</b></p> <p><b>12 Switches and power points</b></p>	<p><i>assessment therefore relates to the ILUs located on the ground floor only.</i></p> <p>The Accessibility Report submitted with the RtS confirms the development is able to meet these requirements. Detailed design and construction would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>
<p><b>Part 2 Additional standards for independent living units</b></p>	
<p><b>15 Bedroom</b></p> <p>At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on –</p> <p>(a) the same floor as the entry to the unit,</p>	<p><i>As IRT is a social housing provider, this section does not apply to the ILUs above the ground floor. The below assessment therefore relates to the ILUs located on the ground floor only.</i></p> <p>All ILU's are single storey so have all bedrooms on same floor as the unit entry.</p>
<p><b>16 Living room</b></p> <p>(1) A living room in an independent living unit must be located on –</p> <p>(a) the same floor as the entry to the dwelling,</p> <p>(2) The living room must have –</p> <p>(a) a circulation space that –</p> <p>(i) is clear of all fixtures, and</p> <p>(ii) has a diameter of at least 2,250mm, and</p> <p>(b) a telecommunications or data outlet adjacent to a general power outlet.</p>	<p><i>As IRT is a social housing provider, this section does not apply to the ILUs above the ground floor. The below assessment therefore relates to the ILUs located on the ground floor only.</i></p> <p>All ILU's are single storey so have the living room on the same floor as the unit entry.</p> <p>The Accessibility Report submitted with the RtS confirms that the development is able to meet these requirements. Detailed design and construction would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>
<p><b>17 Main area of private open space</b></p> <p>The main area of private open space for an independent living unit must be located on –</p>	<p><i>As IRT is a social housing provider, this section does not apply to the ILUs above the ground floor. The below assessment therefore relates to the ILUs located on the ground floor only.</i></p>

Schedule 4 standard	Consideration
(a) the same floor as the entry to the dwelling,	All ILU's are single storey so have main area of private open space on the same floor as the unit entry.
<b>18 Kitchen</b> <b>19 Laundry</b> <b>20 Linen storage</b>	<p><i>As IRT is a social housing provider, these sections do not apply to the ILUs above the ground floor. The below assessment therefore relates to the ILUs located on the ground floor only.</i></p> <p>The Accessibility Report submitted with the RtS has confirmed the development is able to meet these requirements. Detailed design and construction would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>
<b>22 Garbage and recycling</b>  A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.	Waste storage is provided as a storage room on each floor, with a continuous accessible path of travel.

**Table 15 | Consideration of the relevant sections of Schedule 8 of the Housing SEPP**

Design Principle	Consideration
<b>1. Neighbourhood amenity and streetscape</b>	<p>The proposal is located in a diverse built form context, with low density dwellings and commercial premises to the north, the RSL Club and recently completed commercial development to the east, and low density attached and detached dwellings to the south and east. The proposal responds to the typical lower density character by setting back buildings from shared boundaries, locating taller components of the development centrally within the site and maintaining adequate neighbourhood amenity, including solar access, overshadowing and visual and acoustic privacy to surrounding dwellings.</p> <p>The development retains and protects to the Collins Creek corridor and maintains view corridors through the site to allow views of distant features (including the escapement) from the Princes Highway.</p> <p>The proposed landscape design includes landscaped and communal open space areas throughout the development, minimising on-grade parking in place of improved open space providing good amenity for residents.</p>

Design Principle	Consideration
	The Department has considered the height, scale and design of the development at <b>Section 5.2.1 and Section 5.2.2</b> and concludes the proposal responds to the existing context of the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.
<b>2. Visual and acoustic privacy</b>	The proposed buildings are set back from adjoining site boundaries and tree planting has been retained and proposed within the setbacks, in combination with façade screening, to prevent adverse privacy impacts for existing and future residents. The development includes appropriate operational and construction noise mitigation measures to prevent adverse noise disturbance, subject to recommended conditions of consent.
<b>3. Solar access and design for climate</b>	The proposed buildings are designed to ensure adequate sunlight to adjoining residential properties, especially as the proposal has been revised in the RtS. The proposed ILUs would receive adequate solar and ventilation in accordance with the ADG ( <b>Table 17</b> ). The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.
<b>4. Stormwater</b>	<p>The development includes appropriate stormwater infrastructure to address potential stormwater requirements, as discussed at <b>Section 5.5</b>.</p> <p>The Department recommends conditions to ensure the minimisation of disturbance and impacts of stormwater runoff to adjoining properties.</p>
<b>5. Crime prevention</b>	The application includes an assessment against Crime Prevention through Environmental Design (CPTED) principles. The proposal includes management and mitigation measures, and provides passive and active surveillance of the surrounding area. The Department has recommended a condition requiring the implementation of the CPTED mitigation measures.
<b>6. Accessibility</b>	<p>The proposal includes accessible on-site amenities and services for residents, including a wellness centre, resident club and restaurant.</p> <p>Public transport services operate along the Princes Highway, providing access to the Woonona town centre and broader facilities and regional centres.</p>
<b>7. Waste Management</b>	The development includes communal facilities conveniently located to each building for operational waste and recycling.

### Seniors Housing Design Guide (SHDG)

The SHDG seeks to inform the design and assessment of seniors housing and ensure high quality design of seniors housing developments are achieved. An assessment against the SHDG has been provided in **Table 16**.

