

## ITEM 1

## SUBMISSION - STATE ASSESSED PLANNING PROPOSAL - COWPER STREET, WARRAWONG

In July 2023, the NSW Department of Planning, Housing and Infrastructure (DPHI) announced that Warrawong Plaza, located on the corner of Cowper Street, King Street and Northcliffe Drive Warrawong, had been selected as one of five sites in NSW to deliver additional housing through a State Assessed Planning Pathway. On 21 June 2024 the DPHI commenced the exhibition of the Planning Proposal.

This report provides an overview the Warrawong Plaza proposal and outlines key matters contained in Council's draft submission. The submission outlines that although there is strategic alignment, the proposed SAPP is not supported in its current form and that more work is required to determine an appropriate built form outcome across the Warrawong centre, not just one site. The draft submission indicates that the current proposal is not supported due to range of concerns, including traffic impacts, flooding, bulk and scale, visual impacts, out of character for the Warrawong centre, urban design, and the overall strategic merit of a spot rezoning. The submission also includes several recommendations such as solar access protections for adjacent open spaces, additional sustainability provision and further design analysis/guidance.

### RECOMMENDATION

The General Manager be delegated authority to finalise the draft submission (Attachment 2), on the Cowper Street, Warrawong – State Assessed Planning Proposal which indicates that the current proposal is not supported in its current form.

### REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

### ATTACHMENTS

- 1 LEP Comparison Maps
- 2 Draft Submission

### BACKGROUND

#### NSW Government Rezoning Pathway

Between December 2022 and January 2023, the (then) Department of Planning and Environment, invited applications for State Assessed Planning Proposal (SAPP) Pilot Program.

As opposed the standard process of lodging a Planning Proposal request with Council, under the SAPP program the Department of Planning, Housing and Infrastructure (DPHI) are the planning proposal authority.

According to the SAPP Guidelines, applications needed to meet the following eligibility requirements -

- 1 Not in the planning system: the project is not the subject of an active planning proposal lodged in the system.
- 2 Readiness to lodge: the applicant must undertake to formally lodge the planning with Department via the Planning Portal within two months of being notified that the project was approved to proceed as a SAPP.
- 3 Minimum dwelling threshold: the project must demonstrate that through rezoning it will enable at least 1,000 residential dwelling in Metropolitan NSW, or 300 residential dwellings in Regional NSW.

**Note:** *Wollongong is considered Regional NSW in this context.*

- 4 Comply with the relevant planning legislation, policies and the relevant section 9.1 Ministerial Direction.

In July 2023, DPHI announced the five selected proposals from the 100 applications received. The Warrawong Plaza site being one of the five proposals, known as the Cowper Street, Warrawong SAPP,

which proposed (initially) 1,100 dwellings including 10% affordable housing above the Warrawong Plaza with a proposed building height limit of 75m.

### Process so far -

The initial Cowper Street, Warrawong SAPP application was lodged with DPHI on 14 September 2023.

In November 2023, the DPHI forwarded the documentation to Council for initial review and feedback. This review included feedback from the following sections of Council -

- Community Services.
- Development Assessment & Certification (Architecture).
- Development Engineering.
- Economic Development.
- Environment.
- Geotech.
- Heritage.
- Land Use Planning.
- Traffic and Transport.

DPHI also consulted with State Agencies, such as Transport for NSW and Department of Climate Change, Energy, the Environment and Water.

As a consequence of the initial feedback, DPHI commissioned peer reviews on traffic, flooding and economic matters. The feedback and peer reviews resulted in the applicant being required to prepare reports and documents.

The SAPP was placed on exhibition for a period of 28 days from 21 June 2024 to 19 July 2024.

### Warrawong as a Major Regional Centre

Warrawong is a Major Regional Centre which serves the southern portion of the LGA. As outlined in the Wollongong DCP 2009, the function of a Major Regional Centre is -

*'Major Regional Centres enable access to key social services and district level community facilities. They offer a wide range of high and low order retail goods and services as well as providing a limited amount of commercial office space. Major Regional Centres offer dense residential living in a compact neighbourhood with excellent access to transport. These Centres have a large amount of development capacity, enabling them to attract investment, grow and evolve.'*

Increased dwelling capacity and scale, compared to the existing built environment, is consistent with the role of Warrawong in the centres hierarchy to deliver dense residential living. The existing development potential within Warrawong under the current planning controls has not yet been realised.

The Plaza site is the centre of commercial activity at Warrawong and currently accounts for 76.64% of the total activity in buildings within the Warrawong Town Centre (E2 and MU1). Several significant projects are planned for Warrawong, including -

- Southern Suburbs Community Centre and Library (SSCCL): The site for the SSCCL is north of the SAPP site on the corner of King and Green Streets
- Warrawong Town Centre Upgrades – there are several projects identified in the IDP (2024/25 – 2027/28) for Warrawong, including upgrades and new construction within the town centre. Cowper Street is envisaged through the Warrawong Masterplan as being the main street of Warrawong. Any development on the Warrawong Plaza site will need to have regard to Council's planned infrastructure upgrades.
- Masterplan of Kully Bay Reserve / Park: NSW Government budget papers identified \$2 million to master plan Kully Bay Park for parklands, recreation, culture, arts, heritage, tourism and entertainment facilities. This is the south-west of the Warrawong Plaza site.

## PROPOSAL

The Warrawong Plaza site is irregular in shape, made up of six lots in consolidated ownership and approximately seven (7) hectares in size. It is generally bound by Cowper Street to the north, King Street to the west, Northcliffe Drive to the south, and low-density residential housing to the east. The site currently contains an internalised shopping mall with approximately 140 stores including major supermarket and retail tenants, a cinema, and parking (at-grade, rooftop and multideck).



**Figure 1: Site Identification (Source: Planning Proposal Report, Ethos Urban)**

The SAPP is being exhibited for a period of 28 days from 21 June 2024 to 19 July 2024. Council has advised the DPHI that its submission will be lodged after the Council meeting. The following documents formed part of the public exhibition -

Document	Author – Date / Revision
Explanation of Intended Effects	Department of Planning, Housing and Infrastructure – April 2024
<b>Peer Reviews commissioned by DPHI</b>	
Economic Peer Review	SGS - 6 March 2024
Traffic Peer Review	ARC - 6 March 2024
Flooding Peer Review	Rhelm - 23 February 2024
<b>Planning Proposal documents submitted by applicant</b>	
Planning Proposal	Ethos Urban – v. 3.0 March 2024
Proposed LEP Maps (appendix A)	CHROFI - Revision G March 2024
Urban Design Report (appendix B)	CHROFI and Turf Design Studio - Issue C March 2024
Subject Site/Reference design (appendix C)	CHROFI - Revision G March 2024
Affordable Housing Statement (appendix D)	Global Impact Initiative - no date/version

Document	Author – Date / Revision
Design Guidelines (appendix E)	Ethos Urban – v. 2 March 2024
ESD Report (appendix F)	The Footprint Group - 14 September 2023
Flooding Part 1 - Flood Assessment Report (appendix G1)	Water Technology - 28 March 2024
Memorandum – Flood Assessment Report, Peer review response (appendix G2)	Water Technology – 26 March 2024
Preliminary Site Investigation (appendix H)	EI Australia - 13 September 2023
Preliminary Geotechnical Desktop Study (appendix I)	ARUP - 14 September 2023
Economic Assessment (appendix J)	Think Economics - March 2024
Infrastructure and Site Servicing (appendix K)	ARUP - 14 September 2023
Community Infrastructure Statement (appendix L)	Ethos Urban - 28 March 2024
Transport Assessment (appendix M)	ARUP - 28 March 2024
Flooding Part 2 - Reference Design Flood Impact Assessment Report (appendix N1)	Water Technology – v. 4, 26 March 2024
Memorandum – Flood Impact Assessment Report (appendix N2)	Water Technology - 15 March 2024

All documents, both initially lodged and for public exhibition, are available on the NSW Planning Portal.

### Concept proposal

The SAPP application includes a reference design that proposes 12 residential towers constructed above and adjacent to the two storey Warrawong Plaza in a staged development, while the shopping centre continues to operate. The Community Infrastructure Statement (p.8) estimates the development would result in a resident population of 2,128 people.





**Figure 2: Aerial view - existing development (Urban Desing Report p6)**



**Figure 3: Aerial view – artist impression of reference design (Urban Design Report p82)**

The current reference design proposes -

- 1,300 dwellings including 10% Affordable Housing delivered via -
  - Ten residential towers in the form of shop top housing.
  - Two residential flat buildings.
  - Dwelling typology break down: 40% 1 bedroom, 40% 2 bedroom, 20% three bedroom units.
- Two storey shopping centre, containing -
  - Food and beverage offerings.
  - 55,000m<sup>2</sup> of non-residential floor space including retail, commercial, recreation and health uses, compared to the 62,575m<sup>2</sup> that currently exists.
- 3,000-3,500 parking spaces. This is more than double the existing 1,623 spaces, an increase of 1,877 spaces.
- Approximately 23,000m<sup>2</sup> of publicly accessible open space (ground level and on podiums), including 3,000m<sup>2</sup> public plaza known as the “Green Heart”.
- Site entries from Northcliffe Drive, King Street and Cowper Street.
- Active frontages to Cowper Street and King Street.
- Delivery over four stages enabling continued operation for major supermarket tenants. The stages are summarised as follows -
  - Stage 1 – northwest corner demolition and construction of shop top housing (350 apartments)
  - Stage 2 – major redevelopment of retail centre, completion of Cowper Street edge. Two major supermarkets decant into new space with continuous trade. Woolworth to maintain trade throughout.
  - Stage 3 – Southern edge including residential flats buildings, delivery of through site link and “Green Heart”.
  - Stage 4 – remainder of speciality retail and apartments located along through site link and generally in the centre of the development site.



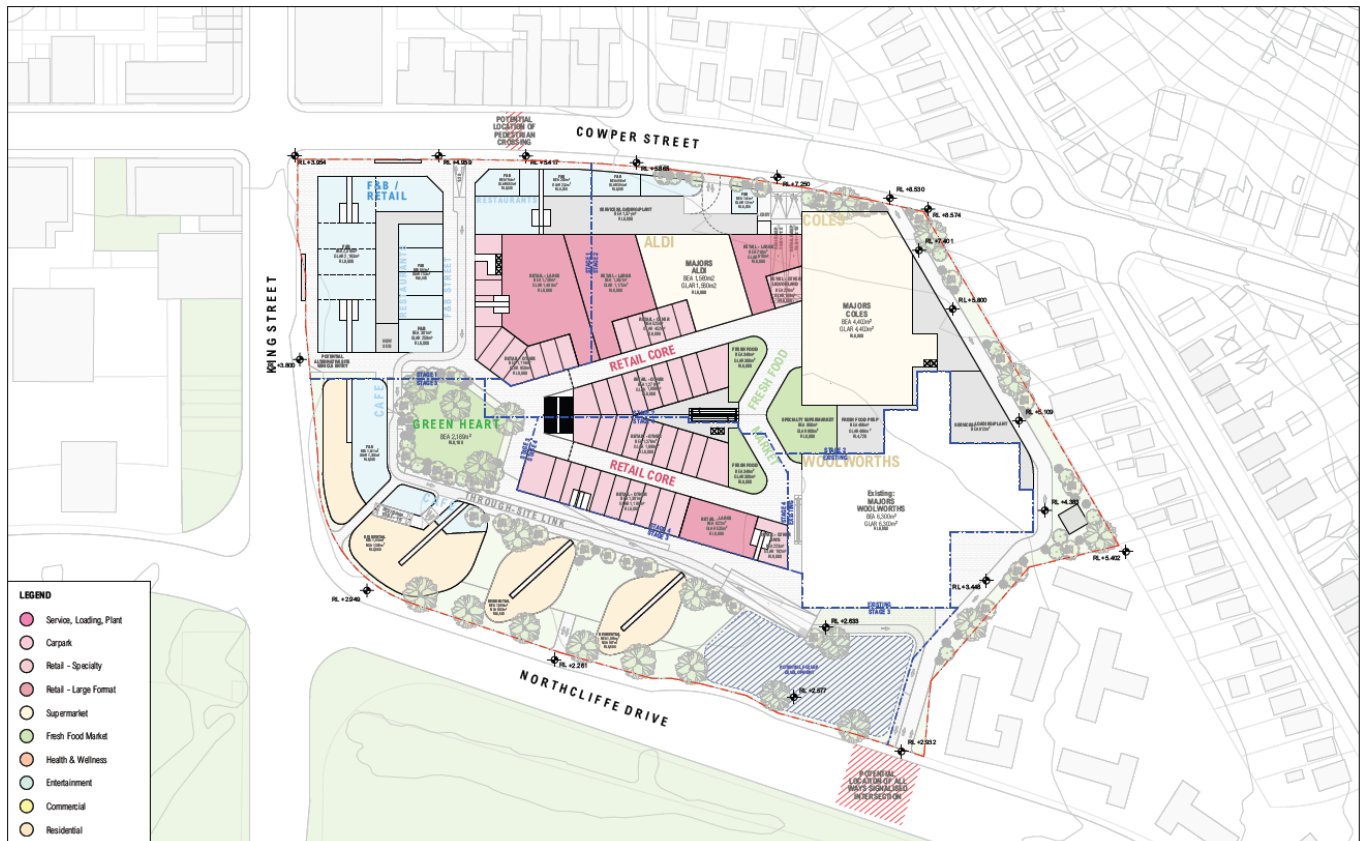


Figure 4 - Proposed Ground Floor Plan, reference design (CHROFI)



Figure 5: Artist impression - view west along Cowper Street (Urban Design Report p4)

The current SAPP process will define the future planning controls for the site. A future development application may have a different design to the submitted reference design (concept).

### Proposed planning control changes

An overview of the proposed changes to the Wollongong Local Environmental Plan 2009 are outlined in table 1 below.

**Table 1: Proposed changes to the WLEP 2009**

	Existing Controls	Proposed Change
<b>Zone</b>	E2 Commercial Centre	No change
<b>Height of Buildings</b>	24m (The current building height is approximately 14.3m)	Range from 24m to 78m
<b>Floor Space Ratio</b>	2.5:1	No change
<b>Additional Permitted Uses</b>	Nil	Residential Flat Buildings
<b>Active Frontage</b>	Default application through clause 7.13	Mapped locations to King and Cowper Streets per clause. 7.19 Clause 7.13 will no longer apply
<b>Key Site</b>	Nil	Yes - this will trigger Design Excellence provisions
<b>Site Specific Provision</b>	Nil	Yes
<b>Affordable Housing</b>	No requirement	10% of residential floor space for a minimum of 15 years.

