

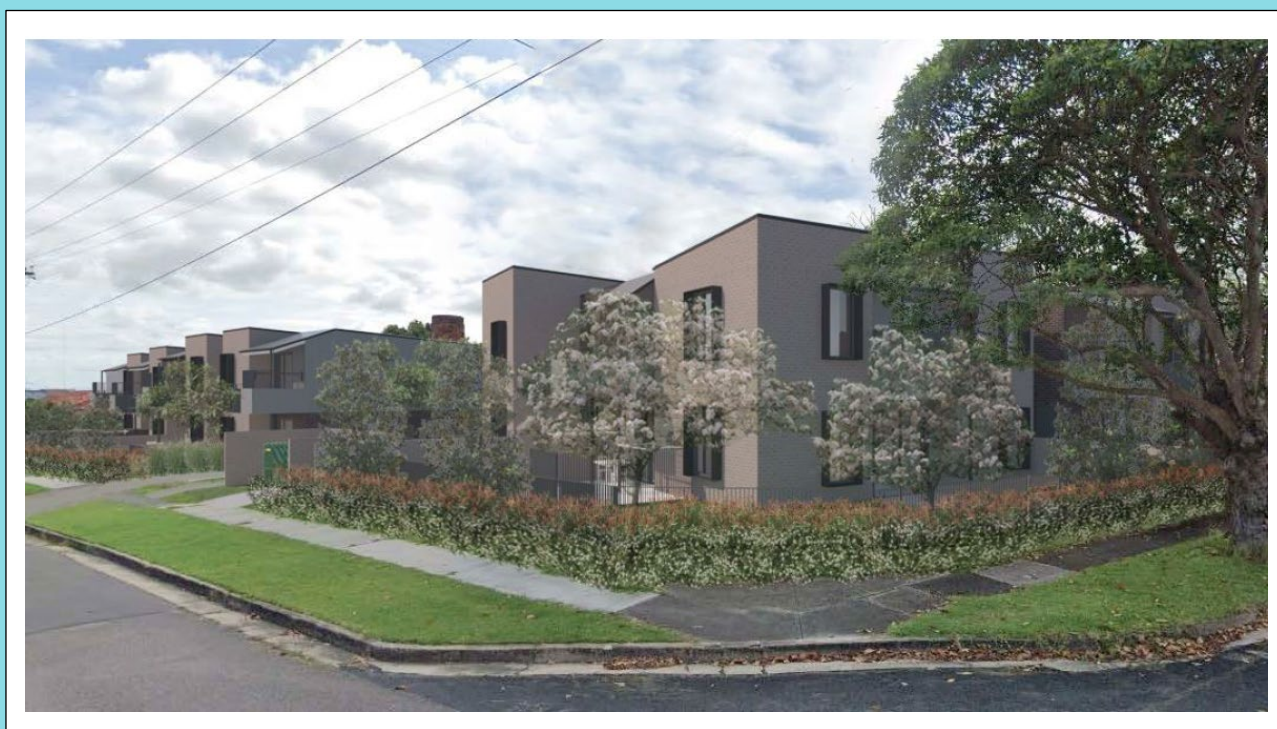
REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Buildings

at

19 – 23 Douglas Street & 6 Neal Place, Wallsend NSW 2287

June 2024





Acknowledgement of Country

Homes NSW acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

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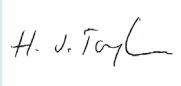

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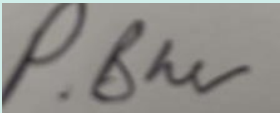
DOCUMENT CONTROL REGISTER

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by New South Wales Land & Housing Corporation.

No	Date	Version	Change since last version	Pages
1	20.05.2024	v1	Not applicable – initial version	
2	31.05.2024	V2	Team Leader review	various
3	05.06.2024	V3	Manager review	various
4	05.06.2024	V3	Director review	various

DOCUMENT SIGN-OFF

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1 Executive Summary

The subject site is located at 19 – 23 Douglas Street & 6 Neal Place, Wallsend, and is legally described as Lots 58 & 59 in Deposited Plan 35087 and Lots C & D in Deposited Plan 35096. The proposed residential flat building development is described as follows:

Demolition of existing dwellings and associated structures, tree removal, and the construction of a 2-storey residential flat building development containing 10 x 1-bedroom and 10 x 2-bedroom dwellings, with associated landscaping and fencing, surface parking for 9 cars, and consolidation into a single lot.

The proposed activity is permitted on the site under the applicable local environmental planning instrument, *Newcastle Local Environmental Plan 2012*, and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 60 dwellings on the site, does not exceed 9 metres in height and provides parking in accordance with the rates for development in an accessible area.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument and is therefore permitted without consent under the provisions of the Housing SEPP.

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (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 consideration the *Good Design for Social Housing* and *NSW Land and Housing Corporation Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of City of Newcastle Council;
- 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;
- 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; and
- City of Newcastle Council and owners and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 26 October 2023. Comments on the response are provided in Section 7.1 of this REF. Six submissions

were received from occupiers of adjoining land. Comments on the submissions are provided in Section 7.2 of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on the environment and can proceed subject to the implementation of the identified requirements of determination contained in the ***Activity Determination***.

Note:

State Environmental Planning Policy Amendment (Housing) 2023

On 14 December 2023, amendments were made to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as *State Environmental Planning Policy Amendment (Housing) 2023*.