**Table 16 | Seniors Housing Design Guide compliance table**

Guidance chapter	Consideration
<p><b>Design for Country</b></p>	<p>The project design team consulted Aboriginal stakeholders (Coomaditchie United Aboriginal Corporation, local cultural leaders and Dharawal elders) to develop a site-specific proposal informed by Dharawal Country.</p> <p>The development and landscape plan integrates cultural themes identified by a walk on Country, including retaining view lines to the Illawarra escarpment and sky Country views to the south, selection of materials and finishes characteristic of the locality (sand and sandstone colours).</p>
<p><b>Care for the planet</b></p>	<p>The project incorporates the principles of ESD through the inclusion of natural ventilation, double glazing to windows, solar panels, orientation of buildings to maximise solar access and thermal comfort.</p> <p>The ESD Report sets out the various ESD initiatives incorporated into the development and confirms that the proposed development meets or exceeds the relevant energy and water reduction targets.</p>
<p><b>Site analysis</b></p> <ul style="list-style-type: none"> <li>• <b>Environmental response</b></li> <li>• <b>Urban response</b></li> </ul>	<p>The proposal is informed by a detailed site analysis. The development is sensitive to the natural characteristics of the land and seeks to preserve its natural features, such as the Collins Creek corridor.</p> <p>The Department has considered building height and scale at <b>Section 5</b> and concludes it is appropriate for the site.</p> <p>The building fabric is responsive to its context and local environment, and contributes positively to the neighbourhood.</p> <p>Reasonable setbacks have been provided to enhance a landscaped setting and maintain privacy for neighbouring residential properties and provide high levels of solar access.</p> <p>The development enables older people to age in place.</p>
<p><b>Heritage</b></p>	<p>The proposal includes the adaptive reuse and refurbishment of the local heritage church while conserving its value and significance (the internal fit out and operation will be subject to a separate development application).</p> <p>The project has been informed with expert guidance to protect the item’s heritage significance, including recommendations made in the Statement of Heritage Impact which are recommended as conditions.</p>
<p><b>Care, wellbeing and community</b></p>	<p>The development includes contemporary buildings for residential care and ILUs to support aging in place.</p>

Guidance chapter	Consideration
	<p>The buildings promote health and have been designed with good cross ventilation, solar access and generous private and communal spaces.</p> <p>The development encourages mobility of residents outside of their immediate private space, promotes social connection between residents and integrates landscaping to promote nature.</p>
<b>Design for physical ageing and dementia</b>	<p>The development includes easily navigable spaces and internally designed for safety.</p> <p>The development has been designed for environmental comfort through the provision of thermal insulation, high performance glazing and weather seals.</p> <p>The proposal is designed with familiar domestic character and interiors to promote a home-like environment.</p> <p>The proposal caters to physical ageing and people with dementia and has been designed to aid visual perception, wayfinding and promote sensory interaction with the environment.</p>
<b>Design principles for residential care facilities</b>	<p>The proposal includes alterations and additions to an existing RCF on site. The development suitably connects the existing and proposed RCF components with the natural environment and positively contributes to the streetscape and locality.</p> <p>The general arrangement of the RCF enables efficient workflows, appears non-institutional and would create an environment for staff to work efficiently to care for groups of people in a communal living setting.</p> <p>The entrance to the development is existing and remains clearly identifiable. A dedicated ambulance bay provides safe and appropriate access to pick-up or drop-off.</p> <p>Separate pedestrian access is safe and identifiable to allow access to buildings.</p> <p>The façade is articulated to modulate the building mass and reflect the scale and rhythm of the surrounding streetscape and built form. Back-of-house facilities are appropriately located to support commercial operations.</p>
<b>Design principles for independent living</b>	<p>The proposal includes ILU buildings arranged around communal open space dispersed across the site. Building design enhances the streetscape demonstrating design excellence that uplifts the future attributes of the locality.</p> <p>The development preserves existing mature trees to maintain the landscape character of the site and includes meaningful landscaping and vegetation, and usable outdoor spaces. The communal outdoor spaces, as well as the common areas</p>

Guidance chapter	Consideration
	<p>internal to buildings, foster a healthy independent living community, providing an alternative to each resident's own private space.</p> <p>The open space includes deep soil areas for mature planting and groundwater absorption, together with stormwater management measures that address overland flow without compromising the amenity of the outdoor spaces.</p> <p>The development has been informed by a detailed site analysis and designed for thermal comfort. Natural cross ventilation through apartments is maximised. Balconies provide casual surveillance of the open space, with clear thresholds established between the public and resident-only domain.</p> <p>The arrangement of ILUs on each floor provides clear sightlines and easy access to lift cores. Entrances to each building (either from on grade or from the basement) are clearly identified, with ground level entries having access to an ambulance parking bay. Waste disposal points on each floor facilitate efficient waste management, with collection occurring in a dedicated zone within the basement.</p>

### Apartment Design Guide

The ADG sets out guidelines for residential apartment development to ensure apartments are appropriately designed, achieve an appropriate level of residential amenity and have acceptable impacts. The ADG applies to the ILU component of the development, to ensure that ILUs are designed with appropriate residential amenity. An assessment of the project's consistency with the ADG is provided in **Table 17**.

