

APPENDIX O

Statutory Compliance Table



Statutory Compliance Table

Statutory Requirement	Relevance and Assessment	EIS Section
LEGISLATION		
<i>Environmental Planning and Assessment Act 1979</i>		
<i>Section 1.3 – Objects of the Act</i>		
<p><i>The objects of the Act are as follows:</i></p> <p><i>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,</i></p> <p><i>b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i></p> <p><i>c. to promote the orderly and economic use and development of land,</i></p> <p><i>d. to promote the delivery and maintenance of affordable housing,</i></p> <p><i>e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i></p> <p><i>f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i></p> <p><i>g. to promote good design and amenity of the built environment,</i></p> <p><i>h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i></p> <p><i>i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i></p> <p><i>j. to provide increased opportunity for community participation in environmental planning and assessment.</i></p>	<p>The proposed Early Works SSDA development is consistent with the objects of the EP&A Act for the following reasons:</p> <ul style="list-style-type: none"> • facilitates the delivery of much needed housing supply in an accessible area close to transport and services, • make provision for the supply of affordable housing, • support a future development that will exhibit design excellence, • support a future development that will provide a high degree of environmental sustainability. • Provide for the retention and protection of the local heritage listed Moreton Bay Fig Tree located on the site. 	<p>Section 7.4</p>
<i>Section 4.15 – Evaluation</i>		

Statutory Compliance Table

<p><i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</i></p> <p><i>(a) the provisions of—</i></p> <p><i>(i) any environmental planning instrument, and</i></p>	<p>As demonstrated in Section 4.5 of this EIS, the proposed development satisfies the requirements of relevant Environmental Planning Instruments (EPIs). The assessment has demonstrated that it is in accordance with the aims and standards set by the relevant objectives and controls in the applicable EPIs.</p>	<p>Section 4.5</p>
<p><i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i></p>	<p>Not applicable</p>	<p>N/A</p>
<p><i>(iii) any development control plan, and</i></p>	<p>Not applicable</p>	<p>N/A</p>
<p><i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i></p>	<p>Not applicable</p>	<p>N/A</p>
<p><i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <i>(v) (Repealed)</i> <i>that apply to the land to which the development application relates,</i></p>	<p>The EIS has been prepared in accordance with the EP&A Regulation 2021, including the principles of ecologically sustainable development through the precautionary principle (and other considerations), which assesses the threats of any serious and irreversible environmental damage.</p>	<p>Section 7.3</p>
<p><i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>	<p>A comprehensive assessment of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, is provided at section 7.5 of the EIS, including:</p> <ul style="list-style-type: none"> • The proposed early works will not have any significant effect on threatened species, populations or ecological communities or their habitat arising from the construction or uses of the proposed development. The proposal will not have an impact on any matters of national environmental significance under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> (C'wth), or <i>Biodiversity Conservation Act 2016</i>; and • The proposal will not result in any undue adverse environmental impacts. Potential sources of risk associated with the construction 	<p>Section 7.5</p>

Statutory Compliance Table

	<p>works of the early works can be managed with the appropriate safeguards and mitigation measures outlined in this EIS.</p> <ul style="list-style-type: none"> • Facilitating the future delivery of dwellings in a highly accessible and high amenity area to support the critical shortfall of housing options and the requirement to deliver 9,200 new dwellings in the Wollongong City LGA by 2029. The future supply will significantly support the need for additional dwellings (market and affordable rental) options in the Wollongong city centre. • It will address the recognised shortage in housing supply across the Illawarra region, which has been made worse by the current housing affordability crisis in NSW. • The early works will support construction jobs and future operational jobs during the sequential phases of the development. • The proposal will facilitate the revitalisation of a highly neglected precinct of the Wollongong city centre. 	
<i>(c) the suitability of the site for the development,</i>	<p>The site is suitable for the proposed Early Works SSD development for the following reasons:</p> <ul style="list-style-type: none"> • The site is zoned E2 Commercial Centre, which permits the proposed land uses that the early works relate to. • Facilitates future delivery of high quality, diverse affordable housing, improving affordability in the Wollongong city centre. • Will result in minor environmental impacts that can be appropriately managed and mitigated. • The proposed Early Works are supported by a construction waste and traffic methodology that will limit impacts to surrounding development. The local road network and traffic intersections have been assessed to be suitable to accommodate the traffic volumes generated by the proposed construction works, with adverse impacts on performance and safety. • The proposed Early Works will have limited impacts to surrounding residential developments having regard to predicted acoustic and vibration impacts during construction works. • The site is not subject to any environmental constraints. 	Section 7.6
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	<p>Any submissions received will be considered by the Applicant following the exhibition of the EIS.</p>	N/A