Section 8(2) of Schedule 7A of the Housing SEPP provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under section 43(1)(b)(i) before the amending policy was made and further that the activity is determined before 20 December 2024. This activity for residential flat buildings satisfies both requirements and therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before *State Environmental Planning Policy Amendment (Housing) 2023* was made.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the EP&A Act is for an activity involving the demolition of existing dwellings and associated structures, tree removal, and the construction of a 2-storey residential flat building development comprising 10 x 1-bedroom and 10 x 2-bedroom dwellings, with associated landscaping and fencing, surface parking for 9 cars, and consolidation into a single lot at 19 – 23 Douglas Street & 6 Neal Place, Wallsend.

The activity¹ will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the Housing SEPP.

This REF has been prepared by LAHC to satisfy 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.

2.1 Purpose of this Review of Environmental Factors (REF)

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Section 171 of the EP&A Regulation by:

- describing the existing environment;
- describing the proposed activity;
- analysing the potential impacts of the activity on the environment;
- identifying measures to mitigate those impacts;
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment; and
- recommending Identified Requirements to ensure the mitigating measures are implemented if the activity were to proceed.

2.2 Assessment Methodology

The following methodology was applied in undertaking this REF for the proposed development activity under Part 5 of the EP&A Act:

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Newcastle Local Environmental Plan 2012* (NLEP 2012);
- it was determined that residential flat buildings are 'permitted with consent' in the R2 zone pursuant to the NLEP 2012, and can be carried out 'without consent' under the provisions of the Housing SEPP;

¹ Note: 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.

- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- a site inspection was undertaken;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site and Locality

3.1 Existing Site and Immediately Adjoining Development

The site is in the City of Newcastle local government area (LGA) and comprises 4 residential allotments legally described as Lots 58 & 59 in Deposited Plan 35087 and Lots C & D in Deposited Plan 35096. A location plan is provided at **Figure 1**.

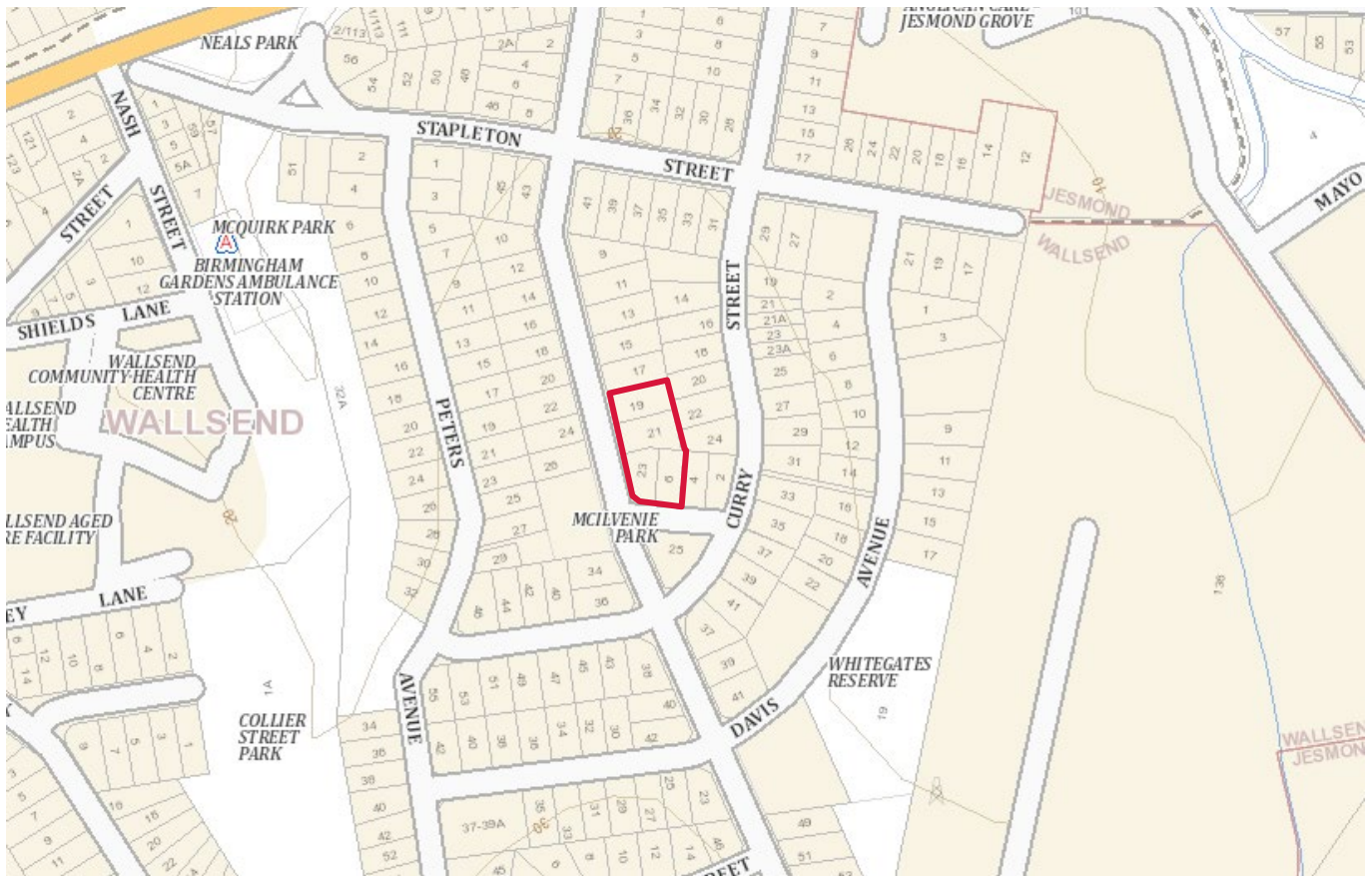


Figure 1 Location Plan (Source: SIX Maps)

The site is currently occupied by 4 single storey fibro dwellings; 3 of which have tiled roofs (21 and 23 Douglas Street and 6 Neal Place) and 1 has a metal roof (19 Douglas Street). Refer to photographs at **Figure 2 – Figure 4**.