The SAPP proposes changes to four LEP maps being: Height of Buildings, Active Frontages, Key Site and Additional Permitted Uses – please see Attachment 1.

The proposal does not seek any changes to the Land use zone being E2 Commercial centre, or the Floor Space Ratio, being 2.5:1. It is estimated that the existing retail development has an FSR of 0.89:1. Theoretically, over 1,000 dwellings could be accommodated on-site with the spare FSR, but they would not have any amenity and would not comply with the Apartment Desing Guidelines.

The proposal also seeks an amendment to Schedule 2 of the State Environmental Planning Policy (Planning Systems) 2021 to enable a State Significant Development approval pathway for development on the site for the purpose of residential accommodation with an estimated development cost of more than \$75 million.

### Key matters for consideration and inclusion in draft submission

#### Strategic Context

The Illawarra Shoalhaven Regional Plan 2041 identifies Warrawong as a strategic centre. The Regional Plan outlines the projected growth and the need to deliver at least 58,000 homes by 2041.

Objective 18: Provide housing supply in the right locations notes that *“Wollongong, Shellharbour and Shoalhaven have a sufficient supply of housing identified to meet demand to 2041, with the regionally significant growth areas of West Lake Illawarra and Nowra-Bomaderry being the focus for housing supply”*. Objective 18 also includes Strategy 18.2 *“facilitate housing opportunities in existing urban areas, particularly within strategic centres”*. The proposal is generally consistent with the Region Plan, acknowledging the more detailed place based strategic planning occurs through Council’s strategic documents.

Council has an adopted Local Strategic Planning Statement (2020), Housing Strategy (2023), and Retail and Business Centres Strategy (2023) which all support the investigation of increasing housing density in or around centres, having regard to flooding and other constrains. The Warrawong proposal is an isolated and site-specific LEP amendment request which is contrary to Council’s Planning Proposal Policy.



Council's early investigations into progressing an increase to residential density in and/or around Warrawong Town Centre has revealed challenges in relation to the severity of flooding constraint and the timing of the updates to Flood Plain Risk Management Study and Plans and access to public transport. Progression of strategic work would be dependent on up-to-date flooding information, as well as an approach which considered the broader precinct, and especially the sites owned by Homes NSW in the area.

The NSW Government recently set a housing target for each Council in the Six Cities Region (which includes Wollongong), with one target shared across regional NSW. The targets distribute the commitment the NSW Government made under the National Housing Accord to deliver 377,000 new homes in NSW over the next 5 years. The housing targets for each Council are based two components:

- 1 Planned growth which factors in the number of dwellings already in the development pipeline through existing approvals, dwellings under construction or where land has been rezoned.
- 2 Projected growth which factors in the expected delivery of home the NSW Government housing reforms. Reforms include Transport Orientated Development precincts, Low- and Mid-Rise Housing reforms, Housing SEPP bonuses and the SAPP process.

The housing target set for Wollongong LGA is 9,200 new homes completed by 2029, an average of 1,840 per year over the 5 years. Based on data from the Urban Development Program Dashboard, Wollongong averages 1,263 dwelling approvals, and 900 completions per year. To meet the housing target the Wollongong LGA will need to approximately double the current average completions rate. This outcome relies on Council and the private sector to increase approvals, construction, and completions. The completion of dwellings is influenced by a complex array of interrelated factors including but not limited to feasibility, financing, availability and cost of land, construction costs, market factors, and skills availability.

The Warrawong Town Centre Master Plan 2013 sets the vision for Warrawong. It identifies Cowper Street as the main street, and aims to improve public amenity by creating a unique character that is pedestrian focused. It aims to provide permeable and safe connections to Cowper Street, increasing its convenience and attraction on as the main street. The Master Plan also identifies the location of a community outdoor space in the form of a town square, with the aim that it would support renewal and revitalisation through seating, shade trees, street activation and form a focal point to draw people into the area. The current proposal and reference design in contrary vision for Warrawong, and Cowper Street in particular, set out by the Warrawong Town Centre Master Plan

### ***Planning Framework Amendments***

The continuation of the E2 Commercial Centre zone is considered appropriate, and the identification of the land as a Key Site is supported. However, the proposed heights are not appropriate for the Warrawong Town Centre given its place in the Centre hierarchy and the surrounding urban context (including significant view corridors). The site is currently capable of significant housing delivery under the current controls. The floor space ratio control does not facilitate a right to floorspace that justifies an amendment to the Height of Building development standard.

It is recommended further work is undertaken to understand an appropriate built form outcome for Warrawong centre, and any additional development capacity. Some additional height (but not to the scale proposed) may be appropriate in this centre providing an appropriate built form outcome can be delivered in the context of the locality. This work should be undertaken for the Centre as a whole, rather than a spot rezoning. Any additional height should be informed by constraints, detailed precinct analysis, and supported by infrastructure commensurate with increased demand (e.g. additional public transport).

The State Significant Development approval pathway includes several risks including -

- The strength of the proposed local provision and design guidelines to ensure outcomes relating to affordable housing and non-residential floorspace are realised.
- The role of the current Wollongong DCP 2009 or any future site specific DCP (as per the proposed requirement) in the context of a State Significant Development application.

- The lack of assurance relating to future Development Applications – especially noting the necessity of a staged approach to ensure built form massing and site organisation is approved at a high level before progressing to detailed Development Applications.

### ***Urban Design***

The Warrawong SAPP include design guidelines which are intended to guide future development application on the site. The submission includes detailed commentary on the urban design outcomes of the reference design. If the SAPP proceed, the guidelines should be strengthened and developed further to ensure a positive built form outcome on the site. At a high level, there has been limited site analysis with views, urban form and the role of the site in its broader context not well considered. There remain several outstanding matters relating to street activation, the location of the community open space (Green Heart), delivery of residential at ground, site entrances and access points, bulk and scale, landscaping, and programs and facilities.

### ***Affordable Housing***

The State Assessed Planning Proposal is required to address public benefit through social and affordable housing supply. The Warrawong SAPP proposes 10% of residential floorspace for affordable housing provided for minimum 15 years period. An increased supply of affordable housing to 20% provided in perpetuity would better align with public / private benefit given the scale of the proposal.

### ***Transport and Movement***

The existing road network is constrained, and significant mitigation measures are required to address capacity issues. The development will have an impact on the local and State road network, with the key intersections being King Street / Cowper Streets and Northcliffe Drive / King Street. There are concerns over the ability to provide any meaningful, practical, or effective intersection mitigation measures in this location without additional road widening. Cowper Street is intended to be the main street of Warrawong, the multiple vehicle access (including for loading and servicing) proposed within the reference design along Cowper Street does not support a main street environment and would likely result in poor experience on the street. Internal movement paths for various users, including people walking, cycling, driving (visitors, workers, residents) and service vehicles needs to be further considered, and appropriate controls included in the Design Guidelines to ensure an active frontage is delivered.

The existing retail development has 1,623 parking spaces and has substantial trip generation. The submitted traffic report (table 13) indicates that the existing development generates the following trips (two-way total across five access points) during peak hours -

- 588 movements in the AM peak hour.
- 1,006 movements in the PM peak hour.
- 1,408 movements in the Saturday peak hour.

The traffic assessment (table 4) provides an estimated increase vehicular trip generation based on the proposed development once completed (2036). The total (two-way) during the following peak hours is a significant increase to current levels -

- 1,444 movements in the AM peak hour.
- 1,998 in the PM peak hour.
- 2,867 in the Saturday peak hour.

The King Street / Cowper Street currently operates with a “C” level of service in the PM peak and the King Street / Northcliffe Driver intersection with a “D” level of service in the same peak period. The traffic capacity modelling shows that these key intersections fail in future years both with and without the development. The additional delay to road users resulting from development traffic in these future years is significant. For example, at the intersection of Cowper and King Streets the additional traffic from this proposal is shown to add 40 seconds (69%) extra delay at stage 1 (2028) and 138 seconds (53%) extra delay at stage 4 (2036). It is expected that there will also be negative impacts on Council’s surrounding road network as significant numbers of drivers will seek alternate local routes to avoid high levels of congestion on King Street. It is also understood that the modelling has not included anticipated traffic

growth associated with the Bluescope Port Kembla Masterplan or outcomes from the Kully Bay Master Plan initiative supported by the NSW Government.

Council officers and Transport for NSW representatives have discussed the provision of public transport and active transport options. At this stage, Transport for NSW has not released the Bus Servicing Plan for Warrawong. Without this strategic document, it is difficult to know the future road widths, lane configurations and intersection treatments for King Street. Without adequate public transport, the residents of the development will be car dependent. If the proposal is supported, the NSW Government should commit to the early establishment of enhanced public transport services, such as a rapid transit service.

### ***Social Infrastructure***

In terms of the existing community the proposal needs to address in greater detail the economic impacts, connectivity to open space and recreational facilities, accessible dwellings, accessible transport and pedestrian connections. Notwithstanding this, the additional communal indoor facilities proposed in the proposal, although located within a privately owned development, would be welcomed and is supported.

If the proposal is supported, the demand for additional community facilities will increase. In this regard, State and Commonwealth funding support for the construction of the Southern Suburbs Community Centre and Library should accompany the density uplift.

### ***Environmental Sustainability***

The Design Guidelines merely aim to align with sustainability requirements rather than being a leader or exceeding and demonstrating design excellence in this area. The ESD report provides high level principles and initiatives but fails to demonstrate how these will be met. A site of this scale should seek precinct wide sustainability certification such as Climate Active or Green Star.

### ***Economic Impact***

There is a need to revitalise Warrawong Town Centre and an increase in population of the size proposed would have a positive impact on the demand for goods and services within the centre. The proposal would benefit from a Retail Impact Assessment to quantify the resulting impact on the retail trade demand may be across the centre and broader retail catchment. There is a need for additional housing across Warrawong to support key workers, and the potential workforce resulting from significant projects in the Port and surrounds, such as the BlueScope Surplus Lands Master Plan.

### ***Flooding***

The site is identified as flood affected by both the Kully Bay Catchment and Lake Illawarra catchment. At a strategic level, there are concerns regarding compliance with the Ministerial Direction (4.1 Flooding), in particular -

- The proposal is creating offsite impacts that are greater than that allowable in Wollongong DCP Chapter E13.
- The proposal hasn't modelled flood impacts in a future climate change scenario.
- The proposal will create residential outcomes in flood prone land that will rely on shelter in place. It is unclear whether or not this is an appropriate outcome given the length of time Lake flooding will result in people being isolated. While the Kully Bay catchment is most likely a short isolation, the impacts of the Lake will be much greater.

The applicant has provided indicative cut and fill information seemingly suggesting that the proposal will not result in a loss of flood storage for the development site. It is recommended that should the proposal proceed, conditions of that approval must ensure that the proposal does not result in any loss of flood storage for all flood events up to and including the PMF flood event.

The applicant is seeking to defer updating the flood impact mapping to a future Development Application stage. This is not appropriate as the site may be subject to numerous Development Applications which may have varying impacts when considered in isolation. It is considered that flood impact mapping must be provided for the 20% Annual Exceedance Probability (AEP), 1% AEP, and Probable Maximum Flood (PMF) events to enable a holistic assessment of the flood impacts as part of this proposal.



### **Constructability and Delivery**

The documentation indicates the site will be redeveloped in stages whilst maintaining operation of major tenants. It is unclear how this will be achieved, particularly given the different levels of basement car parking that will be required. It is also unclear what stage the affordable housing will be delivered, and the mechanism to ensure its delivery within a staged development.

Detailed commentary on the above matters is included within the draft submission contained in Attachment 2.

### **CONSULTATION AND COMMUNICATION**

Council staff previously provided comment on the original set of documents (lodged with DPHI) in November 2023, some of which have been updated prior to public exhibition.

The DPHI has exhibited the Warrawong proposal for a period of 28 days from 21 June 2024 to 19 July 2024.

DPHI advised that a letter box drop to businesses and residents within a 1 km radius of the site was undertaken.

DPHI has provided an extension to Council to enable the draft submission to be reported to and considered by Council at this meeting.

### **PLANNING AND POLICY IMPACT**

This report contributes to the delivery of Our Wollongong 2032 Goal 1 'We Value and protect our environment.' It specifically delivers on the core business activities as detailed in the Land Use Planning Service.

Council's Planning Proposal Policy does not support spot rezonings. Council recognises that the Planning Proposal has been submitted under a State-led program targeting individual sites and precincts for accelerated delivery of housing. Notwithstanding this, we note the challenges this creates in relation to broader strategic planning and the location specific constraints in place.

Council has an adopted Local Strategic Planning Statement, Housing Strategy and Retail and Business Centres Strategy which all support the investigation of increasing housing density in or around town centres, having regard to flooding and other constraints. The investigations proposed through these studies relate to whole precincts and are a result of precinct scale studies, rather than proposing isolated activity on single sites. This approach facilitates a holistic consideration of the urban context and ensures that land use and built form anomalies are not created. Given the timing of flooding studies, and the limited public transport access in the Town Centre, Council has not progressed investigations into increasing residential density in Warrawong Town Centre at this time.

For more detailed commentary please refer to the draft submission contained in Attachment 2.

### **FINANCIAL IMPLICATIONS**

The DPHI provided Council with a reimbursement of \$20,000 to assist with funding of staff time involved in workshops, meetings, the assessment of preliminary and final proposal, recognition of the additional workload and that Council was not receiving Planning Proposal fees.

If the scale of development enabled through the Warrawong proposal is realised there is potential for increased demand for Council infrastructure including roads, open space, community facilities and the like.

There is also the potential for increased demand for services provided by the NSW Government, including public transport, major roads, and school.

