

Corrimal Coke Works SSDA Stage 2a

*Clause 4.6 Variation Request
Building 2.2
(Building Height)*

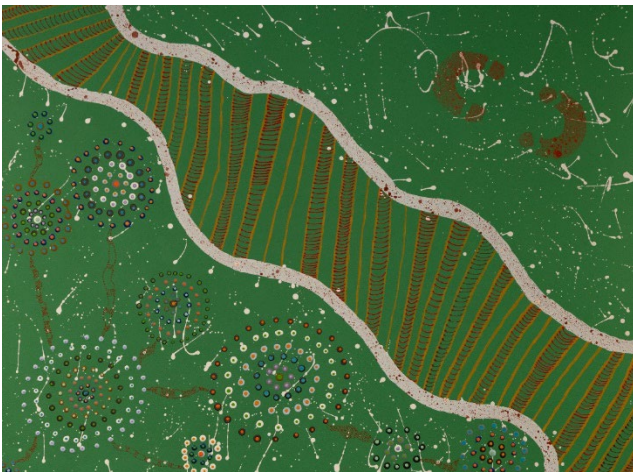
Urbis staff responsible for this report were:

Director	Adrian Villella
Associate Director	Rob Battersby
Project Code	P0039347
Report Number	Final Lodgement

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Executive Summary

This Clause 4.6 Variation Request (**request**) has been prepared by Urbis Ltd on behalf of LEGPRO 70 PTY LTD ATF LEGPRO 70 UNIT TRUST ("Legacy") (**the applicant**) to accompany a State Significant Development Application (**SSDA**) (SSD-83789711) for the construction of four (4) residential flat buildings (**the proposal**) at the former Corrimal Coke Works site (**the site**). The SSDA is referred to as the "**Stage 2a Built Form SSDA**".

The Stage 2a Built Form SSDA implements the second built form stage of the urban renewal of the former Corrimal Coke Works site. The proposal will deliver vibrant and contemporary residential-led urban renewal, which celebrates the site's industrial history and leverages its highly accessible and strategic location in proximity to Corrimal town centre and local amenities and services. The proposal will deliver high amenity residential dwellings of various sizes and typologies, including a dedicated affordable housing building.

This request seeks a variation to the maximum building height development standard which applies to one of the residential flat buildings, referred to as Building 2.2. The maximum building height development standard is provided in Part 2, Division 1, Section 16(3) of State Environmental Planning Policy (Housing) 2021 (**Housing SEPP**). This request is made pursuant to Clause 4.6 of Wollongong Local Environmental Plan 2009 (**LEP**).

The exceedance of the maximum building height development standard which applies to Building 2.2 is a direct consequence of the applicant's commitment to providing a specific quantum of gross floor area (**GFA**) and yield of affordable rental dwellings to meet the needs of those on very low, low, to moderate incomes. Building 2.2 contains 57 x affordable housing dwellings, comprising 35 x dwellings required to satisfy the terms of a Planning Agreement (**PA**) executed with Wollongong City Council and 22 x additional dwellings, which represent the cumulative total of affordable housing GFA required for the Stage 2a proposal and all future development stages (under the affordable housing provisions of the Housing SEPP). Building 2.2 and the affordable housing dwellings have been sensitively designed to ensure high levels of amenity and a variety of housing typologies that will meet the expected needs and profile of the affordable housing tenants.

The exceedance with the building height development standard relates to the upper roof form elements of Level 05 (sixth level), lift overruns, and rooftop plant equipment (including AC condensers) which create a maximum building height of 20.9 metres. This is measured from the ground (existing) level at RL14.5 to the maximum rooftop element at RL35.4. The building height exceeds the maximum building height development standard which applies to the site under Section 16(3) of the Housing SEPP (19.5 metres) by 1.4 metres (7%).

For the reasons detailed in this Clause 4.6 request, the variation is well-founded and justified and there are sufficient environmental planning grounds to warrant contravention of the development standard.

Request to Vary the Maximum Building Height Development Standard under Section 16(3) of the Housing SEPP

1. Site Description

Table 1 outlines the key features of the former Corrimal Coke Works site, the site to which the Stage 2a Built Form SSDA relates, and the site to which this Clause 4.6 variation request relates.

Table 1 Site Description

Feature	Description
Street Address	Corrimal Coke Works, 27 Railway Street, Corrimal
Country	Dharawal Country
Existing legal description	The existing legal property description of the former Corrimal Coke Works site is Lot 101 DP1301632, Lot 201 DP1308649, Lot 202 DP1308649, and Lot 103 DP1301632 (registered titles). The former Corrimal Coke Works site boundary is identified in purple below. The site to which the Stage 2a Built Form SSDA relates extend across Lot 201 DP1308649 (part) and Lot 202 DP1308649 (part), as identified in red. The site to which this Clause 4.6 Variation Request relates is identified in blue.



A development application for the paper subdivision of the former Corrimal Coke Works site to create eight (8) new Torrens Title lots (DA-2025/388) (**Subdivision DA**) was approved on 1 December 2025. The new lots approved under DA-2025/388 are described as Lots 1–8 in DP1313981. The relevant Subdivision Certificate has been submitted and formal registration of the lots with NSW Land Registry Services is imminent. For information only, the below figure identifies the approved subdivision under DA-2025/388 with the subject SSDA area identified in **red** and the area of land to which this clause 4.6 relates is identified in **blue**.