Figure 2 Development site – 19 Douglas Street (image left) & 21 Douglas Street (image right) (Source – Google Street View – June 2022)



Figure 3 Development site – 23 Douglas Street (Source – Google Street View – June 2022)



Figure 4 Development site – 6 Neal Place (Source – Google Street View – June 2022)

The property immediately to the north, 17 Douglas Street, contains a single-storey dwelling constructed of weatherboard with tiled roof (refer photograph at **Figure 5**).



Figure 5 Adjoining development – 17 Douglas Street (Source – Google Street View – June 2022)

The property immediately adjoining the eastern side boundary of the site is 4 Neal Place (refer photograph at **Figure 6**) and contains a single storey dwelling with tiled roof and weatherboard cladding.



Figure 6 Adjoining development – 4 Neal Place (Source – Google Street View – March 2021)

Properties immediately to the rear (east) of the site (nos. 20 – 24 Curry Street), each contain a single dwelling of either weatherboard and tiled roof (20 and 24 Curry Street) or brick with a tiled roof (22 Curry Street). Refer to photographs at **Figure 7** to **Figure 9**.

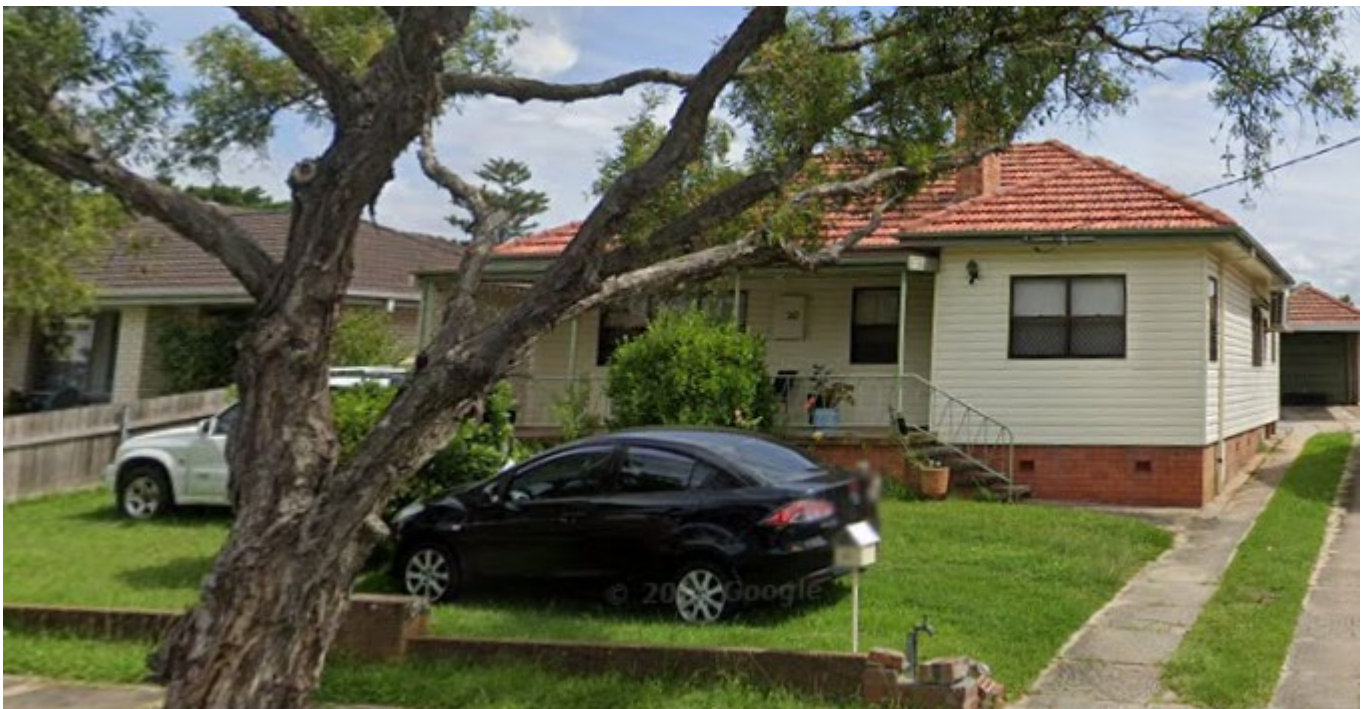


Figure 7 Adjoining development – 20 Curry Street (Source – Google Street View – March 2021)



Figure 8 Adjoining development – 22 Curry Street (Source – Google Street View – March 2021)



Figure 9 Adjoining development – 24 Curry Street (Source – Google Street View – March 2021)

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos PL2024/01513, PL2024/01516, PL2024/01512 and PL2024/01511) dated 20 March 2024 are provided in **Appendix F**.