**Table 17 | ADG consistency assessment**

ADG Principle	Department's Comments	Consistent
<b>3A Site Analysis</b>	The Applicant has prepared a detailed site analysis that demonstrates design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Consistent
<b>3B Orientation</b>	The building type, layout and orientation responds to the streetscape and site, while optimising solar access within the development and minimising overshadowing to neighbouring properties during mid-winter.	Consistent
<b>3C Public Domain Interface</b>	The transition between private and public domain would not compromise safety and security and would enhance the public domain.	Consistent

ADG Principle	Department's Comments	Consistent
<p><b>3D Communal and Public Open Space</b></p> <p>25% site area = 7,263m<sup>2</sup></p> <p>50% to receive minimum two hours on June 21 (9am-3pm)</p>	<p>Communal open space provided to the ILUs (in addition to the landscaped area to Collins Creek and at the north of the site) is 7,651m<sup>2</sup>, which exceeds 25%.</p> <p>Solar access is achieved to greater than 50% of the communal open space for a minimum of two hours, as demonstrated by the solar access diagrams in the architectural plans.</p>	Consistent
<p><b>3E Deep Soil Zones</b></p> <p>Minimum dimensions of 6m</p> <p>7% of site area = 2,034m<sup>2</sup>.</p>	<p>Deep soil is provided in locations across the site, well exceeding 7%. The Collins Creek corridor alone is 7,540m<sup>2</sup>.</p>	Consistent
<p><b>3F Visual Privacy</b></p> <p>Up to 4 storeys: 6m between habitable rooms/balconies and boundaries, 12m between habitable rooms/balconies within site</p>	<p>To the north, west and south, the development is setback by at least 6m to the adjoining boundary.</p> <p>Within the site:</p> <ul style="list-style-type: none"> <li>• 12m separation is provided between habitable rooms in Building A and B and Building C and D. There is a minor localised reduction to the 12m separation between Building C and a sitting room within the RCF, however screening is provided to the Building C corner window to achieve privacy.</li> <li>• 9m separation is provided between habitable rooms within the RCF and non-habitable facades for Building A and Building B (noting that the ADG does not technically apply to the RCF). There is a minor reduction to the 9m setback between Building E and the RCF (at one balcony). However, there is no privacy concern as the balcony has a dual aspect, with its second aspect having an unimpeded outlook and the balcony facing a windowless wall.</li> <li>• 6m separation is provided between two non-habitable facades in Building E and the RCF.</li> </ul> <p>The applicant has demonstrated suitable privacy, with screening and planting to mitigate impacts and enhance privacy.</p>	Consistent
<p><b>3G Pedestrian Access and Entries</b></p>	<p>Pedestrian access and entries to the development are accessible and easy to identify from the surrounding roads.</p>	Consistent

ADG Principle	Department's Comments	Consistent
<b>3H Vehicle Access</b>	The vehicle access point off Popes Road is designed and located to achieve safety, minimise conflicts between pedestrians and vehicles, and create high quality streetscapes.	Consistent
<b>3J Bicycle and Car Parking</b>	The proposed parking exceeds the minimums specified in the non-discretionary development standards for RCFs and ILUs. The Department considers the provision of bicycle and car parking to be acceptable.	Consistent
<b>4A Solar and Daylight Access</b>  Minimum of 2 hours direct sunlight to at least 70% of units (living rooms and private open space) in mid-winter.  A maximum of 15% of units receive no direct sunlight.	74% (68/92) of ILUs receive at least 2 hours of sunlight to the living rooms and private open space in mid-winter.  14% (13/92) of ILUs receive no direct sunlight between 9am-3pm in mid-winter.	Consistent
<b>4B Natural Ventilation</b>  At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	63% (58/92) of ILUs achieve natural cross ventilation. 6 ILUs utilise operable skylights or roof vents to achieve stack effect cross ventilation in single aspect units at the top floor. The Department has recommended a condition to ensure their operability.	Consistent
<b>4C Ceiling Heights</b>	Ceiling heights are in accordance with the ADG.	Consistent
<b>4D Apartment Size and Layout</b>  Two bedroom - 75m <sup>2</sup>  Three bedroom - 95m <sup>2</sup> (Including second bathroom in apartments)	All units exceed the minimum internal area required.  Units satisfy the design criteria for windows, bedroom size and living room widths.  Several unit types have room depths of greater than 8m to open-plan areas. The Department considers the room depths appropriate, as the units have been designed with circulation space suited to seniors and people with disability.	Consistent
<b>4E Private Open Space and Balconies</b>  Two bedroom - 10m <sup>2</sup> / 2m	All above ground 2 bed and 3 bed units have balcony areas that meet or exceed the minimum ADG guidelines.	Consistent

ADG Principle	Department's Comments	Consistent
<p>Three bedroom - 12m<sup>2</sup> / 2.4m</p> <p>Ground floor - 15m<sup>2</sup> / 3m</p>	<p>13 of the 17 ground floor apartments have an area less than 15m<sup>2</sup> and/or less than 3m in depth. However, the communal open space exceeds 25% of the site area and as such the departure from this standard is acceptable.</p>	
<p><b>4F Common Circulation and Spaces</b></p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p>	<p>No building exceeds eight units off a circulation core.</p>	<p>Consistent</p>
<p><b>4G Storage</b></p> <p>Two bedroom - 8m<sup>3</sup>.</p> <p>Three bedroom - 10m<sup>3</sup></p> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>Apartments are provided with internal storage to meet or exceed 50% of the ADG minimum, with the remainder provided in basement storage cages.</p>	<p>Consistent</p>
<p><b>4H Acoustic Privacy</b></p> <p><b>4J Noise and Pollution</b></p>	<p>The development minimises the transfer of noise through layout and acoustic treatments. In accordance with the recommendations of the acoustic report, apartments will be appropriately insulated to ensure compliance from external noise sources.</p>	<p>Consistent</p>
<p><b>4K Apartment Mix</b></p>	<p>The proposal offers a range of ILU apartments, including:</p> <ul style="list-style-type: none"> <li>• 2 bedroom: 46 units (50%)</li> <li>• 3 bedroom: 46 units (50%)</li> </ul> <p>The Applicant advises that the proposed dwelling mix has been informed by their customer centric research, which indicates that the majority of local downsizers within the Woonona and Northern Illawarra area prefer 3-bedroom units or 2-bedroom plus study configurations to accommodate visiting family, home offices, and future in home care requirements. The Department supports a mix that is tailored to the local community.</p>	<p>Consistent</p>