Feature	Description
Site area	The area of the site to which the Stage 2a Built Form SSDA relates is 10,597 sqm. More broadly, the area of the Corrimall Coke Works site is 18.2 hectares.
Existing development	Existing features across the Corrimall Coke Works site are as follow: - Structures and infrastructure associated with the former coke work production have been demolished under the Demolition DA (DA-2022/1249). - Towradgi Creek forms the southern boundary of the site and drains in a west to east direction. A tributary of the Creek traverses the site. The western portion of the site is occupied by scattered bush and stockpiling areas. Separate development applications (DAs) have been lodged to Wollongong City Council, and either have been determined or are under assessment. These DAs seek development consent for works relating to subdivision, built form (apartment buildings), bulk earthworks, and vegetation management.
Heritage	The Corrimall Coke Works site, in part, is subject to the following heritage listings: - Local heritage listing in the Wollongong LEP 2009 (ID 6607); and - State heritage listing on the State Heritage Register in the NSW Heritage Act 1977 ('Corrimall Coke Works Site', Item No. 02061).
Local context	The Corrimall Coke Works site has an irregular configuration and is bounded by: - East boundary: main southern railway line (Corrimall Train Station) - West boundary: dual carriageway (Memorial Drive) - North boundary: Railway Street - South boundary: Towradgi Creek
Regional context	The Corrimall Coke Works site is approximately 1km to the east of the Corrimall Town Centre. Corrimall is approximately 6.5km north of Wollongong City Centre. The site is located within close proximity to education and recreation facilities, including the Corrimall High School, Corrimall East Public School, Robert Ziems Park, Corrimall Memorial Park, Towradgi Beach Park, and Bowls and Recreation Club.

2. Proposed Development

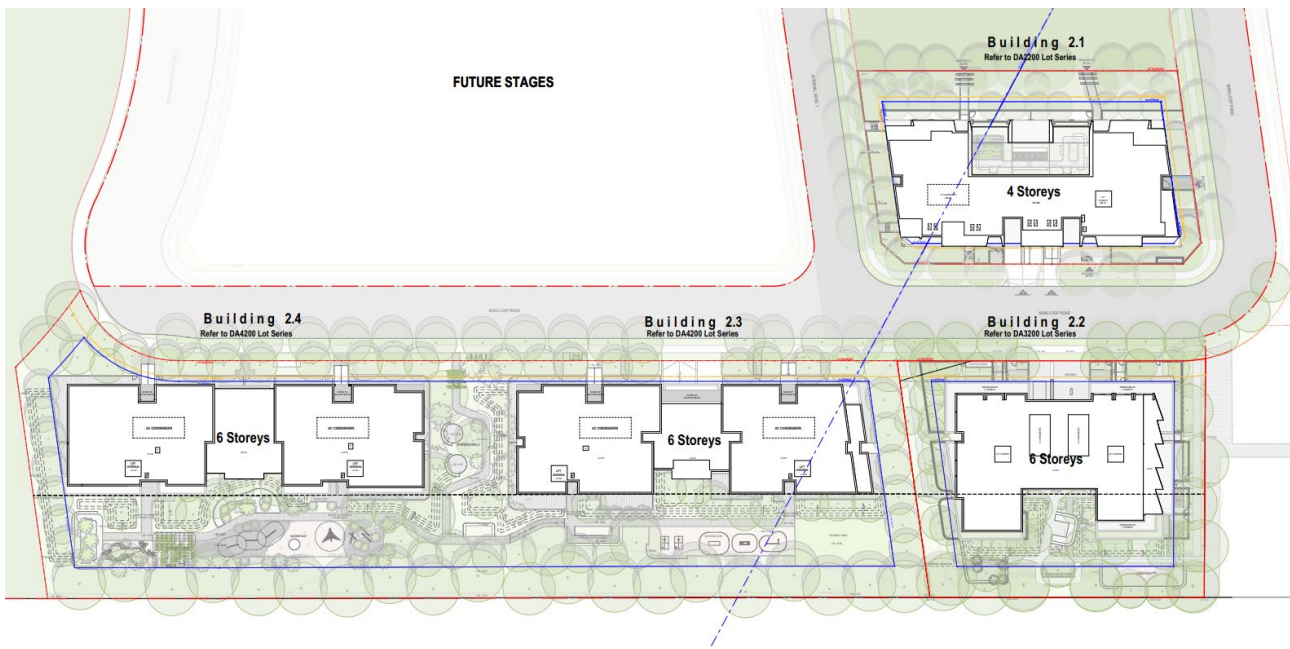
As detailed in the Environmental Impact Statement (**EIS**), the Stage 2a Built Form SSDA seeks consent for:

- Construction of four (4) residential flat buildings, providing a total of 207 x residential apartments (including 57 x affordable housing units). The unit typologies, per residential flat building, are as follows:
 - Building 2.1 – 31 x apartments (8 x one-bedroom, 17 x two-bedroom, and 6 x three-bedroom)
 - Building 2.2 – 57 x affordable housing apartments (3 x one-bedroom, 27 x two-bedroom, and 27 x three-bedroom) **[This Clause 4.6 variation request relates specifically to Building 2.2]**
 - Building 2.3 – 59 x apartments (16 x one-bedroom, 31 x two-bedroom, and 12 x three-bedroom)
 - Building 2.4 – 60 x apartments (12 x one-bedroom, 32 x two-bedroom, and 16 x three-bedroom)
- Construction of three (3) separate single-level basements as follows:
 - Basement 01 (to service Building 2.1)
 - 41 x residential car parking spaces
 - 6 x visitor car parking spaces
 - Bicycle parking spaces
 - Motorcycle parking spaces
 - Waste and recycling storage areas
 - Basement 02 (to service Building 2.2)
 - 34 x residential car parking spaces
 - 11 x visitor car parking spaces
 - Bicycle parking spaces
 - Motorcycle parking spaces
 - Waste and recycling storage areas
 - Basement 03 (to service Building 2.3 and Building 2.4)
 - 151 x residential car parking spaces
 - 24 x visitor car parking spaces
 - Bicycle parking spaces
 - Motorcycle parking spaces
 - Waste and recycling storage areas
- Creation of a series of deep soil areas and communal open space areas (including lawns and play areas, BBQ areas, and seating spaces) and accessible open space areas.

The Stage 2a Built Form SSDA implements the second built form stage of the urban renewal of the former Corrimall Coke Works. The project will deliver vibrant and contemporary residential-led urban renewal, which celebrates the site's industrial history and leverages its highly accessible and strategic location in proximity to Corrimall town centre and local amenities and services. The proposal will deliver high amenity residential dwellings of various sizes and typologies, including a dedicated affordable housing building.