The site has a total area of 2,421.9m² (from Detail Survey) and has 2 street frontages:

- 63.246m to Douglas Street (primary street frontage)
- 24.35m to Neal Place (secondary street frontage)

A splay corner measuring 4.975m connects the 2 street frontages.

The eastern side boundary measures 33.53m and is connected to the rear (eastern) boundary (43.29m in length) by a short length of boundary measuring approximately 1.4m. The northern side boundary measures 37.262m (refer to the submitted Detail Survey in *Appendix D*).

The site falls from the Neal Place frontage toward the north-eastern rear corner of the site by approximately 1.92m, however, an easement for stormwater drainage is not proposed as site stormwater is able to be drained to Douglas St. The site is not within a flood planning area and is not subject to flood related development controls.

Noting that the site is located within the City of Newcastle LGA, the section 10.7 planning certificates indicate that the site is not within a proclaimed mine subsidence district.

There are 3 trees located within the site and 3 located on Council's reserve on Neal Place. The remaining vegetation plotted on the Detail Survey are exempt from the need to obtain approval for removal.

Water, sewer, electricity, gas and telephone facilities are available to the site (refer to the Detail Survey in *Appendix D* for the location of available services). Gas, water and electricity are located in the Douglas Street road reserve. Water and electricity are located in the Neal Place road reserve. Sewer traverses the rear of 23 Douglas Street and 6 Neal Place.

There are no encumbrances on title, section 10.7 certificates or indicated on the Detail Survey Plan.

3.3 Neighbouring Development and Locality

The site is located within an established residential area predominantly characterised by single storey detached dwelling houses of brick, fibrous and lightweight weatherboard construction with tiled roofs. There are also some examples of older-style 2 storey multi-unit housing development. Refer to photographs at **Figure 10** and **Figure 11**.



Figure 10 Detached single storey residential dwelling characteristic of the locality (Source – Google Maps Street View – image capture March 2021)



Figure 11 Existing 2-storey multi-unit housing development at 30 Douglas Street, opposite the development site.
(Source: Google maps – Street view – image capture March 2021)

The site is located in relatively close proximity to a range of services and facilities including the John Hunter Hospital, schools, aged care facilities and open space at McIvenie Park opposite the site. In addition, the site is located in an ‘accessible area’ under the Housing SEPP as there is a Hunter Buses Network service (Route 24), which operates at the required frequency, from bus stops located within 400m walking distance of the site, located at:

- Douglas St at Curry St – Bus stop ID 2287176 (eastern side of Douglas Street, between Neal Place and Curry Street)
- Douglas St at Curry St – Bus stop ID 2287179 (western side of Douglas Street, south of Curry Street)

Bus route 24 provides services between Wallsend and Marketown Shopping Centre via Mayfield.

4 Project Description

The proposed activity can be described as follows:

4.1 Demolition

The proposed activity includes demolition of 4 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to *Appendix A*).

4.2 Removal of Trees

The proposed activity includes the removal of 2 trees within the site.

The tree removal within the site boundaries is recommended primarily to accommodate the proposed development or the individual species are recommended for removal as they are not considered to be significant or worthy of retention (refer to submitted Arborist's Report in *Appendix J*).

More appropriate tree plantings, including trees capable of reaching mature heights of up to 25m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to the Landscape Plan in *Appendix B*).

4.3 Proposed Dwellings

All ground floor units within the development are silver liveable with 2 ground floor units being designed as adaptable units which are capable of being adapted to suit persons with a disability should the need arise in the future.

The proposed housing represents a contemporary, high-quality design. The use of face brick for external walls and metal roofing is generally consistent with the existing and emerging character of the Wallsend suburb. Of the 20 proposed units, 12 will address the street (Units 1, 2, 5, 6, 7, & 9 on the ground floor and Units 11, 12, 15, 16, 17, & 19 on the first floor) with living areas, living area windows and balconies facing the street for passive surveillance. Reverse cycle air conditioning will be provided to the living areas of each dwelling to assist with climate control, as well as photovoltaic systems to offset energy costs.

Minor cut and fill are proposed to provide a level building platform. This level of cut and fill is generally within Council's DCP standards.

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. A consolidated deep soil zone area is provided at the rear of the site.

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

Vehicular access is provided via a 3m wide crossover to Douglas Street. Pedestrian access is provided from both frontages. A total of 9 surface car parking spaces will be provided on the site, including 2 accessible spaces.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to 3 underground detention tanks located toward the front of the site, which will drain to the kerb at the Douglas Street frontage. Roof water will be collected by a series of downpipes connected to the underground rainwater tanks located toward the front of the site.

New 1.8m high metal fencing is proposed along the side and rear boundaries, and between private open space areas within the rear of the site. A combination of aluminium slat fencing on top of face brickwork 1.2m high, and sections of aluminium slat fencing 1.2m to 1.5m high are proposed along the street frontages of the development. In response to a neighbour submission, an identified requirement (No. 86) is recommended requiring the section of boundary fence with 24 Curry Street to include 300mm lattice on top of the proposed metal fence.

Figures 12 to 16 include extracts from the architectural plans illustrating the proposed development.



