



REVIEW OF ENVIRONMENTAL FACTORS



Proposed Residential Development

at

**67 - 69 Pioneer Road and 28 - 30 Bramsen Street, Bellambi
Lots 36, 37, 38 and 39 in Deposited Plan (DP) 35989**

December 2022

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December 2022

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The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by GYDE Consulting Pty Ltd (formerly City Plan Strategy and Development Pty Ltd) for the New South Wales Land and Housing Corporation and reviewed by NSW Land and Housing Corporation.

No	Date	Version	Change since last version	Pages
1	07.12.21	1	Draft REF for LAHC Review	52
2	12.05.22	2	Draft REF for Notification	53
3	09.08.22	3	LAHC amendments	various
4	25.10.22	4	LAHC amendments no.2	various

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2. I do not consider I have any personal interests that would affect my professional judgement.
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1. Executive Summary

The site is located at 67-69 Pioneer Road and 28-30 Bramsen Street, Bellambi. The site is legally described as Lots 36, 37, 38 and 39 in Deposited Plan (DP) 35989.

The proposed general housing development is described as follows:

Construction of a two-storey residential flat building containing 18 units comprising 8x1 bedroom and 10x2 bedroom units, with associated landscaping and fencing, surface parking for 16 car spaces and 2 motorbike spaces, removal of 7 trees and consolidation into a single lot.

The residential flat building (RFB) is permitted with consent at the site, which is zoned R2 Low Density Residential under the *Wollongong Local Environmental Plan 2009* (WLEP 2009).

The proposed housing development is being carried out by the New South Wales Land and Housing Corporation (LAHC) and is permitted without consent under Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The proposal satisfies these requirements as it does not exceed 9m in height, contains no more than 60 dwellings on a single site and provides parking in accordance with the provision for development located in an inaccessible area. It is noted that the Housing SEPP was gazetted on 26 November 2021 and supersedes *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP).

The removal of trees on the site is covered by the definition of consent under Section 6 of Chapter 1 of the Housing SEPP and has therefore also been assessed under the provisions of the Housing SEPP and Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as part of the proposed development activity.

A Review of Environmental Factors (REF) has been undertaken for the proposed development activity under Part 5 of the EP&A Act and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration *Good Design for Social Housing Guidelines* and LAHC's *Dwelling Requirements*;
- the site planning and design of the proposed activity adequately addresses the applicable local environmental planning and development controls under *Wollongong Local Environmental Plan 2009* and *Wollongong Development Control Plan 2009*;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets; and

- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.

Wollongong Council and occupiers of adjoining land were notified as part of the statutory notification process under the Housing SEPP from 21 June to 15 July 2022. Submissions were received from 4 neighbours and 1 submission was received from Council. Comments on the submissions received during the statutory notification period are provided in Section 6 of this REF.

The proposed activity, if carried out in accordance with the environmental mitigation measures outlined in this REF, will not result in any significant effects, nor is it likely to have any significant long-term negative impacts on the environment, and can proceed subject to the recommended identified requirements of determination in **Appendix C**.

2. Introduction

This REF under Part 5 of the EP&A Act is for the construction of a 2-storey residential flat building containing 18 units. The development comprises 8x1 bedroom units and 10x2 bedroom units, with associated landscaping and fencing, surface parking for 16 car spaces and 2 motorbike spaces, removal of 7 trees and consolidation into a single lot at 67-69 Pioneer Road and 28-30 Bramsen Street, Bellambi.

The activity¹ will be carried out by or on behalf of LAHC and is 'development without consent' pursuant to Section 42 of the Housing SEPP.

This REF has been prepared by GYDE Consulting Pty Ltd (formerly City Plan Strategy and Development Pty Ltd) on behalf of LAHC, in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the EP&A Regulation.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

¹ The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the *Environmental Planning and Assessment Act 1979*.

2.1 Summary of Proposed Activity

The proposal is detailed in the following plans, drawings and specialist reports and supporting information:

Architectural and landscape plans

- McIntosh and Phelps –
 - A001 Cover Sheet and Location Plan dated 6 December 2021
 - A002 Site Analysis – Broad Scale Context dated 6 December 2021
 - A003 Site Analysis – Immediate Context dated 6 December 2021
 - A004 Demolition Plan 24 October 2022A005 Site Plan dated 24 October 2022
 - A101 Floor Plan – Ground Floor dated 24 October 2022
 - A102 Floor Plan – Level 1 dated 6 December 2021
 - A103 Roof Plan dated 6 December 2021
 - A201 Elevations – Bramsen Street and Pioneer Road dated 6 December 2021
 - A202 Elevations & Sections dated 24 October 2022
 - A203 Elevations & Sections dated 24 October 2022
 - A204 Streetscape Elevations dated 9 February 2022
 - A301 Photomontage 1 dated 6 December 2021
 - A302 Photomontage 2 dated 6 December 2021
 - A303 Photomontage 3 dated 6 December 2021
 - A401 External Finishes Selections dated 6 December 2021
 - A501 Shadow Diagrams – 21 June 09:00 dated 6 December 2021
 - A502 Shadow Diagrams – 21 June 12:00 dated 6 December 2021
 - A503 Shadow Diagrams – 21 June 15:00 dated 6 December 2021
 - A504 Solar Access Plan Ground Floor dated 24 October 2022
 - A505 Solar Access Plan Level 1 dated 6 December 2021
 - A506 View from Sun dated 24 October 2022
 - A507 Solar Access Summary Table dated 24 October 2022
 - A601 Landscape Plan dated 24 October 2022
 - A602 Landscape Plan dated 24 October 2022
 - A603 Planting Schedule dated 9 February 2022
 - A701 Gross Floor Area dated 6 December 2021
 - A702 Deep Soil Zone / Landscaped Areas dated 9 February 2022
 - A703 Communal Open Space Plan dated 24 January 2022

Notification plans

- McIntosh and Phelps –
 - NP01 Cover Sheet dated 24 January 2022
 - NP02 Notification - Site / Landscape Plan dated 9 February 2022
 - NP03 Notification - Development Data dated 24 January 2022
 - NP04 Notification – Elevations dated 24 January 2022
 - NP05 Notification – Schedule of Finishes dated 9 February 2022
 - NP06 Notification – Shadow Diagrams dated 24 January 2022

View impact analysis

- McIntosh and Phelps –
 - View from 54 Lorking Street pre development dated 12 August 2021
 - View from 54 Lorking Street post development dated 12 August 2021

Soil and water management

- Northrop consulting engineers –
 - C01.01 Cover Sheet, Revision 2, dated 3 December 2021
 - C02.01 Sediment and Soil Erosion Control Plan, Revision 3, dated 3 December 2021
 - C02.11 Sediment and Soil Erosion Control Details, Revision 3, dated 3 December 2021
 - C03.01 Cut and Fill Plan, Revision 3, dated 3 December 2021
 - C04.02 Siteworks and Stormwater Management Plan – Sheet 02, Revision 3, dated 21 October 2022

Survey

- S.J Surveying Services Pty Ltd –
 - Detail and Level Survey, Revision 1, dated 27 February 2020

GPS route survey

- Degotardi Smith & Partners –
 - GPS Route Survey, Revision 1, dated 25 March 2021

BASIX / NatHERS

- Northrop Consulting Engineers Pty Ltd, ABSA Assessor
 - BASIX Certificate No 1184060M_02 dated 29 March 2022
 - NatHERS Certificate and Stamped Plans No. 0006885820 generated 5 December 2021

Specialist reports

- Allied Tree Consultancy –
 - Arboricultural Impact Assessment Report dated December 2021
- STS Geotechnics Pty Ltd –
 - Geotechnical Investigation and Acid Sulfate Soils Assessment dated March 2020
 - Supplementary Geotechnical Advice Email dated April 2021
- Elephants Foot Recycling Solutions –
 - Construction and Demolition Waste Management Plan dated 22 March 2022
- Elephants Foot Recycling Solutions –
 - Operational Waste Management Plan dated 22 March 2022
- Blackett Maguire and Goldsmith –
 - BCA Assessment Report dated 29 April 2022
- Northrop –
 - Acoustic Report dated 6 May 2022
- Northrop –
 - Traffic Impact Assessment Report dated 11 May 2022
- City Plan Services –
 - Access Capability Statement dated 22 March 2022 (Rev 2)

Design compliance and checklists

- Seniors Living Policy: Urban Design Guidelines for Infill Development Checklist, dated 23.05.2022
- Architect's Certificate of Building Design Compliance, dated 09.11.2022
- Engineer's Certificate of Design Compliance, dated 09.11.2022
- Landscape Architect's Certificate of Design Compliance, dated 09.11.2022

Supporting information

- Wollongong City Council –
 - Section 10.7(2) and (5) Planning Certificate No 202101962 – 67 Pioneer Road, Bellambi, Lot 36 DP 332310 dated 25 May 2022
 - Section 10.7(2) and (5) Planning Certificate No 202101952 – 69 Pioneer Road, Bellambi, Lot 37 DP 332311 dated 25 May 2022
 - Section 10.7(2) and (5) Planning Certificate No – 30 Bramsen Street, Bellambi, Lot 38 DP 345459 dated 25 May 2022
 - Section 10.7(2) and (5) Planning Certificate No – 28 Bramsen Street, Bellambi, Lot 39 DP 345457 dated 25 May 2022
- Title search and Deposited Plans –
 - Certificate of Title Folio 36/35989, search date 09.08.2022
 - Certificate of Title Folio 37/35989, search date 09.08.2022
 - Certificate of Title Folio 38/35989, search date 09.08.2022
 - Certificate of Title Folio 39/35989, search date 09.08.2022
 - Deposited Plan 35989
- NSW Office Environment and Heritage –
 - AHIMS search, dated 21.07.2021

It is noted that architectural and landscape drawings A005, A101, A202, A203, A601 and A602 have been amended since the completion of the above referenced sub-consultant reports. The changes are considered minor and involve an increase in the height of fence type F2 from 1.5m to 1.8m to improve privacy to ground floor units facing the internal car park. Site works and stormwater plan C04.02 was also updated to include a notation regarding the provision of a water tank as per the BASIX requirements.

The sub-consultant reports and BASIX certificate/stamped plans have not been updated to reflect the latest revision of these drawings as the changes were considered minor and of no material impact to the assessments undertaken.

The proposed activity originally included demolition of 4 existing dwellings and associated structures on each lot, as well as the removal of trees T3 – T5, T11, T12, T22 and T23. Separate approval for these works has been obtained via Complying Development Certificates (CDCs) in September 2022. The demolition works have been undertaken and were completed by end of October 2022. Demolition, therefore no longer form part of the proposed activity.

2.2 Removal of Trees

The proposal involves the removal of 7 trees. The location of trees to be removed and retained is shown in **Error! Reference source not found.** below and identified in the Arborist Report (**Appendix G**).

- Trees to be removed: 2, 6, 7, 8, 9, 10, 19 (7 trees)
- Trees to be retained on-site: 13, 20, 21 (3 trees)
- Trees to be retained off-site: 14, 15, 16, 17, 18 (5 trees)

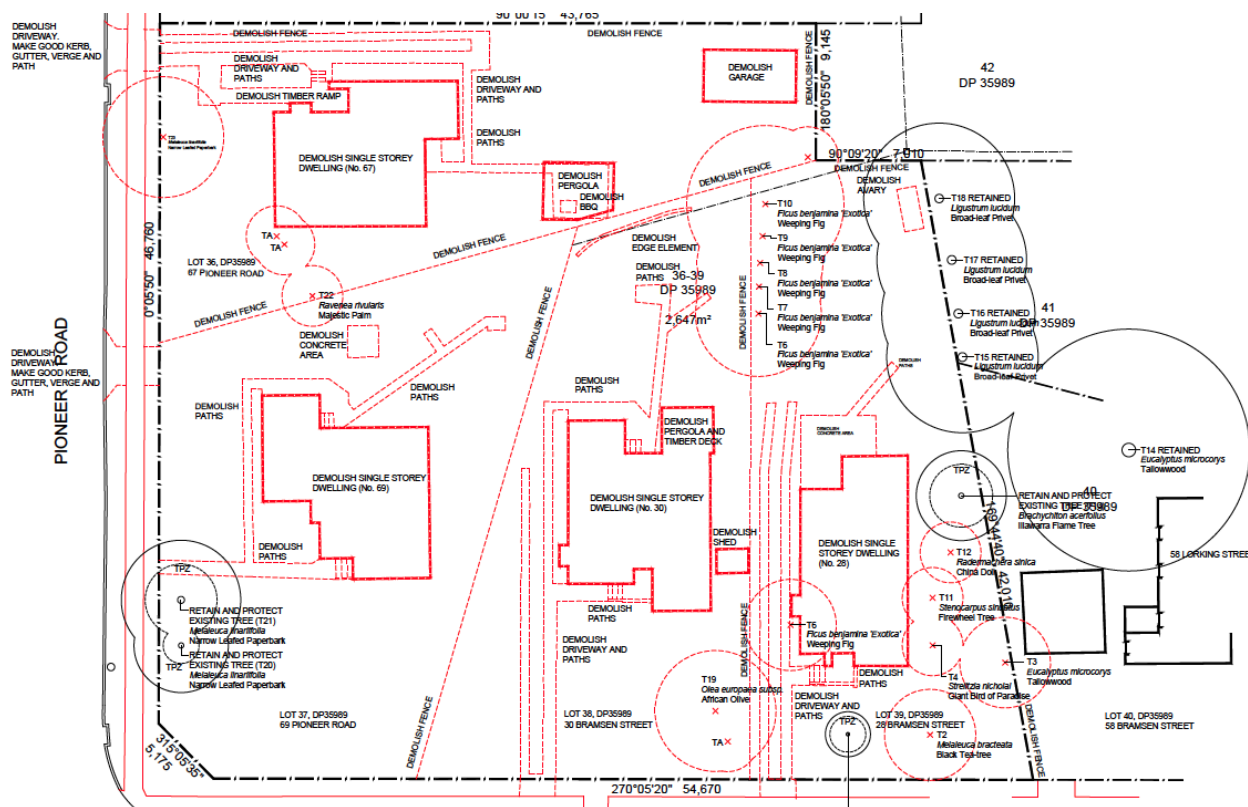


Figure 1: Extract of demolition plan showing trees to be removed (Source: McIntosh and Phelps)

It is noted that the proposed activity originally included the removal of trees T3 – T5, T11, T12, T22 and T23. These trees were subsequently removed as part of the demolition works undertaken as part of a Complying Development Certificate (CDC) application with Wollongong City Council (ref. CD 2022/324, 325, 331 & 329) approved in September 2022.

Table 1 below identifies the trees to be removed and a summary of the reasons for their removal.

Table 1: Proposed tree removal

Trees to be removed	Species	Retention value	Reasons for removal
T1	Bangalow Palm	High	Impacted during demolition works and removed under CDC 2022/329.
T2	Black Tea-tree	Low	Driveway conflict and limited lifespan.
T3	Tallowwood	Medium	Driveway conflict. Removed under CDC 2022/329
T4	Giant Bird of Paradise	Medium	Driveway conflict. Removed under CDC 2022/329
T5	Weeping Fig	Low	Building conflict and limited lifespan. Removed under CDC 2022/329
T6	Weeping Fig	Low	Carpark conflict and limited lifespan.
T7	Weeping Fig	Low	
T8	Weeping Fig	Low	
T9	Weeping Fig	Low	
T10	Weeping Fig	Medium	Carpark conflict.

Trees to be removed	Species	Retention value	Reasons for removal
T11	Firewheel Tree	Medium	Driveway conflict. Removed under CDC 2022/329
T12	China Doll	Medium	Driveway conflict. Removed under CDC 2022/329
T19	African Olive	Low	Limited lifespan.
T22	Majestic Palm	Medium	Building conflict. Removed under CDC 2022/324
T23	Paperbark	Medium	Building conflict. Removed under CDC 2022/324

The above listed trees are required to be removed to accommodate the proposed development and have been identified in the Arboricultural Impact Assessment Report as having either a low or medium retention value. Detailed discussion of the proposed removal of trees is provided in section 7.9 of this REF.

One high retention value tree, a Bungalow Palm (T1) was impacted during demolition works and subsequently removed for safety reasons. An Identified Requirement (IR 64) has been recommended to ensure the tree is replaced with an appropriate species.

Additional tree plantings, including trees with a mature height of between 7 to 10 metres, are provided as part of the proposed landscape scheme to compensate for the loss of these trees (refer to **Appendix D**). The impacts and mitigation measures of tree removal are discussed later in this report.