<b>ADG Principle</b>	<b>Department's Comments</b>	<b>Consistent</b>
<b>4M Facades</b>	The proposed facades offer a positive contribution to the character of the development and streetscape.	Consistent
<b>4N Roof Design</b>	Rooftop services are integrated into the building design.	Consistent
<b>4O Landscape Design</b> <b>4P Planting on Structures</b>	A detailed landscape plan has been provided for the development. The landscape design contributes to the streetscape.	Consistent
<b>4Q Universal Design</b>	All ILUs are designed to incorporate or exceed the Liveable Housing Guidelines' silver level universal design features. ILUs are adaptable in accordance with the Housing SEPP requirements.	Consistent
<b>4T Awnings and Signage</b>	Awnings are provided over building entries and incorporated into the design of the building.	Consistent
<b>4U Energy Efficiency</b>	The development has been designed in accordance with ESD principles and satisfies BASIX requirements in relation to energy efficiency, water conservation and thermal comfort.	Consistent
<b>4V Water Management and Conservation</b>	Water efficient fittings and appliances will be installed. Plant selections are designed for the microclimate and will be typically low water use, per the landscape report. All stormwater management systems are integrated into the site design along with water treatment measures.	Consistent
<b>4W Waste Management</b>	Adequate bin storage is provided and designed to minimise impacts on the streetscape. A waste management plan has been provided and is supported by recommended conditions.	Consistent
<b>4X Building Maintenance</b>	The materials are appropriately selected to minimise long term maintenance obligations.	Consistent

### Wollongong Local Environmental Plan 2009 (WLEP)

A summary of the Department's consideration of the relevant standards contained in the WLEP are provided in **Table 18** below.

**Table 18| WLEP Compliance Table**

WLEP	Consideration
<p><b>Clause 2.3 Zone objectives (Zone R2 Low Density Residential and Zone E3 Productivity Support)</b></p>	<p>Seniors housing is a permitted use in R2 Low Density Residential zone pursuant to the WLEP. Seniors housing is permissible in the E3 Productivity Support zone pursuant to the Housing SEPP. The restaurant and wellness centre (health services facility) are ancillary to the seniors housing use.</p> <p>The proposal is consistent with the objectives of the R2 Low Density Residential zone as it:</p> <ul style="list-style-type: none"> <li>• provides housing to meet the needs of the community and responds appropriately to adjacent low density residential</li> <li>• delivers ancillary land uses that provide facilities and services to meet the day-to-day needs of residents.</li> </ul> <p>The proposal is consistent with the objectives of the E3 Productivity Support zone as it:</p> <ul style="list-style-type: none"> <li>• provides a land use that is compatible with land uses in surrounding local and commercial centres</li> <li>• provides a land use that meets the needs of the local community, without detracting from the operation of existing development or the amenity enjoyed by nearby residents.</li> </ul>
<p><b>Clause 2.7 Demolition</b></p>	<p>Buildings or works can be demolished subject to consent. Beyond that previously approved, the proposal includes demolition of the existing internal road network, at grade parking structure and part of the existing RCF.</p>
<p><b>Clause 6.2 Earthworks</b></p>	<p>The proposal includes bulk excavation for one basement level and earthworks associated with the redevelopment.</p> <p>The application has considered the potential of contaminated land, impacts on archaeology, stormwater and dewatering impacts.</p> <p>The Department has considered earthworks, contamination and archaeology and has recommended conditions to manage and mitigate impacts.</p>
<p><b>Clause 4.3 Height of buildings</b></p>	<p>WLEP prescribes two maximum heights for the site, 9m in the R2 Low Density Residential zone and 11m in the E3 Productivity Support zone.</p> <p>Section 87(2)(c) of the Housing SEPP provides an additional height bonus for seniors housing of 3.8m above the LEP height.</p>

WLEP	Consideration
	<p>As the proposed heights exceed the maximum height development standard for the site, the Applicant has submitted a clause 4.6 variation request, which is considered in <b>Appendix D</b> and <b>Section 5.2.1</b>.</p>
<p><b>Clause 4.4 Floor space ratio</b></p>	<p>A maximum FSR of 0.5:1 applies to the site.</p> <p>Section 87(2)(a)(iii) of the Housing SEPP provides an additional 25% to the maximum LEP FSR, increasing the maximum FSR to 0.625:1.</p> <p>As the proposed FSR exceeds the maximum FSR development standard for the site (proposal is at 0.64:1), the Applicant has submitted a clause 4.6 variation request, which is considered in <b>Appendix E</b> and <b>Section 5.2.2</b>.</p>
<p><b>Clause 4.6 Exceptions to development standards</b></p>	<p>The development seeks an exception to the height of buildings development standard, as considered in <b>Appendix D</b> and <b>Section 5.2.1</b>.</p> <p>The development also seeks an exception to the FSR development standard, as considered in <b>Appendix E</b> and <b>Section 5.2.2</b>.</p>
<p><b>Clause 5.10 Heritage conservation</b></p>	<p>The site contains a local heritage item, the “Former Woonona Uniting Church” identified in Schedule 5 of WLEP.</p> <p>The proposal includes the adaptive reuse of the heritage item as a restaurant and staff amenities. In addition to conservation works, the proposed adaptive reuse involves the removal of two windows to facilitate links to adjoining pavilions. The internal fit out and operation of the restaurant is subject to a separate development application.</p> <p>The Department is satisfied that the proposal conserves the heritage significance of the item, including associated fabric, settings and views. It provides a viable use that will facilitates its long-term preservation and maintenance, as discussed in detail at <b>Section 5.5</b>.</p> <p>Standard conditions are recommended to support conservation of the heritage item, including establishing an unexpected finds protocol.</p>
<p><b>Clause 5.21 Flood planning</b></p>	<p>The site is identified as Probable Maximum Flood (PMF) affected (within the Collins Creek Catchment), being within a Flood Planning Area (FPA) and within a High and Medium Flood Risk Precinct.</p> <p>The two watercourses carrying flood waters across the site are Collins Creek to the south (with an existing creek bed and steep banks) and an underground stormwater channel to the north (with three stormwater outlets recorded).</p>