### **CONCLUSION**

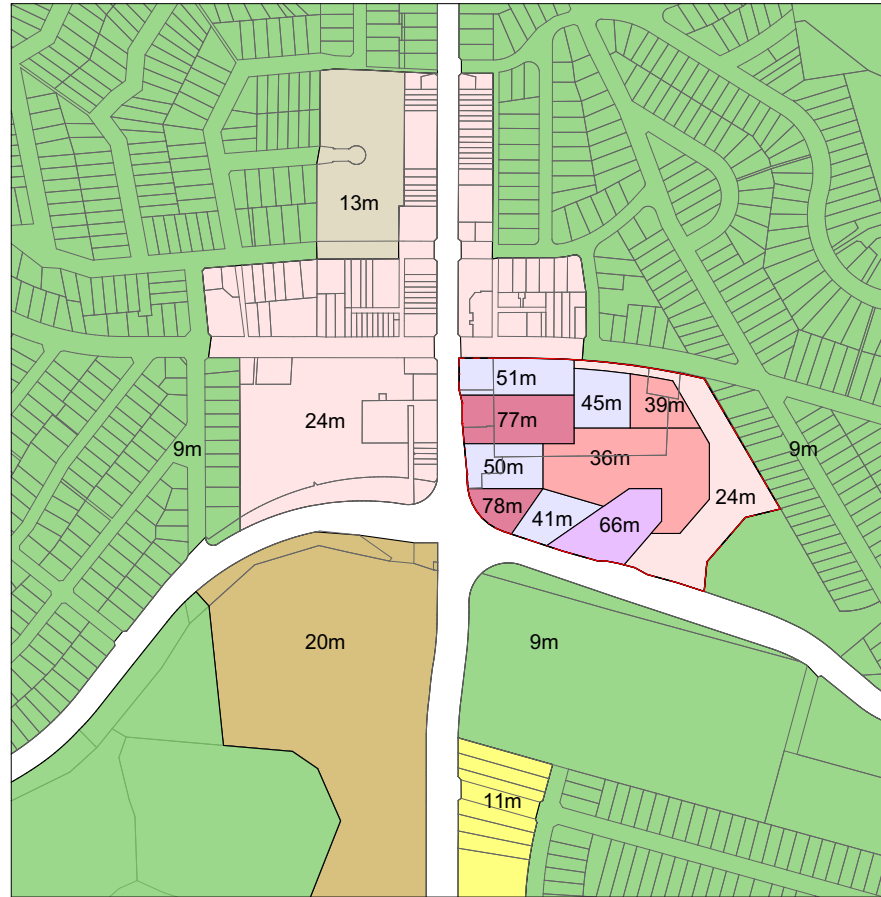
Despite increased densities in Warrawong being strategically aligned, and the significant supply of housing promised by this Planning Proposal it has not sufficiently addressed the contextual constraints and opportunities in order to demonstrate site specific or strategic merit. The site is considered to have significant residential capacity under the current planning controls. Whilst some additional height may be

appropriate for Warrawong this should occur through precinct analysis of the centre as a whole, rather than a spot rezoning. The draft submission outlines a range of concerns regarding the proposal including bulk, scale, traffic impacts, and flooding. The draft submission suggests that Council does not support the Cowper Street, Warrawong SAPP in its current form. In summation –

Generally Support:	Concerns:
Delivery of additional housing and protection of the quantum of non-residential floor space.	Heights proposed are not appropriate for the location and strategic framework, particularly when coupled with possible SEPP (Housing) 2021 bonuses.
Affordable Housing provision (although suggest more could be provided).	Traffic and movement – with the site and impacts on the broader network.
Renewal of the site from inward mall to more permeable site.	Flooding impacts and implications for built form outcomes.
Identification as a “Key Site”.	Application of Additional Permitted Uses for Residential Flat Buildings.
Continued application of E2 Commercial Centre zone.	Staging and constructability of reference design.



CURRENT



PROPOSED

- 9m
- 11m
- 13m
- 24m
- 32m
- 48m
- 65m
- 75m

NOT FOR CONSTRUCTION FOR INFORMATION

ARCHITECT  
**CHROFI**

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Version: 1, Version Date: 15/04/2024

CLIENT  
**ELANOR INVESTORS  
GROUP**

*Elanor*

REV DATE  
1 13/09/2023  
2 15/12/2023  
3 28/03/2024

ISSUE  
PLANNING PROPOSAL  
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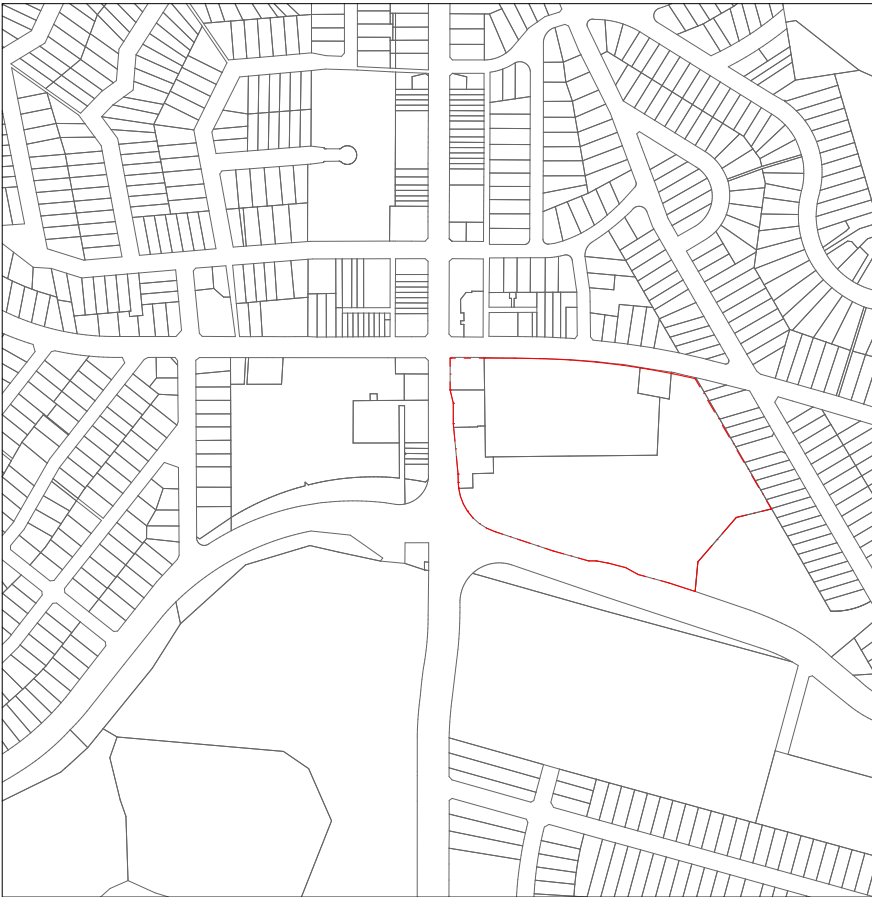
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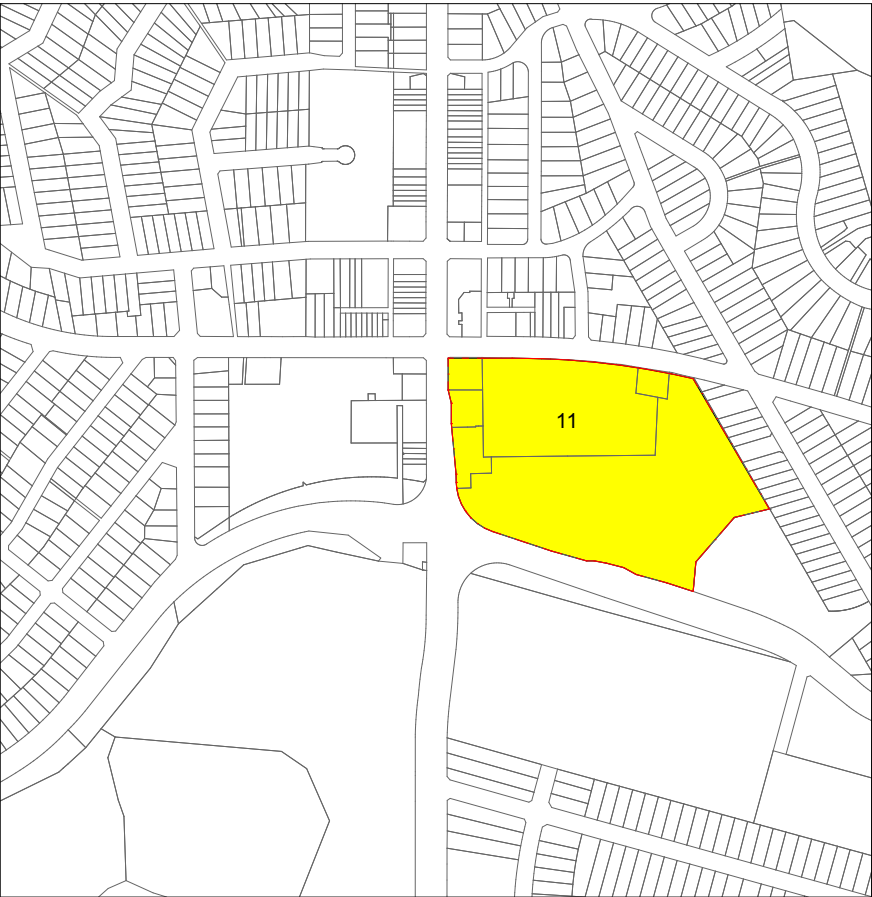
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CURRENT



PROPOSED

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ISSUE

PLANNING PROPOSAL

RESPONSE TO RFI

RESPONSE TO RFI

PROJECT

**22050 Warrawong Mall**

43 - 65 Cowper St Warrawong NSW 2165 Australia

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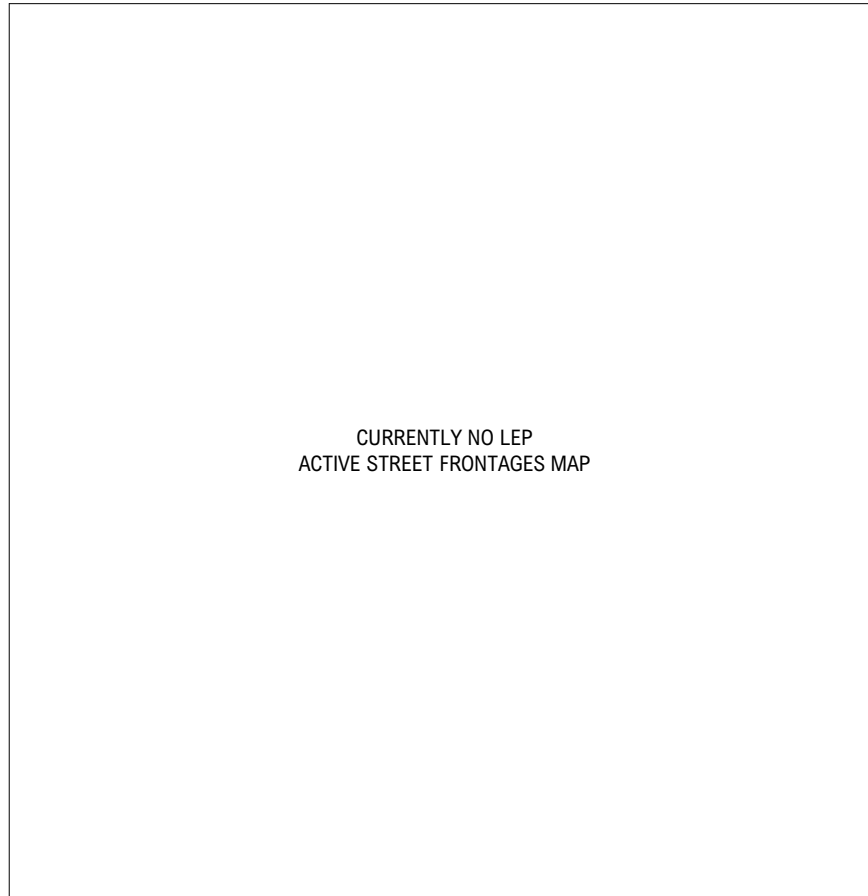
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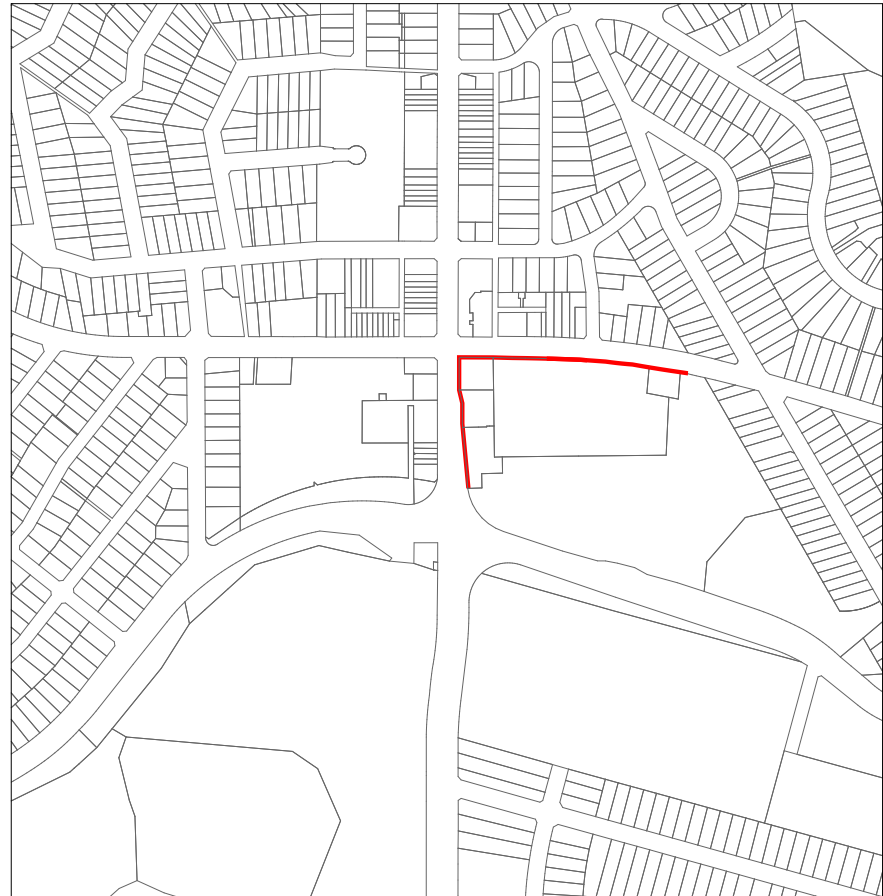
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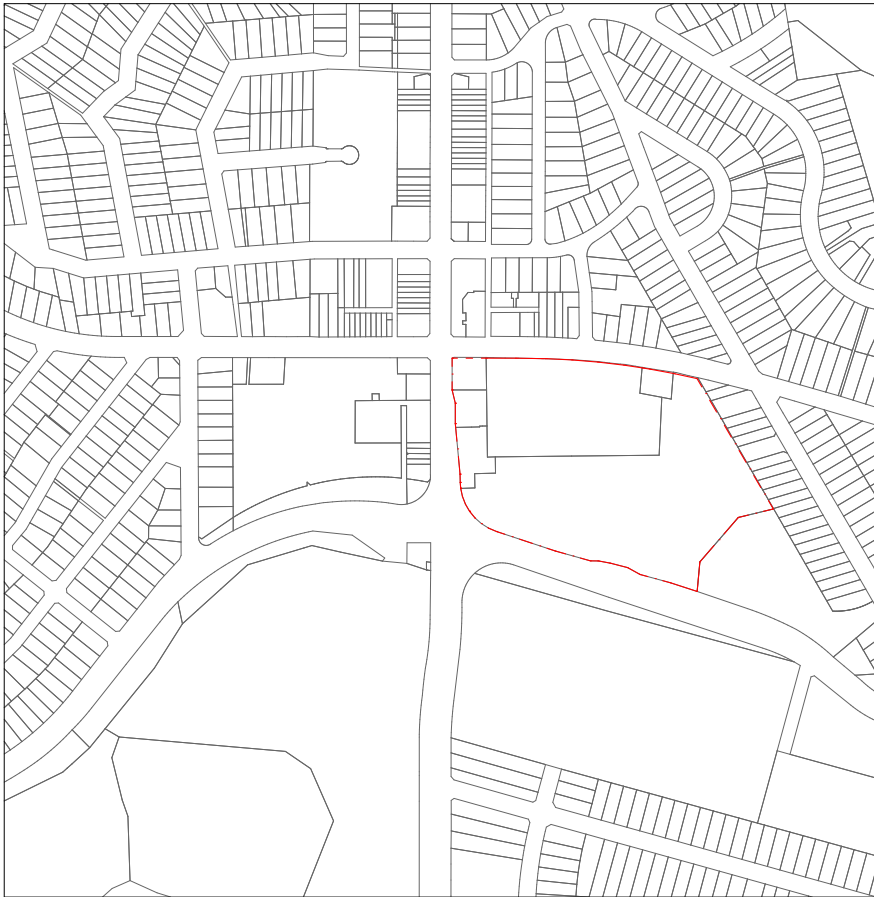
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GROUP  
*Elanor*