The recommendations contained within the Arborist Report (**Appendix G**) will be implemented during the demolition and construction for trees that are proposed to be retained.

2.3 Proposed Dwellings

Of the 18 residential units, 2 (ground floor units) have been designed as liveable units which are capable of being adapted to suit persons with a disability should the need arise in the future.

The proposed development represents a contemporary, high-quality design, which will be an improvement on existing dwellings located at the site. The proposed materiality for the development comprises mostly Coastal Hamptons Crevole facebrick with weatherboard China White cladding, which is consistent with the character of the locality and coastal setting. Each dwelling positively addresses the dual street orientation to either Pioneer Road or Bramsen Street. The orientation of habitable spaces facilitates passive surveillance of both street frontages, the new carpark and the area of communal open space.

Minor cut and fill is proposed to provide a level building platform. This level of cut and fill is within Council's DCP standards. Refer to the Cut and Fill Plan prepared by Northrop (**Appendix D**).

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. Refer to **Appendix D**.

Each unit will be provided with its own enclosed private open space area. All these spaces are directly accessible from the living areas.

A total of 16 car parking spaces and 2 motorcycle spaces will be provided on the site, in a consolidated at-grade car park, accessible from Bramsen Street in the north-east corner of the site.

Stormwater will be collected via a series of stormwater pits and pipes on site, directed to the 33.5m³ on-site detention tank, before discharging into the existing stormwater pit on Bramsen Street. The proposal requires the construction of a new pit within Bramsen Street with a trafficable grate. Stormwater drainage has been designed in accordance with Council's requirements.

The proposal comprises new front fences to Pioneer Road and Bramsen Street. The front fences are 1.2m high metal, picket fences in Colorbond Surfmist with a base and side of Coastal Hamptons Crevole face brick. A side and rear boundary fence is proposed at 1.8m high comprising solid Colourbond Monument.



Figure 2: Extract of streetscape elevation perspective at corner of Pioneer Road and Bramsen Street. (Source: McIntosh and Phelps)

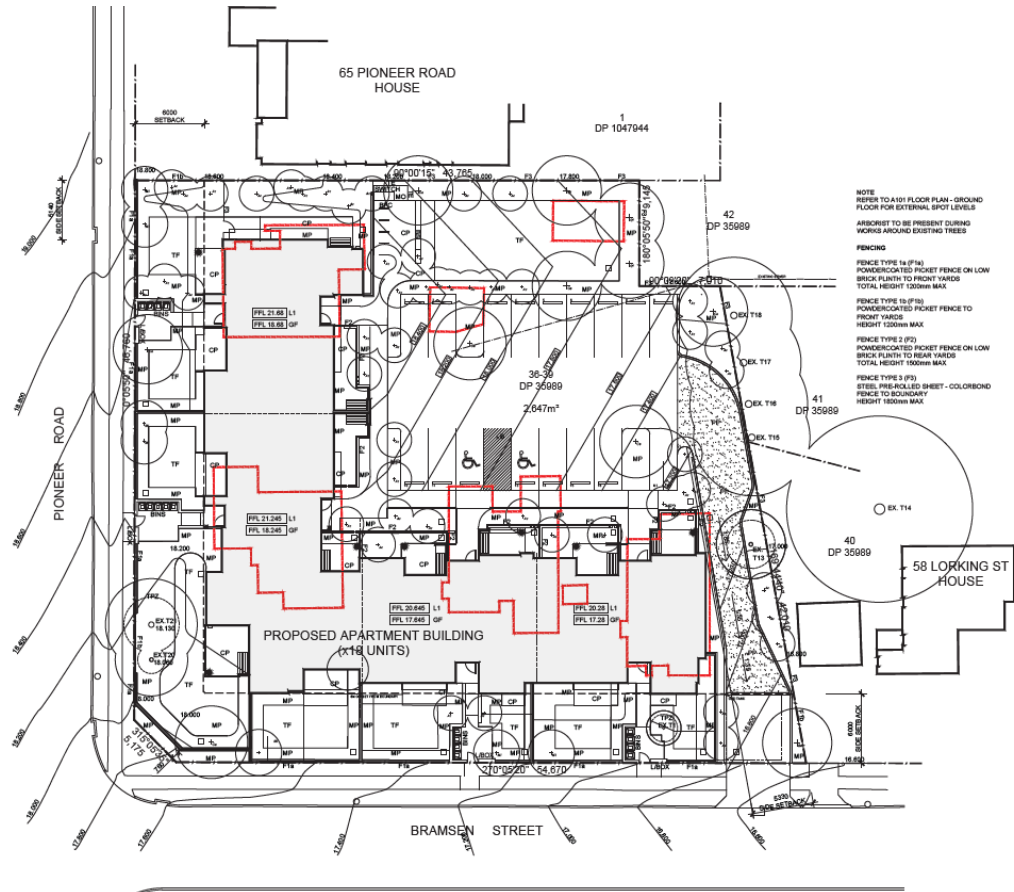


Figure 3: Extract of site plan (Source: McIntosh and Phelps)

3. Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located on the corner of Pioneer Road and Bramsen Street, Bellambi in the Wollongong local government area (LGA). The site is within a low to medium density residential neighbourhood located 6.8km from the Wollongong City Centre.

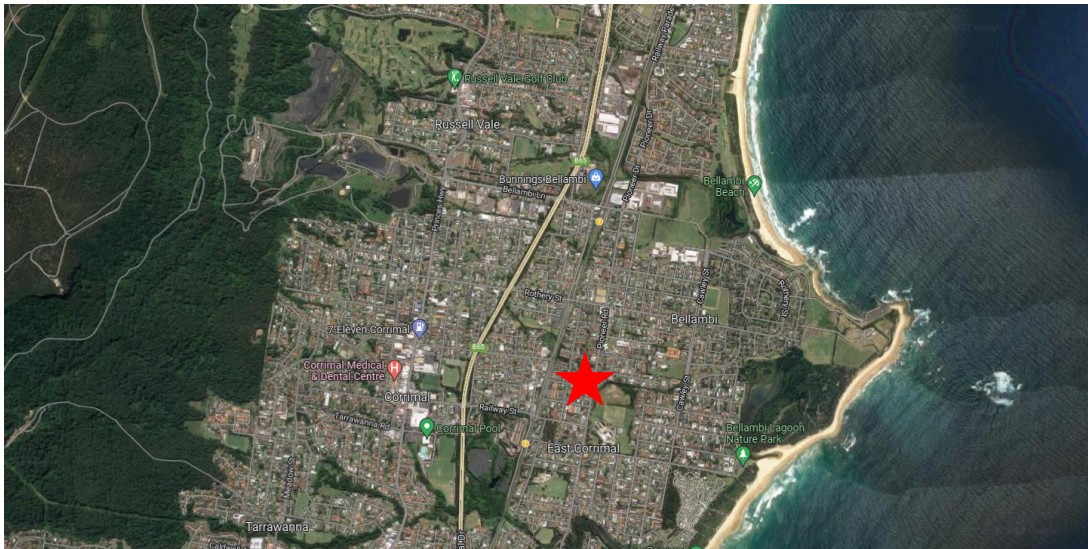


Figure 4: Regional context map, site identified with red star. (Source: Google maps)

The site is currently vacant following the recent demolition of 4 single storey dwellings and tree removal. Each existing lot has a vehicle crossover from either Pioneer Road or Bramsen Street (**Figure 5**). Photos of the subject site are shown in **Figure 6** to **Figure 9**, and adjoining properties in **Figure 10** to **Figure 12**.



Figure 5: Aerial photo of the site, site outlined in red (Source: Near Maps, 27 October 2022)



Figure 6: Existing dwelling (now demolished) at 67 Pioneer Road, Bellambi, looking east (Source: McIntosh and Phelps)



Figure 7: Existing dwelling (now demolished) at 69 Pioneer Road, Bellambi Avenue looking northeast (Source: McIntosh and Phelps)



Figure 8: Existing dwelling (now demolished) at 28 Bramsen Street looking north (Source: McIntosh and Phelps)



Figure 9: Existing dwelling (now demolished) at 30 Bramsen Street looking north (Source: McIntosh and Phelps)

The immediately adjoining property to the north at 65 Pioneer Road comprises a newly renovated, single storey whitewash fibro with a Colorbond roof as shown in **Figure 10**. The immediately adjoining properties to the east at 54, 56 and 58 Lorking Street contain detached single storey clad, brick and older style fibro dwellings with Colorbond roofing as seen in **Figure 11** and **Figure 12**.



Figure 10: Extract of 65 Pioneer Road (Source: McIntosh and Phelps)



Figure 11: Photo of 54 and 56 Lorking Street (Source: Google Street View)



Figure 12: Photo of 58 Lorking Street (Source: McIntosh and Phelps)

3.2 Site Description

Copies of the Section 10.7(2) and (5) Planning Certificates (Nos 202001071, 202001068, 202001067 and 202001070) dated 25 May 2022 and are attached in **Appendix A**. The development site comprises 4 allotments with a total area of 2,647.2m². The site dimensions are identified on the Survey Plan prepared by SJ Surveying Services (**Appendix E**) and in Error! Reference source not found. below.

Table 2: Site dimensions

Boundary	Dimension
North- 65 Pioneer Road and 54 Lorking Street, Bellambi	51.935m

South- Bramsen Street, Bellambi	54.64m
West- Pioneer Road, Bellambi	43.765m
East- the west boundary of 56- 58 Lorking Street, Bellambi	51.155m

The site is observed as generally flat with a slight fall as follows:

- RL17.95m to RL16.66m from the south-west to south-east (1.29m difference)
- RL18.88m to RL17.77m from the north-west to north-east (1.11m difference)
- RL18.88m to RL17.95m from north-west to south-west (0.93m difference)
- RL17.77m to RL16.66m from north east to south-west (1.11 difference)

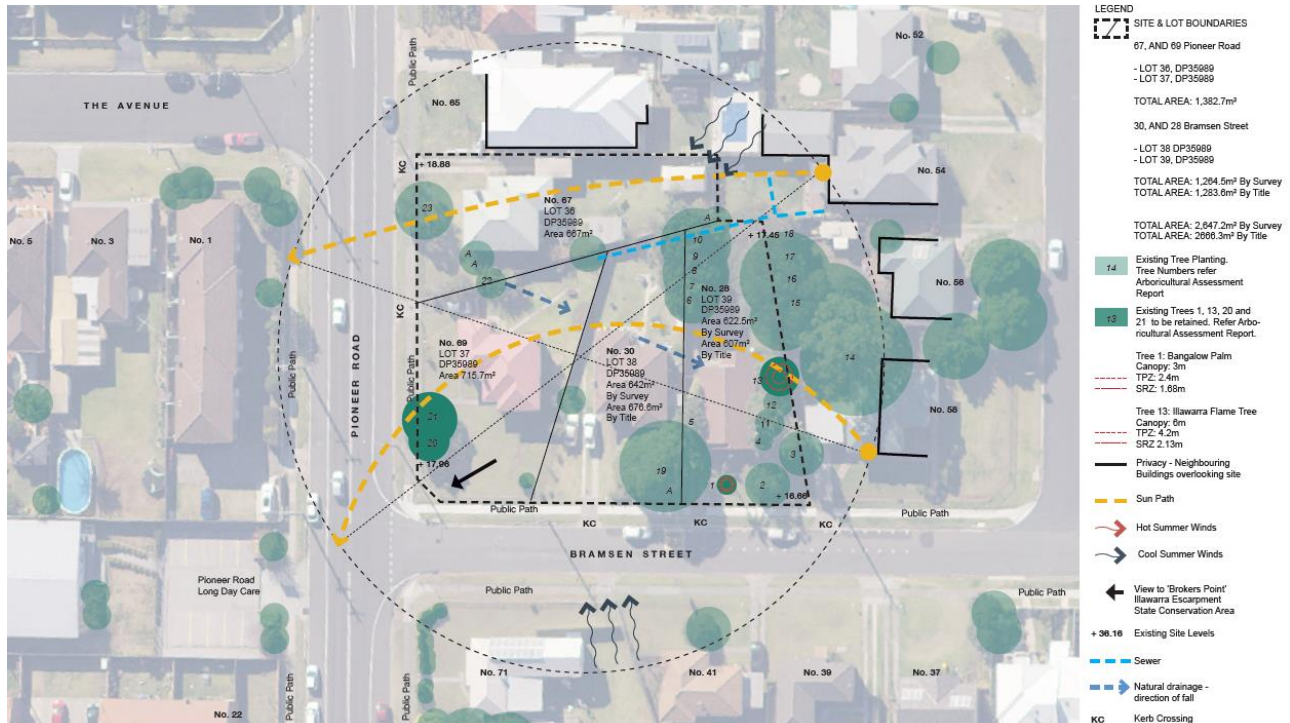


Figure 13: Extract of the site analysis plan (Source: McIntosh and Phelps)

3.2.1 Services

The site currently contains a 150mm diameter sewer main located at the rear of 28 and 30 Bramsen Street. The site falls slightly to the east with overland stormwater draining towards the south-east corner at Bramsen Street. Water, power, sewer, gas and telephone facilities are available at the site.

3.2.2 Vegetation

The site currently contains a mix of groundcover shrubs and trees. The exiting trees are shown in Figure 14 below.

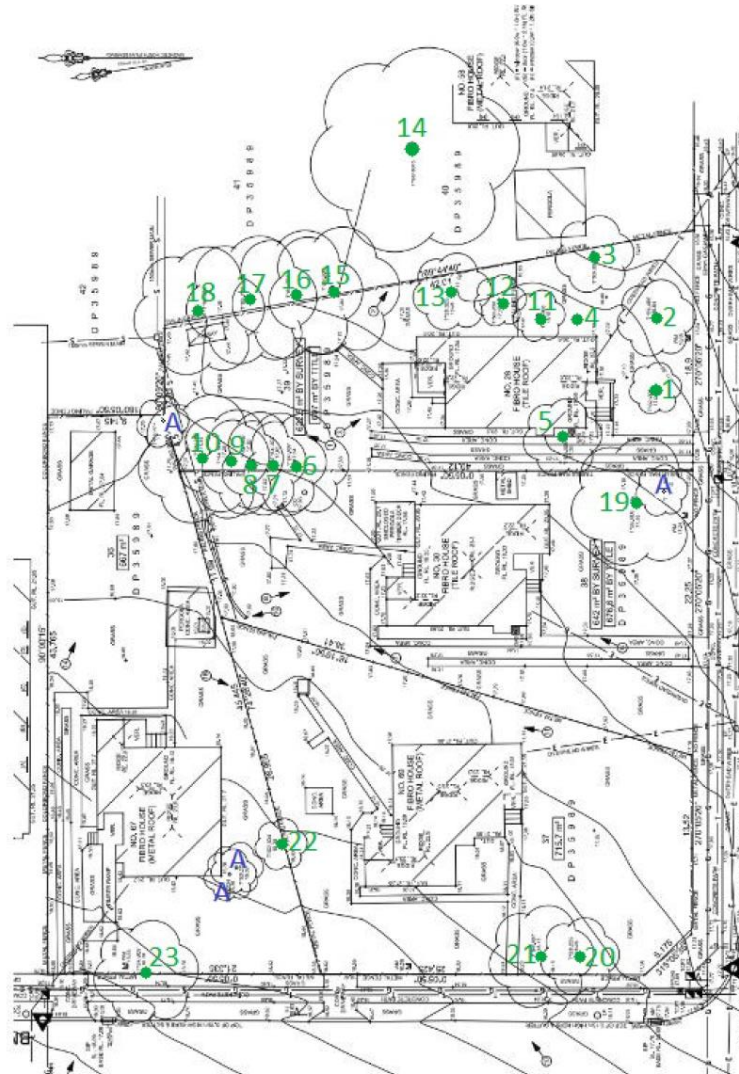


Figure 14: Extract of tree plan (Source: Allied Tree Consultancy)

Allied Tree Consultancy has assessed the significance of the trees on-site and a number on 56 & 58 Lorking Street where they adjoin the subject site (**Appendix G**). In summary:

- Trees 2, 5, 6, 7, 8, 9 and 19 have a low significance rating and provide a limited lifespan.
- Trees 3, 4, 10, 11, 12, 20, 21, 22 and 23 present a medium significance rating. Noting, Trees 20 and 21 will be retained.
- Trees 1 and 13 are of high significance. T13 will be retained however T1 was damaged during demolition works approved under CDC and was removed for safety reasons. These trees are protected by the Wollongong City Council tree policy; however, they are not protected by state or federal legislation.
- Trees 14 - 18 are not on LAHC owned land. The proposed works do not impact these trees.