WLEP	Consideration
	<p>The Department has received independent advice in relation to flood planning and is satisfied that the proposal satisfies the objectives of this clause, as it:</p> <ul style="list-style-type: none"> <li>• does not increase hazard or risk to surrounding properties or residents on site</li> <li>• remains compatible with existing and projected flood functions</li> <li>• preserves conveyance and flood storage (notwithstanding the realigned flow path), avoiding cumulative or environmental impacts</li> <li>• enables safe occupation and evacuation in relevant design floods.</li> </ul> <p>Flooding is discussed in detail at <b>Section 5.3</b>.</p>
<p><b>Clause 5.21 Special flood considerations</b></p>	<p>As noted above, the Department has received independent advice in relation to flood planning and is satisfied that the proposal satisfies the objectives of this clause, as it:</p> <ul style="list-style-type: none"> <li>• enables safe occupation (with habitable areas above the FPL) and evacuation (with access routes remaining passable in design flood events)</li> <li>• does not alter flood hazard, velocities or behaviour that would compromise compatibility with the site's flood characteristics</li> <li>• satisfies criteria for non-hazardous development within the flood planning area and maintains safe evacuation considerations.</li> </ul> <p>Flooding is discussed in detail at <b>Section 5.3</b>.</p>
<p><b>Clause 7.1 Public utility infrastructure</b></p>	<p>The objective of this clause is to ensure that sufficient infrastructure is available to service development. The Department is satisfied that public utility infrastructure is adequate to support the proposed development, recommending conditions to ensure infrastructure connection and augmentation with relevant utility providers.</p>
<p><b>Clause 7.4 Riparian lands</b></p>	<p>The objective of this clause is to ensure that development does not adversely impact upon riparian lands. The Department is satisfied that the development does not adversely impact the Collins Creek corridor as:</p> <ul style="list-style-type: none"> <li>• an area equivalent to the proposed encroachment into the outer 50% of the Vegetated Riparian Zone (VRZ) has been added to the VRZ. Further, the inner 50% of the VRZ is proposed to be fully protected and vegetated with native endemic riparian plant species</li> <li>• the Department recommends a condition to prepare a Construction and Environmental Management Plan (CEMP) that will outline management</li> </ul>

WLEP	Consideration
	<p>actions to avoid inadvertently causing additional impacts to those described in the BDAR</p> <ul style="list-style-type: none"> <li>the Department recommends a condition to prepare a VMP that establishes pre-clearance protocols to mitigate and avoid potential harm or injury to fauna present within the site.</li> </ul>
<p><b>Clause 7.6 Earthworks</b></p>	<p>The proposal involves excavation and cutting to a depth of 4.5m. A Geotechnical Assessment Report was submitted with the application.</p> <p>Standard conditions of consent are included to ensure appropriate measures are in place to avoid, minimise and mitigate the impacts of the proposed earthworks.</p>

## Appendix D – Clause 4.6 variation: height

Clause 4.6(2) of WLEP permits the consent authority to consider varying a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards, to achieve better development outcomes. In considering a proposed variation, clause 4.6 requires the following:

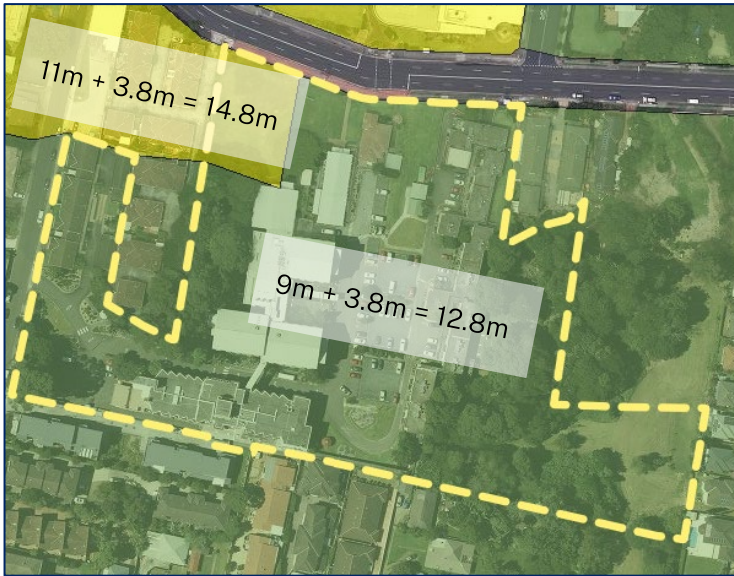
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:*
- a. *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
  - b. *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

In accordance with clause 4.6(3), the Applicant has prepared a written request to vary the height of buildings development standard as it applies to the site.

The Department’s consideration of the Applicant’s request is provided below with reference to the *Guide to Varying Development Standards November 2023* and other relevant tests.