Figure 12 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, Sam Crawford Architects, dated 8/12/22)

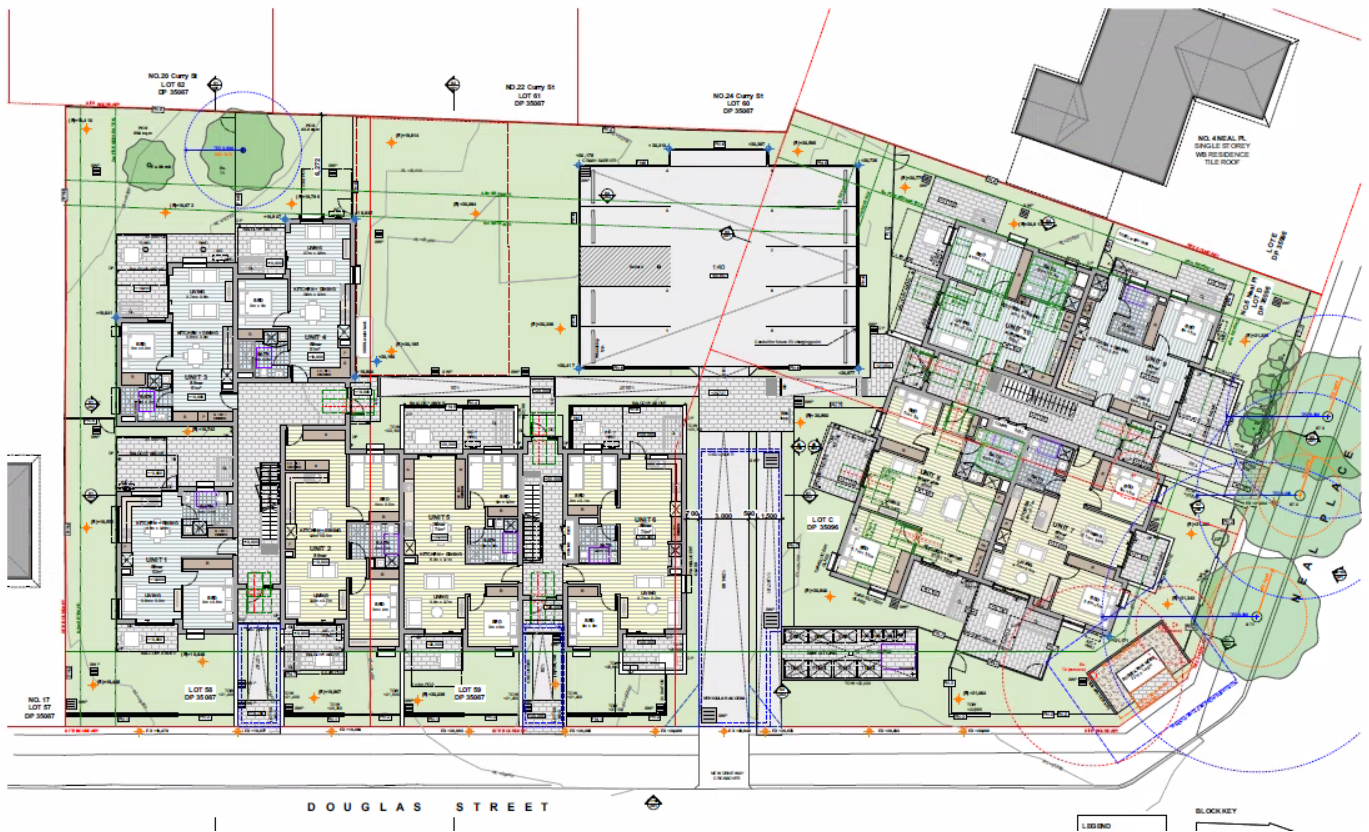


Figure 13 Extract from Architectural Plans – Ground Floor Plan (Source: Architectural Plans, Sam Crawford Architects, dated 8/12/2022)