3.3 Neighbouring Development and Locality

The site is situated 150m south of the Bellambi neighbourhood centre and is 1.8km north-east of the Corrimal neighbourhood centre. There are 2 train stations within the vicinity, Bellambi Train Station is located 842m walking distance to the north while Corrimal Train Station is located 1km to the south. Bellambi Beach is 1.7km to the north-east of the site and Corrimal Beach is 1.8km to the south-east of site. Refer to location plan in **Figure 15**.

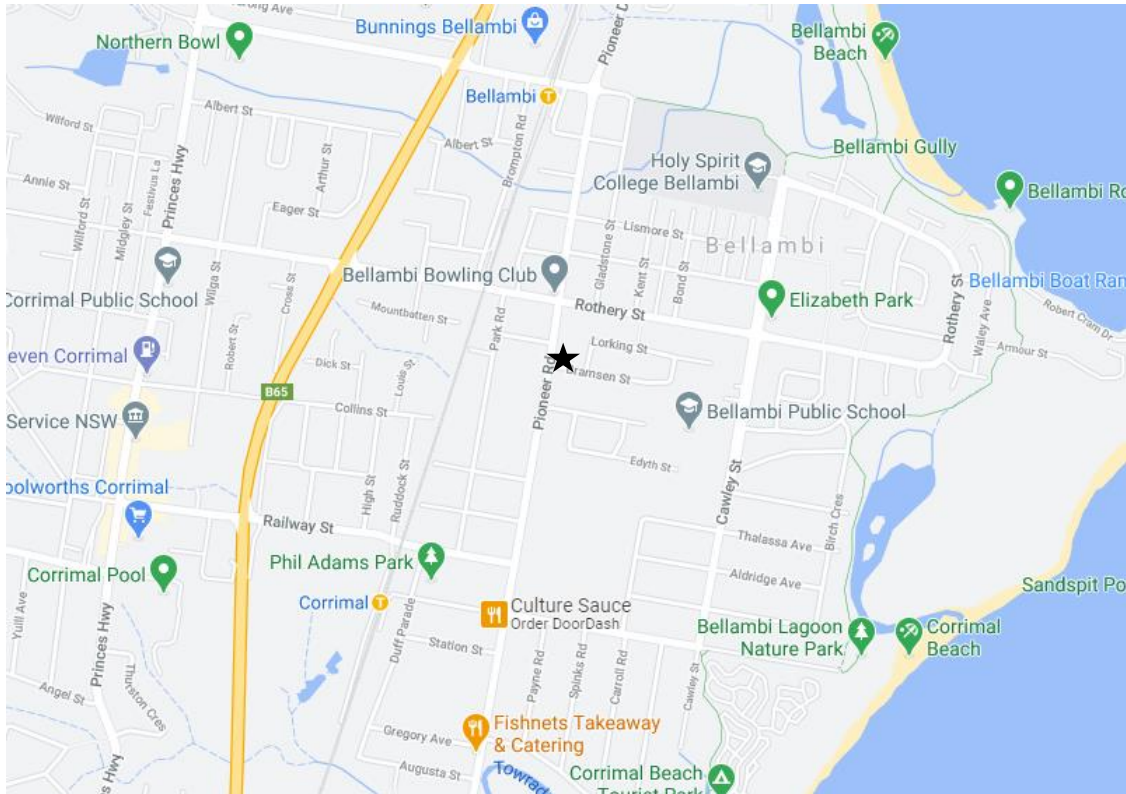


Figure 15: Aerial of locality, site indicated with black star (Source: Google Maps)

The Pioneer Road, Bramsen Street and Lorking Street display similar streetscape patterns. The Pioneer Road streetscape has a mixed scale of development which ranges from low density single storey dwelling houses to medium scale 2-3 storey residential flat buildings, including a RFB located at 1 The Avenue as seen in **Figure 16** and **Figure 17** below.



Figure 16: Development at 1 The Avenue, Bellambi looking northwest (Source: McIntosh and Phelps)



Figure 17: Development at 1 The Avenue, Bellambi looking west (Source: McIntosh and Phelps)

Bramsen Street primarily contains single storey dwellings, however, there are several recently developed 2 storey terrace houses slightly east of the site as shown in **Figure 18** to **Figure 20** below.



Figure 18: Development at 27 Bramsen Street to 35 Bramsen Street, Bellambi (Source: McIntosh and Phelps)



Figure 19: Development at 27 Bramsen Street to 35 Bramsen Street, Bellambi (Source: McIntosh and Phelps)

31- 35 Bramsen Street includes a recently constructed LAHC development comprising 12 seniors living units as shown in **Figure 20** below.



Figure 20: Development at 27 Bramsen Street to 35 Bramsen Street, Bellambi (Source: McIntosh and Phelps)

Development within the surrounding area comprises a range of older style brick dwellings mixed with modern dwelling typologies. A wide range of materials, finishes, styles and colours are employed throughout the area, with the focus on earthy tones and beachside architecture style materials reflective of the setting. The presence of multi-housing development and an RFB establish a precedent for the proposal in the local area.

3.3.1 Access to Services – Shops and Transport

The site is located 50 metres walking distance from the Bellambi neighbourhood centre. The neighbourhood centre comprises a bowling club, cafes, restaurants, a small supermarket, medical and health service, banking facilities and a petrol station.

In accordance with the *State Environmental Planning Policy (Housing) 2021*, a site is in an “accessible area” if it is within 800 metres walking distance to a railway station or 400 metres to a bus stop (which provides regular bus services). The site is situated 842.5 metres walking distance from Bellambi Train Station. Additionally, there are bus stops within 400 metres of the site, however they do not provide at least 1 bus per hour between 6am and 9pm each day from Monday to Friday, (both days inclusive) and 8am and 6pm on each Saturday and Sunday. The site is therefore, deemed, “inaccessible”, given it is not within 800 metres from a train station or 400 metres from a bus stop with regular services.

Bellambi Train Station is approximately 840m from the site and is serviced by the South Coast Line which primarily serves the Wollongong and Shellharbour locality. Corrimal Train Station is approximately 1km from the site and is serviced by the same train line. Refer to the GPS Route Survey prepared by DS&P (**Appendix E**) and in **Figure 21** below. The site is located 1.7km from Bellambi Beach and 1.8km from Corrimal Beach.

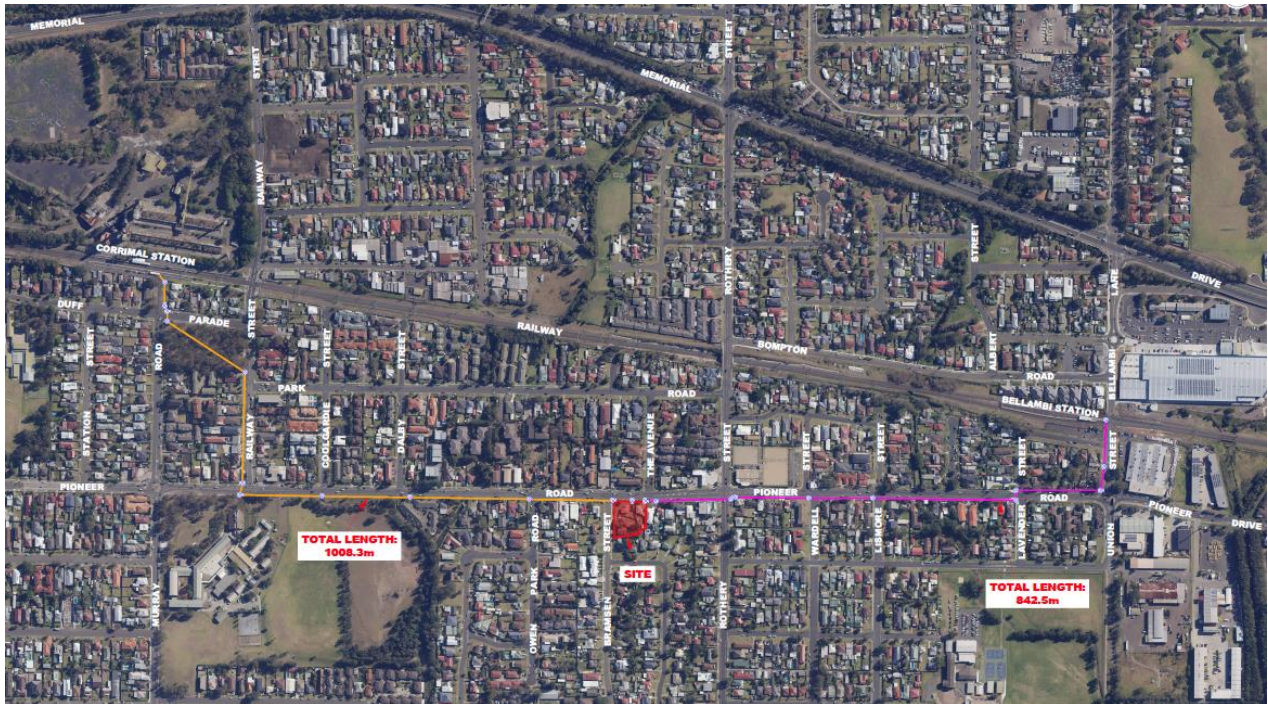


Figure 21: Extract of GPS Route Survey showing walking distance from the respective train stations in vicinity of the site (Source: DS&P)

4. Zoning and Permissibility

The site is zoned R2 Low Density Residential under the Wollongong Local Environmental Plan 2009 (WLEP) as shown in **Figure 22** below. The proposed development is defined as a residential flat building (RFB) under the WLEP 2009. RFBs are permissible with development consent in the R2 zone.

The relevant objective of the R2 zone, as set out in WLEP is:

- a) *To provide for the housing needs of the community within a low density residential environment.*

The proposed development provides housing to meet the needs of the community that has regard to local amenity and will be consistent with above objective.

Section 42 of the Housing SEPP permits residential development that may be carried out 'with consent' to be carried out by the LAHC as 'development without consent' subject to the provisions set out under that section. **Table 5** in Section 5.2.2 of this REF demonstrates compliance with the relevant provisions of Section 42 and 43 of Housing SEPP.

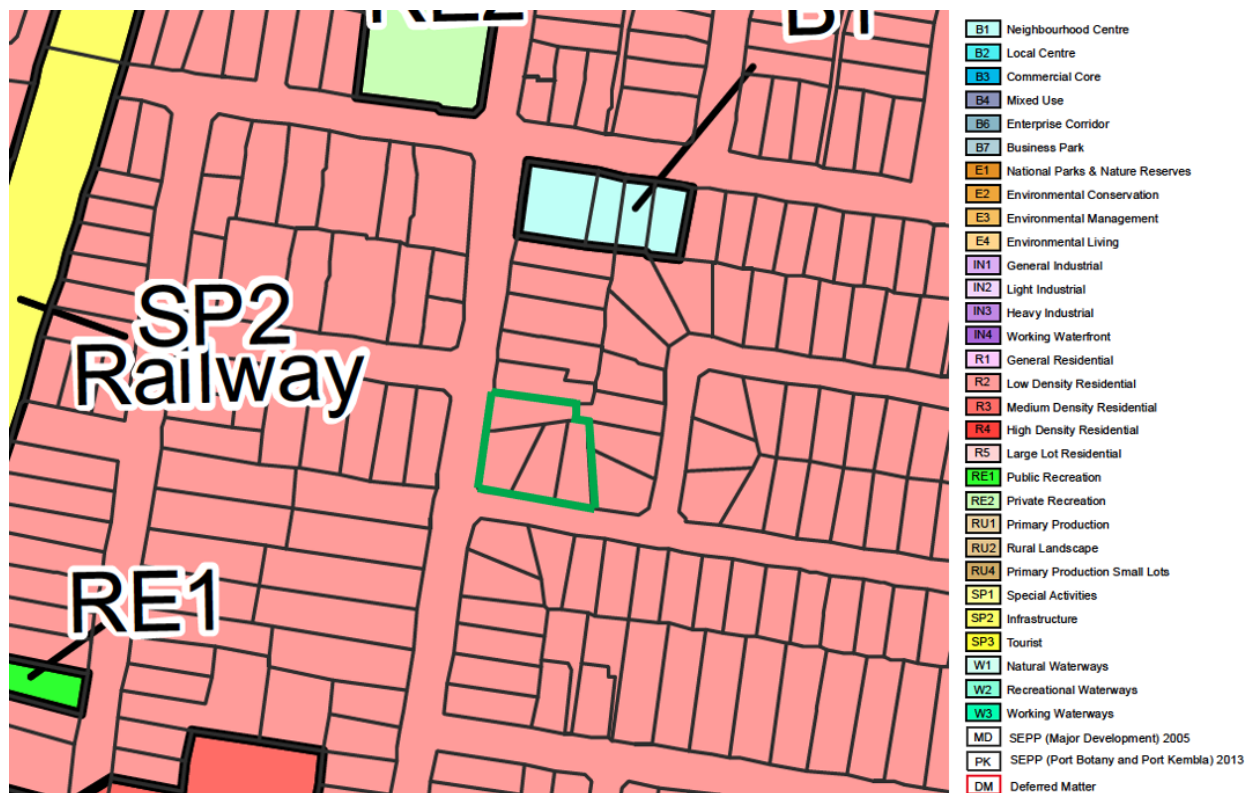


Figure 22: Extract of land use zone map, site outlined in green (Source: NSW legislation)

5. Planning and Design Framework

5.1 State Legislation

5.1.1 Environmental Planning and Assessment Act 1979

Duty to consider environmental impact [Section 5.5]

Section 5.5 (1) states that, for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Table 3 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 3: Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act

Matter for consideration	Effect of Activity
<i>Sub-section 3</i> Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

5.1.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affected threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecologic community. The proposed activity will neither be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

5.1.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity.

5.1.4 Environmental Planning and Assessment Regulation 2021

Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and

comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 4: Factors to be taken into account concerning the impact of an activity on the environment

Factors	Relevant?	Impact		
	Yes/ NA	Temporary	Minor	Significant [Note 1]
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines. [Note 2]	NA			
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines. [Note 2]	NA			

If no guidelines are in force, the following must be taken into account and the likely impact considered:

(a) any environmental impact on the community	Y	x	x	
(b) any transformation of a locality;	Y		x	
(c) any environmental impact on the ecosystems of the locality;	NA			
(d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y	x	x	
(e) any effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) any impact on the habitat of protected or endangered animals (within the meaning of the Biodiversity Conservation Act 2016)	NA			
(g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) any long-term effects on the environment;	NA			
(i) any degradation of the quality of the environment;	Y	x	x	
(j) any risk to the safety of the environment;	NA			
(k) any reduction in the range of beneficial uses of the environment;	NA			
(l) any pollution of the environment;	Y	x	x	
(m) any environmental problems associated with the disposal of waste;	Y		x	

Factors	Relevant?	Impact		
	Yes/ NA	Temporary	Minor	Significant [Note 1]
(n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	NA			
(o) any cumulative environmental effect with other existing or likely future activities.	Y		x	
(p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 3]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y (see 5.2.1 below)			
(r) other relevant environmental factors.	Y			

Note 1: A significant impact triggers the preparation of an Environmental Impact Statement.

Note 2: This means guidelines in force under Section 171, not guidelines such as the *Seniors Living Urban Design Guidelines* that are in force under other legislation or instruments.

Note 3: The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed housing development is not expected to generate any significant or long-term impacts on the environment. The short term impacts, during construction, will be offset by positive social outcomes in the long term and social benefits of providing affordable housing that meets the needs of the community.

5.2 Environmental Planning Instruments and Codes

5.2.1 Strategic Planning Framework

Illawarra Shoalhaven Regional Plan 2041

The Illawarra Shoalhaven Regional Plan sets the strategic framework for the region, aiming to protect and enhance the region's assets and plan for a sustainable future. It is a 20-year land use plan prepared in accordance with section 3.3 of the *Environmental Planning and Assessment Act 1979* and applies to the Wollongong Local Government Area (which includes the subject site).

The following themes and objectives are directly related to the proposed activity:

- **Theme: A region that values its people and places**
 - Objective 18: Provide housing supply in the right locations
 - Objective 19: Deliver housing that is more diverse and affordable

The proposed activity is consistent with the above themes and actions, given it will allow for the construction of a 2-storey residential flat building containing 18 units in a well located and established residential area.