### Nature of the variation

The site is subject to two maximum height standards in the WLEP, being 11m to the E3 zoned part of the site and 9m to the R2 Low Density Residential zoned part of the site (as illustrated in **Figure 28**). Pursuant to section 87 of the Housing SEPP, an additional height of 3.8m applies to the development (resulting in a maximum height control of 14.8m to the E3 Productivity Support zoned part of the site and 12.8m to the R2 Low Density Residential zoned part of the site).

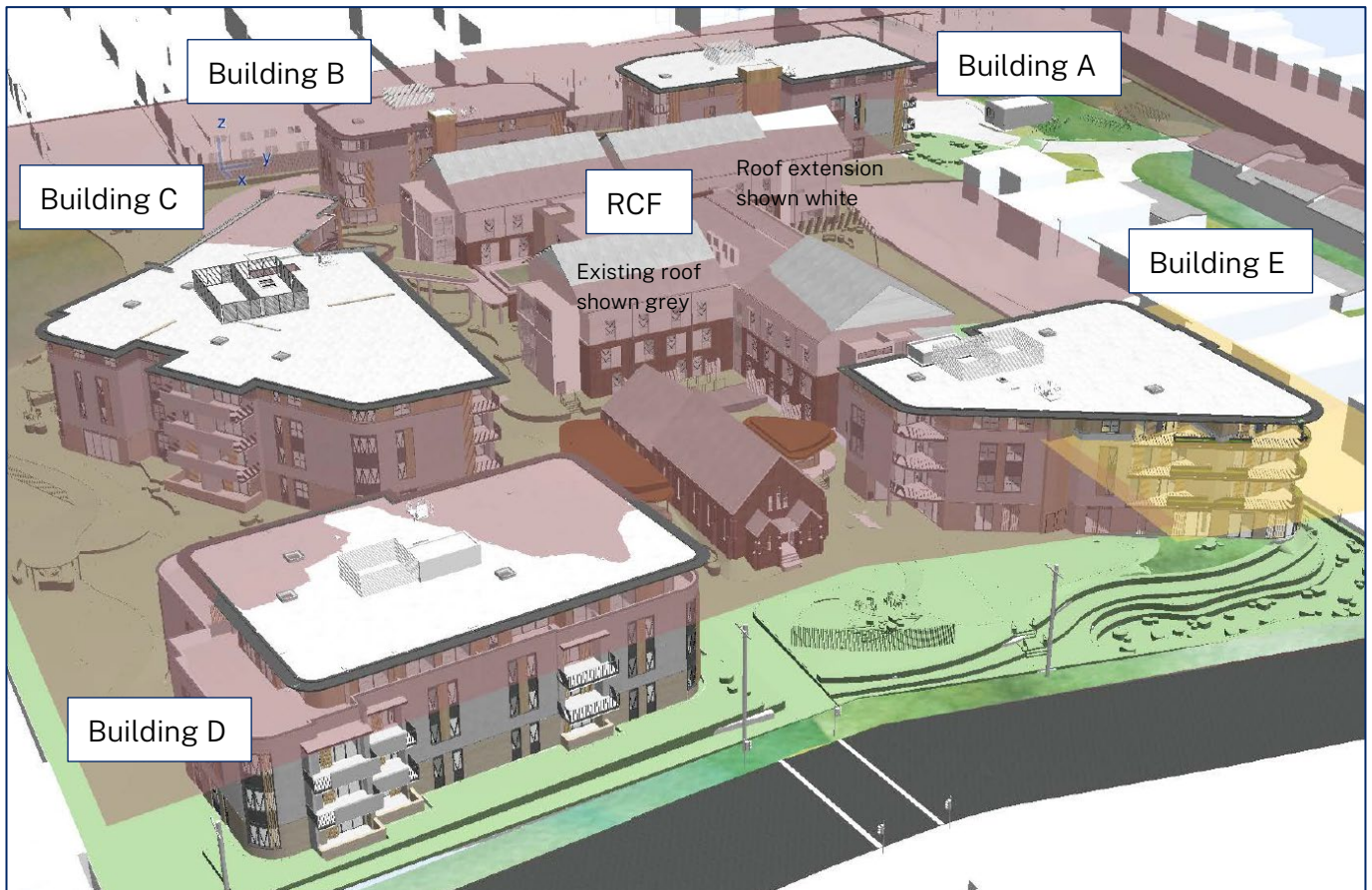


**Figure 28** | LEP + Housing SEPP maximum permitted height (source: ePlanning Spatial Viewer)

The Applicant requests to vary the maximum height of building development standard by up to 3.25m (25%) as summarised in **Table 19** and illustrated in **Figure 29** below.

**Table 19** | Summary of proposed height exceedance by building

Building	Maximum height (m)	Proposed height (m)	Variation (m)	% variation
<b>A</b>	12.8	16.05	3.25	25%
<b>B</b>	12.8	14.525	1.725	13%
<b>C</b>	12.8	15.47	2.67	21%
<b>D</b>	12.8	15.38	2.58	20%
<b>E</b>	12.8 (R2 zone), 14.8 (E3 zone)	15.57 (R2 zone), 15.52 (E3 zone)	2.77 (R2 zone), 0.72 (E3 zone)	22% (R2 zone), 5% (E3 zone)
<b>RCF</b>	12.8	13.9	1.1	8%



**Figure 29** | Diagram of proposed exceedance above the height plane shown in white and grey (source: Applicant's RtS)

The components of each building that exceed the maximum height control are screened plant, roof slab and parapet, and a minor portion of the upper storey wall of Buildings A, C, D and E. The Applicant states that the reasons for the exceedance include application of flood planning levels, additional ground floor height to accommodate the wellness hub (Building E) and the communal area (Building C), rooftop servicing, preference for smaller building footprints (with additional height) to preserve view corridors and to provide increased separation to the heritage item and Collins Creek, and to achieve accessible pedestrian movement throughout the site. The existing RCF, with its pitched roof, remains the tallest building on the site.