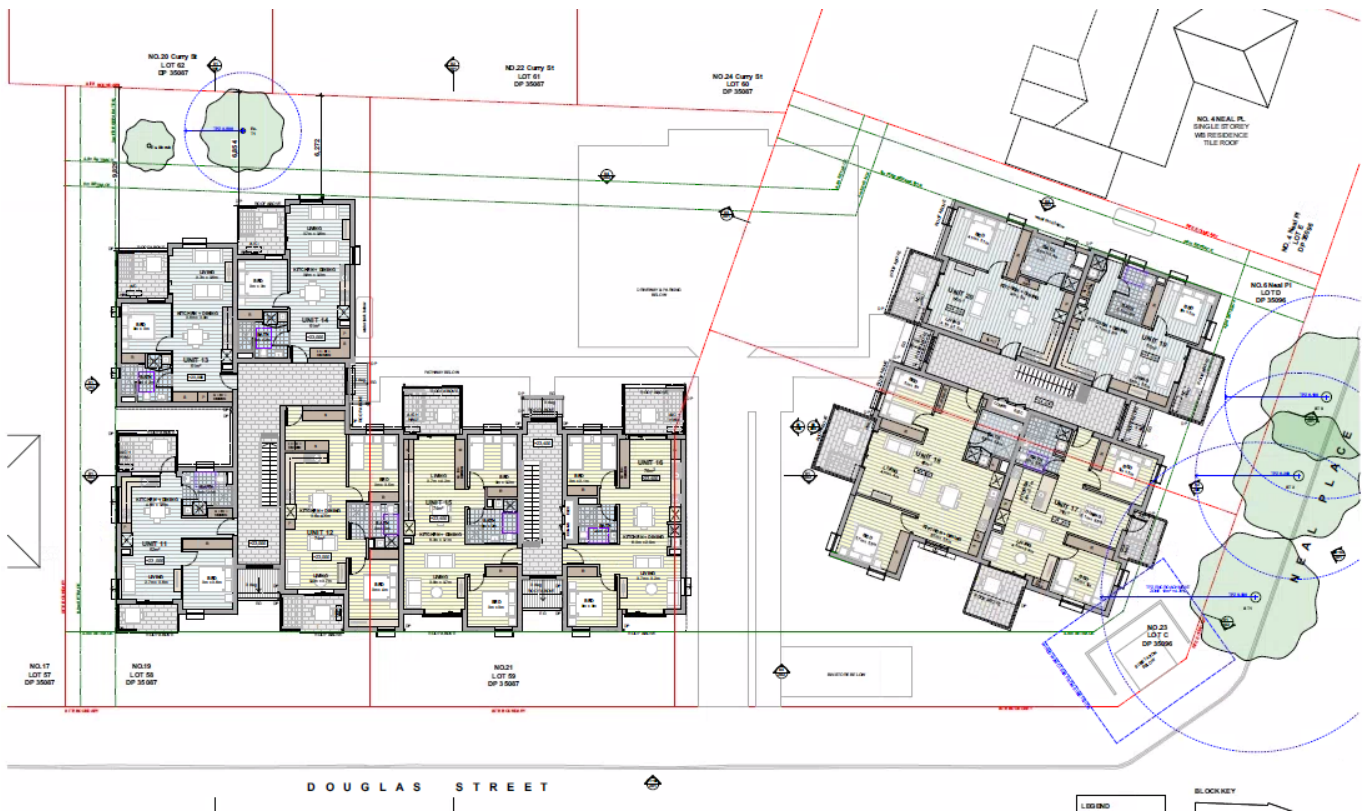


Figure 14 Extract from Architectural Plans – General Arrangement Plan – First Floor Plan (Source: Architectural Plans, Sam Crawford Architects, dated 8/12/2022)



Figure 15 Extract from Architectural Plans – Elevations (Source: Architectural Plans, Sam Crawford Architects, dated 8/12/2022)

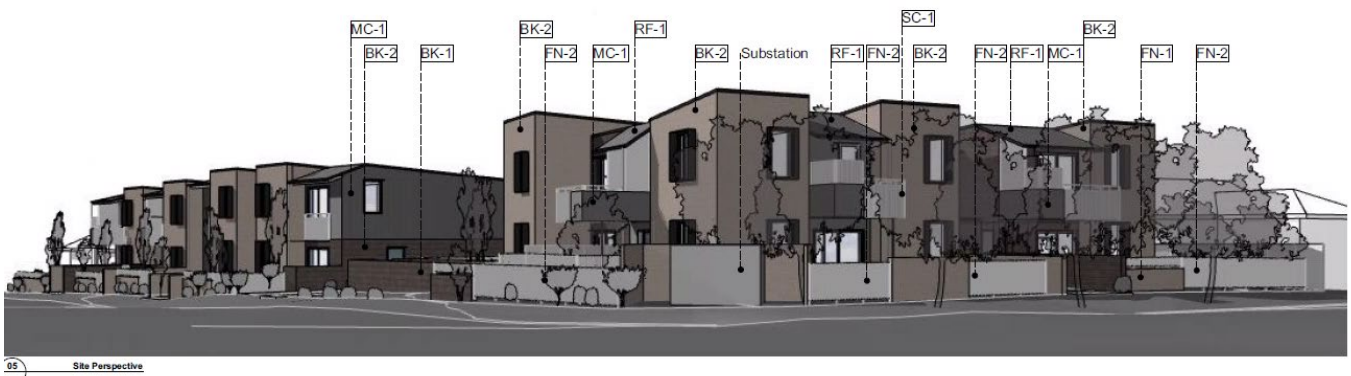


Figure 16 Extract from Architectural Plans – Douglas Street and Neal Place Perspective (Source: Architectural Plans, Sam Crawford Architects, dated 8/12/2022)

4.4 Supporting information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Architectural – Appendix A				
Cover Sheet	000	01	08/12/2022	Sam Crawford Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Block Analysis Plan	101	01	08/12/2022	Sam Crawford Architects
Site Analysis Plan	102	01	08/12/2022	Sam Crawford Architects
Demolition Plan	103	01	08/12/2022	Sam Crawford Architects
Development Data	104	01	08/12/2022	Sam Crawford Architects
Site Plan	105	01	08/12/2022	Sam Crawford Architects
Ground Floor Plan	106	01	08/12/2022	Sam Crawford Architects
First Floor Plan	107	01	08/12/2022	Sam Crawford Architects
Roof Plan	108	01	08/12/2022	Sam Crawford Architects
Street Elevations	201	01	08/12/2022	Sam Crawford Architects
Elevations 1	202	01	08/12/2022	Sam Crawford Architects
Elevations 2	203	01	08/12/2022	Sam Crawford Architects
Short Sections	301	01	08/12/2022	Sam Crawford Architects
Long Site Sections	302	01	08/12/2022	Sam Crawford Architects
Shadow Diagrams	401	01	08/12/2022	Sam Crawford Architects
Solar Access 1	402	01	08/12/2022	Sam Crawford Architects
Solar Access 2	403	01	08/12/2022	Sam Crawford Architects
Solar Access 3	404	01	08/12/2022	Sam Crawford Architects
Ext. Materials Palette	501	01	08/12/2022	Sam Crawford Architects
Landscape Plan – Appendix B				
Landscape Ground Floor Design	3	08	18/03/2024	Place Design Group
Section AA	4	08	18/03/2024	Place Design Group
Section BB and CC	5	08	18/03/2024	Place Design Group
Planting Strategy	6	08	18/03/2024	Place Design Group
Planting Palette	7	08	18/03/2024	Place Design Group
Planting Schedule	8	08	18/03/2024	Place Design Group
Fencing Strategy	9	08	18/03/2024	Place Design Group
Indicative Materials and Furniture	10	08	18/03/2024	Place Design Group
Typical Landscape Details	11	08	18/03/2024	Place Design Group
Typical Landscape Details	12	08	18/03/2024	Place Design Group
Civil Plans – Appendix C				
Cover Sheet, Locality Plan and Schedule of Drawings	80822046-CI-0001	9	02/05/2024	Stantec
Civil Construction Notes	80822046-CI-0002	4	25/01/2023	Stantec
Stormwater Drainage Plan Ground Floor	80822046-CI-1101	8	02/05/2024	Stantec
Sedimentation and Erosion Control Plan	80822046-CI-1201	7	12/04/2024	Stantec
Cut and Fill Plan	80822046-CI-1301	4	14/02/2024	Stantec
WSUD Catchment Plan	80822046-CI-1401	1	12/04/2024	Stantec