Wollongong Local Strategic Planning Statement 2020

Council has prepared its Local Strategic Planning Statement (LSPS) to provide a 20 year land use planning vision for the LGA.

The following statements from the LSPS are relevant to the subject activity:

- Increase housing stock diversity
- Plan for future housing growth
- Increase supply of affordable rental housing stock

The proposed activity is consistent with the above LSPS statements, given it allows for an appropriate mix of unit sizes, comprising 8x1 bedroom units and 10x2 bedroom units, suitable for future expected tenants in this location.

5.2.2 State Environmental Planning Policy (Housing) 2021

Development without Consent

Section 42 of the HSEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 5** below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

Table 5: Compliance table with Section 42 of the Housing SEPP

Provision	Compliance
Division 6 Residential development—Land and Housing Corporation	
42 Development may be carried out without consent	
(1) This Division applies to residential development if—	-
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Residential flat buildings are permissible with consent in the R2 Low Density Residential zone in the WLEP 2009.
(b) all buildings will have a height of not more than 9m, and	Yes, the maximum building height is 7.625 metres.
(c) the development will result in 60 dwellings or less on a single site, and	Yes, the proposal provides 18 dwellings.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces- (i) for each dwelling containing 1 bedroom—0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms—1 parking space, and	N/A – The site is located in an “inaccessible area” as defined in the Housing SEPP.
(e) for development on land that is not in an accessible area—the development will result in at least the following parking spaces— (i) for each dwelling containing 1 bedroom—0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—1 parking space, (iii) for each dwelling containing at least 3 bedrooms—1.5 parking space	Yes, 16 spaces provided: • 8 x 1-bedroom units = 0.5 x 8 = 4 • 10 x 2-bedroom units = 1 x 10 = 10 Total spaces required = 14 spaces.
(2) This Division applies to the following development if the development is permitted on the	The development is permitted with consent in the WLEP 2009.

Provision	Compliance
land under another environmental planning instrument—	
(a) the demolition of buildings and associated structures if the building or structure is on land—	Demolition of 4 existing single storey detached dwelling houses and associated structures on the development site was approved separately under CDC applications CD 2022/324, 325, 331 & 329 and demolition works were complete in October 2022.
(i) that is non-heritage land, and	The site is non-heritage land.
(ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	The site is not identified in an environmental planning instrument as being within a heritage conservation area.
(b) subdivision of land and subdivision works.	Consolidation into a single lot is proposed.
(3) This Division does not apply to—	-
(a) Development to which Division 5 applies, or	Division 5, <i>Residential flat buildings – social housing providers, public authorities and joint ventures</i> does not apply in this instance.
(b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	The subject development is not subject to Part 4 of the EP&A Act and no part of the project has been determined under Section 75P of the EP&A Act.
(4) Development to which this Division applies may be carried out by or on behalf of the Land and Housing Corporation without development consent.	The proposed development will be undertaken by or on behalf of the LAHC.
5) State Environmental Planning Policy (Infrastructure) 2007, clauses 16 and 17 apply to the development and, in the application of the clauses—	-
(a) a reference in clause 16 to “this Policy” is taken to be a reference to this section, and	No other authorities are required to be notified as listed in Section 2.15 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Noting the TISEPP superseded the ISEPP in 2022.
(b) a reference in the clauses to a public authority is taken to be a reference to the Land and Housing Corporation.	Noted.
43 Requirements for carrying out residential development	
(1) Before carrying out development under this Division, the Land and Housing Corporation must—	-
(a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development, and	The Council for the area was requested to nominate any other persons who should, in the council’s opinion, be notified of the development. Council advised in an email on 11 February 2021 that the neighbour notification zone was satisfactory subject to the inclusion of 67 Pioneer Road. As 67 Pioneer Road forms part of the proposed development LAHC did not notify this property. LAHC confirmed this with Council via email on 26 July 2021.
(b) give written notice of the intention to carry out the development to— (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	Council and neighbours were notified of the development via letter on the 21 June 2022. The notification period concluded on 15 July 2022. Council was provided an extension to the response period up to 3 August 2022.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Submissions were received from 4 occupiers of adjoining and nearby land and 1 submission was received from Wollongong Council. Comments on the

Provision	Compliance
	submissions are provided in Sections 6.1 and 6.2 of this REF.
(d) take into account the Seniors Living Policy: Urban Design Guidelines for Infill Development, March 2004, published on the Department's website, to the extent to which it is not inconsistent with this Division, and	Subsection 5.2.3 of this REF confirms the Guidelines have been taken into account and identifies any inconsistencies. The checklist can also be found in Appendix L .
(e) consider the Good Design for Social Housing and the Land and Housing Corporation Dwelling Requirements, September 2020, published on the website of the Land and Housing Corporation, to the extent to which it is not inconsistent with this Division, and	The development is designed in accordance with NSW Land and Housing Corporation Dwelling Requirements. Refer to Subsection 5.2.5 and the Architect's Statement and Certificate of Building Design Compliance in Appendix R which indicate that the design and dwelling requirements have been considered.
(f) if the development is for the purposes of manor houses or multi dwelling housing (terraces)—consider the provisions of the Codes SEPP, Part 3B, to the extent to which the provisions apply to the development	Not applicable.
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Wollongong City Council is the relevant Council.

5.2.3 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the design of the activity against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG) is provided at **Appendix L**. The design has followed the Guidelines, except in relation to the following justifiable departures as discussed in **Table 6** below.

Table 6: Seniors Living Policy Urban Design Guidelines - Design Alternatives

Design Alternatives	
Guideline Requirement	Response
2.11 Where possible maintain existing crossings and driveway locations on the street.	The existing driveway crossovers will be demolished except the cross over for 28 Bramsen Street, which will be maintained for the proposal. Providing 1 driveway will assist in creating an efficient vehicular egress/ingress arrangement for the development and will increase availability for on-street parking.
3.06 - Set back upper levels behind the front building façade	The proposal exhibits 2-storeys only and compliance with front setbacks is achieved. The proposed design and 2-storey built form is consistent with surrounding development within the locality and does not generate any unacceptable visual impacts. The 2 street façades incorporate recessing and articulation with variation in balcony projection and alignment of the living rooms.
5.08 Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths. Where this is not possible, use physical separation, planting, screening devise or louvres to achieve adequate privacy.	Units 9 and 18 adjoin the driveway. The eastern elevations of these dwellings comprise a blank wall, except for a small window to bathrooms. The bedrooms benefit from windows and doors facing north and south and away from the driveway and side boundaries. In addition, unit 9 is buffered at the ground

Design Alternatives	
Guideline Requirement	Response
	floor with landscaping, creating a suitable separation distance between the dwelling and driveway.
5.26 Provide private open space that retains existing vegetation where practical.	Existing vegetation has been retained where possible. However, due to site constraints, 8 trees were removed as part of the demolition works approved under CDC and a further 7 trees will be cleared to accommodate the proposal. Sufficient replacement planting is provided to compensate for the loss.

5.2.4 Good Design for Social Housing

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 7** below. Refer to Certificate of Compliance from the Architect in **Appendix R**.

Table 7: Consistency with Good Design for Social Housing Guidelines

Goals	Principles	Comment – Discussion on how the design responds to the principles
Wellbeing	<ul style="list-style-type: none"> Health environments Good for tenants Quality homes 	<ul style="list-style-type: none"> The site is walking distance from public recreation areas. Safe access is provided from the car park to entries of units. The units have been designed to ensure residents have privacy and feel safe. Development is compliant with BASIX requirements (Appendix K). The proposal includes high quality landscaping to enhance the site amenity for residents and the streetscape.
Belonging	<ul style="list-style-type: none"> Mixed tenure Good shared and public spaces Contribute to local character 	<ul style="list-style-type: none"> Easily identified front entrances. Attractively designed landscaping along street frontages. The development density is compatible with the low-medium scale context of the locality. The perceived bulk and scale is mitigated with materials, roof design and landscaping. The building design and landscaping integrates with the surrounding residential neighbourhood and local coastal character.
Value	<ul style="list-style-type: none"> Whole of lifecycle approach Sustainability and resilience Make every dollar count 	<ul style="list-style-type: none"> Low maintenance landscape species. Durable building materials. The orientation of each dwelling and private open space has been designed to optimise natural light and cross-ventilation to these areas.

5.2.5 Land and Housing Corporation Dwelling Requirements

An assessment of the proposed development against the *Land and Housing Corporation Dwelling Requirements* document has been undertaken and deemed to achieve compliance, refer to Certificate of Compliance from the Architect in **Appendix R**. Further detail will be incorporated in the construction documentation.

5.2.6 Other State Environmental Planning Policies

Table 8 below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 8: Compliance with other SEPPs

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been obtained for the development proposal, as required under the SEPP. This includes an OSD tank (with a total capacity of 33.5m³) and a rainwater tank (with a total capacity of 5.5m³). Refer to Appendix K .
SEPP (Resilience and Hazards) 2021	<p>The provisions of RHSEPP require consideration of the likelihood that the site has previously been contaminated and to address the methods required to remediate the site.</p> <p>Council have identified that the development site is potentially contaminated land. This information is based on aerial photographs from the mid 1950's which indicate there was an access road that cut through the site in an east to west direction. In addition, during this period dwellings were commonly built adjacent to industrial sites which may have been relevant to the subject land.</p> <p>The Geotechnical Investigation at Appendix F also identifies the presence of fill across the site to a depth of up to 0.5m. The origin of this fill material and its suitability for the proposed land use is unknown.</p> <p>In accordance with Council's recommendation and findings in the Geotechnical Investigation, a combined Stage I & II Site Investigation Report should be undertaken prior to commencement of construction works, to confirm the site's contamination classification and implement appropriate management measures should contamination be identified (IR No. 17).</p>
SEPP (Transport and Infrastructure) 2021	<p>The proposal is not required to be notified to public authorities other than Council in accordance with Section 2.15 and 2.17 of the TISEPP, as required under Section 43 of the Housing SEPP.</p> <p>With respect to Section 2.99 of the TISEPP, the site is located over 200m from the South Coast Railway Line to the west. Northrop assess in Appendix I that rail noise impact is not anticipated for the proposal.</p> <p>Pioneer Road and Bramsen Street are local roads with low to medium traffic volume, hence Section 2.119 of the TISEPP is not applicable.</p>
SEPP (Biodiversity and Conservation) 2021	<p>Section 2.6 of the BCSEPP requires a permit from Council for clearing of vegetation.</p> <p>The removal of trees on the subject site is covered by the definition of consent under Section 6 of Chapter 1 of the Housing SEPP and has therefore been assessed under the provisions of Housing SEPP and Part 5 of the EP&A Act as part of the proposed development activity. In addition, 8 existing trees were removed as part of the demolition works approved under CDC 2022/324, 325, 331 & 329.</p>
State Environmental Planning Policy No.65- Design Quality of Residential Apartment Development	SEPP 65 does not apply to the development as it is a 2-storey RFB.

There are no other State Environmental Planning Policies applicable to the development.

5.3 Local Planning Controls

5.3.1 Wollongong Local Environmental Plan 2009 (WLEP)

Compliance with the relevant provisions /development standards set out in the WLEP is demonstrated in **Table 9** below.

Table 9: WLEP compliance table

Clause	Provision	Required	Proposal	Complies
1.4	Definitions (Dictionary)	Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.	The proposed activity involves the construction of an RFB with 18-dwellings. The proposed development is defined as an RFB rather than multi dwelling housing as each dwelling does not have access at ground level as per the definition of multi-dwelling housing under the WLEP.	Yes
	Land Use Table	Land is zoned R2 Low Density Residential where residential flat buildings are permitted with consent.	The proposal involves the construction of a residential flat building which is permitted with consent in the R2 zone.	Yes
4.3	Height of Buildings	The maximum permissible building height is 9 metres.	The maximum height of the proposal is 7.625 metres (Unit 16).	Yes
4.4	Floor Space Ratio	The maximum permissible FSR is 0.5:1.	Permitted GFA: 1,323.5m ² Proposed FSR: 0.485:1, being a GFA of 1,282.7m ² (as per the definition of FSR under the WLEP).	Yes
5.10	Heritage conservation	The site or the surrounding area is not heritage affected.	Not applicable.	N/A
5.21	Flood planning	According to Wollongong LEP mapping, the site is not flood affected.	Not applicable.	N/A
7.2	Natural resource sensitivity – biodiversity	According to Council LEP's mapping the site is not biodiversity sensitive land.	Not applicable.	N/A
7.4	Riparian lands	According to Council LEP's mapping the site is not riparian lands.	Not applicable.	N/A
7.5	Acid Sulfate Soils	67 Pioneer Road and small portion of 69 Pioneer and 28-30 Bramsen Street are mapped class 5 acid sulfate soils.	The water table will not be lowered below 1 metre AHD. STS Geotechnics confirm in Appendix F that an ASS Management Plan is not required for the proposal.	Yes
7.6	Earthworks	Before granting development consent for earthworks, the consent authority must	The proposal includes minor earthworks to facilitate the development. Northrop has prepared a Cut and Fill Plan in Appendix D .	Yes

Clause	Provision	Required	Proposal	Complies
		consider the following matters—		
		(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	Northrop has confirmed that site drainage has been designed generally in accordance with Council's requirements and is considered to be acceptable (Appendix D).	
		(b) the effect of the proposed development on the likely future use or redevelopment of the land,	The proposed earthworks facilitate continued residential use of the land.	
		(c) the quality of the fill or of the soil to be excavated, or both,	It is not known whether the existing fill on site is contaminated. A combined Stage I & II Site Investigation Report should be undertaken prior to commencement of construction works, to confirm the site's contamination classification and implement appropriate management measures should contamination be identified (IR No. 17). Any new fill will be virgin excavated natural matter, as required by IR No.35.	
		(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	Impacts from the proposed minor excavation can be reasonably mitigated by identified requirements.	
		(e) the source of any fill material or the destination of any excavated material,	A Construction and Demolition Waste Management Plan (WMP) has been prepared by Elephants Foot (Appendix M) to guide disposal of excavated material.	
		(f) the likelihood of disturbing Aboriginal objects or other relics,	No relics are known to be located on the site. Refer to Identified Requirements No. 43 and 44 should relics be found on the site.	
		(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	The site is not located within a drinking water catchment or environmentally sensitive area. The development has been designed to reduce potential impacts.	
7.14	Minimum site width	Development consent must not be granted for development for the purposes of: a residential flat building unless the site area on which the development is to be	The site has a width of 50m and therefore an RFB may be proposed on the lot.	Yes

Clause	Provision	Required	Proposal	Complies
		carried out has a dimension of at least 24 metres.		

5.3.2 Wollongong Development Control Plan 2009 (WDCP 2009)


WDCP 2009 contains provisions for RFB developments in Section 6. These provisions are generally consistent with those provided in the Apartment Design Guide (ADG). However, the ADG does not apply as the proposal is for a development that is less than 3 storeys in height. The scale of the proposed activity is similar to that of a multi-dwelling housing development, however has not been defined as such, as not all dwellings have access from ground level as per the definition of multi-dwelling housing under the WLEP 2009.