Figure 1 provides an illustration of the overall masterplan for the Stage 2a Built Form SSDA.

Figure 1 Stage 2a Built Form SSDA Overall Plan



Source: DKO Architects

The project utilises the legislation introduced by the NSW Government under Chapter 5 of the Housing SEPP to unlock increase housing supply with identified TOD Areas (including Corrimal train station). In applying the TOD provisions of the Housing SEPP, the proposal responds to a critical planning policy reform of the NSW Government to increase mid-rise housing within 400 metres of well-located transport hubs.

The Stage 2a Built Form SSDA was declared as State Significant Development (**SSD**) in the State Significant Development Declaration Ministerial Order (No 10) 2025 (dated 30 June 2025) at Clause 5(1)(n) in Schedule 1 (Amendment SSD Declaration Order 2025 (No 5)).

The Stage 2a Built Form SSDA is submitted concurrently with a separate (but interrelated) SSDA (referred to as the **Stage 2-4 Civil Works SSDA** (SSD-86131212)), which seeks consent for the construction of the Central Park and the Southern Park, roads, drainage and stormwater infrastructure, and paper subdivision.

Planning Instrument, Development Standard, And Proposed Variation

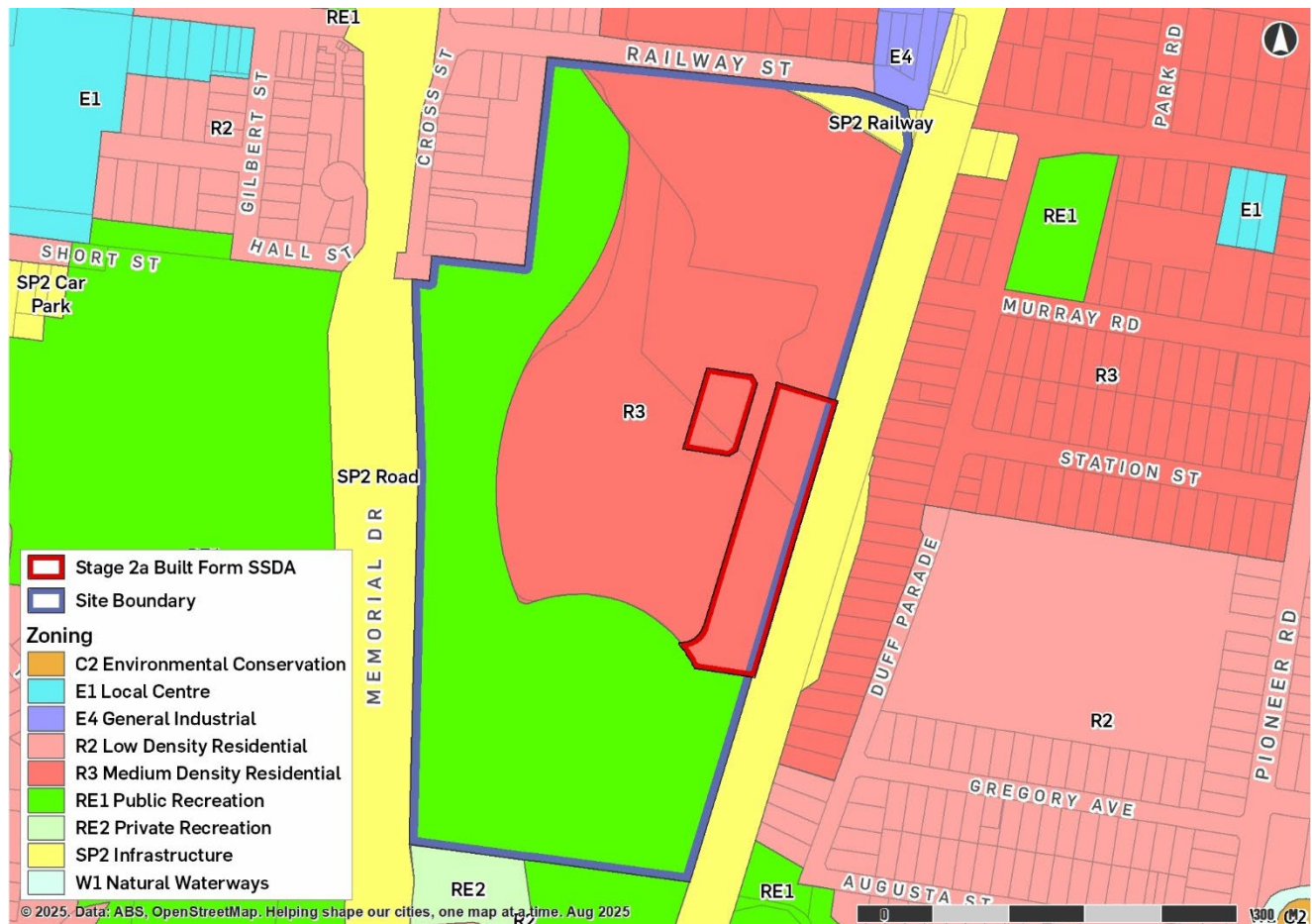
3. Environmental planning instrument sought to be varied

This request seeks to vary State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

4. Zoning of the site

The site to which the Stage 2a Built Form SSDA relates is zoned R3 Medium Density Residential (see **Figure 2**).

Figure 2 Land Use Zoning



Source: Urbis

The objectives for Zone R3 Medium Density Residential are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The Stage 2a Built Form SSDA is entirely consistent with the objectives of the R3 Zone insofar as it will deliver a variety of housing typologies within a medium density residential environment and cater for a diversity housing needs of the community, including provision of affordable rental housing within Building 2.2.