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Stormwater Details Sheet 1	80822046-CI-2101	5	12/04/2024	Stantec
Stormwater Details Pit Schedule	80822046-CI-2102	5	02/05/2024	Stantec
Stormwater Details Sheet 2 OSD Tank 1 Details	80822046-CI-2103	6	18/04/2024	Stantec
Stormwater Details Sheet 3 OSD Tank 2 Details	80822046-CI-2104	6	18/04/2024	Stantec
Stormwater Details Sheet 4 OSD Tank 3 Details	80822046-CI-2104	6	18/04/2024	Stantec
Stormwater Details Sheet 4 Typical ESK20 Detail	80822046-CI-2101	1	02/05/2024	Stantec
Sedimentation and Erosion Control Details	80822046-CI-2201	4	25/01/2023	Stantec
Driveway Vertical Clearance Details	80822046-CI-2301	2	28/03/2024	Stantec
Civil Works Details	80822046-CI-2302	1	21/03/2024	Stantec
Detail Survey – Appendix D				
Detail Survey	N/A	1	23/11/2018	RPS Australia East
Notification Plans – Appendix E				
Cover Page	601	01	N/A	Sam Crawford Architects
Site / Landscape Plan	602	01	N/A	Sam Crawford Architects
Development Data	603	01	N/A	Sam Crawford Architects
Elevations	604	01	N/A	Sam Crawford Architects
Schedule of Finishes	605	01	N/A	Sam Crawford Architects
Shadow Diagrams	606	01	N/A	Sam Crawford Architects
Access Report – Appendix H				
DA Access Review (Stage 5/Part 5)	N/A	Final v3	09/02/2024	MGAC
AHIMS Web Search – Appendix I				
AHIMS search	N/A	N/A	26/10/2023	NSW Government
Arborist's Report – Appendix J				
Arborist's Report	N/A	N/A	01/02/2024	Hunter Horticultural Services
BASIX – Appendix K				
BASIX Certificate	1277667M_05	N/A	28/03/2024	Northrop Consulting Engineers Pty Ltd
BCA report – Appendix L				
Design Compliance Assessment	P210198	1	22/05/2024	BCA Vision
NatHERS Certificate – Appendix N				
Nationwide house energy rating scheme – class 2 summary	0008336240	N/A	28/03/2024	Northrop Consulting Engineers Pty Ltd
SLUDG Checklist – Appendix O	-	-	27/07/2023	Sam Crawford Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Geotechnical Investigation - Appendix P				
Geotechnical Investigation and Acid Sulfate Soil (ASS) Assessment	18/3543	N/A	26/11/2018	STS GeoEnvironmental
Waste Management Plan – Appendix R				
Waste Management Plan	N/A	N/A	19/04/2023	Sam Crawford Architects
Traffic Impact Assessment - Appendix S				
Traffic Impact Assessment	21148	V06	27/04/2023	The Transport Planning Partnership
Character Statement – Appendix T				
Character Statement	NA	C	26/01/2024	Sam Crawford Architects

Section 10.7 Planning Certificates – Appendix F

Lot 58 DP 35087, Cert no. PL2024/01513, dated 20 March 2024 – Newcastle City Council

Lot 59 DP 35087, Cert no. PL2024/01516, dated 20 March 2024 – Newcastle City Council

Lot C DP 35096, Cert no. PL2043/01512, dated 20 March 2024 – Newcastle City Council

Lot D DP 35096, Cert no. PL2024/01511, dated 20 March 2024 – Newcastle City Council

Notification & consultation – Appendix G**Design compliance and checklists – Appendix M**

Architect's Certificate of Building Design Compliance – 20 March 2024

Certificate of Landscape Documentation Compliance – 20 March 2024

Certificate of Civil Documentation Compliance – 20 March 2024

Titles and Deposited Plans – Appendix Q

Title Search, Folio: 58/35087, Search date 5.06.2024, First Schedule: The Housing Commission of New South Wales

Title Search, Folio: 59/35087, Search date 5.06.2024, First Schedule: The Housing Commission of New South Wales

Title Search, Folio: C/35096, Search date 5.06.2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: D/35096, Search date 5.06.2024, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 35087, Search Date 22.02.2018

Deposited Plan 35096, Search Date 22.02.2018

5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under the NLEP 2012 (refer to **Figure 17**). The proposed development is defined as ‘residential flat building’ under the provisions of NLEP 2012 and is permissible with consent in the R2 zone as a form of ‘residential accommodation’.