Table 10 provides an overview of the key provisions of the WDCP 2009 as it applies to the proposed activity. The general controls for all development set out in WDCP 2009 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 10: Compliance with WDCP 2009

Provision	Proposal
Part B – Land Use Based Planning Controls	
Chapter B1: Residential Development	
6 Residential Flat Buildings	
6.2 Site Width ▪ Minimum site width 24m	The site has a width of 50m exceeding the minimum 24m provision.
6.3 Front Setbacks ▪ For residential flat buildings the following setback requirements apply from the front property boundary to the front façade of the building: (a) The same distance as one or other of the adjoining buildings, provided the difference between the setbacks of the two adjoining dwellings is less than 2.0m. (b) The average of the setbacks of the two adjoining buildings, if the difference between the setbacks of the buildings is greater than 2.0m. (c) A minimum front setback of 6m applies to residential apartment buildings where calculations of a) or b) result in a front setback of less than 6m. ▪ On corner allotments, a minimum setback of 3m to the secondary street frontage from the dwelling façade must be provided. ▪ Balconies, front courtyard fences and other building extrusions may be setback up to 900mm closer than the required front or secondary setback.	(a) The site is directly adjacent to 65 Pioneer Road, which has a front setback of approximately 9m. The proposed development is setback 6m to Pioneer Road, which is 3m less than the 9m setback of the adjacent dwelling. However, it is considered acceptable given substantial landscaped areas are proposed within the front setback, which reinforces the existing character of the area and provides a suitable transition between the private domain and Pioneer Road. The landscaped frontage includes a variety of mature trees and will assist in preserving the privacy and amenity of future occupants (b) N/A given the site is on a corner allotment. (c) N/A As the site is a corner allotment, the secondary street frontage, being Bramsen Street, is to have a minimum setback of 3m. The proposed setback of 6m well exceeds this minimum provision.
6.4 Side and Rear Setbacks / Building Separation	<u>Side Setbacks:</u>

Provision	Proposal
<ul style="list-style-type: none"> ▪ Buildings up to 4 storeys (12 metres) must provide 6 metre setbacks for a habitable room/balcony or 3.5 metres for a non-habitable room/blank wall. <p>6.3.2 On corner allotments, a minimum setback of 3m to the secondary street frontage from the dwelling façade must be provided.</p>	<p>Bramsen Street is considered a secondary frontage and the north boundary is considered a side setback zone. Bramsen Street is setback 6m, achieving the 3m control under clause 6.3.2.</p> <p>Unit 1 and 10 are setback 5.14m from the northern side boundary, resulting in a minor variation of 0.86m as habitable spaces with openings are oriented towards the north boundary. Privacy is afforded with significant tree planting and due to the site orientation, there will be no additional overshadowing generated as a result of the reduced setback.</p> <p><u>Rear Setbacks:</u></p> <p>The proposal is setback 5.33m from the east (rear) boundary, resulting in a minor encroachment of 0.67m. This encroachment will have negligible impacts as only a single translucent window is proposed on the eastern façade for the bathrooms in Units 9 and 18, providing amenity and natural ventilation to these spaces.</p> <p>The proposal presents more similarly to a multi-dwelling housing development. However, the development is defined as an RFB as not all dwellings have access from ground level, as per the definition of multi-dwelling housing. The proposal would comply with the setback controls for multi-dwelling housing development in section 5.4.2 of the WDCP 2009. As such, the proposed minor variations are considered acceptable on merit.</p>
<p>6.5 Built Form</p> <ul style="list-style-type: none"> ▪ All residential flat buildings must be designed by a qualified designer in accordance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development. A Design Verification Statement must accompany the Development Application. ▪ The design, height and siting of the development must respond to its context, being both the natural and built features of an area. ▪ Residential flat buildings which are located on corner sites must address the following: <ul style="list-style-type: none"> ○ (a) Emphasise verticality at corners, where possible, by concentrating the tallest portion of the building on the corner itself. Utilise design devices such as increased wall heights, splayed corner details, increased heights, expression of junction of building planes and other architectural features to reinforce the way finding attributes of street corners. 	<p>A Design Verification Statement is not required as SEPP 65 does not apply as the proposal is 2 storeys in height and the guiding document for this form of development is the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i>. Notwithstanding, Council's local controls have been considered.</p> <p>McIntosh and Phelps have undertaken extensive context analysis. The proposal considers existing RFB and multi dwelling housing developments present in the locality. The proposal is 2 storeys in height and visually presents as a multi-dwelling housing development. Its classification as an RFB is solely due to not all units having direct access from ground level as per the definition of a multi-dwelling development. The scale and form of the building is consistent with the characteristics of the locality.</p> <p>The design of the building has taken into account the site's corner location. An articulated built form is presented to and addresses both the site's street frontages, with entrances and landscaped gardens also provided along both street frontages (refer to figure below).</p>

Provision	Proposal
<ul style="list-style-type: none"> ○ (b) Design corners to add variety and interest to the street and clarify the street hierarchy. ○ (c) Present each frontage of a corner building as a main street frontage. 	 <p style="text-align: center;">Figure 23: Photomontage, when viewed from corner of Pioneer and Bramsen Roads (Source: McIntosh and Phelps)</p>
<p>6.6 Visual Privacy</p> <ul style="list-style-type: none"> ▪ New buildings should be sited and oriented to maximise visual privacy between buildings through compliance with minimum front, side and rear setback / building separation requirements. 	<p>The proposed development has been designed to minimise visual privacy impacts to adjoining neighbours by orienting first floor balconies outwards towards the street and away from side and rear boundaries where privacy impacts would be greater.</p> <p>Ground floor courtyards are also positioned in the front setback area, which will minimise privacy implications for neighbours whilst creating a strong streetscape presence through activation of the frontage and a quality landscaped setting.</p> <p>Units 10 and 18, which are closest to side boundaries at first floor level, are setback a minimum of 5.1m from the closest boundary and have living rooms oriented either towards the street (unit 10) or the centre of the site (unit 18) rather than side and rear boundaries.</p> <p>The proposed development provides an appropriate response to the corner lot configuration and maintains visual privacy with neighbouring properties.</p>
<p>6.11 Landscaping Requirements</p> <ul style="list-style-type: none"> ▪ A minimum of 30% of the total site area must be provided as landscaped area. ▪ The required landscape area must include a minimum 1.5m wide landscaping bed, which is provided along the side and rear boundaries of the site. 	<p>The proposal provides 949.8m² (35.8%) of landscaped area, exceeding the minimum area required. The side and rear boundary mostly accommodate 3 metre wide planting, with a small portion of 1.5 metre planting adjacent to the driveway.</p>
<p>6.12 Deep Soil Zone</p> <ul style="list-style-type: none"> ▪ A minimum half of the landscaped area (15%) must be provided as deep soil. ▪ Minimum 6m width. 	<p>The proposal provides 691.3m² (26%) of deep soil thereby exceeding the minimum required.</p> <p>Due to LAHC's requirement for at grade car parking and the site's corner position the scheme does not comply with the minimum 6m width required under the DCP. The scheme does comply with the minimum width of 3.0m required under the Seniors Living Urban Policy Guideline (SLUDG).</p> <p>Allocated deep soil areas along both frontages provide space for mature tree planting and create an opportunity</p>

Provision	Proposal
	<p>for an established tree canopy in the streetscape. A larger area of deep soil is maintained at the site's northeast corner, which provides an area of communal open space and the planting of mature trees for shade and amenity.</p> <p>The proposed landscape scheme achieves the intent of the provision and is therefore acceptable.</p>
<p>6.13 Communal Open Space</p> <ul style="list-style-type: none"> Developments with more than 10 dwelling must incorporate COS. Minimum size of this open space is 5sqm per dwelling. Where a minimum 15% of the site is provided as a deep soil zone, combined use of part of the deep soil zone as COS may occur. A maximum 1/3 of the required COS may be combined with deep soil zone. COS must receive at least 3hrs of direct sunlight between 9.00am and 3.00pm mid-winter. 	<p>The proposal provides 228m² of communal open space on the site where 90m² is required (refer landscape plan at Appendix D). The COS is partly combined with the deep soil area towards the northeast corner of the site and will receive at least 3hrs of direct sunlight in mid-winter.</p>
<p>6.14 Private Open Space</p> <ul style="list-style-type: none"> Private open space must be provided for each dwelling within a residential apartment building in the form of a balcony, courtyard, terrace and/or roof garden. The courtyard/terrace for the ground level dwellings must have a minimum area of 25m² and width of 2 metres. This area must be separated from boundaries by at least 1.5m with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas. The balcony must have a minimum area of 12m² open space and a minimum depth of 2.4 metres. 	<p>POS is provided for each dwelling. On the ground floor private open space (POS) varies from 35.7m² to 150.3m², exceeding the minimum 25m². All ground floor POS achieves a minimum width of 2m.</p> <p>On level 1, POS varies from 8m² to 17m² with 2 out of the 10 units complying with the minimum 12m² required under the DCP. No units achieve the minimum 2.4m width.</p> <p>All units achieve the minimum POS area requirements prescribed under the Land and Housing Corporation Dwelling Requirements (LAHC dwelling requirements) and will provide good amenity for future tenants. Ground level courtyards are provided with hedge landscaping to maintain privacy for tenants whilst also providing an attractive streetscape setting.</p>
<p>6.15 Adaptable and Universally Designed Housing</p> <ul style="list-style-type: none"> Within a residential apartment building, 10% of all dwellings (or at least one dwelling) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "preadaptation" design details to ensure visitability is achieved. 	<p>The proposed development contains 18 dwellings and therefore 2 units must be adaptable. Units 6 and 8 have been designed as adaptable dwellings therefore complying with clause 6.15.</p>
<p>6.18 Solar Access</p> <ul style="list-style-type: none"> The living room and POS of at least 70% of apartments should receive a minimum three hours of sunlight between 9.00am and 3.00pm mid-winter. 	<p>72% of units achieve a minimum 3 hours direct sunlight between 9am and 3pm mid-winter (refer view from sun diagrams in Appendix D).</p> <p>At least 50% of private open space areas of adjoining residential properties receive at least 3hrs sunlight</p>

Provision	Proposal
<ul style="list-style-type: none"> A least 50% of POS areas of adjoining residential properties must receive at least 3hrs of sunlight between 9.00am and 3.00pm mid winter. 	between 9am and 3pm mid-winter (refer shadow diagrams in Appendix D).
Chapter D01: Character Statements	
3.20 Bellambi	
<p>Existing Character</p> <p>Bellambi is located approximately 10kms north of the Wollongong City Centre and is situated to the northeast of East Corrimal.</p> <p>Bellambi is a small beachside suburb and is characterised by a mix of low to medium density precincts with a range of housing types including single storey detached dwellings, dual occupancies, villas, townhouses and residential flat buildings. The existing dwelling-houses are predominantly weatherboard or brick veneer with hipped rooflines.</p> <p>Bellambi Harbour contains the main boat ramp facility for the northern suburbs of Wollongong. Bellambi Beach, Bellambi Recreation Area and Bellambi Lagoon Nature Reserve are key recreational destinations in this suburb.</p>	<p>The proposal responds to the existing character of Bellambi by reflecting the coastal residential character through materiality, and providing a scale of building that is compatible with existing development in the area.</p> <p>The proposal incorporates articulated architectural elements including a hipped roofline fronting Bramsen Street and flat roof fronting Pioneer Road. The mix of materials and finishes, comprising mostly weatherboard and face-brick, reflect the local context.</p> <p>The development has been designed to address both street frontages, enhancing opportunities for passive surveillance of public areas and activating the street frontage. Each group of 4 units is accessed from a central lobby area with a direct connection to the street, providing safe and clearly defined entry points for tenants.</p> <p>The development makes a positive contribution to the residential streetscape through the use of quality materials that reflect the local setting, retention of existing trees particularly at the site frontage, and the provision of new landscape plantings at side, rear and front setback zones.</p> <p>The proposal will be compatible with the existing and desired future character of the Bellambi neighbourhood and delivers a built form outcome which is consistent with the planning controls for the locality.</p>
<p>Desired Future Character</p> <p>Bellambi is likely to remain as a relatively low to medium density residential area.</p> <p>New dwellings should be constructed of weatherboard or face brickwork and feature hipped roof forms.</p>	<p>The proposal is a medium density residential building and embodies the desired future character of the area.</p> <p>As mentioned above and illustrated in Appendix D, the development includes a mix of weatherboard and face brick, with featured hip roof form on the Bramsen Street frontage.</p>
Chapter E2: Crime Prevention through Environmental Design	
3.2 Natural surveillance and sightlines	<p>The proposal has been designed to avoid blind, sharp corners on pathways, stairs and corridors.</p> <p>Dwellings at both ground and first floor have been designed with living areas oriented outwards towards the street, thereby providing good passive surveillance of public areas.</p>
3.4 Building design	Entrances to the apartments are clearly defined, secure, well-lit and orientate to each respective frontage. There are no blank walls on any elevation of the development.
3.5 Landscaping	Planting has been selected as to not screen doorways and entrances.

Provision	Proposal
Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management	
6.1 Car Parking and Traffic Impact Assessment Study	Northrop has prepared a Traffic Impact Assessment Report which is provided in Appendix J .
7.1 Car Parking, Motorcycle, Bicycle Requirements	The proposal provides 16 car parking spaces in accordance with the Housing SEPP, 2 motorcycle spaces and 8 bicycle spaces.
7.2 Disabled Access and Parking	2 accessible spaces are provided. City Plan Services confirm in Appendix P that a continuous accessible path of travel is provided from the accessible spaces to the building.
Chapter E7: Waste Management	Elephants Foot has prepared a Construction and Demolition WMP and Operational Waste Management Plan (refer to Appendix M/N). Calculations for the required number of bins during the development's operation has been based on Chapter E7. Council will collect bins at the kerbside with residents moving their bins to the kerbside the night prior to collection.
Chapter E14: Stormwater Management	Northrop has prepared a detailed Stormwater Drainage Plan in Appendix D which addresses the requirements of Chapter E14.
Chapter E17: Preservation and Management of Trees and Vegetation	Allied Tree Consultancy has prepared an Arborist Report in Appendix G .

6. Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to the local council and to the adjoining occupiers are provided in **Appendix B**, together with copies of all responses received.

6.1 Council Notification

In accordance with section 43 of the Housing SEPP, Wollongong Council was notified of the development by letter dated 20/06/2022 (refer to **Appendix B**). The notification response period formally started on the 21/06/2022 and closed on 15/07/2022 (with an extension being granted) and Council responded to the notification by letter dated 03/08/2022, which has been extracted below. A response is provided in relation to the comments and matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements in **Appendix C**.

Table 11: Council submission issues

Table 11: Issues raised in Council submission	
Issues raised	Response
1a. Parking Dimensions and Access Driveway The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths, grades of the car parking areas and access driveway should be in conformity with the current relevant Australian Standard AS2890.1. Details of such compliance are to be reflected on the Construction plans.	The Traffic and Parking Impact Assessment prepared by Northrop confirms compliance with AS2890.1 (Appendix J). Standard Identified Requirements Nos. 10-12 ensure compliance with AS2890.1 and Council's vehicular access and parking standards.
1b. Structures adjacent to driveway Any proposed structures adjacent to the driveway should comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement should be reflected on the Construction plans.	
1c. Stormwater connection to kerb Connection across footways should be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb should be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.	Council's recommended condition has been included as Identified Requirement No. 65.
1d. Sizing of drainage All roof gutters and downpipes should be designed to cater for a 1 in 100 year ARI storm event in accordance with the current version of AS 3500.3 - Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe sizes and downpipe locations should be reflected on the Construction plans.	Council's recommended condition has been included as Identified Requirement No. 66.
1e. Stormwater drainage design A detailed drainage design for the development should be included in the construction plans. The detailed drainage design should satisfy the following requirements: <ul style="list-style-type: none"> i. Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong Development Control Plan 2009 (WDCP 2009), Subdivision Policy, conditions listed under this consent. 	A stormwater concept plan and Stormwater compliance certificate are provided in Appendices D and R , respectively. The requirements of i, ii, iii, & iv have been achieved. Refer to Standard Identified Requirements Nos. 6-9 and 31 for all stormwater disposal related requirements.