Statutory Compliance Table

<p><i>(e) the public interest.</i></p>	<p>The proposed development is in the public interest for the following reasons:</p> <ul style="list-style-type: none"> • The early works will facilitate a development that will be a direct response to the strategic vision and objectives for the delivery of additional housing supply, states in the following documents, National Housing Accord 2022, Housing 2041, as well as the Illawarra-Shoalhaven Regional Plan 2041. This includes the delivery of well-located homes, including affordable housing in highly accessible locations. • Direct employment opportunities will be created during the construction phase of the proposed development. • It complies with the relevant statutory development standards and development controls. • Will not give rise to any adverse built environment impacts, including heritage, overshadowing, streetscape and public domain. • The early works retain the required payment of a monetary contribution to Wollongong City Council under DA-2023/156. 	<p>Section 7.7</p>
<p>Section 4.36 Development that is State significant development</p>		
<p><i>(3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.</i></p> <p><i>(3A) The Minister may make a declaration under subsection (3) only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.</i></p> <p><i>(3B) Subsection (3A) does not apply if the development includes residential accommodation.</i></p>	<p>The site was declared State Significant Development (SSD) pursuant to <i>State Significant Declaration Order (No.5) 2025</i> (Order) dated 14 April 2025. The Order declares development specified in EOI application 236817 dated 5 February 2025, including development for shop top housing with provision of affordable housing as SSD.</p>	<p>Section 4.1</p>
<p>Section 4.41 Approvals etc legislation that does not apply</p>		
<p><i>(1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—</i></p> <p><i>(a) (Repealed)</i></p> <p><i>(b) a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,</i></p>	<p>The proposed development does not require authorisations under the following legislation:</p> <ul style="list-style-type: none"> • <i>Fisheries Management Act 1994</i> • <i>Heritage Act 1977</i> • <i>National Parks and Wildlife Act 1974</i> • <i>Rural Fires Act 1997</i> 	<p>Section 4.3</p>

Statutory Compliance Table

(c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,
 (d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,
 (e) (Repealed)
 (f) a bush fire safety authority under section 100B of the Rural Fires Act 1997,
 (g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.

The Department of Climate Change, Energy, the Environment and Water has advised no approval is required with respect to water licensing under the *Water Management Act 2000*.

Section 4.42 Approvals etc Legislation that must be applied consistently

(1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent—

- (a) an aquaculture permit under section 144 of the Fisheries Management Act 1994,
- (b) an approval under the Coal Mine Subsidence Compensation Act 2017, section 22,
- (c) a mining lease under the Mining Act 1992,

Note.

Under section 380A of the Mining Act 1992, a mining lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.

- (d) a production lease under the Petroleum (Onshore) Act 1991,

Note.

Under section 24A of the Petroleum (Onshore) Act 1991, a production lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.

- (e) an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act),
- (f) a consent under section 138 of the Roads Act 1993,
- (g) a licence under the Pipelines Act 1967.