5. Development standard to be varied

The development standard proposed to be varied is the maximum building height development standard under Part 2, Division 1, Clause 16(3) of the Housing SEPP. Section 16(3) of the SEPP states as follows:

“16 Affordable housing requirements for additional floor space ratio

1. The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).
2. The minimum affordable housing component, which must be at least 10%, is calculated as follows—
Affordable housing component = additional floor space ratio (as a percentage) ÷ 2
3. If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).
4. This section does not apply to development on land for which there is no maximum permissible floor space ratio.”

Pursuant to the LEP, the building height development standard is established in Clause 4.3(2). As shown on **Figure 3** the maximum building height development standard for the site to which the Stage 2a Built Form SSDA relates and the site to which this Clause 4.6 variation request relates (i.e. Building 2.2) is 15 metres.

Figure 3 LEP Building Height Control



Source: Urbis

Part 2, Division 1, Section 16(3) of the Housing SEPP permits an uplift of up to 30% above the maximum building height (in metres) under Clause 4.3 of the LEP based on the provision of at least 15% affordable housing. The proportion of affordable housing in Building 2.2 above the LEP building height control is at least 15%; therefore, maximum building height for Building 2.2 is eligible to utilise the 30% building height uplift. **This results in a maximum building height development standard of 19.5 metres which applies to Building 2.2 under Section 16(3) of the Housing SEPP.**

The height of buildings development standard is not excluded from the operation of Clause 4.6 of the LEP.

6. Type of development standard

The request seeks to vary the building height development standard under Section 16(3) of the Housing SEPP.

7. Variation to development standard

Inclusive of the Housing SEPP bonus, the maximum building height development standard is as follows:

- Maximum allowable building height = 15 metres (LEP) + 30% (Housing SEPP) = **19.5 metres**

Building 2.2 has a maximum building height of 20.9 metres, as measured from existing ground level* at RL14.15 to the highest point of the building (being the AC condensers) at RL35.4. Therefore, Building 2.2 exceeds the maximum building height development standard of 19.5 metres by 1.4 metres (exceedance of 7.18%).

[* The maximum building height is measured as the vertical distance from the final excavation and ground levels established by the Stage 2-4 bulk earthworks (approved under DA-2023/823) to the top plant element.]

Table 2 summarises the extent of exceedance to the building height development standard.

Table 2 Building Height Exceedance

Building Height Standard (inc. 30% uplift)	Maximum Height Proposed	Proposed Variation	Part of Building that Exceeds Height
19.5 metres	20.9 metres	1.4 metres (7.18%)	- Upper roof elements of the apartments at Level 05; - Lift overruns; and - Rooftop plant equipment (including AC condensers).

Figure 4 illustrates the 19.5 metre building height plane for Building 2.2 and the extent of exceedance.

Figure 4 Building 2.2 Height Plane



Source: DKO Architects

Figure 4 demonstrates that the exceedance generally relates to the upper roof form elements of the residential apartments at Level 05, the lift overruns, and rooftop plant equipment (including AC condensers).

8. Explanation of variation

The exceedance of the building height development standard which applies to Building 2.2 is a direct consequence of the applicant's commitment to providing a specific GFA and yield of affordable rental dwellings within Building 2.2 to meet the needs of those on very low, low, to moderate incomes.

The following provides a statutory planning explanation for the variation to Section 16(3) of the Housing SEPP.

- The Stage 2a Built Form SSDA proposes the construction of four (4) residential flat buildings on the site referred to as "Stage 2a" of the former Corrimal Coke Works. The project was declared State Significant Development (**SSD**) in the State Significant Development Declaration Ministerial Order (No 10) 2025 (dated 30 June 2025) at Clause 5(1)(n) in Schedule 1 (Amendment SSD Declaration Order 2025 (No 5)).
- As detailed in the applicant's Expression of Interest (**EOI**) and subsequent assessment and declaration by the Housing Delivery Authority (**HDA**), the Stage 2a Built Form SSDA will deliver the cumulative total amount of affordable rental housing required to satisfy the following:
 - the terms of a PA executed with Wollongong City Council;
 - the statutory affordable housing provisions for the subject SSDA; and
 - the statutory affordable housing provisions for all future residential development stages.
- Specifically, Building 2.2 contains 57 x affordable dwellings. This comprises:
 - 35 x dwellings required under the executed Planning Agreement with Wollongong City Council;
 - 6 x dwellings required pursuant to section 16(1) of the Housing SEPP, arising from the application of the 30% bonus under the infill affordable housing provisions, which requires 15% of the GFA to be dedicated to affordable housing; and
 - 16 x dwellings required under the Stage 2a Built Form SSDA and all future development stages, in accordance with section 156 of the Housing SEPP. Section 156 requires development for the purposes of residential flat buildings in a Transport Orientated Development (**TOD**) Area to provide a minimum of 2% of GFA for affordable housing.
- **Figure 4** identifies:
 - The site to which the Stage 2a Built Form SSDA relates (in **red**);
 - The Stage 2a Built Form SSDA and future residential development stages of the Corrimal Coke Works subject to 2% affordable housing under Section 156 of the Housing SEPP (in **blue**).

Figure 5 Application to TOD Provisions



Source: Urbis

- **Table 3** identifies the affordable housing commitments in the PA, the affordable housing provisions under Section 16(1) of the Housing SEPP (which provides for the 30% uplift to the maximum height and FSR development standard under the LEP), and the TOD affordable housing provisions of Section 156 of the Housing SEPP which apply to the Stage 2a Built Form SSDA and future development stages.