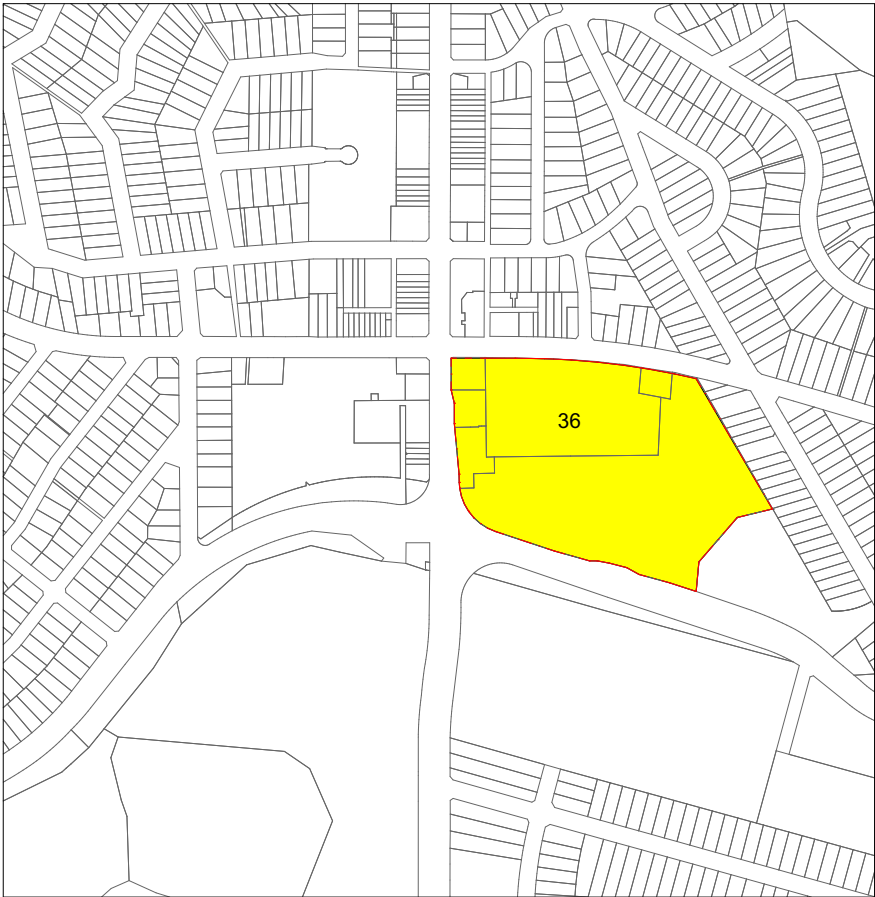
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F	15/12/2023	RESPONSE TO RFI
G	28/03/2024	RESPONSE TO RFI

PROJECT	PROJECT NUMBER	PLOT DATE	DRAWN	CHECKED	SHEET SCALE
22050 Warrawong Mall 43 - 65 Cowper St Warrawong NSW 2165 Australia	22054	28/03/2024	CHR	AM	1:5000

DRAWING TITLE	DRAWING NUMBER	REVISION
LEP AMENDMENTS - ACTIVE STREET FRONTAGES	A-PP-005	G



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PROPOSED

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REV	DATE	ISSUE
F	15/12/2023	RESPONSE TO RFI
G	28/03/2024	RESPONSE TO RFI

PROJECT	PROJECT NUMBER	PLOT DATE	DRAWN	CHECKED	SHEET SCALE	SHEET SIZE	NORTH
22050 Warrawong Mall 43 - 65 Cowper St Warrawong NSW 2165 Australia	22054	28/03/2024	CHR	AM	1:5000, 1:6250	A3	

LEP AMENDMENTS - ADDITIONAL PERMITTED USES	DRAWING NUMBER	REVISION
	A-PP-006	G





## WOLLONGONG CITY COUNCIL

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NSW Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
PARRAMATTA NSW 2114

Our Ref:  
Date:

DE-2023/95

Dear Sir/Madam

### **SUBMISSION: STATE ASSESSED PLANNING PROPOSAL – COWPER STREET, WARRAWONG**

Thank you for the opportunity to comment on the State Assessed Planning Proposal (SAPP) for Cowper Street, Warrawong.

At the Ordinary Meeting of Council held 29 July 2024, Council resolved to make this submission.

Wollongong City Council is committed to the ongoing viability and liveability of our Centres. Our Centres are strategically important locations providing access to goods and services, public facilities and open spaces, employment and in the case of larger centres, housing, for our community.

Council through the adoption of the Wollongong Housing Strategy (2023) acknowledges the importance of increasing the supply of diverse housing in our LGA, and actively plans for this increase through holistic strategic plans. These plans balance housing needs with other land use priorities and seek to deliver housing in locations that are well serviced, and unconstrained by significant affectations.

Warrawong Town Centre is a Major Regional Centre which serves the southern portion of the LGA. The Warrawong Plaza occupies a site of 7.05 hectares and has 62,575m<sup>2</sup> of retail floor space. The Warrawong Plaza is the major retail offering in the Centre and currently accounts 76.64% of the total activity in buildings within the Warrawong Major Regional Centre (E2 and MU1).

The SAPP seeks to amend planning controls to allow for the redevelopment of the Warrawong Plaza site into a mixed-use development including retail, open space and through site links, with residential towers yielding approximately 1,300 dwellings including 10% affordable housing.

Whilst some increase in density is supported in principle in this location, the SAPP for Warrawong Plaza in its current form is not supported. The planning proposal has not sufficiently addressed the contextual constraints and opportunities to demonstrate site specific or strategic merit as outlined in the Local Environmental Plan Making Guidelines.

Council is cognisant of the significant supply of housing promised by the proposal, and the need to provide additional housing opportunities to address the National Housing Accord (and subsequent 5-year housing target for the Wollongong LGA), housing supply and housing affordability issues. However, the site is capable of significant additional housing supply under the current controls, as are many other sites in and around the Centre. An isolated and significant Planning Proposal for this site only is inconsistent with Council's Planning Proposal Policy and risks enabling a planning framework that would create an anomaly in both the urban form and the land economics of the area. A centre wide planning proposal is the preferred approach to review the planning controls, as this will result in a nuanced distribution of density and more cohesive built form outcome.

Below provides a summary of key matters followed by more detailed commentary in Attachment A. It is critical these matters are considered wholistically through a strategic lens and not in isolation.

## KEY MATTERS -

### • **Strategic Context**

Council has adopted the Wollongong Local Strategic Planning Statement (2020), Wollongong Housing Strategy (2023), and Wollongong Retail and Business Centres Strategy (2023) which all support the investigation of increasing housing density in or around well-located and serviced centres, having regard to flooding and other constraints. The Cowper Street planning proposal is an isolated proposal which is contrary to Council's Planning Proposal Policy.

Council's early investigations into progressing an increase to residential density in and/or around Warrawong Major Regional Centre has revealed challenges in relation to the severity of flooding constraints and the timing of the updates to Flood Plain Risk Management Study and Plans, as well as poor access to public transport. Progression of this strategic work would be dependent on up to date flooding information, as well as an approach which considered the whole precinct, and especially the sites owned by Homes NSW in the area.

### • **Planning Framework**

The retention of the existing zoning (E2 Commercial Centre) is considered appropriate, and the identification of the land as a Key Site is supported. However, the proposed heights are not appropriate for the Warrawong Major Regional Centre given its place in the Centre hierarchy and the surrounding urban context (including significant view corridors and overshadowing to public open spaces). The site is capable of significant housing delivery under the current controls (~850 dwellings according to the application material). The floor space ratio available through the existing controls (2.5:1) does not facilitate a right to floorspace that justifies an amendment to the HOB development standard to the extent proposed or at all.

The planning pathway outlined by the Planning Proposal includes several risks including -

- The strength of the proposed local provision and design guidelines to ensure outcomes relating to affordable housing and non-residential floorspace are realised.
- The role of the current or any future DCP in the context of a State Significant Development application, noting the EIE states that the drafting of DCP would not be required if the proposal triggered the SSD pathway.
- The lack of assurance relating to future DAs – especially noting the necessity of a staged approach to ensure built form massing and site organisation is approved at a high level before progressing to detailed DAs.

### • **Transport and Movement**

The existing road network is constrained, and significant mitigation measures are required to address the capacity issues as a result of increased density. The development will have an impact on the local and state road network, with the key intersections being King/Cowper Streets and Northcliffe Drive/King Street. There are concerns over the ability to provide any meaningful, practical or effective intersection mitigation measures in this location without additional road widening. Cowper Street is intended to be the main street of Warrawong with a focus on pedestrian movement and comfort, any widening of vehicle corridors to allow for additional vehicle movement is contrary to the outcomes sought for this street.

Proposed internal movement paths for various users, including people walking, cycling, driving (visitors, workers, residents) and service vehicles need to be further considered.

There is concern that this one development site will take up and exceed all the remaining capacity in the network without consideration of the broader centre or any outcomes resulting from the Kully Bay Masterplanning, or BlueScope Port Kembla Masterplan. TfNSW has not announced any planned bus service enhancements for Warrawong and, without adequate public transport the residents of the development will be car dependent. Council strongly advocates for a significant investment in public transport to support this State led planning process.

If the proposal is supported, the NSW Government should commit to the early establishment of enhanced public transport services, such as a rapid transport service.

- **Affordable Housing**

As the requirement for the State Assessed Planning Proposal is required to address public benefit through social and affordable housing supply, 10% of residential floorspace is considered low considering the overall yield. An increased supply of affordable housing to 20% would be considered to better align with public/private benefit. Preference is for the affordable housing to be provided in perpetuity, rather than for minimum 15 years.

- **Social Infrastructure**

The existing community has been considered only superficially and gaps exist in the proposal in terms of addressing economic impacts, connectivity to open space and recreation facilities, accessible dwellings, accessible transport and pedestrian connections. Notwithstanding this, the additional communal indoor facilities proposed in the proposal, although located within a privately owned development, would be welcomed and is strongly supported.

If the proposal is supported, the demand for additional community facilities will increase. In this regard, State and Commonwealth funding support for the construction of the Southern Suburbs Community Centre and Library should accompany the density uplift.

- **Environmental Sustainability**

The Design Guidelines merely aim to align with existing sustainability requirements rather than being a leader or exceeding and demonstrating design excellence in this area. The ESD report provides high level principles and initiatives, however fails to demonstrate how these will be met. A site of this scale should seek precinct wide sustainability certification such as Climate Active or Green Star.

- **Economic impact**

There is a need to revitalise Warrawong Major Regional Centre and an increase in population of the size proposed would have a positive impact on the demand for goods and services within the centre. The proposal material would benefit from a Retail Impact Assessment to quantify the resulting impact on the retail trade demand across the centre and broader retail catchment. The proposal would also provided much needed housing to support key workers, and the potential workforce resulting from significant projects in the Port and surrounds, such as the BlueScope masterplan.

- **Flooding**

The site is identified as flood affected by both the Kully Bay Catchment and Lake Illawarra catchment. At a strategic level, there are concerns regarding compliance with the Ministerial Direction (4.1 Flooding), in particular -

- The proposal is creating offsite impacts that are greater than that allowable in Wollongong DCP Chapter E13.
- The proposal hasn't modelled flood impacts in a future climate change scenario.
- The proposal will create residential outcomes in flood prone land that will rely on shelter in place. It is unclear whether or not this is an appropriate outcome given the length of time Lake flooding will result in people being isolated. While the Kully Bay catchment is most likely a short isolation, the impacts of the Lake will be much greater.