The proposed development does not require approvals under the following legislation:

- Fisheries Management Act 1994
- Coal Mine Subsidence Compensation Act 2017
- Mining Act 1992
- Petroleum (Onshore) Act 1991
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Pipelines Act 1967

Section 4.3

Biodiversity Conservation Act 2016

Section 7.14 – State Significant Development or Infrastructure

Statutory Compliance Table

<p>(1) This section applies to an application for development consent for State significant development under Part 4 of the Environmental Planning and Assessment Act 1979, or an application for approval for State significant infrastructure under the Environmental Planning and Assessment Act 1979, Division 5.2, that is required under Division 2 to be accompanied by a biodiversity development assessment report.</p> <p>(2) The relevant authority, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. The relevant authority may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values.</p>	<p>In accordance with this Act, an assessment of any State significant proposal's biodiversity impacts must be undertaken as part of the provision of any SSDA, including the provision of a Biodiversity Development Assessment Report (BDAR) in instances where it is required.</p> <p>Section 7.14 requires the consent authority to take into consideration the likely impact of the proposed development on biodiversity values as assessed in the BDAR.</p> <p>Given the site's location within an established urban area and the absence of any large extent of native vegetation on the site, the proposed development is not considered to result in any adverse impacts to biodiversity on the site or within the surrounding area.</p> <p>As such, this SSDA is accompanied by a BDAR Waiver issued by the DCCEEW (Appendix B).</p>	<p>Section 4.4</p>
<p>Environmental Planning and Assessment Regulation 2021</p>		
<p>Section 29 Residential apartment development</p>		
<p>(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.</p> <p>(2) The statement must—</p> <p>(a) verify that the qualified designer designed, or directed the design of, the development, and</p> <p>(b) explain how the development addresses—</p> <p>(i) the design principles for residential apartment development, and</p> <p>(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.</p>	<p>The early works do not involve the construction of a physical building or structure. It is noted that a Design Verification Statement is to be provided with the Main Works SSDA.</p>	<p>Section 4.5</p>
<p>Section 27 BASIX Development</p>		
<p>(1) A development application for BASIX development must be accompanied by—</p>	<p>The early works do not involve the construction of a physical building or structure. It is noted that a BASIX certificate will be provided with the Main Works SSDA.</p>	<p>Section 4.5</p>

Statutory Compliance Table

- (a) a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is submitted on the NSW planning portal, and
- (b) the other matters required by the BASIX certificate.

ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 – Contamination and remediation to be considered in determining development application

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

The proposed development is supported by a Detailed Site Investigation Report and a Remedial Action Plan report. These are provided in Appendices I and J respectively.

Section 4.4

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 – Determination of development applications – other development

- (1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—
- (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- (b) development carried out—
- (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

The proposed development is proposed in the vicinity of Endeavour Energy's underground electricity lines and as such referral of the development application to Endeavour Energy is required. The general requirements of Endeavour Energy, in respect of the augmentation of its electricity infrastructure has been considered in the EIS.

Section 4.4

Statutory Compliance Table

- (ii) immediately adjacent to an electricity substation, or
- (iii) within 5m of an exposed overhead electricity power line.

Clause 2.119 Development with frontage to classified road

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

The proposed development is on land with a frontage to Crown Street. Crown Street is a classified road under control of *Transport for NSW*. A Construction Traffic Management Plan is provided in Appendix G.

Section 4.4

Clause 120 Impact of road noise or vibration on non-road development

- (1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—
- (a) residential accommodation,
 - (b) a place of public worship,
 - (c) a hospital,
 - (d) an educational establishment or centre-based child care facility.
- (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.

The proposed Early Works do not involve construction of a building or structures as they simply involve earthworks. The impact of road noise on the proposal will be considered in the Main Works SSDA.

Section 4.4

Statutory Compliance Table

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Clause 2.122 Traffic Generating Development

(4) Before determining a development application for development to which this section applies, the consent authority must—

(a) give written notice of the application to TfNSW within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

The Early Works do not involve the construction of any buildings or structures and as such will not generate trips on the site from residents, visitors or workers (beyond the construction workforce). Consideration of these impacts will form part of the Main Works SSDA.

Section 4.4

State Environmental Planning Policy (Housing) 2021

Part 2 Development for affordable housing

Clause 15C Development to which division applies

(1) This division applies to development that includes residential development if—

(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and

The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing.