Table 3 GFA and FSR Calculations for Building 2.2

Affordable Housing (AFH) Requirements and Calculations			Total AFH GFA (dwellings)	Building 2.2 GFA (+ non-dwelling GFA)
Affordable housing under the PA	35 x affordable dwellings	Average unit size*: 64 sqm 35 x 76 sqm = 2,240 sqm *The PA did not identify a specific size or unit mix for the affordable housing.	2,240 sqm 35 x dwellings	2,660 sqm (indicative)
Additional in-fill affordable housing	Section 16(1) of the Housing SEPP: Maximum FSR = Maximum FSR (1.2:1) + 30% (based on a minimum 15% affordable housing component*) * "Affordable housing component" means the percentage of GFA used for affordable housing. Affordable housing under Section 16 is to be managed by a registered CHP for a period of 15 years.	Maximum allowable GFA for proposed Lot 203 (2,589 sqm) x 1.2 (base LEP FSR) = 3,106 sqm. Maximum FSR under Section 16(1) = 1.2 + 30% = 1.56:1 (based on a minimum 15% affordable housing component of 3,106 sqm = 465 sqm)	384 sqm 6 x dwellings	465 sqm [Minimum GFA to enable 30% FSR uplift under Section 16(1) of the Housing SEPP]
Stage 2a Built Form SSDA	Section 156 of the Housing SEPP: 2% GFA of the residential flat buildings to be affordable housing. Affordable housing under Section 156 is to be managed by a registered CHP in perpetuity.	Total residential GFA for Stage 2a Built Form SSDA under TOD provisions (Building 2.3 and Building 2.4) = 12,480 sqm* *This excludes Building 2.2 (entirely affordable housing) and Building 2.1 (which is in part outside the TOD Area and does not utilise the TOD provisions of the Housing SEPP). 2% of 12,480 sqm = 250 sqm	192 sqm 3 x dwellings	250 sqm
Future residential stages of Corrimal Coke Works site (Stage 2b, 3, and 4)	Section 156 of the Housing SEPP: 2% GFA of the residential flat buildings to be affordable housing. Affordable housing under Section 156 is to be managed by a registered CHP in perpetuity.	Indicative GFA for all future residential stages under TOD provisions* = ~ 47,500 sqm ** *This excludes residential stages which are outside the TOD Area and not eligible to utilise the TOD provisions of the Housing SEPP. ** Total GFA for future residential stages will be subject to future development applications and consents.	~ 832 sqm 13 x dwellings	~ 950 sqm

2% ~ 47,500 sqm = ~ 950
sqm

Proposed GFA for Building 2.2	3,648 sqm	4,325 sqm
[3 x studios, 26 x one-bedroom apartments, and 28 x two-bedroom apartments]	57 x dwellings	
[Average apartment size = 64 sqm]		

- As detailed in **Table 3**, the GFA for Building 2.2 (4,325 sqm) is the cumulative total of the affordable housing commitments under the PA (35 x dwellings), the 15% affordable housing required under the uplift provisions of Section 16(1) of the Housing SEPP, and the 2% affordable housing requirements of the Stage 2 Built Form SSDA and future residential development stages (indicative) under Section 156 of the SEPP. The affordable housing provision is consistent with the project description as declared by the HDA.
- To enable efficient operation, management, and servicing arrangements, it is proposed to consolidate the cumulative amount of affordable housing (57 x dwellings) into a single residential flat building (being Building 2.2). The applicant has an in-principle agreement with Bridge Housing to operate and manage the affordable housing dwellings. Bridge Housing is a Tier 1 Community Housing Provider (**CHP**) registered under the National Regulatory System for Community Housing, with a mission to improve lives through affordable homes and quality services provided to people on low to moderate incomes. Across Greater Sydney, Bridge Housing own and / or manage approximately 3,600 properties in 21 Local Government Areas, providing housing and tenancy management services to over 5,300 people.
- The consolidation of the affordable rental housing into a single building simplifies strata and ownership arrangements and ensures that Bridge Housing can maintain an efficient and streamlined operational, management, and service delivery model. This is the preferred service model of Bridge Housing.
- As per the relevant provisions of the Housing SEPP, the tenure arrangements for dwellings will be:
 - 6 x dwellings to be managed by a registered CHP for a period of at least 15 years (Section 21); and
 - 51 x dwellings to be managed by a registered CHP in perpetuity (PA and Section 156).
- The Stage 2a Built Form SSDA responds to the intent of NSW Government housing policy reforms to incentive affordable housing delivery and meet the needs of low and moderate income households. The project will deliver affordable rental housing in an identified TOA Area with rising demand.

Figure 6 provides a visual illustration of Building 2.2 which contains the affordable housing dwellings.

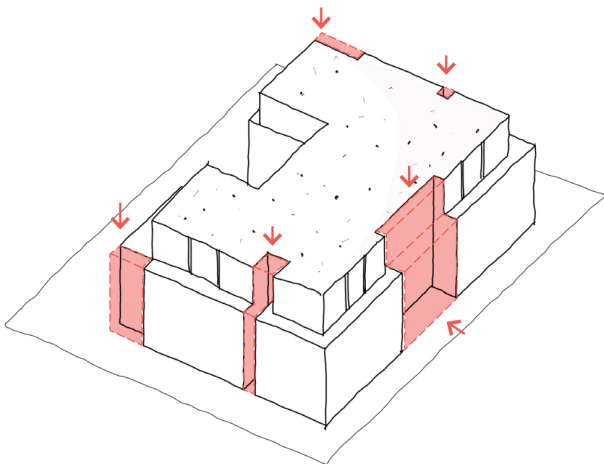
Figure 6 Building 2.2



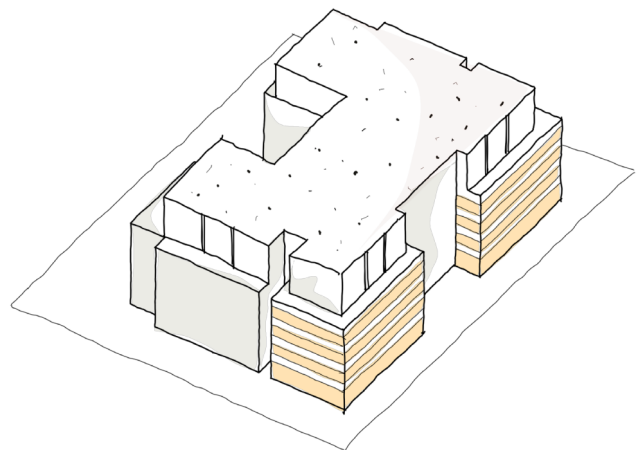
Source: DKO Architects

- Building 2.2 occupies a centralised location within the wider urban renewal of the precinct, with close proximity to Corrimal train station, community uses within the Heritage Plaza, and future retail uses.
- The Urban Design Report prepared by the project architect describes the architecture and design principles which have informed the design, form, and presentation of Building 2.2 in terms of massing, articulation, horizontal graining, heritage connectivity, materiality, and landscaping.
- **Figure 7** demonstrates the key architectural and urban design drivers and principles of Building 2.2.