Table 11: Issues raised in Council submission

Issues raised	Response
<p>ii. Include details of the method of stormwater disposal. Stormwater from the development should be piped to Council's existing stormwater drainage system</p> <p>iii. Engineering plans and supporting calculations for the stormwater drainage system should be prepared by a suitably qualified engineer and should be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan should indicate the method of disposal of all stormwater and should include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,</p> <p>iv. Overflow paths should be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events should be incorporated in the design. Overflow paths should also be provided in low points and depressions. Each overflow path should be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path should be shown on the detailed drainage design.</p>	
<p>1f. On-site stormwater detention (OSD) design</p> <p>The developer should provide on-site stormwater detention (OSD) storage for stormwater runoff from the development. The design and details of the OSD system should be provided in conjunction with the detailed drainage design on the construction plans. The OSD design and details should satisfy the following requirements:</p> <ul style="list-style-type: none"> • Should be prepared by a suitable qualified engineer in accordance with Chapter E14 of WDCP 2009. • Should include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 12.2.4 of Chapter E14 of the WDCP 2009. • The OSD facility should be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details should be provided demonstrating these requirements have been achieved. • The OSD facility should incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding. • Should include discharge control calculations (i.e. orifice/weir calculations) generally in accordance 	<p>Refer to Standard Identified Requirements Nos. 6-9 & 31 in relation to stormwater disposal.</p>

Table 11: Issues raised in Council submission

Issues raised	Response
<p>with Section 12.2.6 and 12.5.4 of Chapter E14 of the WDCP 2009.</p> <ul style="list-style-type: none"> • Details of the orifice plate including diameter of orifice and method of fixing should be provided. • Should include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque should include the following information and should be installed prior use of the development: <ul style="list-style-type: none"> - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with. - Identification number; - Any specialist maintenance requirements. • Should include a maintenance schedule for the OSD system should, generally in accordance with Chapter E14 of the WDCP 2009. 	
<p>1g. Council road reserve works – driveway and crossings</p> <p>All redundant vehicular crossings and laybacks rendered unnecessary by this development should be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary should be removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary should be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.</p> <p>All new driveway laybacks and driveway crossings should be designed in accordance with Wollongong City Council Standards.</p>	<p>Refer to Standard Identified Requirements Nos. 10-12.</p>
<p>1h. Flows from adjoining properties</p> <p>Flows from adjoining properties should be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary should be no higher than the existing upslope adjacent ground levels.</p>	<p>Council's recommended condition has been included as Identified Requirement No. 67.</p>
<p>1i. Works in road reserve – minor works</p> <p>Prior to construction, approval under Section 138 of the Roads Act should be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development. The application form for Works within the Road Reserve - Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted, and fees paid, 5 days prior to the works within the road reserve are intended to commence.</p> <p>The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration should be in accordance with the following requirements:</p> <p>a. All restorations are at the cost of the Applicant and should be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".</p>	<p>Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a Public Authority, such as Land and Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road.</p> <p>Notwithstanding this works will generally be undertaken in accordance with council requirements.</p>

Table 11: Issues raised in Council submission

Issues raised	Response
b. Any existing damage within the immediate work area or caused as a result of the work/occupation, should also be restored with the final works.	
1j. No adverse run-off impacts to adjoining neighbours During works the development should ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention should be paid to ensure adequate protection for buildings against the ingress of surface run-off. Allowance should be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off should not adversely affect any other property.	Council's recommended condition has been included as Identified Requirement No. 68.
1k. Flows from adjoining properties During construction, flows from adjoining properties should be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary should be no higher than the existing upslope adjacent ground levels.	Repeat of 1h. Refer to Identified Requirement No. 67.
1l. Drainage The developer should obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site stormwater detention works have been constructed in accordance with the Construction plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor should be submitted. These plans and certification should satisfy all the stormwater requirements stated in Chapter E14 of the WDCP 2009. This information should be submitted to the Crown Certifier prior to the use of the development.	Refer to Standard Identified Requirement No. 61.
1m. Restriction on use over on-site detention facility The applicant should create a restriction on use under the Conveyancing Act 1919 over the onsite stormwater detention system. The following terms should be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council: "The registered proprietor of the lot burdened should not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site stormwater detention system' should include all ancillary roof gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures. Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council." The instrument, showing the restriction, should be submitted to the Crown Certifier for endorsement prior to the use of the development.	Section 6.28 of the EP&A Act requires that LAHC as a Crown authority certify all building works.
1n. Positive covenant on-site detention maintenance A positive covenant should be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction plans approved OnSite Stormwater Detention System and Maintenance Schedule (application number to be referenced). The instrument, showing the positive covenant should be submitted to the Crown Certifier for endorsement prior to use of the development.	
1o. On-site detention, structure certification	

Table 11: Issues raised in Council submission

Issues raised	Response
<p>The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Crown Certifier prior to use of the development. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the Construction plans.</p>	
<p>2a. Tree retention/removal The developer shall retain the existing trees indicated in the Arboricultural Impact Assessment (AIA) by Allied Tree Consultancy dated December 2021 consisting of trees numbered T1, T13, T14, T20 and T21.</p> <p>Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007. All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development sites.</p> <p>All recommendations in the Arboricultural Impact Assessment by Allied Tree Consultancy dated December 2021 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.</p> <p>In regards to trees T15, T16, T17 and T18, trees on neighbouring property. These trees will be impacted by the development. The trees are environmental weeds and consent is not required for removal. It is recommended that the trees are removed prior to construction by arrangement with the neighbouring property owner, at the expense of the developer. This is a safety matter as the trees may become unstable due to the proposed construction.</p> <p>This consent permits the removal of trees numbered T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T19, T22 and T23 as indicated in the Allied Tree Consultancy dated December 2021. No other trees shall be removed without prior written approval of Council.</p>	<p>Tree removal, retention and protection measures are already covered by Independent Requirements 1, 20 and 41 therefore this condition is not required.</p> <p>Permeable paving is proposed along the eastern boundary, therefore the proposed development will not impact trees T15, T16, T17 and T18 on neighbouring land.</p>
<p>2b. Fencing The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:</p> <ul style="list-style-type: none"> a. where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the same brickwork as that used in the external wall of the building; and b. rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped or colorbond fences. 	<p>The brick piers at the street boundary are of the same brickwork as the external wall of the building.</p> <p>1.8m high colorbond fencing is proposed to all side and rear boundaries behind the building line (refer architectural plans at Appendix D).</p> <p>The rear private courtyard fencing has been amended post notification from 1.5m in height to 1.8m to improve the privacy and amenity of the courtyards given the adjacent carpark.</p>
<p>2c. Crime Prevention Through Environmental Design (CPTED) – Landscaping In order to reduce the opportunities for "hiding places" the proposed landscaping must:</p> <ul style="list-style-type: none"> • Use shrubs/plants which are no higher than one (1) metre. • The type of trees proposed must have a sufficiently high canopy, when fully grown, so that pedestrian vision is not impeded. 	<p>The REF is accompanied by a landscape plan which includes suitable species that promote CPTED whilst also encouraging privacy for the residents of the development and surrounding area. Refer Appendix D.</p>
<p>2d. Crime Prevention Through Environmental Design (CPTED) – Design Measures</p>	

Table 11: Issues raised in Council submission

Issues raised	Response
<p>The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:</p> <ul style="list-style-type: none"> • Landscape treatment which allows visibility from the road way and other public areas; • landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse, • provide clearly marked and sign posted visitor car parking signs (including security/intercom system); • ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space. 	<p>The landscape plan incorporates planting that allows for passive surveillance of the public domain, particularly along Pioneer Road and Bramsen Street, as well as good surveillance of the internal parking area without compromising on the privacy of tenants.</p>
<p>2e. Change in driveway paving A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works.</p>	<p>Refer to Standard Identified Requirement No. 10. The driveway is proposed to be concrete paving from the kerb to 6m into the property, after which point the driveway material is changed to permeable paving which will create a visual contrast for motorists.</p>
<p>2f. Structures adjacent to driveway <i>Repeat of 1b.</i></p>	<p>Repeat of 1b. Refer to vehicle access and parking standard identified requirements Nos 10-12.</p>
<p>2g. Final landscape plan requirements The final Landscape Plan should address the following requirements:</p> <ul style="list-style-type: none"> • Deep soil zone areas are to be densely planted with canopy trees to achieve the objectives in DCP 2009; • planting of indigenous plant species native to the Illawarra Region such as: Syzygium smithii (syn Acmena smithii) Lilly pilly, Archontophoenix cunninghamiana Bangalow palm, Backhousia myrtifolia Grey myrtle, Elaeocarpus reticulatus Blueberry ash, Glochidion ferdinandii Cheese tree, Livistona australis Cabbage palm tree, Syzygium paniculatum Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 - Chapter E6: Landscaping; • a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes; • the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and • any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations. 	<p>The REF is accompanied by a landscape plan which includes some of the recommended plant species and details the planting schedule. Deep soil requirements are in accordance with the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> and the proposal has been designed to these requirements.</p>
<p>2h. Certification for landscape and drainage The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction</p>	<p>Refer to Standard Identified Requirements Nos.18 & 19</p>

Table 11: Issues raised in Council submission

Issues raised	Response
Certificate, confirming that the landscape plan and the drainage plan are compatible.	
2i. Landscape maintenance plan The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.	
2j. Tree protection and management The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following: <ul style="list-style-type: none"> • Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate. • Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch. • Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the Arborist's recommendations. 	The Arboricultural Impact Assessment (Appendix G) includes all relevant tree protection measures and must be implemented. Refer Standard Identified Requirements Nos. 1 & 41.
2k. Street trees The developer must address the street frontage by installing street tree planting. The number and species for this development are: <ul style="list-style-type: none"> • Pioneer Road - four <i>Melaleuca linariifolia</i>; • Bramsen Street - four <i>Callistemon viminalis</i>; • 200 litre container size, in accordance with AS 2303:2018: Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of minimum 3 x 2400 x 50 x 50mm hardwood stakes driven minimum 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.	Refer to Identified Requirement No. 69.
2l. Council footpath reserve works – driveways and crossings <i>Repeat of 1g.</i>	Repeat of 1g. Refer to Standard Identified Requirements Nos. 10-12.
2m. Dilapidation report Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally	Pursuant to s6.28 of the Act, LAHC are exempt from the need to obtain a construction certificate. Therefore, Council's recommended condition has been re-worded and included as Identified Requirement No. 70.

Table 11: Issues raised in Council submission

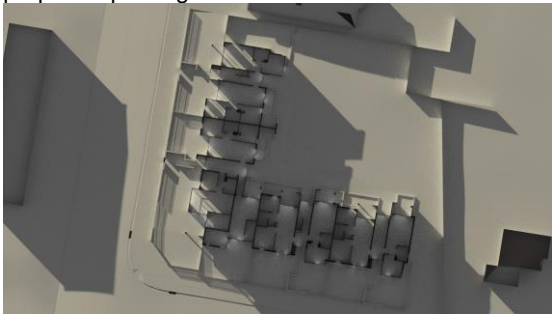
Issues raised	Response
and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.	
<p>2n. Shade to car park area</p> <p>The applicant shall ensure that trees be incorporated wherever possible in the car park. In open car parks, they are to be so spaced that 50% of the area will lie under the canopy of the trees when they reach maturity.</p>	<p>The proposed car park area includes suitable landscaping, including canopy trees. The parking area cannot include any additional landscaping, as it will require the number of parking spaces to be reduced, resulting in a parking non-compliance.</p> <p>As outlined in the below figure, the proposed built form will provide shading opportunities (in mid-afternoon) and in addition to the proposed/existing landscaping, will provide adequate shading to the proposed parking area.</p>  <p style="text-align: center;">Figure 24: Shadowing Mid-Winter (3pm) (Source: McIntosh & Phelps)</p>
<p>2o. Supervising arborist – tree inspection and installation of tree protection measures</p> <p>Prior to the commencement of any demolition, excavation or construction works, the supervising Arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the Arborist's recommendations and relevant conditions of this consent.</p>	<p>The Arboricultural Impact Assessment (Appendix G) includes all tree inspection requirements and all tree installation protection measures for those to be retained prior to and during demolition/construction.</p>
<p>2p. Tree protection</p> <p>Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970:2009).</p> <p>Tree Protection Zones must be established prior to the commencement of any work associated with this approved development. No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.</p>	<p>Refer to Standard Identified Requirements Nos 1 & 41 ensuring these protection measures are adhered to.</p>
<p>2q. Tree protection measures</p> <p>Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.</p>	
<p>2r. Copy of consent in the possession of person carrying out tree removal</p> <p>The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.</p>	<p>This requirement is already covered by Identified Requirements 1, 20 and 41 and therefore has not been included.</p>

Table 11: Issues raised in Council submission

Issues raised	Response
<p>2s. Restricted washing of equipment or disposal of materials on any tree dripline area No washing of equipment and or the disposal of building materials such as cement slurry must occur within the drip line of any tree which has been nominated for retention of the site and adjacent property.</p>	<p>This requirement is already covered by Identified Requirement 50 and therefore has not been included.</p>
<p>2t. Treatment of any tree damage by a supervised arborist Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.</p>	<p>This requirement is already covered by Identified Requirement 20 and 41 and therefore has not been included.</p>
<p>2u. Provision of taps/irrigation system The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.</p>	<p>Common taps will be provided for maintenance of landscaped areas. Refer to Identified Requirement No. 71.</p>
<p>2v. Screen planting To mitigate impact to adjoining dwelling a continuous hedge is to be established along the northern and eastern boundaries. The minimum width of the mulched planting bed for the hedge planting is 1.5m, and is to extent for the length of property boundary. Suggested species: • Recommended species: Acmena smithii 'Sublime', Acmena smithii 'Redhead', Callistemon viminalis 'Slim', Callistemon 'Great Balls of Fire', Callistemon 'Wildfire', Callistemon 'Red Alert', Syzygium austral 'Pinnacle', Syzygium australe 'Aussie Southern', Syzygium australe 'Aussie Compact', Syzygium /uehmannii x S. wilsonii 'Cascade', Minimum spacing 900mm and minimum pot size 5 lt. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 - Chapter E6: Landscaping.</p>	<p>There is insufficient room for additional screen plantings. The landscape plans already include screen plantings along the eastern boundary. Specifically, the tree species <i>Archontophoenix Cunninghamiana</i> is proposed along the interface with existing residential dwellings. These trees (once mature) have a height of 8 metres and a width of 4 metres, which will provide adequate buffers along this interface. The existing trees along the eastern boundary in addition to 1.8 metre fence, will assist in providing privacy between the adjoining neighbours.</p>
<p>2w. Tree protection While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of AS 4970-2009 Protection of trees on development sites and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p>	<p>Refer to Standard Identified Requirements Nos. 1 & 41.</p>
<p>2x. Compensatory planting The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, five 100 litre container mature plant stock shall be placed in a suitable location on the subject property. The suggested species are <i>Glochidion ferdinandi</i>, <i>Waterhousia floribunda</i>, <i>Acmena smithii</i>.</p>	<p>There is insufficient area available for additional landscape plantings. The development already includes sufficient additional tree plantings to compensate the removal of existing trees. 18 new trees (with a size of mainly 200L) have already been included in the proposed design.</p> <p>The proposed tree species selection includes the following:</p> <ul style="list-style-type: none"> • <i>Melaleuca linariifolia</i> • <i>Glochidion ferdinandi</i> • <i>Cupaniopsis anardoides</i> • <i>Brachychiton acerifolius</i>

Table 11: Issues raised in Council submission

Issues raised	Response
	<ul style="list-style-type: none"> • <i>Archontophoenix Cunninghamiana</i> <p>These trees are substantial in size, growing to height of between 7-10 metres. In addition to the above, a number of ground covers and screen/shrub plantings are also proposed.</p>
<p>2y. Completion of landscape and tree works Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed.</p>	<p>Council's recommended condition has been included as Identified Requirement 72.</p>
<p>2z. Completion of landscape works on council owned or controlled land The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works.</p>	<p>Refer to Standard Identified Requirements Nos. 18 and 69.</p>
<p>2aa. Arborist verification – street tree installation Prior to the issue of Occupation Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the Principal Certifier and Wollongong City Council to verify:</p> <ul style="list-style-type: none"> • The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use. • The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and arboricultural best practice. 	<p>Refer to Standard Identified Requirements Nos. 18, 19 & 69.</p>
<p>2bb. Street tree establishment period – city centre/commercial village centre The Developer must comply with the terms of an approved landscape maintenance program for a minimum period of 12 months to ensure that all landscape works within Council's road reserve or Council owned or controlled land becomes well established by regular maintenance. The Street Tree Establishment Period shall commence from the issue of the Occupation Certificate. The program must include the following elements: watering, weeding, litter removal, mulching, fertilising, tree guard and grate maintenance, and pest and disease control.</p> <p>Details of the proposed program must be submitted with the Landscape Plan to the Principal Certifier for approval prior to release of the Construction Certificate.</p>	<p>Suitable wording has been included as Standard Identified Requirement No. 18.</p>
<p>3a. Contamination The proposed development site is potentially contaminated and the aerial photographs indicate until mid 1950s there was an access road cutting through East - West (67 Pioneer Rd and 30 Bramsen St) and mid 1950s when dwellings were built also adjacent industrial sites. Uncontrolled fill material brought on site that may have potentially caused land and/or groundwater contamination.</p> <p>The development will involve in excavation of material below ground level. A combined (Stage I to III) Site Investigation Report shall be considered that identifies the exact nature, degree and extent of any contamination within the soil and/or groundwater table (if any).</p>	<p>Refer to Identified Requirement No. 17.</p>