N/A

Statutory Compliance Table

<p>(b) the affordable housing component is at least 10%, and</p> <p>(c) all or part of the development is carried out—</p> <p>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or</p> <p>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</p>		
<p>Clause 16 Affordable housing requirements for additional floor space</p>		
<p>(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 development on 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).</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing.</p>	<p>N/A</p>
<p>(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 development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing.</p>	<p>N/A</p>
<p>Clause 19 Non-discretionary development standards</p>		
<p>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—</p> <p>(a) a minimum site area of 450m²,</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.</p>	<p>N/A</p>
<p>(b) a minimum landscaped area that is the lesser of—</p> <p>(i) 35m² per dwelling, or</p> <p>(ii) 30% of the site area,</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.</p>	<p>N/A</p>
<p>(e) the following number of parking spaces for dwellings used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to</p>	<p>N/A</p>

Statutory Compliance Table

<i>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</i>	DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.	
<i>(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</i>	The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.	N/A
<i>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</i>	The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements. .	N/A
Clause 20 Design Requirements		
<i>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.</i>	The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.	N/A
Clause 21 Must be used for affordable housing for at least 15 years		
<i>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.</i>	The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.	N/A
Chapter 4 – Design of residential apartment development		
Clause 144 Application of chapter		

Statutory Compliance Table

<p>(2) <i>This chapter applies to the following—</i></p> <p>(a) <i>development for the purposes of residential flat buildings,</i></p> <p>(b) <i>development for the purposes of shop top housing,</i></p> <p>(c) <i>mixed use development with a residential accommodation component that does not include boarding houses or co-living housing, unless a local environmental plan provides that mixed use development including boarding houses or co-living housing is residential apartment development for this chapter.</i></p> <p>(3) <i>This chapter applies to development only if—</i></p> <p>(a) <i>the development consists of—</i></p> <p>(i) <i>the erection of a new building, or</i></p> <p>(ii) <i>the substantial redevelopment or substantial refurbishment of an existing building, or</i></p> <p>(iii) <i>the conversion of an existing building, and</i></p> <p>(b) <i>the building is at least 3 storeys, not including underground car parking storeys, and</i></p> <p>(c) <i>the building contains at least 4 dwellings.</i></p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements including Chapter 4.</p>	<p>N/A</p>
<p>Clause 145 Referral to design review panel for development applications</p>		
<p>(2) <i>Before determining the development application, the consent authority must refer the application to the design review panel for the local government area in which the development will be carried out for advice on the quality of the design of the development.</i></p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.</p>	<p>N/A</p>
<p>Clause 147 Determination of development applications and modification applications for residential apartment development</p>		
<p>(1) <i>Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i></p> <p>(a) <i>the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i></p> <p>(b) <i>the Apartment Design Guide,</i></p> <p>(c) <i>any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i></p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.</p>	<p>N/A</p>

Statutory Compliance Table

Clause 148 Non-discretionary development standards for residential apartment development (s4.15)

<p>(2) The following are non-discretionary development standards—</p> <p>(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements. Appropriate car parking will be provided for the development as part of the Main Works SSDA.</p>	<p>N/A</p>
<p>(b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide,</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.</p>	<p>N/A</p>
<p>(c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and provides in-fill affordable housing subject to the Housing SEPP requirements.</p>	<p>N/A</p>

State Environmental Planning Policy (Sustainable Buildings) 2021

Chapter 2 Standards for residential development – BASIX

Clause 2.1 Standards for BASIX development and BASIX optional development

<p>(1) Schedule 1 sets out the standards that apply to BASIX development referred to in paragraphs (a) and (b) of the definition of BASIX development in the Environmental Planning and Assessment Regulation 2021.</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and will provide a BASIX certificate.</p>	<p>N/A</p>
<p>(5) Development consent must not be granted to development to which the standards specified in Schedule 1 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified using an approved BASIX system.</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and will provide a BASIX certificate.</p>	<p>N/A</p>