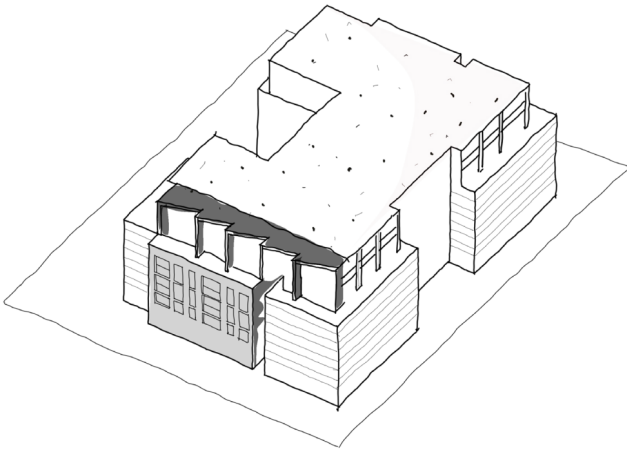
Figure 7 Design Evolution of Building 2.2



Picture 1 Additional articulation



Picture 2 Horizontal graining



Picture 3 Heritage connection

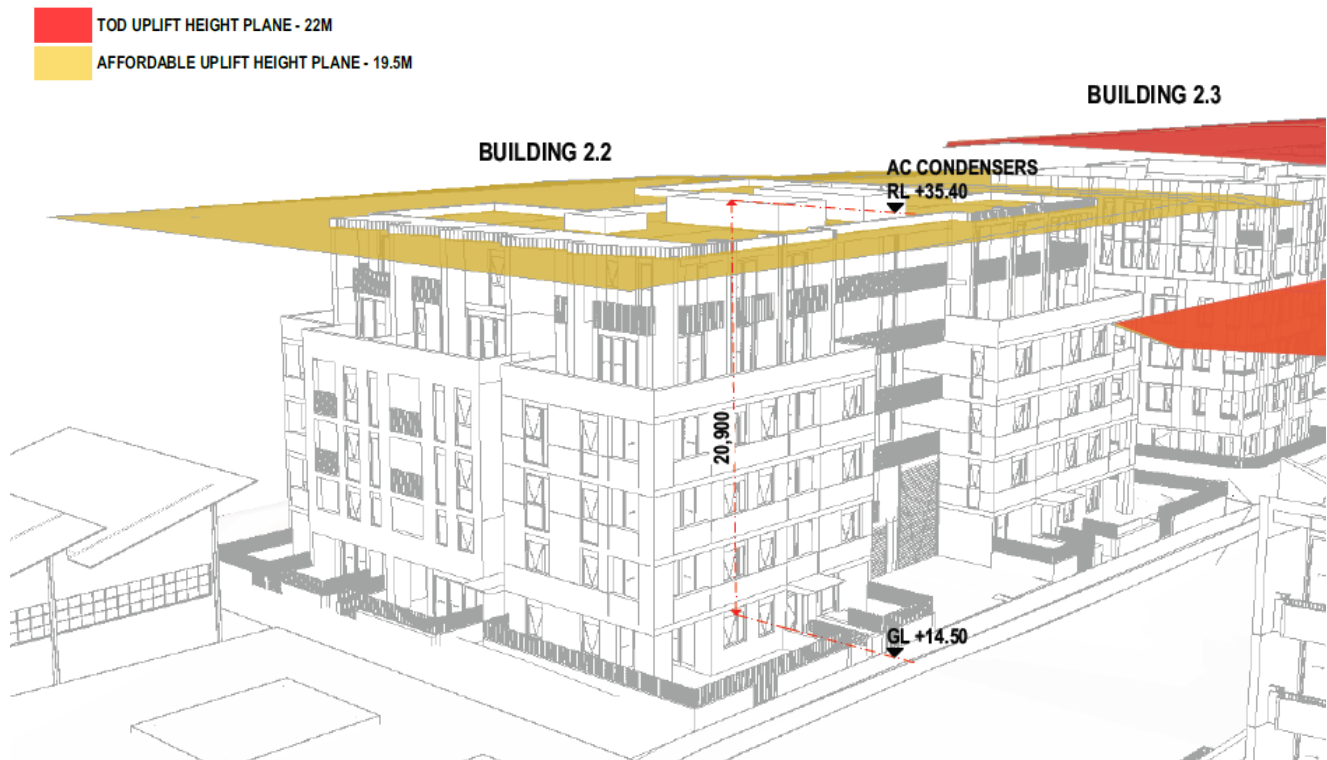


Picture 4 Landscaping

Source: DKO Architects

- To achieve the total quantum of affordable housing GFA within a skilful and architecturally sensitive design, Building 2.2 has been developed within a six storey built form. The maximum height of Building 2.2 is 20.9 metres (as measured from the existing ground level at RL14.5 to the top of AC condensers at RL35.4). The proposed building height exceeds the maximum building height development standard which applies to the site under Section 16(3) of the Housing SEPP (19.5 metres) by 1.4 metres (7%).
- As shown in **Figure 8**, the elements of Building 2.2 which exceed the 19.5 metres maximum building height development standard are the upper elements of the residential apartments at Level 05 and rooftop plant equipment which protrude above the maximum building height development standard.

Figure 8 Non-TOD Area Height Plane Diagram



Source: DKO Architects

For the reasons detailed in **Section 10** of this request, there are sufficient environmental planning grounds to justify the exceedance of Building 2.2 with the maximum building height development standard of Section 16(3) of the Housing SEPP and there are minimal environmental impacts arising from the non-compliance.