The applicant has provided indicative cut and fill information seemingly suggesting that the proposal will not result in a loss of flood storage for the development site. It is recommended that should the DPHI proceed, conditions of that approval must ensure that the proposal does not result in any loss of flood storage for all flood events up to an including the PMF flood event.

The applicant is seeking to defer updating the flood impact mapping to a future Development Application stage. This is not appropriate as the site may be subject to numerous Development Applications which may have varying impacts when considered in isolation. It is considered that flood impact mapping must be provided for the 20% Annual Exceedance Probability (AEP), 1% AEP, and Probable Maximum Flood (PMF) events to enable a holistic assessment of the flood impacts as part of this proposal.



- **Constructability and Delivery**

The documentation indicates the site will be redeveloped in stages whilst maintaining operation of major tenants. It is unclear how this will be achieved, particularly given the different levels of basement car parking that will be required. It is also unclear at what stage the affordable housing will be delivered, and the mechanism to ensure its delivery within a staged development. Council notes the SAPP program's assessment requirement that proposals provide a clear pathway for resolution of any impediments to delivery. Council is of the opinion that the proposal does not provide a clear pathway to the resolution of key issues, and therefore poses a risk of being only partially realised, if at all, to the detriment of the urban context and operation function of the centre.

Attachment A provides further detailed commentary in relation to these key matters.

**Conclusion**

The Cowper Street, Warrawong State Assessed Planning Proposal seeks to enable the redevelopment of the Warrawong Plaza site and a significant supply of housing in a concentrated location. While some increase to density and height is support in principle in this location, in the current form the proposal does not demonstrate site-specific or strategic merit to warrant the proposed changes, and as such Council does not support the planning proposal as exhibited.

Council is committed to working collaboratively with the NSW Government to deliver additional housing. Council is supportive of additional housing if it is provided in the right locations, in alignment with endorsed strategic documents, supported by infrastructure and is reflective of its context.

Please feel free to contact Council's Director Planning and Environment, Ms Linda Davis on 4227 7111 should you require further information.

Yours faithfully,

**Greg Doyle**  
**General Manager**  
Wollongong City Council  
Telephone (02) 4227 7111

## ATTACHMENT A – Detailed Commentary

### 1 Strategic context

#### Spot Rezonings

The SAPP is an isolated proposal which is contrary to Council's Planning Proposal Policy. This position has been consistently advised by Council staff throughout this process. The policy specifically notes that Planning Proposal Request will generally not be support by Council when they relate to the rezoning of single properties to increase housing density, and/or increasing residential density in medium and high flood area. It is acknowledged that two residential towers have been removed from the reference design on land identified as unsuitable due to flooding, however an additional permitted use for residential flat buildings remains proposed for the entire site.

Council staff have advised that a precinct approach which incorporated more than just the site of the shopping centre would be preferred over a spot rezoning. Council staff have previously suggested that the applicant commence discussion with Homes NSW, who own housing assets adjoining the shopping centre, to determine if there was interest in a partnership to undertake some strategic investigations. It appears discussions between the land owners and Homes NSW regarding any partnership for a precinct approach have not occurred, resulting in the SAPP application for the shopping centre site only

Council recognises that the Planning Proposal has been submitted under a State-led program targeting individual sites and precincts for accelerated delivery of housing. Notwithstanding this, we note the challenges this creates in relation to broader strategic planning and the location specific constraints in place. If the SAPP is supported by DPHI, this will create an inconsistency in the density and built form controls that apply to other properties in and around the Warrawong Centre. This inconsistency will need to be reconciled by Council through a future review of the Warrawong Centre. Such a review is not currently programmed or resourced and would need to be scheduled with regard to other strategic priorities for the LGA.

#### Guiding Strategies

Council has an adopted LSPS (2020), Housing Strategy (2023) and Retail and Business Centres Strategy (2023) which all support the investigation of increasing housing density in or around town centres, having regard to flooding and other constraints. The Housing Strategy and Retail and Business Centres Strategy have both been endorsed by DPHI (the then Department of Planning & Environment) as a strategic document.

The planning proposal document (Ethos Urban, March 2024) provides an analysis of the alignment between the proposed development and Council's Strategic documents. Although it is acknowledged that the proposal does demonstrate some level of alignment with the relevant actions, they have not been considered in the correct context. The actions within Council's strategic documents relate to whole precincts and are a result of precinct scale studies, rather than proposing isolated activity on single sites. Council's approach facilitates a holistic consideration of the urban context and ensures that land use and built form anomalies are not created. There is concern that enabling a significant level of development on one site there will be an imbalance within Warrawong, and that this proposal will limit redevelopment and revitalisation more broadly within the Warrawong Centre and surrounds. The proposal also has the potential to impact on the vision for Cowper Street as the main street of Warrawong, this is discussed further below – see transport and movement.

A summary of relevant actions from the strategies are included below -

- *Local Strategic Planning Statement (2020)*

There is the opportunity to consider additional residential development around the Centre to support retail activities, having regard to flooding and other constraints.

- *Housing Strategy (2023)*

- Ward 3 has a target for 14,500 additional dwellings by 2041.
- Action L10 - Warrawong – increase development potential around the town centre. The boundaries are to be defined.

- Action HOB2 - Review the building height in town centres to encourage additional development
- Action FSR2 - Review the FSR in town centres to encourage additional residential development, without reducing retail and employment opportunities
- Action ARH4 - As part of submitted Planning Proposals requests seeking to permit residential development or increase the residential density, a minimum of 5% of the Gross Floor Area of proposed residential developments will be required to be provided as Affordable Rental Housing. A Financial Feasibility study will be required to accompany the draft Planning Proposal to determine the appropriate development contribution based on the uplift value being sought. Developers may choose to pay the equivalent value which will be collected and transferred to a not-for-profit Tier 1 or Tier 2 Community Housing Provider for the provision of affordable housing (mechanism to be determined). This will also apply to the West Dapto Urban Release Area where draft Planning Proposals propose residential development in a medium density zone or with a minimum lot size less than 300m<sup>2</sup> is proposed. Excludes Planning Proposals from NSW Land and Housing Commission for social housing.
- *Retail and Business Centres Strategy (2023)*
  - Warrawong existing retail supply 2021 - 57,651m<sup>2</sup>; 2021 demand 58,120m<sup>2</sup>; 2041 demand 72,785m<sup>2</sup>; additional feasible capacity 71,041m<sup>2</sup>
  - Undertake a planning proposal process to rezone 3 portions of land in Warrawong Town Centre from B3 Commercial Core to R3 Medium Density Residential, in line with the adopted Warrawong Town Centre Masterplan and Implementation Strategy
    - 21-35 Greene Street.
    - 282 Cowper Street.
    - 7-17 Montgomery Avenue.
  - Review the B4 Mixed Use land west of Warrawong Town Centre along Cowper St. As per the findings of the SGS Study, this land currently contributes no floorspace supply and is not required to meet future retail demand. Consider transition to a residential land use zoning.
  - In alignment with the Wollongong Housing Strategy and from a retail and business centres perspective, review residential density controls in the direct catchments of the following centres: Warrawong; Corrimal; Unanderra; Fairy Meadow; Berkeley.

Early investigations into increasing residential density in Warrawong have gleaned the following opportunities and constraints -

- Warrawong, Berkeley and Port Kembla have a high percentage of consolidated land under the ownership of the Homes NSW. Investigations to increase residential density on or in the vicinity of Homes NSW sites should be pursued in collaboration with the agency. This is in alignment with Council's commitment to maintain the existing percentage supply of social housing in Wollongong LGA (7%) in relation to over-all housing supply.
- Warrawong Major Regional Centre is subject to the Kully Bay and Lake Illawarra catchments. These catchments are both under review, with updates to the Flood Risk Management Studies and Plans not expected until 2025 (Kully Bay) and 2026 (Lake Illawarra). Whilst flood impact assessments have been provided to support the proposal, undertaking a residential density review and proposed change in an area before having the up-to-date flood planning is not considered an appropriate strategic action. Council is focussing its efforts to increase residential density in areas where we have up to date flooding information (where this is relevant).
- Public Transport Access in Warrawong is considered Medium to Medium High across the Centre (PTAL rating – Built Environment Indicators TfNSW). This presents limited opportunity for residential density increases.

As such, Council is currently not progressing investigations into increasing residential density in Warrawong Major Regional Centre, and instead focussing efforts elsewhere where the delivery of additional housing will be less constrained. A review of Warrawong would be scheduled at a future date once relevant information is available.

## 2 Planning Framework Amendments

### Land Use Zone

The planning proposal does not seek to amend the Land Use Zone from E2 Commercial Centre. This zoning is used for our Major Regional Centres Wollongong City Centre, Warrawong and Dapto and is considered the most appropriate for this site. Its objectives align with these centres' position in the Centre Hierarchy – found in Wollongong DCP Chapter B4, and referenced in the Wollongong LEP 2009 under the Zone objectives and Clause 7.22 Development in Local Centres.

As outlined in the Wollongong DCP 2009, the function of a Major Regional Centre is -

*'Major Regional Centres enable access to key social services and district level community facilities. They offer a wide range of high and low order retail goods and services as well as providing a limited amount of commercial office space. Major Regional Centres offer dense residential living in a compact neighbourhood with excellent access to transport. These Centres have a large amount of development capacity, enabling them to attract investment, grow and evolve.'*

In the Wollongong LEP 2009, the Commercial Centre zone is characterised by its role as *the centre of business, retail, community and cultural activity* (E2 Objective of Zone, bullet one).

The Warrawong Plaza site currently accounts for 9.05% of all the activity in buildings in Centre (E1, E2) and mixed use (MU1) zones across the LGA, and 76.64% of the total activity in buildings within the Warrawong Town Centre (E2 and MU1). The subject site is clearly the centre of commercial activity within the Centre and given its size and the intended ongoing supply of these commercial uses, is likely to continue to be so. Further commentary is provided later in this submission on the appropriateness of residential flat buildings on the site.

### Site-specific local provision and State Significant Development pathway

The planning proposal includes a site specific local provision that in summary will development with an estimated development cost (EDC) of \$75 million or more will -

- a Retain at least 50,000m<sup>2</sup> of non-residential floor space at the completion of all stages of development.
- b Provide at least 10% residential floor space as affordable for a period of 15 years.
- c Be generally consistent with the Warrawong Plaza Design Guidelines
- d Requirement the preparation of a site-specific development control plan.

Whilst the inclusion of a site-specific provision to protect non-residential floor space is supported in principle, the proposed figure needs to be more nuanced. Based on Gross Floor Area (GFA) the proposed clause would represent a loss of 12,500m<sup>2</sup> of retail floor space which is not supported. The Planning Proposal document notes that current shopping centre has a GFA of approximately 62,500m<sup>2</sup> with a significant portion of the GFA being used for internalised pedestrian circulation resulting in only approximately 44,000m<sup>2</sup> of gross lettable area retail (GLAR). Ensuring the retail floor space is maintained at a minimum, accounts for any increased in retail demand due to increased population and that the nuances in calculating floor space are reflected to create the intended outcome and protect the retail function of the site.

In addition to the changes proposed to the WLEP, the proposal also seeks Schedule 2 of *State Environmental Planning Policy (Planning Systems) 2021* be amended to include development on the Warrawong Plaza site for the purpose of residential accommodation with an estimated development cost (EDC) of more than \$75 million as State Significant Development.

The requirement for a site-specific DCP may be ineffectual, as the EIE notes that the drafting of a DCP would not be required if the proposed development meets the triggers for an SSD pathway (\$75 EDC involving residential accommodation or subdivision). There is a lack of assurance relating to future DAs especially noting the necessity of a staged approach and continued operation of important retail functions while development occurs to ensure built form massing and site organisation is approved before progressing to detailed DAs. A Concept DA may be an appropriate alternative as it provides a well thought through



massing and land use arrangement to be proposed and assessed. This would include how the proposed 10% Affordable Housing and 50,000m<sup>2</sup> of non-residential GFA is to be distributed across progressive stages/DAs. Successive DAs would then be assessed against the LEP, Site specific DCP and the concept DA.

Should the SAPP proceed, it is recommended that -

- Alternative mechanisms are explored to ensure a coordinated approach to future development in the absence of a site specific DCP in the context of an SSD pathway.
- An additional objective be included “e) to ensure that development of the site achieves best practice levels of sustainability;”
- “non-residential uses” are further defined to ensure the intent is met, and the retail/commercial role is not unintentionally eroded through other uses being included in the floor space calculation such as outdoor areas on podiums.

#### Active Frontages and Residential Uses at Ground

The planning proposal includes a mapped active frontage under clause 7.19, meaning clause 7.13 would not apply to the remainder of any identified lot. The proposal also seeks an Additional Permitted Use to enable residential flat buildings to be permitted with consent. Residential flat buildings are currently prohibited within the E2 Commercial Centre zone. The combination of mapped active frontages and the proposed APU, ultimately “unlocks” the ability for residential uses at ground level in certain locations, such as along Northcliffe Drive.

Mapped active frontages are applied to E1, E2 and MU1 zones where there is a need to focus commercial activity along a certain lot edge and prohibit residential uses at ground in that location. Clause 7.19 can also then, leave some areas unmapped, thereby releasing that frontage to typologies with ground floor residential uses (eg RFBs, multi dwelling housing). This is only a suitable action when a ground floor residential use is an appropriate outcome in the specified location. This might occur when land is facing onto an adjacent residential zoning, or the configuration of the zoned land places a portion of it at a significant distance from the Centre’s activity, meaning the area is unlikely to generate foot traffic. If the area of zoned land is in excess of what is required for future retail demand, it is more appropriate to rezone the land to the appropriate zone. The Warrawong Town Centre Masterplan and the Wollongong Retail and Business Centres Strategy noted that there would be merit in making minor reductions in the zoned areas at the eastern end of Montgomery St and western end of Green Street, in the north of the Centre. These areas are proposed to be transitioned to Medium Density Residential. No changes were proposed to the zoning for the subject site, indeed the plan notes that no zoning changes are needed to facilitate a mixed-use outcome.