**Has the applicant demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances**

The Applicant demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the first test outlined in *Wehbe v Pittwater Council [2007] NSWLEC 827*. The first test establishes that compliance with the development standard would be unreasonable or unnecessary where the proposed development achieves the objectives of the standard.

There are no specific objectives contained within Part 5 or Section 87 of the Housing SEPP. However the underlying purpose of the provision is to incentivise seniors housing and increase its supply in zones where residential flat buildings or shop top housing is permitted and on sites that are 1,500m<sup>2</sup> or greater.

Further, the Housing SEPP's Principles of Policy (section 3) are relevant considerations in the assessment of the proposed exceedance.

To further reinforce that the objectives of the standard are achieved in circumstances where Section 87 of the Housing SEPP does not contain specific objectives, the Applicant's written request considers the exceedance against the objectives of the height development standard in clause 4.3(2) of the WLEP.

The Department has considered the Applicant's request and concludes the development, inclusive of the height exceedance, achieves the objectives of the development standard as:

- the proposal meets the purpose of section 87 of the Housing SEPP as it provides a high amenity seniors housing development with ILUs and RCF and contributes to housing for seniors in the area
- the proposal aligns with the Principles of Policy as it delivers an upgrade to the existing IRT site to accommodate seniors housing that appropriately responds to its immediate context and delivers a high level of amenity to residents on site while preserving the amenity of existing neighbouring development
- the proposal achieves the objectives of the WLEP height of buildings development standard as it delivers smaller footprint buildings that allow for increased open space across the site and retain view corridors, improves urban amenity through focus on pedestrian accessibility and maximises direct solar access to dwellings on site and retains appropriate solar amenity to neighbouring dwellings.

### **Has the applicant demonstrated there are sufficient environmental planning grounds to justify the contravention of the development standard**

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- **Protection of external amenity** including minimising overshadowing, protecting privacy, moderating the bulk and scale of each building through increased setbacks and façade articulation and retention of views through the site to the escarpment.

- **Appropriately responding to the site constraints**, including implementation of Flood Planning Levels, negotiating the site's topography to provide accessible pedestrian movement and protecting the riparian corridor.
- **Managing the impact of additional bulk scale** resulting from the exceedance by locating plant and screening centrally within roof areas and minimising the visual impact of the roof profile through flat slabs with parapets.

The Department considers the Applicant has adequately demonstrated there are environmental planning grounds to support the proposed variation to the development standard. The variation results in supportable planning outcomes. In particular, the:

- proposal, with additional height, continues to meet the purpose of section 87 of the Housing SEPP and its Principles of Policy, as well as the objectives of the WLEP height of building control
- proposed height does not present adverse additional bulk nor does it present adverse amenity impact (including overshadowing) to neighbouring development or the public domain
- proposal is supported by the SDRP, which acknowledged the contemporary and subtle approach to the architecture and advocated for the reduced height from five to four storeys (in Building E)
- proposal delivers a redevelopment of the existing IRT site to accommodate dwellings that are fit for purpose and suit the local demand for seniors housing.

## Appendix E – Clause 4.6 variation: floor space

Clause 4.6(2) of WLEP permits the consent authority to consider varying a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards, to achieve better development outcomes. In considering a proposed variation, clause 4.6 requires the following:

- (1) *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*
  - b. *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

In accordance with clause 4.6(3), the Applicant has prepared a written request to vary the floor space ratio (FSR) development standard as it applies to the site.

The Department's consideration of the Applicant's request is provided below with reference to the *Guide to Varying Development Standards November 2023* and other relevant tests.

### Nature of the variation

The site is subject to a maximum FSR in the WLEP of 0.5:1. Pursuant to section 87 of the Housing SEPP, an additional 25% FSR applies to the development (resulting in an FSR of 0.625:1). The Applicant proposes an FSR of 0.64:1 and therefore seeks to vary the maximum FSR development standard by 0.015:1 (2.4%). This equates to an exceedance in GFA of 436m<sup>2</sup>.

Notwithstanding the above, section 108(c) of the Housing SEPP provides a NDDS for the FSR of ILUs to be no greater than 0.5:1, and at section 107(c) for a RCF to be 1:1.

The Applicant meets these NDDSs by applying a proportion-based FSR calculation. That is, the Applicant has taken the percentage of ILU GFA and RCF GFA compared to the total GFA, and applied this to the NDDS FSRs (see **Figure 22**). This enables a site-wide maximum FSR of 0.644:1, which is greater than the proposed FSR of 0.64:1.

While the FSR development standard has been exceeded, the NDDSs are not exceeded. The Housing SEPP states that if complied with, a consent authority cannot require a more onerous standard than that stated in the NDDS. In this case, the Department cannot require the Applicant to deliver an FSR less than 0.644:1, notwithstanding the fact that this exceeds the maximum FSR development standard.

Land Use	GFA (without heritage building, based on a proportion base calculation)*	Percentage of GFA within the total GFA	Proportion Base Calculation based on Non-Discretionary Standards***	GFA with 315m <sup>2</sup> heritage building (based on proportion base calculation)**	Percentage of GFA within the total GFA	Proportion Base Calculation based on Non-Discretionary Standards***
Residential Care Facility	5,293m <sup>2</sup>	28.79%	0.288:1	5,383.72m <sup>2</sup>	28.79%	0.288:1
Independent Living Units	13,087m <sup>2</sup>	71.20%	0.356:1	13,311.28m <sup>2</sup>	71.20%	0.356:1
<b>TOTAL</b>	<b>18,380m<sup>2</sup></b>	<b>-</b>	<b>0.644:1</b>	<b>18,695m<sup>2</sup></b>	<b>-</b>	<b>0.644:1</b>

\* The proportion base calculation involves distributing the GFA of the ILUs and RCF, based on their share of the total GFA.