Chapter 3 Standards for non-residential development

Clause 3.1 Application of chapter

Statutory Compliance Table

<p>(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—</p> <p>(a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or</p> <p>(b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and will address the relevant provisions of the Sustainable Buildings SEPP.</p>	<p>N/A</p>
<p>Clause 3.2 Development consent for non-residential development</p>		
<p>(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—</p> <p>(a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</p> <p>(b) a reduction in peak demand for electricity, including through the use of energy efficient technology,</p> <p>(c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</p> <p>(d) the generation and storage of renewable energy,</p> <p>(e) the metering and monitoring of energy consumption,</p> <p>(f) the minimisation of the consumption of potable water.</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and will address the relevant provisions of the Sustainable Buildings SEPP.</p>	<p>N/A</p>
<p>(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and will address the relevant provisions of the Sustainable Buildings SEPP.</p>	<p>N/A</p>
<p>Wollongong Local Environmental Plan 2009</p>		
<p>Clause 2.3 Zone objectives and Land Use Table</p>		
<p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>Zone E2 Commercial Centre</p> <p>1 Objectives of zone</p>	<p>The site is zoned E2 Commercial Centre under WLEP. The proposed development, being Early Works to amend DA-2023/156 for a shop top housing is permissible in the zone.</p>	<p>Section 4.5</p>

Statutory Compliance Table

<ul style="list-style-type: none"> • To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity. • To encourage investment in commercial development that generates employment opportunities and economic growth. • To encourage development that has a high level of accessibility and amenity, particularly for pedestrians. • To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • To encourage development that is consistent with the centre's position in the centres hierarchy. • To strengthen the role of the Wollongong city centre as the business, retail and cultural centre of the Illawarra region. 	<p>WLEP defines the use as follows: “shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities”.</p> <p>The Early Works are associated with uses that are permissible in the E2 zone. The Early Works are therefore consistent with the objectives of the zone, in that they will facilitate a future development that will encourage a diversity of uses that generate employment opportunities, provide active street frontages, include non-residential uses on ground floor areas, supports the vitality of the western edge of the Wollongong City Centre and enable residential development that will contribute to a vibrant and active city centre and is consistent with Wollongong Council's strategic planning for development in the area.</p>	
<p>Clause 4.3 Height of Buildings</p>		
<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and will address the relevant considerations under WLEP.</p>	<p>N/A</p>
<p>Clause 4.4 Floor space ratio</p>		
<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and will address the relevant considerations under WLEP.</p>	<p>N/A</p>
<p>Clause 4.4A Floor space ratio – Wollongong city centre</p>		
<p>(2) Despite clause 4.4, the maximum floor space ratio for a building on land within a zone specified in Column 1 of the Table to this subclause, on land with a site area and street frontage specified opposite that zone in Column 2 of the Table, is—</p> <p>(a) the amount specified opposite that zone in Column 3 of the Table, if the building is used only for residential purposes, or</p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. The Main Works SSDA is an Amending DA to DA-2023/156 and will address the relevant considerations under WLEP.</p>	<p>N/A</p>

Statutory Compliance Table

(b) the amount specified opposite that zone in Column 4 of the Table, if the building is used only for purposes other than residential purposes.

Clause 5.10 Heritage Conservation

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

- (i) a heritage item,*
- (ii) an Aboriginal object,*
- (iii) a building, work, relic or tree within a heritage conservation area,*

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land—

- (i) on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

(f) subdividing land—

- (i) on which a heritage item is located or that is within a heritage conservation area, or*
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

The Early Works SSDA does not involve the construction of any buildings or structures. Despite this the proposal includes a review of the potential impacts on local and State heritage items.

Section 6.10

Clause 5.21 Flood planning

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*

The Early Works SSDA does not involve the construction of any buildings or structures. Despite this the proposal includes a review of the potential impacts on local flooding conditions and relevant flooding controls.

Section 6.6

Statutory Compliance Table

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Clause 7.1 Public utility infrastructure

- (2) Development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.*
- (4) In this clause—*
public utility infrastructure includes infrastructure for any of the following—
 - (a) the supply of water,*
 - (b) the supply of electricity,*
 - (c) the disposal and management of sewage.*

The Early Works SSDA does not involve the construction of any buildings or structures. Despite this the proposal includes a review of public utility infrastructure.