It is important to note that the Wollongong DCP 2009 also includes active frontage controls (DCP Chapter B4 10.4.2), which do not impact land use permissibility in the same way that LEP clause 7.13 does. Rather these controls outline in detail how the frontage is to perform, including some prescriptive controls regarding the composition and materiality of shopfronts. These controls apply to ‘all new retail, business or mixed-use buildings’. It is noted that an active frontage (with covered awnings) is not mapped along Northcliffe Drive except for the corner with King Street (clause 6.2). Within the context of the DCP this releases development from the performance and prescriptive active frontage controls in this location, but has no impact on the applicability of Clause 7.13 in the LEP.

The proposed Additional Permitted Use (APU) to permit with consent Residential Flat Buildings across the whole site is inappropriate. The application and extent of the APU needs to be considered in recognition of the site constraints, flooding constraints and the objectives of the E2 Commercial Centre Zone.

The flood studies have identified a portion of the site inappropriate for residential development due to flooding constraints. Applying an APU for RFBs in that location appears contrary to that advice and sets an unwarranted expectation on the development potential or outcomes for that part of the site.

Further, the objectives of the E2 Commercial Centre do not reference residential development. Through their omission, they are deprioritised in the zone. Notwithstanding this, the E2 zone does permit residential typologies through the land use tables (boarding houses, hostels, shop top housing). A clear objective of the E2 zone is 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’.

Further discussion on residential uses at ground is provided below from an urban design perspective.

**Height of Buildings (HOB) and relationship to Floor Space Ratio (FSR)**

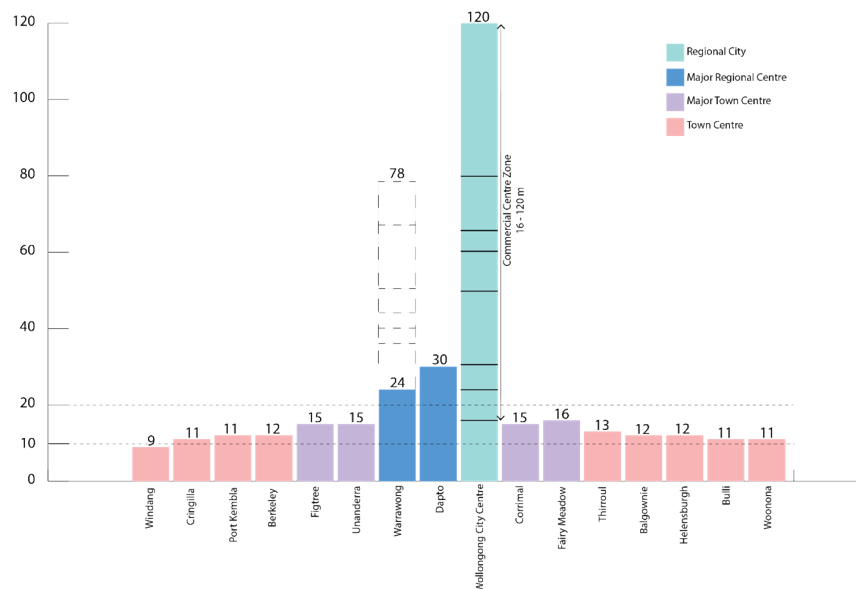
The Planning Proposal seeks to amend the LEP HOB from 24m to a range of heights including 24m, 36m, 41m, 45m, 50m, 51m, 66m, 77m and 78m. The Planning Proposal does not suggest or incorporate any changes to heights in the remainder of the Centre. It is understood that these increases are intended to be contained to the subject site only.

The heights proposed are not appropriate for the Warrawong Major Regional Centre given its place in the Centre hierarchy and the surrounding urban context (including significant view corridors).

The scale of height proposed is not necessary to deliver a mixed-use outcome with significant additional supply of housing on the site. Information supplied by the proponent shows the site is capable of delivery of at least 850 dwellings under the current controls.

There are no changes to the existing FSR of 2.5:1 proposed. The available FSR does not facilitate a right to floorspace that justifies an amendment to the HOB development standard to the extent proposed or at all.

HOB controls across Wollongong centres correspond to their place in the Centres Hierarchy, being responsive to both the role and function of the Centres (Retail/Office/Residential typologies and scale), as well as the surrounding context. The graph below (figure 1) shows the current upper HOB limits across each Town, Major Town, Major Regional and Regional City Centre. For context in understanding the HOB limits proposed for Warrawong Plaza, the range of heights permitted in the City Centre of Wollongong are shown as black lines. Corrimal Train Station (outside but in the vicinity of the Corrimal Major Town) is identified as a Transport Orientated Site, which provides an alternative approval pathway for height up to 22m for residential flat building and 26m for shop top housing. Within the City Centre E2 Commercial Centre Zone, heights between 16m and 120m are permitted. The range of proposed heights for the Cowper Street Warrawong site are shown dashed above the existing permitted height of 24m. A review of the heights across Wollongong will occur over time as appropriate for each centre, but for in the current context the proposed heights are out of scale. The proposed Height limits are clearly significantly over the current settings for Major Regional Centres.



**Figure 1: Height of Building and the Centres Hierarchy**

### Overshadowing Impacts

The site is located in the vicinity of a number of public open spaces. Opposite the site, to the south of Northcliffe Drive, is Darcy Wentworth Park which includes active sports fields (turfed). To the southwest of the site is Kully Bay Park. NSW Government has announced it will develop a masterplan of Kully Bay Park for parklands, recreation, culture, arts, heritage, tourism and entertainment facilities. The project has now established terms of reference.

The overshadowing diagrams provided within the reference design documents show that shadows fall onto these open spaces to varying levels. The EIE (p.26) suggests that the distribution of height across the site would allow “overshadowing impacts to be concentrated over open space as opposed to more sensitive uses”. This argument is not supported. The amenity and functionality of open space should be maintained, particularly as population growth often leads to increase demand for formal and informal use of public spaces. Should the proposal proceed, it is recommended that solar access protections for the public recreation/open space areas are included within the LEP to protect public open spaces from unreasonable overshadowing irrespective of the final design of any redevelopment. The clause should be supported by maps and referenced within Clause 4.6(8) to protect against cumulative impacts of encroachments over time. This approach is consistent with the *Guide to exclusions from clause 4.6 of the Standard Instrument* (DPE 2023).

Overshadowing protections need to ensure the amenity for the various user groups (passive and active uses) of the public open space as well as support the health and maintenance of vegetation on the site. As a minimum, the entirety of the playing fields should receive 4 hours of sunlight at the Winter Solstice (21 June). Wollongong LEP includes existing Sun Access Plane Provisions which apply to sites within the Wollongong City Centre, as well as overshadowing clauses applying to open spaces at the Former Corrimall Cokeworks.

### Public Views

The view impacts from surrounding areas remains a concern. The view impact studies provided demonstrate significant view loss which is not supported. The view corridors chosen are insufficient and not justified. The views focus on locations occupied by private dwellings, rather than views from the public domain and significant sites. Council staff nominated eight view corridors that should be assessed to understand the level of impact the proposed development may have, including views towards and from the Illawarra Escarpment. These were not completed. The PP (p. 77) document instead includes a qualitative assessment of the expected visual impact from the key local viewpoints Council staff provided and concludes the following -

*...it is considered that the site has significant capacity to accommodate the magnitude of change envisaged by the Planning Proposal, and that this change would not adversely affect any particularly sensitive areas. The existing Warrawong Plaza makes a relatively poor visual contribution to the public domain, and there is significant capacity to improve this through wholesale redevelopment of the site. In this context, the visual effect of the Planning Proposal on public viewpoints is not considered to be a significant constraint on development.*

Whilst in general terms it is agreed the redevelopment of the site could result in an improved built form from the current internalised mall, particularly from a street level, the argument of a “less worse” outcome is inadequate. A view impact analysis from the identified public view corridors is needed to establish the level of impact the proposed heights.

### SEPP (Housing) 2021 Bonuses

Additional floor space ratio and height could be sought under the Housing SEPP in the future on top of the proposed height increase to 78m (78m plus 30% equals 101.4m). Consideration on how this would further impact the traffic network, views, solar access and amenity both within and adjoining the site is required.

### Key Sites and Design Excellence

Council supports the inclusion of the site on the Key Sites map as this will trigger 7.18 *Design excellence in Wollongong city centre and at key sites*. Attention is to be given to the requirements of the Design Excellence clause to inform the Urban Design outcomes articulated in the Design Guidelines.

### 3 Transport and Movement

It is positive to see DPHI commission a peer review for traffic matters, and that the applicant subsequently provided a more comprehensive traffic report. However, the proposed development's impact on the traffic network remains a major concern and the listed mitigation measures appear to defer responsibility to others for any required upgrades. The lack of adequate public transport services to and from Warrawong paired with the very limited capacity for King Street to accommodate additional traffic without failure suggests that the proposed level of development is not well suited to Warrawong.

Warrawong is a regional area where public transport coverage and frequencies are much less than the Sydney Metropolitan area. King Street is a key north south link between Wollongong and Shellharbour and primarily has a movement function (including freight vehicles), whereas Cowper Street is identified as the main street of Warrawong, with the intent of having more of a place function. The site is a long way from the rail station, making rail travel impractical, which in turn, increases the inclination to drive. While Warrawong's current demographics may show lower car ownership and car use compared to the rest of the Wollongong LGA, the future occupiers of the development may shift the current demographic and car ownership trends within the suburb. Whilst it is acknowledged that having residential development above a shopping centre may reduce some day-to-day trips, it cannot be assumed that the residents will be contained within the development site, they will leave for work, study, and recreation. Furthermore, when people purchase a new dwelling, they tend to continue working in the same job, children at the same schools etc, so travel legacies (the usual commute) are often brought with them.

The traffic capacity modelling shows that the key intersections surrounding the site at Cowper/King and Northcliffe/King fail in future years both with and without the development due to background traffic growth. The additional delay to road users resulting from development traffic in these future years is significant. At the intersection of Cowper Street and King Street for example the additional traffic from this proposal is shown to add 40 seconds (69%) extra delay at stage 1 (2028) and 138 seconds (53%) extra delay at stage 4 (2036). It is expected that there will also be negative impacts on Council's surrounding road network as significant numbers of drivers will seek alternate local routes to avoid high levels of congestion on King Street. Council also understands that the modelling has not included anticipated traffic growth associated with the BlueScope Port Kembla Masterplan which the NSW Government is supporting with \$500,000 committed to investigate the transport infrastructure needed to support the proposed redevelopment.

The Traffic Report states that significant mitigation measures are required to address these capacity issues. There are concerns over the ability to provide any meaningful, practical or effective intersection mitigation measures in this location without additional road widening. Widening of intersections generally has knock on effects in terms of visually reducing pedestrian amenity and permeability and the ease of pedestrian movements across main roads (regardless of any physical pedestrian facilities provided such as pedestrian signals). Any road widening should be accounted for and identified through the planning proposal process to safeguard the land from incompatible uses and ensure appropriate building setbacks. However, it is understood that TfNSW do not have any workable plans to upgrade the King Street intersections. Further, some of the mitigation measures put forward are indirect and hard to measure, such as VMS signage, non-mandatory 'incentives' (choices) for staff and residents to use public transport etc. The applicant also suggests reducing residential parking on site. Any reduction in car parking has potential to displace parking into local roads.

#### Development or Dwelling Cap

A development or dwelling cap aligned with a mid-stage point would not be an appropriate response to the traffic and movement concerns associated with this proposal and would only defer the issue to a later date. The question remains whether the scale of the proposed development is suitable in the context of Warrawong noting the road network constraints, public transport service levels, and other strategic projects led by Council and NSW Government in and around Warrawong.

Based on the information provided, the key intersections would fail by completion of stage two of the reference design. This would not be considered an appropriate hold point. The urban design report suggests that 850 apartments and 42,000m<sup>2</sup> of retail GLA could be achieved under the existing LEP provisions. Additional concessions could also be sought through the Housing SEPP to enable additional development in conjunction with the delivery of affordable housing. The traffic report indicates that at the completion of stage 2 of the reference design approximately 577 apartments (stage 1 (467) plus stage 2 (110)) would be delivered and approximately 48,489m<sup>2</sup> of retail GLA would be operational (Stage 1 (13,706) plus stage 2



(24,050) plus remaining existing in stage 3 and 4 (10,564)). It could then be suggested that the level of development already enabled by the existing LEP provisions has the potential to place significant pressure on the existing network, without the additional dwellings enabled through this proposal. These implications would normally be assessed through the DA process under the existing controls. Progressing with a Planning Proposal to increase density well beyond the existing extent, knowing that it would not meet DA assessment requirements, is not supported.

If DPHI seeks to progress this SAPP, and pursue a development cap or similar, a number of matters should be considered to ensure improved outcomes, a coordinated development outcome, minimise impacts on current and future residents and ensure infrastructure delivery is secured through the right pathways. As already discussed, a State Assessed Planning Proposal to increase density well beyond the capacity of the existing transport network must be accompanied by a commitment to provide investment in public transport which will deliver the desired movement and place outcomes for the street network. Any mechanism to stage development should be drafted so it applies irrespective of the consent authority or approval pathway. Further, a concept DA should be required to ensure the staging, sequencing and design of any redevelopment, including transport upgrades, is well thought through and resolved, prior to approval of any development works. Overall, a development or dwelling cap is not supported by Council as it does not resolve the fundamental impacts of the proposals.

Information previously requested but not provided

- Cross sections at regular and key locations along the through-site link alignment.
- Through-site link long section.

Detailed Strategic Issues with reference design

- Parking and access arrangement appears to send all parking traffic from Buildings C-1, C-2, D, E, F and G via the through-site vehicle access to Cowper Street which is close to the King Street intersection. This arrangement will add significant traffic volumes to Cowper Street negatively impacting pedestrian amenity and safety as well as creating demand for right turn movements into this access point which are likely to cause queuing over King Street.
- Crime Prevention Through Environmental Design (CPTED) needs to strongly inform overall design of the scheme. Example issues of concern in this regard are the lack of clarity between public and private spaces and the lack of activation along major portion of through site link.
- Multiple vehicular access points along Cowper Street do not support a main street environment and will negatively impact pedestrian safety and amenity. Service vehicle and large back-to-back vehicular access on Cowper Street is of particular concern.
- There is a mismatch between urban design guideline and plan with Cowper St access shown as two way on plan but marked as one way in guideline.
- Funnelling pedestrians to the midblock King Street location will create pedestrian crossing demand across King Street at that location. Key movements should be directed closer to the Cowper-King and Northcliffe-King intersections.
- Service vehicles (including semi-trailers for Aldi, Coles and Woolworths) exiting the site at Cowper Street will result in safety and amenity impacts in the main street and the surrounding residential area. Northcliffe Drive is the preferred location for service vehicle movements to and from the site.
- There is a lack of convenient walking cycling access between the development and the Northcliffe Drive/King Street intersection. This will reduce the attractiveness of walking/cycling to the site and limit access for residents to Lake Illawarra.