\*\* The heritage building (café use), which is proposed to serve the entire development, is then subject to the same proportional FSR assessment, so that the calculation fairly reflects this components' contribution within the development.

\*\*\* The proportional method is then applied to the applicable non-discretionary FSR standards for ILUs (0.5:1) and RCFs (1:1).

**Figure 30 | Summary of Applicant's proportion-based calculation for FSR (source: Applicant's RtS)**

### Has the applicant demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances

Notwithstanding compliance with the NDDs, the Applicant demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the first test outlined in *Wehbe v Pittwater Council [2007] NSWLEC 827*. The first test establishes that compliance with the development standard would be unreasonable or unnecessary where the proposed development achieves the objectives of the standard.

There are no specific objectives contained within Part 5 or Section 87 of the Housing SEPP. However the underlying purpose of the provision is to incentivise seniors housing and increase its supply in zones where residential flat buildings or shop top housing is permitted and on sites that are 1,500m<sup>2</sup> or greater.

Further, the Housing SEPP's Principles of Policy (section 3) are relevant considerations in the assessment of the proposed exceedance.

To further reinforce that the objectives of the standard are achieved in circumstances where Section 87 of the Housing SEPP does not contain specific objectives, the Applicant's written request considers the exceedance against the objectives of the FSR development standard in clause 4.4(1) of the WLEP.

The Department has considered the Applicant's request and concludes the development, inclusive of the FSR exceedance, achieves the objectives of the development standard as:

- the proposal meets the purpose of section 87 of the Housing SEPP as it provides a high amenity seniors housing development with ILUs and RCF and contributes to housing for seniors in the area
- the proposal aligns with the Principles of Policy as it delivers an upgrade to the existing IRT site to accommodate seniors housing that appropriately responds to its immediate context and delivers a high level of amenity to residents on site while preserving the amenity of existing neighbouring development
- the proposal achieves the objectives of the WLEP FSR development standard as the:
  - distribution of floor space correlates with the size of the site as it sensitively retains riparian vegetation and the heritage item, as well as providing well-distributed open space between buildings
  - development does not exceed the servicing capacity of the site, minimising pedestrian conflict by retaining existing vehicular entry location and introducing basement parking, and is well serviced by public amenities
  - arrangement of built form is compatible with adjacent built scale, with three to four storey forms wet back from boundaries to retain privacy and solar access to neighbouring dwellings
- the site appropriately accommodates the additional density as it presents negligible additional impact on the road network and is well located with social infrastructure 200m north in the Woonona town centre
- the development is compatible with the locality, moderating its bulk and scale through increased setbacks, retention of view corridors and provision of a landscape buffering between buildings.

### Has the applicant demonstrated there are sufficient environmental planning grounds to justify the contravention of the development standard

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- **Built form.** The Applicant contends that the additional floor space results in only a minor increase above the maximum permissible height, largely resulting from the rooftop plant and roof slabs. Further, in response to a public submission, the GFA of Building D was reduced to minimise overshadowing to the south and better transition to the lower scale of adjacent residential development.

- **Delivery of seniors housing.** The Applicant contends that a requirement to reduce the floor space to be less than the NDDS (proportion-based calculation) by approximately 500m<sup>2</sup> represents a meaningful reduction to the number of ILUs, contrary to the intent of section 87.
- **Comparison to recently demolished built form.** The Applicant contends that the proposed setbacks are either equal to or greater than the boundary setbacks of the recently demolished built form, which assists to reduce the perceived visual impact of the proposal. As such, the additional floor space does not necessitate compromise separation to neighbouring development. Further, the proposal has been amended to increase the western landscaped buffer and to protect neighbouring visual privacy.
- **Appropriate management of overland flow.** The Applicant contends that the additional floor space does not result in adverse flooding impacts within or outside of the site. The proposed floor space, which includes that contained in Building E, requires the diversion of overland flow. Notwithstanding this, the Applicant contends that this does not adversely impact adjacent properties, and the proposed channel maintains equivalent on-site storage capacity.

The Department considers the Applicant has adequately demonstrated there are environmental planning grounds to support the proposed variation to the development standard, while noting that the proposed FSR is less than the proportion-based calculation of the NDDSs for ILUs and RCFs, and as such the Department cannot require a lesser FSR. The variation would result in supportable planning outcomes. In particular, the:

- proposal, with additional floor space, continues to meet the purpose of section 87 of the Housing SEPP and its Principles of Policy, as well as the objectives of the WLEP FSR control
- proposed floor space does not present adverse additional bulk nor does it present adverse amenity impact (including overshadowing) to neighbouring development or the public domain
- proposal has been supported by the SDRP, which acknowledged the contemporary and subtle approach to the architecture and advocated for the reduced height (and associated floor space)
- proposal delivers a redevelopment of the existing IRT site to accommodate dwellings that are fit for purpose and suit the local demand for seniors housing.

## Appendix F – Recommended instrument of consent

[https://www.planningportal.nsw.gov.au/major-projects/projects/seniors-housing-irt-woonona-redevelopment.](https://www.planningportal.nsw.gov.au/major-projects/projects/seniors-housing-irt-woonona-redevelopment)