The site has existing connections to water supply, electricity supply and for sewerage disposal. Consultation with Sydney Water and Endeavour Energy have identified the necessary service upgrades and augmentation that is required for the proposed development

Section 5.2

Clause 7.6 Earthworks

- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—*
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
 - (c) the quality of the fill or of the soil to be excavated, or both,*
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
 - (e) the source of any fill material or the destination of any excavated material,*

The impacts of earthworks for the proposed development were assessed in DA-2023/156. This proposal provides for additional earthworks that are considered in section 6 of the EIS.

Section 6.0

Statutory Compliance Table

- (f) the likelihood of disturbing Aboriginal objects or other relics,
 (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Clause 7.14 Minimum street frontage

- (2) Development consent must not be granted to development for the purposes of residential flat buildings unless the street frontage of the site is at least—
 (a) for development on land identified as “North Wollongong Station Precinct” on the North Wollongong Station Precinct Map—20m, or
 (b) otherwise—24m.

The Early Works SSDA does not involve the construction of any buildings or structures. Nevertheless, this was matter considered in the assessment of DA-2023/156.

N/A

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

- (3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
 (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—
 (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 (c) whether the proposed development detrimentally impacts on view corridors,
 (d) whether the proposed development detrimentally overshadows the following—
 (i) an area shown distinctively coloured and numbered on the Sun Plane Protection Map,
 (ii) a site identified on the Overshadowing Map,
 (e) how the proposed development addresses the following matters—
 (i) the suitability of the land for development,
 (ii) existing and proposed uses and use mix,
 (iii) heritage issues and streetscape constraints,

The Early Works SSDA does not involve the construction of any buildings or structures. Nevertheless, design excellence was given detailed consideration in the assessment of DA-2023/156 and will again for the future Main Works SSDA.

N/A

Statutory Compliance Table

(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

(vi) street frontage heights,

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

(viii) the achievement of the principles of ecologically sustainable development,

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

(x) impact on, and any proposed improvements to, the public domain,

(xi) achieving appropriate interfaces at ground level between buildings and the public domain,

(xii) excellence and integration of landscape design.

(5) Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development—

(a) development in respect of a building that is, or will be, greater than 35 metres in height,

(b) development having an estimated development cost of more than \$1,000,000 on a key site,

(c) development for which the applicant has chosen to have such a review.

The Early Works SSDA does not involve the construction of any buildings or structures. Nevertheless, design excellence was given detailed consideration in the assessment of DA-2023/156 and will again for the future Main Works SSDA.

N/A

Clause 7.19 Active frontages

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, unless the consent authority is satisfied that the building will have an active frontage after its erection or change of use.

(4) Despite subclause (3), an active frontage is not required for a part of a building that is used for any of the following—

(a) entrances and lobbies, including as part of mixed use development,

(b) access for fire services,

(c) vehicular access or loading docks.

The Early Works SSDA does not involve the construction of any buildings or structures. Nevertheless, design excellence was given detailed consideration in the assessment of DA-2023/156 and will again for the future Main Works SSDA.

N/A

Part 8 Local provisions – Wollongong city centre

Clause 8.4 Minimum building street frontage

Statutory Compliance Table

<p><i>(2) Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use.</i></p> <p><i>(3) Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that it is not physically possible for the building to be erected with at least one street frontage of 20 metres or more.</i></p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. Nevertheless, the site achieves the minimum street frontage requirements for both Crown Street and Gladstone Avenue.</p>	<p>N/A</p>
<p>Clause 8.6 Building separation within Zone E2 Commercial Centre or Zone MU1 Mixed Use</p>		
<p><i>(2) Buildings on land within Zone E2 Commercial Centre or MU1 Mixed Use must be erected so that—</i></p> <p><i>(a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and</i></p> <p><i>(b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and</i></p> <p><i>(c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.</i></p> <p><i>(3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than—</i></p> <p><i>(a) 20 metres from any habitable part of a dwelling contained in any other building, and</i></p> <p><i>(b) 16 metres from any other part of any other building.</i></p> <p><i>(4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.</i></p>	<p>The Early Works SSDA does not involve the construction of any buildings or structures. Nevertheless, building separation was given detailed consideration in the assessment of DA-2023/156 and will again for the future Main Works SSDA</p>	<p>N/A</p>