Justification For The Proposed Variation

9. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

Table 4 assesses the consistency of the proposal with the objectives of the development standards.

Table 4 Assessment against objectives

Key Questions	Response
a. <i>Are the objectives of the development standard achieved notwithstanding the non-compliance?</i>	For completeness, this Table addresses the objectives of the building height development standard in Section 16(3) of the Housing SEPP and objectives of the building height development standard in Clause 4.3 of the Wollongong LEP 2009. <u>Objective of Part 2, Division 1 of the Housing SEPP</u> <i>"15A The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households."</i> The proposal delivers 57 x affordable housing dwellings, comprising 35 x dwellings required by the PA and 22 x dwellings required by the Stage 2a Built Form SSDA and all future stages under the infill affordable housing and TOD provisions. The affordable housing dwellings and Building 2.2 itself have been sensitively designed to ensure high levels of amenity and a variety of housing typologies that will meet the expected needs and profile of the affordable housing tenants. Building 2.2 provides affordable rental housing for those on very low, low, to moderate incomes within close proximity to services, retail, and public transport responding a key pillar of the NSW Government housing policy reforms. <u>Objectives of Clause 4.3 of the LEP</u> (a) <i>to establish the maximum height limit in which buildings can be designed and floor space can be achieved</i> The Stage 2a Built Form SSDA, and Building 2.2 in particular, represents an appropriate correlation between the site area and the extent of development anticipated under the building height and FSR development standards pursuant to the TOD Area and infill affordable housing provisions of the Housing SEPP. The proposal respects the built form, spatial arrangements, and urban design principles envisaged in the original Masterplan, site-specific planning proposal, and statutory planning controls, incorporating density uplift commensurate with the TOD Area and infill affordable housing provisions of the Housing SEPP. (b) <i>to permit building heights that encourage high quality urban form</i> Notwithstanding contravention to the applicable building height development standard, Building 2.2 and the Stage 2 Built Form SSDA proposal exhibit a high quality urban form. The design, articulation, and articulation of the proposed four residential flat buildings (including Building 2.2) is underpinned by a holistic and sophisticated approach to architectural expression and urban design. The four residential flat buildings (including Building 2.2) are well-articulated and present attractive design features and architectural elements, creating a strong precedent for the wider renewal of the former Corrimal Cokeworks site. The use of contemporary materials, colours, textures, and finishes provide visual interest from the surrounding streetscape and reduce the perceivable mass and prominence of the built form. The overall bulk and massing of Building 2.2 is balanced with appropriate articulation, modulation, communal open space, landscaping, and connection with the public domain (such as the Heritage Plaza). The development will deliver vibrant and contemporary urban renewal which celebrates the site's industrial history and leverages its highly accessible and strategic proximity to Corrimal town centre and local amenities and services.

- (c) *to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*

The contravention to the building height development standard relates to the upper element of the sixth level at Building 2.2 and rooftop plan equipment, located within the central portion of the building. In this regard, it is unlikely that the built form components of Building 2.2 which exceed the building height control will result in any material disruption to views of the sky from other residential buildings (either within Stage 2a or future development stages) or public areas (for instance the Heritage Plaza). Similarly, the volume of the building height exceedance is contained within the central portion of Building 2.2, thus ensuring other residential buildings and public areas retain sufficient exposure to sunlight.

b. <i>Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)</i>	N/A
c. <i>Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)</i>	N/A
d. <i>Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?</i>	N/A
e. <i>Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?</i>	N/A

10. Are There Sufficient Environmental Planning Grounds To Justify Contravening The Development Standard?

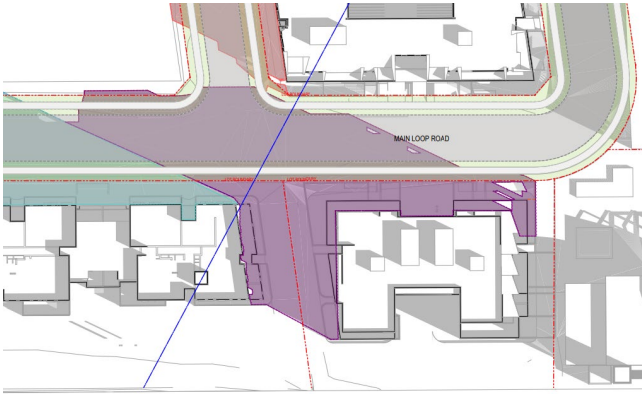
There is an absence of environmental harm arising from the contravention of the building height development standard pursuant to Section 16(3) of the Housing SEPP and sufficient and positive environmental planning grounds to justify contravening the development standard for the following reasons:

- **Public benefit:** As detailed in **Section 8**, Building 2.2 provides the affordable housing dwellings under the PA and satisfies the statutory affordable housing requirements of the subject Stage 2a Built Form SSDA and all future residential development stages. This approach responds to the intent of the NSW Government housing policy reforms to incentivise new affordable housing to meet the needs of low and moderate income households. The utilisation of the infill affordable housing provisions of the Housing SEPP and the consolidation of affordable housing requirements for all future residential development stages within this SSDA represents a significant public benefit in bringing physical affordable housing stock to the market within the immediate term. Conversely, the provision of affordable housing in a piecemeal manner through individual future development stages would significantly delay the supply of stock and thwart the intent of the NSW Government housing policy reforms to incentivise affordable housing. The provision of affordable housing in a key strategic area of NSW and identified TOD Area with rising demand represents a significant and positive public benefit. Strict compliance with the building

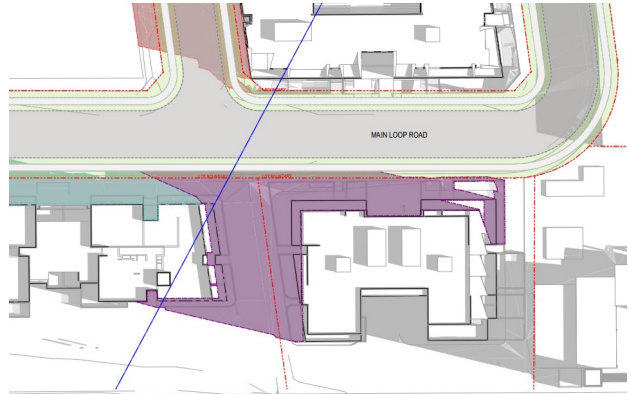
height development standard would not promote any identifiable public benefit as it would reduce the provision of affordable housing dwellings at a well-located site. Strict compliance would result in the removal of Level 05 (the sixth level) and the loss of eight (8) affordable housing dwellings. In turn this would increase construction cost and disproportionately impact economic margins for the CHP.