Table 11: Issues raised in Council submission

Issues raised	Response
<p>3b. Acoustic report The acoustic report prepared by Northrop Consulting Engineering Pty Ltd dated 6 May 2022 has considered relevant guidelines and criteria and recommended acoustic attention methods in Section 7 of the report. However report did not consider that surround proposed 18 units there will open space (Lot 36 & 39 DP 35989) with common boundary other private residential dwelling require a acoustic fencing. It is suggested to amend acoustic report with a suitable acoustic boundary fence for the proposed development.</p>	<p>The proposal is for a residential use and therefore acoustic fencing is not required.</p>
<p>3c. Demolition work plan The proposed demolition of residential dwellings were built between mid 1950s and 1980 potentially hazardous material in the dwellings need to be assessed. Prior demolition, Hazardous Building Materials Assessment shall be undertaken.</p> <p>A Site Waste Minimisation and Management Plan is required.</p> <p>An Erosion and Sediment Control Plan is required.</p>	<p>Demolition of existing structures on the site was undertaken as part of CDC approvals 2022/324, 325, 331 & 329 and no longer forms part of the proposed activity.</p>
<p>3d. Acid sulfate soils Council's mapping identifies Class 5 acid sulfate soils at the subject lots. Clause 7.5 Acid Sulfate Soils of WLEP 2009 is to be addressed in the REF.</p>	<p>According to Council's Section 10.7(2) & (5) Planning Certificates, the land is identified as being partially within Class 5 Land on the Acid Sulfate Soil Map under the WLEP2009.</p> <p>Clause 7.5 of WLEP 2009 requires an Acid Sulfate Soil Management Plan for work on Class 5 Land that is within 500m of adjacent Class 1-4 Land below 5m AHD and by which the water table on adjacent Class 1-4 Land is likely to be lowered by 1m AHD. The site is located approximately 530m from Class 4 land therefore, an Acid Sulfate Management Plan is not required.</p>
<p>4a. Planning comments – permissibility The proposal falls under the definition of residential flat building pursuant to Wollongong Local Environmental Plan 2009 (WLEP 2009) and is permissible in the R2 - Low Density Residential zone with consent.</p> <p>residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.</p> <p>Note- Residential flat buildings are a type of residential accommodation- see the definition of that term in this Dictionary.</p>	<p>Noted – the proposed use is permissible on the subject site.</p>
<p>4b. Building work – compliance with the building code of Australia All building work should be carried out in compliance with the provisions of the Building Code of Australia.</p>	<p>Refer to Standard Identified Requirement No. 2.</p>
<p>4c. Protection of public infrastructure Council should be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site. Adequate protection should be provided for Council infrastructure during building operations. Any damage to Council's assets should be made good, prior to the commencement of use.</p>	<p>Refer to Standard Identified Requirement No. 60.</p>
<p>4d. Mailboxes The developer should install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed,</p>	<p>Refer to Standard Identified Requirement No. 22</p>

Table 11: Issues raised in Council submission

Issues raised	Response
with a minimum number size of 150 mm in height for each number and letter in the alphabet. The mailbox should be located adjacent to the entrance gate and pathway at the front boundary for each dwelling.	
4e. Maintenance of access to adjoining properties Access to all properties not the subject of this approval should be maintained at all times and any alteration to access to such properties, temporary or permanent, should not be commenced until such time as written evidence of an agreement is provided by the affected property owners.	Refer to Identified Requirements No. 56 and 63.
4f. Adjustment of a public utility service The arrangements and costs associated with any adjustment to a public utility service should be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer.	Refer to Standard Identified Requirement No. 55.
3g. Sign – supervisor contact details Before commencement of any work, a sign should be erected in a prominent, visible position: a Stating that unauthorised entry to the work site is not permitted; b Showing the name, address and telephone number of the Principal Certifier for the work; and c Showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes. This sign should be maintained while the work is being carried out and removed upon the completion of the construction works.	Refer to Standard Identified Requirement No. 38.
3h. Temporary toilet/closet facilities Toilet facilities should be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided should be: a a standard flushing toilet; and b connected to either: i the Sydney Water Corporation Ltd sewerage system or ii an accredited sewage management facility or iii an approved chemical closet.	Suitable wording has been included as Standard Identified Requirement No. 36 (a).
3i. Enclosure of the site The site should be enclosed with a suitable security fence to prohibit unauthorised access. No building work is to commence until the fence is erected.	Refer to Standard Identified Requirement No. 39.
3j. Demolition works The demolition of the existing structures should be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW. No demolition materials should be burnt or buried on-site. The person responsible for the demolition works should ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application should be made to Council to enclose the public	Demolition of existing structures on the site was undertaken as part of a CDC approval and no longer forms part of the proposed activity.

Table 11: Issues raised in Council submission

Issues raised	Response
place with a hoarding or fence over the footpath or other Council owned land.	
3k. Demolition notification to surrounding residents Demolition should not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.	
3l. Erosion and sediment control measures Erosion and sediment control devices should be installed prior to the commencement of any excavation or construction works upon the site. These devices are to be maintained throughout the entire excavation and construction phases of the development and until the site has become stabilised.	Suitable wording has been included as Standard Identified Requirement No. 13.
3m. Sediment control measures The developer should ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures should be maintained at all times and checked for adequacy at the conclusion of each day's work.	
3n. Supervision of engineering works All engineering works associated with the development should be carried out under the supervision of a practicing engineer and/or registered surveyor.	Section 6.28 of the EP&A Act requires that LAHC as a Crown authority certify all building works.
3o. Car parking areas The car parking areas should incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding properties.	Council's recommended condition has been included as Identified Requirement No. 74.
3p. Restricted hours of construction work The developer should not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday. No work should be permitted on public holidays or Sundays.	Suitable wording has been included as Standard Identified Requirement No. 46.
3q. Carrying out of works The developer should carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.	Suitable wording has been included as Standard Identified Requirements Nos. 48 & 52.
3r. Site management Stockpiles of sand, gravel, soil and the like should be located to ensure that the material: <ul style="list-style-type: none"> • Does not spill onto the road pavement; and • Is not placed in drainage lines or watercourses and cannot be washed into these areas. 	This requirement is already covered by Identified Requirements 40 & 50 and therefore has not been included.
3s. Drains and gutters Drains, gutters, access ways and roadways should be maintained free of sediment and any other material. Gutters and roadways should be swept/scraped regularly to maintain them in a clean state.	Council's recommended condition has been included as Identified Requirement No. 48 – 54.
3t. Trucks Trucks which are entering and leaving the premises and carrying loads should be sealed or covered at all times, except during loading and unloading.	Refer to Standard Identified Requirement Nos. 52, 53 and 75.
3u. Waste management The developer should provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle should be regularly emptied and waste should not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.	Council's recommended condition has been included as Identified Requirement No. 54.

Table 11: Issues raised in Council submission

Issues raised	Response
<p>3v. Consultation with SafeWork NSW – Prior to asbestos removal A licensed asbestos removalist should give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.</p>	<p>Demolition of existing structures on the site was undertaken as part of a CDC approval and no longer forms part of the proposed activity.</p>
<p>3w – Asbestos – removal, handling and disposal measures/requirements asbestos removal by a licensed asbestos removalist The removal of any asbestos material should be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with Safe Work NSW requirements (<http://www.safework.nsw.gov.au>).</p>	
<p>3x. Asbestos waste collection, transportation and disposal Asbestos waste should be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste should only be disposed of at a landfill site that can lawfully receive this type of waste.</p>	
<p>3y. BASIX All the commitments listed in each relevant BASIX Certificate for the development should be fulfilled in accordance with Clause 97 A(2) of the Environmental Planning & Assessment Regulation 2000. A relevant BASIX Certificate means: • A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or • if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and • BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."</p>	<p>Suitable wording has been included as Standard Identified Requirement No. 3.</p>
<p>3z. Fire safety measures All new fire safety measures should be maintained in working condition, at all times.</p>	<p>Fire safety measures are covered by the Building Code of Australia/National Construction Code and by virtue of Section 6.28 of the EP&A Act. Refer to Standard Identified Requirements Nos. 2 and 4.</p>
<p>3aa. Loading/unloading operations/activities All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.</p>	<p>Council's recommended condition has been included as Identified Requirement No. 75.</p>
<p>3bb. Fire safety certificate A Fire Safety Certificate should be issued for the building prior to occupation. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates: • Should cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and • Should cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.</p>	<p>Fire safety measures are covered by the Building Code of Australia/National Construction Code and by virtue of Section 6.28 of the EP&A Act. Refer to Standard Identified Requirements Nos. 2 and 4.</p>

6.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) of the Housing SEPP, the Council for the area was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

A Council advised in an email on 11 February 2021 that the notification zone was satisfactory subject to including 67 Pioneer Road. LAHC responded via email on 26 July 2021 confirming that 67 Pioneer Road forms part of the proposed development, hence LAHC did not notify this property. The notification map is provided in **Figure 25** below.

Under section 43(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in **Figure 25**, were notified of the proposed development activity by letter dated 20 June 2022. The statutory notification response period formally closed on 15 July 2022 and submissions are discussed in **Table 11**.



Figure 25: Site identified with green stars and properties notified by LAHC identified with red stars (Source: LAHC)

Table 11: Issues raised by adjoining owners/neighbours during statutory notification

Table 12: Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Parking	The proposal provides onsite parking in excess of the minimum parking requirement for a site in an "inaccessible area" under the Housing SEPP, being an additional 2 car spaces and 2 motorbike spaces. It is noted that the parking standard under the Housing SEPP is based on the car ownership rates of Land and Housing Corporation tenants, which are typically lower than the general community.
Traffic	<p>A Traffic and Parking Assessment Report has been prepared by Northrop (Appendix J). It should also be noted that the Traffic and Parking Assessment Report has been updated in response to submissions received to include an assessment of the cumulative impacts of the development in conjunction with 2 nearby seniors developments, Bellambi Public School and Pioneer Road Long Day Care.</p> <p>The report indicates that the projected nett increase in traffic as a consequence of the proposed development is acceptable and any increase can be accommodated within the capacity of the existing local</p>

Table 12: Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
	street network, including the intersection of Pioneer Road and Bramsen Street.
Amount of social housing	The provision of 18 dwellings LAHC meeting its obligations under <i>Future Directions for Social Housing</i> to deliver up to 23,000 dwellings over 10 years. The proposed dwellings assist in addressing an identified shortfall for 1 bed and 2 bed social housing dwellings in the locality. The 18 dwellings would not represent a significant concentration of social housing and there is sufficient local infrastructure to accommodate the increased density.
Location of bins	Bins, their location and collection, will be managed by Council in accordance with its normal waste management policies and services. LAHC provides planned maintenance services to the sites to keep tenant homes in good condition and ensure consistent maintenance standards across the state. All tenants are responsible for taking care of their property and reporting any maintenance needs to LAHC as soon as possible.
Fence	Identified Requirement No. 76 has been included, to ensure the proposed new fence is consistent with the adjacent fences.
Plant selection	<p>It has been confirmed that the proposed plant species are not toxic or poisonous to animals. Additionally, the proposed plant species are consistent with Council's recommendations. Refer to Landscape Plan at Appendix D.</p> <p>The following species (and corresponding heights) are proposed:</p> <ul style="list-style-type: none"> • <i>Archontophoenix cunninghamiana</i> (8m x 4m) • <i>Brachychiton acerifolius</i> (10m x 5m) • <i>Cupaniopsis anardoides</i> (8m x 5m) • <i>Glochidion ferdinandi</i> (10m x 6m) • <i>Melaleuca linariifolia</i> (7m x 6m) <p>These species are considered appropriate given that once they are mature they will provide adequate screening to neighbouring properties.</p> <p>Standard Identified Requirement No. 18 requires all landscaping to be maintained for a period of 12 months by the building contractor.</p>
Compatibility	The development is compatible with the low-medium scale context of the locality and is a permissible use under the WLEP 2009 in the R2 zone. The perceived bulk and scale is mitigated through appropriate materials, roof design and landscaping. The building design and landscaping integrates with the surrounding residential neighbourhood and local coastal character.
Acoustic	An Acoustic Report has been prepared by Northrop (Appendix I). The report makes a series of recommendations which will be incorporated into the construction of the proposed development, to ensure it will comply with the acoustic requirements of Wollongong City Council, NSW EPA Noise Policy for Industry and relevant Australian standards and guidelines.
Privacy	<p>The proposed development has been designed to minimise visual privacy impacts on adjoining neighbours, by orienting first floor balconies outwards towards the street and away from side and rear boundaries where privacy impacts would be greater.</p> <p>Ground floor courtyards are also positioned in the front setback area, which will minimise privacy implications for neighbours whilst also creating a strong streetscape presence through activation of the frontage and a quality landscaped setting.</p>

Table 12: Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
	Several existing trees along the boundary of the site will be retained. Additionally, new screen plantings and new 1.8m high Colorbond fencing is proposed, which will maintain privacy along the boundaries of the development.
Sewer Pit	The hydraulic consultant has confirmed that the existing 150mm diameter Sydney Water main has sufficient capacity and will not require upgrading as a result of the new development. This will be confirmed by Sydney Water as part of the s73 Application process.
Shadowing	The development will not result in any significant shadow impacts onto adjoining residences, as illustrated in the shadow diagrams prepared by McIntosh and Phelps in Appendix D . 9.00am shadows fall in the front yard of the proposed development. At 12.00pm minor shadows are cast onto the front yard of the Bramsen Street fronting units. At 3.00pm the proposal causes minor shadow impacts to the south-west corner of 58 Lorking Street. Therefore, the proposal does not result in any adjoining properties receiving less than 3 hours of sunlight at mid-winter.
View loss	<p>McIntosh and Phelps have prepared a view impact analysis (Appendix Q). This involved superimposing the subject proposal and the alterations and additions to 65 Pioneer Road to illustrate the view loss to be experienced by 54 Lorking Street, Bellambi.</p> <p>As seen in Section 7.16 of this report, the proposal itself results in minor view loss of the escarpment. In considering the cumulative impact of the proposal and the constructed alterations and additions at 65 Pioneer Road, the view loss is assessed as minor. Refer to Section 7.16 for further information.</p>

6.3 Notification of Specified Public Authorities

The activity is “residential development” under section 42 of the Housing SEPP. As required by section 42 (5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in clauses 16 and 17 of *SEPP (Infrastructure) 2007* (now section 2.10 of the Transport and Infrastructure SEPP 2021). The development is not located in an area that triggers the requirement to notify other public authorities other than Council.

7. Review of Environmental Factors

Environmental factors associated with the proposed activity have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 5.2.1 of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

7.1 Neighbourhood Character

The site is located within an established residential area, comprising a mix of different dwelling typologies. The character of the locality, to the south of the site, is predominantly single detached dwelling houses and associated structures, such as pergolas, garages and carports. The north of the site, on the opposite side of Pioneer Road, comprises of a mix of single detached dwellings, townhouses and double storey apartment buildings.

The bulk and scale of the proposed development will be compatible with the existing character of the neighbourhood, given it is a two storey development, consistent with the detached dwellings, townhouses and apartment buildings surrounding the site. It will also deliver a built form outcome consistent with the planning controls for the locality and character statement. The two storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding development. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

7.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding development in the locality of Bellambi. The two storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the apparent visual bulk of the development. Additionally, given its corner location, the building directly responds to each frontage, by providing landscaped gardens, entry points and balconies off each of its Bramsen and Pioneers Street frontages.

The proposal incorporates a floor space ratio of 0.485:1 and a maximum height of 7.625m which is compliant with the FSR control of 0.5:1 and height control of 9m. The FSR and two storey built form is sympathetic to the surrounding context and is considered to appropriately respond to the desired future character envisaged for the Bellambi locality. Although the development is classified as a residential flat building, the overall built form is similar to that of a multi-dwelling housing development, and is therefore considered consistent with the character of the locality.

The compliant floor space ratio confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density for the site which is consistent with State and regional strategies and the development controls applying to the site. As such, no mitigation measures are required.

7.3 Streetscape

The architectural style of the proposed activity is compatible with the varied typologies within the locality, which include single detached dwellings, townhouses and two storey residential flat buildings. The two street façades provide a highly articulated built form which is divided into a number of distinct elements, separated with substantial landscaping resulting in a finer grained streetscape appearance, consistent with existing built form in the area. In addition, the hard stand car parking area will predominantly be obscured from the streetscape, given it is located behind the proposed building form.

In conjunction with strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development activity will make a positive contribution to the streetscapes of Bramsen and Pioneer Streets. The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary residential development.

Built form has been designed to address both street frontages through incorporation of individual street entrances, street facing windows and doors, as well as patios and balconies within the setback areas, improving casual surveillance of the street. As such, no mitigation measures are required.

7.4 Visual Impact

The proposed development will generate some short term visual impact on the surrounding area during construction, with a long term positive visual impact associated with the establishment of new dwellings in an existing urban residential context.