In summary, the transport measures needed to address the additional traffic demands from the proposed development of the site would need significant further work, and are likely to be detrimental to the general safety and amenity of users within the area. It would not be appropriate to progress a planning proposal to enable increase development, even with a development cap or hold point. The existing development capacity within the site is significant, and additional concessions are available via the Housing SEPP to enable further development capacity. Any road widening or other capacity augmentation measures will create a more car dominated environment, particularly in the absence of improved public transport services, reducing pedestrian amenity and safety by, for example, increasing traffic noise, traffic volumes and crossing

distances at intersections. It is currently unclear what type of necessary road capacity improvement/s would be possible given existing constraints. A wholistic analysis of the road network and public transport servicing needs to occur at a strategic level, taking into account the BlueScope Port Kembla Masterplan, the Kully Bay Masterplan and other influencing growth factors.

#### 4 Urban Design

Council staff previously provided detailed comments on urban design matters relating to the design guide and the reference design. The majority of these comments still stand, with the primary difference between designs being -

- Removal of two residential towers in the south east portion of the site due to flooding constraints and the redistribution of this density to the remaining towers.
- The speciality/creative office space and the university space in the north east portion of the site has been removed and replaced with residential uses.
- Reconfiguration of the ramp and vehicle access points off Cowper Street to allow for a more improved interface.

If the proposal proceeds, the guidelines should be strengthened and developed further to ensure a positive built form outcome on the site, without reliance on the supplied reference design and in response to a range of matters not currently well resolved within the reference design.

##### Site Analysis

Limited analysis of views has been provided with no justification for viewpoints chosen, and significant view corridors missing. Analysis does not appreciate that the scale of the development which will be visible from a significant distance away.

Urban Form role of site has been not understood. The proposal, if built, would be anomalous in the landscape and is unlikely to be contextualised by significant increased of heights in the surrounding area.

The role of the site in the wider street network and the role of pedestrian desire lines has not been well understood. Street frontages are sacrificed for internal activation, and much of the site's retail activity still presents to an internal mall environment. There is a missed opportunity to organise the site around a rational new street. The proposal ignores the adjoining lots to the east, missing an opportunity to consider planning control change at a precinct level and partner with Homes NSW to increase public benefit.

##### Community Open Space / "Green Heart"

The location and orientation of the 'Green Heart' is questioned. As currently proposed, the space is internalised within the site and there are CPTED concerns around visibility, passive surveillance, and street activation. The ownership and management arrangements for the proposed open space will need to be determined.

There are inconsistencies with the placement of the outdoor open space compared to that shown on the WCC Warrawong Town Centre Masterplan. The masterplan identifies a community outdoor space in the form of a new Town Plaza along Cowper Street which would assist in the renewal and revitalisation of Cowper Street providing seating, shade tree planting, increased active street frontages and a focal point to draw pedestrians into the site from the north.

Relocating the green heart to the north of the site along Cowper Street would significantly improve solar access. In its current form, the level of overshadowing is a concern and would likely result in an underutilised shady outdoor space which would be uninviting for pedestrians.

##### Street Activation

The Warrawong Town Centre Masterplan identifies Cowper Street as the Main Street with a focus on improving public amenity by creating a unique village character that is pedestrian focused. The proposal is inconsistent with this objective as this frontage is heavily dominated by vehicular access, servicing and a back-of-house presentation to the street from the major Coles tenancy. The current sections provided in the

Urban Design report do not demonstrate physical and visual connections between the street and the buildings. For example, a blank wall is presented to the street at the eastern end of Cowper Street.

Generally, above ground parking should be avoided and is not generally encouraged unless it is completely sleeved by active uses (eg. retail, commercial, or residential tenancies). Sections provided (pages 68-69 of UDR) for King Street show the carparking extends above ground level, which inhibit direct physical connection with the buildings.

The proposed ground floor activation is internalised within the site and does not respond to the retail fabric within the existing streets. Activation along the main street frontages should be maximised where possible.

#### Residential at Ground

Proposed residential on ground floor at the corner of King Street and Northcliffe Drive is problematic. These are extremely busy and noisy roads / intersections both during the day and at night. Residential uses along the ground floor in these areas would not provide a sufficient level of amenity to any future residents including acoustics, safety and security. Setbacks for residential at ground are not sufficiently addressed in the reference design or design guidelines. Noise impacts have not been considered, and will need to consider NSW Department of Planning (2008) *Development Near Rail Corridors and Busy Roads – Interim Guideline*. Impacts on the residential components from noise associated with the commercial/retail/hospitality/loading components have not been well considered. Control 2.2.5 (10) should include other pollution impacts (such as odour) in addition to noise and visual considerations.

Residential uses along Northcliffe Drive may be suitable for a portion of the street frontage however is not supported to the ground floor of the “Gateway Building” at the corner. A pedestrian link that runs north south through the site would be an effective way of separating ground floor residential uses from ground floor retail uses. This should run along the eastern side of the “Gateway Building”.

Required flood levels are setting ground floor levels for the southern residential towers well above natural ground. The height difference of the ground floor from street level may be suitable to support the use of ground floor units with building entries and some form of POS and private entries facing the street. This is consistent with Objective 4L-2 of the ADG which encourages the elevation of private gardens and terraces to sit 1-1.5m above the street level. Acoustics and visual privacy would still need to be addressed. These matters should be set out in the Design Guidelines.

#### Site Entry and Access Points

The location, size, and nature of pedestrian access points into the site does not promote a pedestrian focused environment. The WCC Warrawong Town Centre Masterplan aims to provide permeable and safe pedestrian connections to Cowper Street increasing its convenience and attraction as the main street. The proposal does not align with this objective as it has multiple vehicular entry and/or exit points along the Cowper Street frontage. This is not supported.

The proposed through site link is not supported in its current form. It is convoluted and vehicular dominated and does not provide safe permeability through the site. The volume of traffic that is likely to utilise this link will not create a safe or pleasant movement corridor for people walking. It appears that pedestrian desire lines and view lines have not been considered when establishing the through site link. If a community outdoor space is located along Cowper Street (as indicated in the masterplan) this could then provide an entry point for a pedestrian focused through site link that runs directly north-south through the site separating the “Gateway Building” from the residential towers to the south-east. It would then allow the possibility of providing a good portion of the retail core along the west portion of the site.

The location of the external pedestrian entry off King Street is problematic considering it is positioned halfway between 2 main road intersections and pedestrian crossings. This is likely to encourage pedestrians to attempt to cross the road at this location from the western side of King Street as a “quickest route” option. This is already an existing issue and should not be made worse. Layout of the retail core should consider pedestrian desire lines internally and connection external to the site.

If the building on the corner of King Street and Northcliffe Drive is to be considered as a “Gateway Building” a prominent pedestrian entry at the corner of King Street and Northcliffe Drive should be considered. This

would relate to the major pedestrian crossing linking the proposed site with Kully Bay (to the south-west), the sporting fields (to the south) and the future development site and community outdoor space along the western side of King Street. The ground floor entry to the gateway building should be configured and shaped in such a way to provide some sort of associated forecourt or outdoor space at the corner to extend the public domain further into the site, allowing a more generous and pedestrian focused buffer at the corner.

#### *Built Form (Bulk and Scale)*

The design guide should include guidance on street wall heights and upper storey setback. A 2-storey street wall height should be provided along the Cowper Street and King Street frontages to provide a strong relationship to the existing and future surrounding context and neighbourhood character. This would allow for a finer grain expression to be implemented along the street frontages which is consistent with the aim and objective of the WCC Warrawong Town Centre Masterplan. It is expected that, due to the different street conditions and urban character of Cowper, King and Northcliffe, there will be differences in the above street wall setbacks applied.

The building along the corner of King Street and Northcliffe Drive has been identified as a "Gateway Building" providing a visual node/marker in an attempt to identify the site and "make a welcoming statement for the Town Centre". Whilst this is acceptable in principle, providing a gateway building as a predominately residential tower with residential at ground floor is not supported. If this building is to act as a genuine "Gateway Building", retail and commercial tenancies are to be provided at the lower levels (ground floor level as a minimum). Consideration should also be given to providing a strong generous pedestrian entry at the corner by providing a recess in the built form to draw pedestrians into the ground floor retail spaces. (*Refer also to comments under "Site Entry and Access Points"*)

The justification for the proposed building heights has not been affectively demonstrated. The view impacts from surrounding areas remains a major concern, and whilst a view impact study has been provided from 3 selected areas, view impacts from other locations will also need to be assessed. The view impact studies provided demonstrate significant view loss which is not supported. Overshadowing impacts from the proposed building heights, especially to the adjacent public open spaces to the west, and south, are significant. Overshadowing particularly to Darcy Wentworth Park has to the potential to make the playing surface difficult to maintain.

Guidance should be provided on materiality of retail rooftop in the centre of site. Consideration of glare, heat, visual appeal for neighbouring residential development/public spaces.

#### *Landscaping*

The landscape buffer provided along Northcliffe Drive has been described as a "Parkland Promenade" with "generous shady pathways, buffered from the road edge". The intention is to provide a link and vistas to the southern park and sporting field area. This is supported in principle however it is unclear how this relates to the ground floor residential portion of the southern towers and their associated residential gardens, noting the flooding/floor level requirements that will be in place in this location. This relationship is critical in understanding how the landscape along this street frontage will perform and how it will provide a positive contribution whilst improving residential amenity and acoustics to the ground floor residential units. Further, the area previously identified for two residential towers that has been deemed unsuitable for residential development is shown as having active and passive open spaces within the Urban Design Report. Other documentation earmarks the area for future development. The long-term intent and design response to this portion of land needs to be resolved (e.g. will there be buildings, open space and/or set aside for flood/stormwater mitigation) and direction provided in the design guidelines. This will assist in managing expectations for open space within any future redevelopment of the site.

#### *Programs and Facilities*

The proposed residential components along Cowper Street at levels 1 and 2 are tokenistic and appear to be undersized. There appears to be a conflict of uses in this area and the possibility that residential entries would be difficult to identify along Cowper Street in amongst the various services, driveways, carparking, retail, and food and beverage components.

The ownership and access availability to the various podium and rooftop recreation areas is unclear. Guidance should be included on the layout and format of public podium to mitigate any noise or overlooking impacts with neighbouring residential dwellings. Passive surveillance and activation (as appropriate) will be



important to mitigate any CPTED issues. Similarly, the location of the childcare facility should demonstrate that outdoor space, acoustic impacts, outlook and access to natural light.

It is unclear how the division of various carparking areas (eg. retail, residential, visitor etc.) will be distributed throughout the basements and how access, security and wayfinding will be managed. Clarification is required.

## 5 Affordable Housing and Housing Diversity

The Affordable Housing Statement states community engagement will occur to gain understanding of the complexity of the community this engagement should have been used to determine community needs before the concept design was developed. This statement fails to address the existing community needs regarding housing, services and demonstrate how any existing issues have been considered in the design. The following examples are provided from information contained within the proposal's documentation -

- The failure of the green heart or primary open space to provide links to the proposed new Southern Suburbs Community Centre and Library (SSCCL). Community consultation was done very early in this process and the design evolved.
- Little detail on housing target demographics.
- Limited market detail (estimated rental prices, estimated sale prices).
- Little detail on impacts on housing affordability as a result of the entire proposal.
- Unclear how placemaking principles could be achieved without community input.

The SAPP proposes a 10% affordable housing mandate which equates to approximately 130 dwellings. As the requirement for the State Assessed PP is required to address public benefit through social and affordable housing supply this number seems quite low considering the yield. Approximately 1170 apartments will be available for private sale and profit, Council is unsure the public benefit component has been achieved. An increased supply of affordable housing to 20% would be considered to better align with public/ private benefit. Further, the timing and distribution of the affordable housing component is unknown. Delaying the delivery of the required affordable housing to the later stages of development is not supported.

As noted early, additional height and floor space ratio concessions could be sought through the Housing SEPP. There would need to be clear information on where affordable housing is provided in each stage/residential tower. This is to avoid double dipping on providing promised Affordable Housing per the SAPP and Affordable Housing being provided as a concession and more private dwellings developed.

Council's preference is for the affordable housing to be provided in perpetuity, rather than for the minimum 15 years.

## 6 Social Infrastructure

The Community Infrastructure Statement (CIS) is high level in content and notes the planned Social Infrastructure in Warrawong – the new Southern Suburbs Community Centre and Library (SSCCL). This facility will be sub-district in hierarchy with the size and scale designed to accommodate forecast population growth in Planning Area 8. Growth was forecasted to be quite flat, however the Warrawong Proposal will likely increase forecast population for Area 8. Notwithstanding the new library and community centre, along with other existing community facilities in Area 8, have the capacity to accommodate potential community facility needs from the new population generated from the Plaza proposal.

It's noted on pp 10 of the CIS that -

*Notwithstanding the above, future Development Applications for development of the subject site may consider opportunities to provide a range of communal indoor facilities (meeting rooms, bookable spaces, music rooms etc) to meet communal space requirements of the future population in accordance with the applicable planning framework.*

Any additional communal indoor facilities proposed, although located within a privately owned development, would be welcomed and is strongly encouraged to accommodate potential community facility needs from Plaza residents.

The CIS lacks a thorough social and community analysis. There is therefore inadequate discussion of how increased population will impact existing social and community infrastructure.

Economic impacts are not listed, consideration of adjoining suburb Port Kembla which will likely be impacted. Impact on house prices as a result of centre regentrification not detailed. The proposal fails to demonstrate it has considered the safer economics scores for disadvantaged communities in the suburb of Warrawong.