- **Overshadowing:** The overshadowing diagrams at **Figure 9** demonstrate the extent of overshadowing (in purple) as a result of Building 2.2 elements protruding beyond the 19.5 metre building height plane.

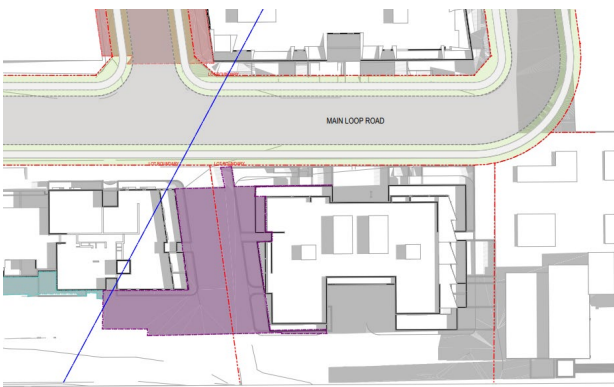
Figure 9 Overshadowing from Building 2.2



Picture 5 Overshadowing of Building 2.2 (9am)



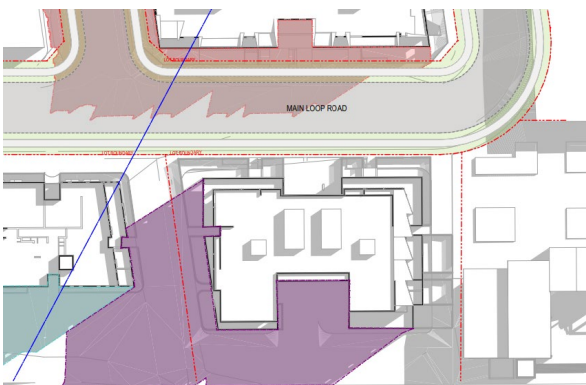
Picture 6 Overshadowing of Building 2.2 (10am)



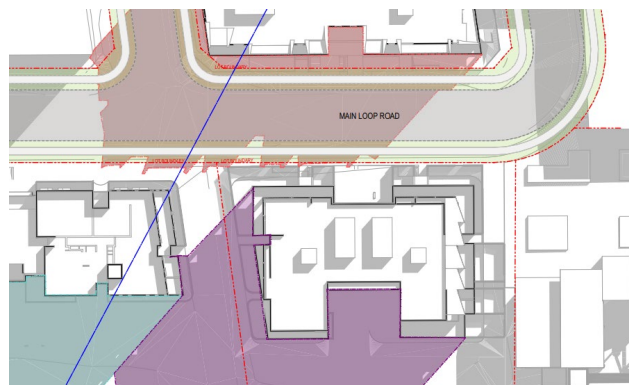
Picture 7 Overshadowing of Building 2.2 (11am)



Picture 8 Overshadowing of Building 2.2 (12 midday)



Picture 9 Overshadowing of Building 2.2 (1pm)



Picture 10 Overshadowing of Building 2.2 (2pm)

Source: DKO Architects

- **Visual and privacy:** The exceedance of the building height development standard does not result in any additional habitable floor space or GFA. The exceedance relates to the upper roof form elements of the residential apartments at Level 05, lift overruns, and rooftop plant equipment (including AC

condensers). Consequently, the minor exceedance does not compromise neighbours in adjoining residential flat buildings nor the Heritage Plaza in terms of visual privacy, overlooking, or solar access.

- **Architectural design:** As illustrated in **Figure 5**, Building 2.2 presents a highly articulated built form that reads as distinct forms. The massing and articulation represents an enhanced outcome from the form envisaged in the original Corrimal Cokeworks Masterplan. As illustrated in **Figure 7**, Building 2.2 is designed to achieve high quality architectural principles in terms of massing, articulation, horizontal graining, heritage connectivity, materiality, and landscaping. The design refinement of the building has accentuated breaks in the massing and façade articulations to better respond to site context.
- **Disruption of views:** The exceedances with the building height plane relate to upper roof form elements of the residential apartments at Level 05, lift overruns, and rooftop plant equipment. These elements of Building 2.2 are unlikely to result in the disruption of views from nearby development towards locations or objects that contain visual importance. The elements of Building 2.2 that protrude beyond the 19.5 metre building height plane are largely imperceivable and difficult to articulate to the naked eye.
- **Architectural design:** As illustrated in **Figure 7**, Building 2.2 is designed to achieve high quality architectural principles in terms of massing, articulation, horizontal graining, heritage connectivity, materiality, and landscaping. The design refinement of the building has accentuated breaks in the massing and façade articulations to better respond to site context.
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The contravention of the building height development standard which applies to Building 2.2 does not result in any material environment impacts beyond those created to a strictly compliant proposal (within the 19.5 metre building height limit). Impacts relating to solar access, view sharing, overshadowing, and reflectivity have been mitigated through the careful and considered siting, massing, articulation, and urban design.

For the reasons detailed in this request, the proposed variation to building height standard under Section 16(3) of the Housing SEPP is well-founded and justified. There is an absence of environmental harm arising from the contravention of the building height development standard and there are sufficient and positive environmental planning grounds to justify contravening the standard.

Disclaimer

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