The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

New landscaping within the front setback will incorporate the planting of *Cupaniopsis anardiodides* and *Melaleuca linariifolia*, which are capable of growing up to 7-8m when mature. Considered tree and shrub planting along the side and rear boundaries of the site will add to the long term visual amenity of the surroundings and improve the appearance of the site from the street and outlook from adjoining dwellings. As such, no mitigation measures are required.

7.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered site landscaping, new 1.8m high fencing, adequate site setbacks and strategic placement of windows and elevated outdoor areas so as to avoid direct overlooking of neighbours. In particular:

- The proposed development has been designed to minimise visual privacy impacts on adjoining neighbours by orienting first floor balconies outwards towards the street and away from side and rear boundaries where privacy impacts would be greater.
- Ground floor courtyards are positioned in the front setback area, which will minimise privacy implications for neighbours whilst also creating a strong streetscape presence through activation of the frontage and a quality landscaped setting.
- Ground level courtyards are provided with hedge landscaping to maintain privacy for tenants whilst also providing an attractive streetscape setting.
- Existing trees along the boundary of the site will be retained.

- New screen plantings and new 1.8m high Colorbond fencing is proposed, which will maintain privacy along the boundaries of the development.
- Units 10 and 18, which are closest to side boundaries at first floor level, are setback a minimum of 5.1m from the closest boundary and have living rooms oriented either towards the street (unit 10) or the centre of the site (unit 18) rather than side and rear boundaries.

7.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas and private open spaces and the private open spaces of adjoining properties in accordance with Division 6 of Housing SEPP. The submitted Architectural Plans indicate that 72% of dwellings receive at least 3 hours direct solar access to the living and POS areas on June 21.

Shadow diagrams also confirm the proposed development will facilitate sunlight to living areas and private open space of dwellings on adjoining sites, with at least 50% of private open space areas receiving 3hrs sunlight between 9am and 3pm mid-winter

Proposed living and open space areas have been carefully sited to maximise solar access and the proposal is consistent with Housing SEPP requirements.

7.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development.

The development will not result in any significant shadow impacts onto adjoining residences, as illustrated in the shadow diagrams prepared by McIntosh and Phelps in **Appendix D**. Shadows cast at 9.00am will fall across the front yard of the proposed development. At 12 noon minor shadows are cast onto the front yard of units facing Bramsen Street. At 3pm the proposal causes minor shadow impacts to the south-west corner of 58 Lorking Street.

The proposal does not result in any adjoining properties receiving less than 3 hours of sunlight at mid-winter.

7.8 Traffic & Parking

A total of 16 surface car parking spaces for residents, including 2 accessible spaces, are proposed. The accessible spaces will be allocated to the 2 adaptable units (units 6 and 8). The level of provision of on-site car parking will exceed the parking requirements set out in the Housing SEPP for developments carried out by LAHC by 2 car spaces. Provision has also been made for 2 motorcycle spaces and 8 bicycle spaces provided in a bike rack for use by residents and visitors. Unrestricted street parking is available on Bramsen Street directly adjacent to the site to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (TPA) prepared by Northrop (**Appendix J**) indicates that the projected nett increase in traffic as a consequence of the proposed development is acceptable and any increase can be accommodated within the capacity of the existing local street network, including the intersection at Pioneer Road and Bramsen Street.

The TPA examined the adequacy of the proposed driveway and onsite parking area. The assessment determined that the proposed driveway location met the minimum sight distance, gradient and queuing area requirements under the Australian Standards. Sufficient area is also provided in the car park for vehicles to turn and leave the site in a forward direction.

Mitigation measures

A site specific identified requirement (No. 63) is applied requiring the preparation of a construction management plan which is to be implemented prior to the commencement of works to ensure traffic and parking is appropriately managed during construction works.

7.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by Allied Tree Consultancy (**Appendix G**). The report considers 23 trees located on, and adjacent to the lot, and discusses the viability of these trees based on the proposed works.

The report concludes that trees 2-12, 19 and 22-23 will be adversely impacted by the proposed design and therefore are unable to be retained and require removal. These trees are all located on the subject site and are either located within the proposed development footprint or would be impacted by an unavoidable major encroachment within the tree protection zone.

The removal is considered supportable given the low and medium retention value of impacted trees, with 2 out of the 3 high retention value trees to be retained. The proposed Landscape Plan (**Appendix D**) includes substantial replacement planting and retention and protection of trees 13, 20 and 21. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term. There will be no significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

One high retention value tree, a Bungalow Palm (T1) was impacted during demolition works and subsequently removed for safety reasons. Identified Requirement No. 64 recommends appropriate replacement planting to compensate for the loss of this tree.

All vegetation on neighbouring land (trees 14-18) will be retained and protected during construction works.

Mitigation measures

Works within the Tree Protection Zone of retained trees on the site are to be undertaken using tree sensitive excavation and construction techniques such as pier and beam construction with suspended sections to reduce any impact on their stability, with piers to be dug by hand using non-motorised machinery to further assist in their protection. Retained trees are to be protected in accordance with the Tree Protection Plan contained within the Arboricultural Impact Assessment (refer **Appendix G**).

If associated infrastructure (pipe works) are to be installed within the Tree Protection Zone of any retained specimen, they are to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be left intact and dug around retaining this specimen's structural integrity with works to be undertaken in consultation with the project arborist (refer to Identified Requirement No. 57).

Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to Identified Requirement No. 41).

7.10 Heritage (European / Indigenous)

Wollongong Council's Section 10.7(2) & (5) Planning Certificate confirm there are no heritage items located on or in the vicinity of the site.

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 21 July 2021 (**Appendix O**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

No cultural heritage items have been identified in Wollongong Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

Mitigation Measures

A standard identified requirement (No. 43) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

7.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Investigation prepared by STS Geotechnics (**Appendix F**) indicates:

- The subsurface conditions generally consist of topsoil and fill overlying natural silty clays. Topsoil and fill materials were encountered to approximate depths of 0.2 - 0.5 metres. Natural silty clays were encountered below the topsoil and fill materials to the termination depth of 3m. The clays were assessed to be firm becoming stiff and very stiff with depth. The firm clays typically extend to depths of 0.8 to 1.5m.
- Groundwater was not observed during auger drilling of the boreholes. Two weeks later the water level in the piezometer in BH6 was remeasured at a depth of 2.4m whilst the piezometer in BH2 remained dry.

The recommendations of the report include:

- The existing topsoil and fill materials should not be relied upon for foundation support. Footings that bear in the firm natural clayey soils below any topsoil, fill or soft clays may be proportioned using an allowable bearing pressure of 70kPa. This value may be increased to 100kPa in firm to stiff natural soils.
- Care is to be taken to ensure that the base of excavations are free of all loose material prior to concreting. All footings recommended to be protected with a layer of blinding concrete as soon as possible, preferably immediately after excavating, cleaning, inspection and approval.
- The exposed bearing surfaces for footings should be inspected by a geotechnical engineer to ensure the allowable pressure has been achieved.

Mitigation Measures

An identified requirement (No. 13) recommends that sediment control measures be implemented during demolition/construction in accordance with Council requirements and/or the guidelines contained in the Blue Book *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004).

An identified requirement (No. 62) requires the recommendations of the Geotechnical Investigation and Acid Sulfate Soil Assessment prepared by STS Geotechnics dated March 2020 be implemented prior to commencement of construction.

Contamination

Council have identified the site as potentially contaminated land due to historic uses of the site and adjoining area. A combined (Stage I and III) Site Investigation Report is required to be undertaken prior to commencement of construction works that identifies the exact nature, degree and extent of any contamination within the soil and/or groundwater table (if any). Refer to Identified Requirement No. 17.

Mitigation Measures

A standard identified requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is identified as being partially within Class 5 Land on the Acid Sulfate Soil Map under the WLEP2009.

Clause 7.5 of WLEP 2009 requires an Acid Sulfate Soil Management Plan for works on Class 5 Land that is within 500m of adjacent Class 1-4 Land below 5m AHD and by which the water table on adjacent Class 1-4 Land is likely to be lowered by 1m AHD. The site is located approximately 530m from Class 4 land therefore, an Acid Sulfate Management Plan is not required.

Further to this, STS Geotechnics has prepared an Acid Sulfate Soils Assessment in **Appendix F** which confirmed that ASS was not identified as being present on the site. Accordingly, an ASS Management Plan is not required provided on-site dewatering does not lower the groundwater level outside the site.

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is not affected by salinity.

7.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and pipes on site, directed to the on-site detention tank for treatment, before discharging into the existing stormwater pit on

Bramsen Street. The proposal requires the construction of a new pit within Bramsen Street with a trafficable grate.

The Section 10.7(2) & (5) Planning Certificates issued by Council for the subject site indicate that the land is not subject to flood related development controls.

The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

Sediment runoff, particularly during construction, has the potential to affect water quality. Therefore, identified requirements are recommended to ensure appropriate erosion and sediment control measures are installed and maintained.

Mitigation Measures

Identified requirements (Nos. 6-9, 14, 31, 32 & 61) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements and sediment and erosion control measures are implemented during demolition and construction in accordance with the sediment and erosion control management plan prepared by Northrop (**Appendix D**).

7.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificates issued by Wollongong Council for the subject site advise that the land is not bushfire prone.

7.14 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours prescribed under Department of Climate Change, Energy, the Environment and Water guidelines and/or in accordance with the local council requirements.

During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

Buildings will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia* with respect to noise transmission.

Mitigation Measures

Demolition/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* and EPA criteria with respect to noise transmission, as well as in accordance with the recommendations contained within the Northrop Acoustic Assessment (**Appendix I**).

Appropriate standard identified requirements (Nos. 2, 46 & 48) have been applied to ensure compliance with the above mitigation measures.

7.15 Air Quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes might be generated during the clearing and excavation of the site and construction of the proposed development.

Mitigation Measures

Appropriate standard identified requirements (Nos. 49, 52 & 53) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

7.16 Views

The locality benefits from views of the Wollongong escarpment. McIntosh and Phelps has undertaken a view impact assessment in **Appendix Q**. This assessment has been prepared in response to a public submission from the owner of the property at 54 Lorking Street, Bellambi, in relation to the potential view loss to the escarpment.

An assessment of the proposal on 54 Lorking Street having regard to the 4 steps outlined in the Land and Environment Court's Planning Principle on view sharing in *Tenacity*, is summarised below.

Step 1: The view to be affected

"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured."

The affected view is towards the Wollongong escarpment to the west of the site. The view is obtained from 54 Lorking Street, Bellambi. **Figure 26** and **Figure 27** depict the affected property and view corridor with respect to the subject site and the view to be affected.



Figure 26: Subject site outlined in red, and 54 Lorking Street identified with a yellow/blue star (Source: Near Map)



Figure 27: View from the rear courtyard and garden of 54 Lorking Street (Source: McIntosh and Phelps)

Step 2: The part of the property from which views are obtained.

"The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic."

The view of the escarpment is obtained across the rear boundary of 54 Lorking Street, from the paved courtyard and grass garden as shown in **Figure 27** above. The view is shown in **Figure 25** is from a standing position. From a sitting position the escarpment view would be largely obscured by existing trees and the building on the adjoining property (No. 65).

Step 3: The extent of the impact

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating."

McIntosh and Phelps have prepared a view impact analysis (**Appendix Q**). This involved superimposing the proposal on the site and the alterations and additions to 65 Pioneer Road to illustrate the view loss to be experienced by 54 Lorking Street, Bellambi. The following images depict the view impact caused by the proposal and 65 Pioneer Road.



Figure 28: Extract of the existing view from 54 Lorking Street (Source: McIntosh and Phelps)



Figure 29: Extract of view loss analysis (Source: McIntosh and Phelps)

As can be seen, the proposal itself results in minor view loss of the escarpment. In considering the cumulative impact of the proposal and the constructed alterations and additions at 65 Pioneer Road, the view loss is assessed as minor. We note, the escarpment will remain visible through the existing vegetation as shown above.

Step 4: The reasonableness of the proposal

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that varies them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a minor impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

The proposal complies with the 8.5 metre height limit and the FSR provisions and therefore the overall scale of the development is as contemplated by the applicable planning controls. The development also complies with the relevant setback controls, except for a minor non-compliance of

0.86m from the northern side boundary. Despite the minor non-compliance, a view corridor from 54 Lorking Street towards the escarpment to the west is retained as demonstrated in **Figure 29**.

The potential view line to the escarpment affected by the 'non-compliant' element of the building is already largely obscured by existing trees and therefore negligible additional view loss will result from this portion of the development. It is therefore considered that reasonable view sharing is achieved by the proposed development.

7.17 Waste Minimisation

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

During Demolition

The proposed activity originally included demolition of 4 existing dwellings and associated structures on each lot, as well as the removal of trees T3 – T5, T11, T12, T22 and T23. This work has subsequently been undertaken as part of a Complying Development Certificate (CDC) application with Wollongong City Council (ref. CD 2022/324, 325, 331 & 329) approved in September 2022. The demolition works were completed by end of October 2022 and therefore no longer form part of the proposed activity.

During Construction

Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or shall be recycled as follows:

- bricks shall be crushed and reused for filling, levelling or temporary road base;
- concrete shall be crushed and reused for filling, levelling or temporary road base;
- tiles shall be crushed and reused for filling, levelling or temporary road base;
- timber shall be re-used on site, where possible, or mulched or sent to second hand suppliers;
- plasterboard shall be returned to the supplier for recycling; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

Refer to the Construction and Demolition Waste Management Plan prepared by Elephants Foot (**Appendix M**).

During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins located in the garbage storage enclosures and placed on the street kerb by residents for collection by Council's waste services.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosures and placed on the street kerb by residents for collection by Council's waste services.

Refer to the Operational Waste Management Plan prepared by Elephants Foot (**Appendix N**).

Mitigation Measures

Standard identified requirements (Nos. 36b & 42) are recommended to ensure construction waste is

appropriately managed and disposed of.

A standard identified requirement (No. 42) is recommended to require the preparation of a final waste management plan for the construction and occupation phases of the development.

7.18 Resource Use & Availability

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal.

The recycling and reuse of materials during construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development is for replacement of existing housing that has reached the end of its economic lifespan. The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

7.19 Community / Social Effects

The proposed development will generate a number of positive community and social effects.

The proposed development will:

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Wollongong City local government and surrounding area;
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

7.20 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Wollongong local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials;
- the local sourcing of tradesmen and other construction-related professionals;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

7.21 Cumulative Impact Assessment

The proposed activity is not likely to have singular or cumulative environmental impacts which would result in unacceptable adverse effects for the following reasons:

- The proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination with the social housing concentration in this area of Bellambi identified as low (i.e. 1- 2 storey low density housing, not within an 'estate area'); and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

8. Conclusion

8.1 Summary of Key Issues Raised in Assessment

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. In this regard, it should be noted that following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is considered to be consistent with the relevant objectives and standards set out in the Housing SEPP, WLEP 2009, and the design principles and better practices set out in the relevant guidelines.

The environmental impact analysis and assessment undertaken in this REF, the proposed activity will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards. Further, the activity will result in a number of positive environmental effects in terms of the built environment and will deliver a range of social and economic benefits.

The proposed development will enable LAHC to meet the increasing demand for 1 and 2 bedroom dwellings in the local area. Therefore, the proposed development clearly in the public interest.

8.2 Recommendation

Given the above review of environmental factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in **Appendix C** of this REF.

APPENDIX A – SECTION 10.7(2) & (5) PLANNING CERTIFICATES

APPENDIX B – NOTIFICATION & CONSULTATION

APPENDIX C – IDENTIFIED REQUIREMENTS

APPENDIX D – DEVELOPMENT AND NOTIFICATION PLANS

APPENDIX E – SITE SURVEY AND WALKING SURVEY PLAN

APPENDIX F – GEOTECHNICAL AND ACID SULFATE SOIL ASSESSMENT REPORT

APPENDIX G – ARBORIST REPORT

APPENDIX H – BCA REPORT

APPENDIX I – ACOUSTIC REPORT

APPENDIX J – TRAFFIC REPORT

APPENDIX K – BASIX CERTIFICATE, STAMPED PLANS AND NatHERS CERTIFICATE

APPENDIX L – SENIORS LIVING POLICY: URBAN DESIGN GUIDELINES

APPENDIX M – CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT PLAN

APPENDIX N – OPERATIONAL WASTE MANAGEMENT PLAN

APPENDIX O – AHIMS SEARCH

APPENDIX P – ACCESS REPORT

APPENDIX Q – VIEW IMPACT ANALYSIS

APPENDIX R – DESIGN COMPLIANCE CHECKLISTS