There is limited information submitted regarding open space and recreational facilities that is accessible from the site. While the open space, located to the south of the site (Wentworth Darcy Park) is noted, the pedestrian access is not conducive to an increase in users across Northcliff Drive. This site is utilised by sports groups as sports fields year-round, and as a result there will be times where access is limited for general use and therefore not be available to meet community needs, noting that open space in the Warrawong town centre is already limited.

Accessible dwellings and circulation within the proposal have not been discussed in detail therefore it is unclear if this has been considered.

Accessible transport – the reports note that existing routes service the area but there is no indication of frequency. No evidence of trip times or frequency of bus schedules. The Port Kembla train station is not considered readily accessible to the Warrawong town centre.

Existing pedestrian connections across main and busy roads including the lake area and sports fields are not considered safe for additional users.

## 7 **Environmental Sustainability**

The Design Guidelines merely aim to align with sustainability requirements rather than being a leader or exceeding and demonstrating design excellence in this area. This section (2.27 sustainability) should reflect the intent put forward elsewhere in the proposal to demonstrate sustainability outcomes beyond that which is required. Suggest including: Future development of the site should generally demonstrate that development achieves leading levels of sustainability, such as community batteries. This is particularly important in terms of reducing costs for future residents in view of affordable housing. 2.2.7 (1) should refer to the Site-Specific Development Control Plan or Concept Proposal DA rather than the first DA.

Development needs to comply with SEPP (Sustainable Buildings) 2022. Demonstration of how the site will satisfy net zero operational emissions by 2035. Further, a site of this scale should seek precinct wide sustainability certification such as Climate Active or Green Star.

The Planning Proposal states that the ESD report outlines principles and evidence-led controls to facilitate consistency with the SEPP Sustainable Buildings (NSW State Net Zero Plan). The ESD report provides high level principles and initiatives, but fails to demonstrate how these will be met.

Future detailed design requirements -

- Water harvesting and reuse is to be considered for irrigation of landscaping as a minimum. The water tank should be positioned in a discrete location (preferably in the basement).
- Prefinished materials are encouraged to ensure longevity and ease of maintenance. Consider low embodied energy in final selection of materials.

## 8 **Economic impact**

### There is a need to revitalise the Warrawong Town Centre

It is acknowledged that the Warrawong Town Centre is looking tired and likely struggling along with a number of our town centres, particularly with the recent impact of cost-of-living pressures.

In principle, we agree that an increase in population of the size proposed would have a significant positive impact on demand for goods and services across the Warrawong Town Centre. Whilst Council's Economic Development Strategy 2019-29 does not include specific action items related to Warrawong, the Strategy does acknowledge the role of town centres in supporting Council's LGA wide Jobs Target of 10,500 net new jobs by 2028 through the following Action Item -

5.3 "Implement policies (via town and village plans) that support appropriate jobs generation in other (non-city centre) employment areas across the LGA".

### Gaps in the Economic Impact Assessment

The major gap in both the Think Economics Economic Impact Assessment (EIA) and SGS's Peer Review is the lack of an inclusion of a Retail Impact Assessment.

Our view is that any proposal of this scale would have a significant positive impact but the economic modelling provided doesn't appear to quantify what the resulting impact on retail trade demand and corresponding retail floor space demand might be across the Warrawong Town Centre and broader catchment, associated with the potential addition of 2,600+ residents directly in the Town Centre.

In contrast, the EIA focuses only on the temporary economic impact of construction and the ongoing impacts from any additional employment that may result by adding ~12,000sqm net additional commercial floorspace on-site (this excludes existing retail use). The latter assumes the floorspace will be fully leased without any supporting analysis to demonstrate the actual level of demand for the variety of land uses proposed.

The EIA states that 350 FTE on-site direct jobs would be supported on an ongoing basis, rising to a total of 540 FTE jobs per annum, after including 'indirect' (flow on supply chain induced impacts) economic impacts that may occur nationwide (more on this below). It is noted that, perhaps by pure coincidence, the ongoing jobs result happens to be exactly the same as the number of jobs supported throughout the construction phase.

Further, the modelling results have remained unchanged post the removal of office/university space that was proposed in earlier versions of the Proposal and there is no inclusion of a detailed breakdown by land use in the updated EIA.

We noted that in December 2023, SGS requested and received additional information from Think Economics which included the breakdown of the 350 FTE by land use and floorspace (note at the time this included the proposed office/university space). While SGS stated they agreed overall with the implied employment densities, they noted that the assumed on-site direct jobs were only a 'rough estimate' and the actual number would be subject to market leasing conditions at the time.

Overall, SGS modelling found that the assumed direct jobs would translate to a total of 489 FTE jobs per annum on an ongoing basis, after including indirect effects, which is around 50 FTE jobs lower than the Think Economics result (it is assumed that SGS's modelling also applied nationwide as to be on the same basis).

Overall, it is important to point out that the SGS Peer Review found the commercial/retail aspects of the Proposal acceptable (noting it was based on the land uses proposed at the time) and agreed that any additional demand from new residents would generate expenditure for on-site retail businesses and businesses across the remainder of the Warrawong Town Centre. In regard to employment resulting from the additional commercial floorspace, SGS stated that while this would be dependent on market demand, the planning system should be encouraging commercial floorspace where reasonable.

In broad terms, given the addition of any new residents to the Town Centre, it would not be unreasonable to expect increased demand for retail trade (assuming the overall quantum of retail trade remains relatively unchanged) as well as for a range of additional commercial uses, particularly uses like health, gyms, childcare and other population serving professional services (eg local accounting firms), would likely be supported.

Finally, it is noted the non-residential land uses proposed in the updated version of the Proposal align with Warrawong's role as a Major Regional Centre under Council's Retail and Business Centre's Strategy 2023. Further, Council's Strategy included retail floorspace modelling that forecast unmet retail demand in Warrawong by 2041, which is of course prior to any additional demand that may result, should this Proposal proceed.

#### Previously proposed office/university/innovation space

Although the previously proposed large format office/university has now been removed from the Proposal, our preference would have been that these activities be located within the Wollongong CBD.

We do note that should the proposal contain additional shared office space or co-working space (particularly to support innovation such as an incubator facility) are activities that align with objectives in Council's Economic Development Strategy 2019-29. We also acknowledge the Wollongong LGA currently lacks shared office space and additional supply would enhance the city's ability to attract and retain and support small and start-up businesses.

#### There is an urgent need for more housing across Wollongong LGA, for both existing residents and key workers

The need for housing in Wollongong LGA has been identified by Council within its 2023 Housing Strategy as well as by the NSW Government with the recently announced housing target of 9,200 newly completed homes by 2029.

Although it is acknowledged that any additional housing as a result of the Proposal would likely be staged in its delivery over a number of years, all else equal, if the Proposal were to proceed, this would result in a substantial uplift in the theoretical housing capacity that may be delivered in Warrarong in the future.

It is noted that in relation to the demand for housing, the EIA includes the following summary of the 'economic need' (pg 20) -

- Wollongong City LGA is expected to grow by 28,000 new homes between 2021 and 2041, requiring an average of 1,400 new homes delivered each year. Building approvals data demonstrates that the current rate of development is well below this average and requires an increase in development proposals and activity if this target is to be achieved.
- Based on market trends over the past ten years, apartment delivery and demand has been significantly higher than houses, demonstrating a shift in housing product demand. Based on these trends, 16,160 of the 28,000 required new homes are likely to be apartments or townhouses. However, this is conservative as key demand drivers, such as an aging population, increase in single and couple households, and reducing housing affordability, are all increasing and driving demand for more small homes.
- The planned 1,300 apartments represent approximately 4.6% of total required new dwellings to 2041 and 8% of the conservative estimate of demand for new apartment product to 2041. The proposal anticipates that this supply will be delivered in stages to align with market demand conditions during this period, further ensuring that the delivery of housing onsite aligns with market conditions and economic needs.

Since the EIA was written the NSW Government has set a housing target for Wollongong for 9,200 dwellings over five years, which equates to 1,840 dwellings annually.

In addition to the urgent need for housing for existing residents, it should be acknowledged that the current shortage is a potential threat to the fulfilment of major employment generating projects across Wollongong LGA. The risk being that unless we can support additional housing the ability to grow Wollongong's workforce could face major constraints.

Of note, the Warrarong Plaza redevelopment is on the doorstep of the proposed BlueScope Master Plan of 200 hectares of surplus land at Port Kembla. The timing of this Proposal aligns with the timeframes in the Master Plan which aspires to create up to 30,000 new jobs to Wollongong over the coming decades subject in part to workforce availability which will require a significant amount of additional housing. In the nearer term (3-5 years), the relining of the No 6 Blast Furnace at BlueScope and the Plate Mill Upgrade as well as a range of other Clean Technology opportunities through the development of the Port Kembla Hydrogen hub, are only likely to add to additional housing pressures.

The proposal seeks to deliver a concentration of housing on one site in the form of residential apartments. SGS notes that "from an economics perspective, there are concerns around how the volume of apartment stock can be absorbed by the market given the area's housing market profile" (Warrarong Mall Economic Peer Review, SGS p. 18). Other housing typologies such as low- to mid-rise forms (manor homes, terrace or row houses, dual occupancies, low rise apartments) may be a more appropriate way to deliver additional dwellings across Warrarong, and avoid an incongruous built form outcome, where height, bulk and scale is not sensitively distributed. Whilst providing additional dwelling stock is important in the context of the current housing crisis, it also critical that the homes delivered meet the needs of the population and are appropriate in typology, size, and tenure as well as considering impact of such a development on existing market conditions and willingness-to-pay.

There is an economic need to delivery additional housing in Warrarong broadly to foster revitalisation of the centre, deliver housing for existing residents and to support emerging employment generating projects surrounding the Port.

## 9 Flooding

The site is affected by two flood catchments: the Kully Bay catchment and the Lake Illawarra Catchment. The applicant provided additional flooding analysis in response to the peer review commission by DPHI. As



part of the review, two residential towers in the south east corner of the site have been removed due to flooding constraints. The design guidelines identify this land as a 'potential future development site' and note in the controls that no residential accommodation is to occur on that part of the site. The applicant has provided some indicative cut and fill information seemingly indicating that the proposal will not result in a loss of flood storage for the development site which resolves some of the previous concerns regarding cumulative impacts.

It is recommended that should the DPHI proceed with the proposal that any conditions of that approval must ensure that the proposal does not result in any loss of flood storage for all flood events up to and including the PMF flood event. The applicant is deferring updating the flood impact mapping to future DAs. This is not appropriate as the site may be subject to numerous DA's which may have varying impacts when considered in isolation. It is considered that flood impact mapping must be provided for the 20% AEP, 1% AEP, and PMF flood events to enable a holistic assessment of the flood impacts as part of this proposal. With regard to Ministerial Direction, consistency and compliance remains a concern. In particular -

- The proposal is creating offsite impacts that are greater than that allowable in Wollongong DCP Chapter E13 (see Section 5.21.2(b) of Table 5 of the applicant's submission).
- The proposal hasn't modelled flood impacts in a future climate change scenario.
- The proposal will create residential outcomes in flood prone land that will rely on sheltering in place. It is unclear whether or not this is an appropriate outcome given the length of time lake flooding will result in people being isolated. While the Kully Bay catchment is most likely a short isolation, the impacts of the Lake will be much greater.

#### **10 Contamination – Preliminary Site Investigation**

The current information is adequate. The site is generally considered low-risk for contamination apart from a couple of key areas (previous service station, etc). Due to the nature of the site being covered in hardstand, the Detailed Site Investigation (DSI) will need to occur on a staged basis as part of each DA following demolition. It is also noted that most of the site will be excavated for basement parking and soils removed.

#### **11 Constructability and Delivery**

The report and plans provided indicate that the site will be redeveloped in stages, resulting in it being a construction site for many years, whilst the major tenants continue to operate.

It is unclear how this will be achieved, particularly given the different levels of basement car parking that will be required. The existing basement has a low height limit, which will presumably be needed to be increased by either raising the roof level or lowering the car park, whilst keeping it operational. There are also significant concerns regarding the capacity of the road network. As discussed earlier in the submission, a dwelling or development cap as a hold point is not considered an appropriate path forward and may result in a poor outcome for existing and future residents. Council does not see the proposed intensification due to critical traffic issues and lack of public transport opportunities.

It is also unclear at what stage the affordable housing will be delivered. It should not be left until a later stage, which might not be progressed. To contribute to housing and affordable housing supply target, clear milestones of development should be specified. This could be a set number of dwellings per year, or clear timeframes for development stages. To ensure achievement there should be a sunset provision, so if the housing is not achieved, the bonus controls lapse.

**ATTACHMENT B:** Documents reviewed to form Submission

Document	Author – Date/Revision	PP app ref
Explanation of Intended Effects	Department of Planning, Housing and Infrastructure – April 2024	-
<i>Peer Reviews commissioned by DPHI</i>		
Economic Peer Review	SGS - 6 March 2024	-
Traffic Peer Review	ARC - 6 March 2024	-
Flooding Peer Review	Rhelm - 23 February 2024	-
<i>Planning Proposal documents submitted by applicant</i>		
Planning Proposal	Ethos Urban – v. 3.0 March 2024	-
Proposed LEP Maps	CHROFI - Revision G March 2024	A
Urban Design Report	CHROFI and Turf Design Studio - Issue C March 2024	B
Subject Site/Reference design	CHROFI - Revision G March 2024	C
Affordable Housing Statement	Global Impact Initiative - no date/version	D
Design Guidelines	Ethos Urban – v. 2 March 2024	E
ESD Report	The Footprint Group - 14 September 2023	F
Flooding Part 1 - Flood Assessment Report	Water Technology - 28 March 2024	G1
Memorandum – Flood Assessment Report, Peer review response	Water Technology – 26 March 2024	G2
Preliminary Site Investigation	EI Australia - 13 September 2023	H
Preliminary Geotechnical Desktop Study	ARUP - 14 September 2023	I
Economic Assessment	Think Economics - March 2024	J
Infrastructure and Site Servicing	ARUP - 14 September 2023	K
Community Infrastructure Statement	Ethos Urban - 28 March 2024	L
Transport Assessment	ARUP - 28 March 2024	M
Flooding Part 2 - Reference Design Flood Impact Assessment Report	Water Technology – v. 4, 26 March 2024	N1
Memorandum – Flood Impact Assessment Report	Water Technology - 15 March 2024	N2