Figure 17 Land zoning map (Source: NSW Planning Portal Spatial Viewer)

The relevant objectives of the R2 zone, as set out in NLEP 2012 are:

- To provide for the housing needs of the community within a low density residential environment.
- To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.

The proposed development provides housing that meets the identified needs of the community and contributes to a diverse range of housing typologies envisaged for the R2 zone. An Architectural Character Statement (**Appendix T**) provides a description of how the development has been designed to respond to the character of surrounding development, noting that there are no items of heritage significance in proximity to the site. In addition, the proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on quality of the environment.

Section 42 of the Housing SEPP permits residential 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 in subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of Section 42 of the Housing SEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 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 2 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
Sub-section 3 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>).

6.2 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 affect 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 ecological communities. The proposed activity does not threaten species, ecological communities, or their habitats and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

6.3 Other Acts

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

6.4 Environmental Planning and Assessment Regulation 2021

6.4.1 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 3** and **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 3 Environmental Planning and Assessment Regulation 2021 [Section 171]

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
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.	No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.
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.	Yes - Department of Planning and Environment issued “Guidelines for Division 5.1 assessments” made under Section 170 of the EPA regulation 2021.

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

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	NA			
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) 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) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.2		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8.	x	x	

Note 1: A ‘significant’ impact will trigger the need for an Environmental Impact Statement.

Note 2: 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 social benefits of providing affordable housing that meets the needs of the community. The applicable Regional Plan, Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 6.4.2 of this report.

6.4.2 Strategic Planning Framework

Regional Plans

- Hunter Regional Plan 2041**

The *Hunter Regional Plan 2041* (HRP 2041) is a 20-year land use plan prepared under the EP&A Act. It applies to the Local Government Areas (LGAs) of Cessnock, Dungog, Lake Macquarie, Maitland, Mid Coast, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter.

Objective 3 of the HRP 2041 aims to provide more housing within close proximity to public transport. The proposed activity is consistent with this objective as it is located in an accessible area.

Objective 5 of the HRP 2041 gives effect to the *NSW Housing Strategy 2041*. The activity is consistent with Objective 5 of the HRP 2041 by contributing to the provision of a diverse range of affordable housing.

Local planning strategies set out the preferred pathways to achieve the relevant objectives of the HRP 2041 and these strategies are discussed below.

Local Strategies

- Community Strategic Plan – Newcastle 2030**

The *Community Strategic Plan – Newcastle 2030* (CSP) outlines a strategic vision for the community derived from an extensive community engagement process and is aligned with the United Nations Sustainable Development Goals and New Urban Agenda. The strategic vision is supported by 7 key strategic directions: ‘integrated and accessible transport’; ‘protected environment’; ‘vibrant, safe and active public places’; ‘inclusive community’; ‘liveable built environment’; ‘smart and innovative’; and ‘open and collaborative’.

leadership’ for Council to facilitate via strategic actions in partnership with the community, government agencies and business. Notably, the key strategic direction ‘liveable built environment’ includes the following strategic action:

5.3 Ensure sufficient housing diversity to meet community needs, including affordable living and adaptable housing options.’

The proposed development for 20 units is not in conflict with the CSP as it will contribute to the provision of new affordable housing within the LGA.

- **Planning Newcastle 2040: Global City, Local Character**

The Local Strategic Planning Statement ‘*Planning Newcastle 2040 Global City, Local Character*’ (LSPS) which came into effect in 2020 sets out a 20-year land use planning vision for the City of Newcastle LGA and is aligned with the strategic objectives set out in HRP 2041 and the CSP.

The LSPS identifies 16 Planning Priorities for the LGA, focussed around an ‘integrated and accessible transport network’; ‘a green city’; ‘a liveable city’; and a ‘smart and innovative economy’. Notably, Planning Priority 12 seeks to provide sustainable, affordable, and inclusive housing.

The proposed development is consistent with Planning Priority 12 as it contributes to the provision of liveable and affordable housing within the LGA.

6.4.3 Activities in catchments [Section 171A]

The site is not located within a regulated catchment, as defined in Schedule 6 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP).

6.5 State Environmental Planning Policy (Housing) 2021

On 14 December 2023, amendments were made to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as *State Environmental Planning Policy Amendment (Housing) 2023*.

Section 8(2) of Schedule 7A of the Housing SEPP provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under section 43(1)(b)(i) before the amending policy was made and further that the activity is determined before 20 December 2024. This activity for residential flat buildings satisfies both requirements and therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before *State Environmental Planning Policy Amendment (Housing) 2023* was made.

6.5.1 Development without Consent

Section 42 of the Housing SEPP 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 sections 42 and 43 of the Housing SEPP.

Table 5 Compliance with relevant provisions under Chapter 2, Part 2, Division 6 of the Housing SEPP for 'residential development without consent' carried out by LAHC

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	The proposed development for 2 residential flat buildings is permissible, with consent, in the R2 zone under the NLEP 2012.
(b) all buildings will have a height of not more than 9m, and	Maximum building height is 7m.
(c) the development will result in 60 dwellings or less on a single site, and	20 dwellings proposed.
(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	The development is located in an accessible area. <u>Car parking calculation:</u> <ul style="list-style-type: none"> 10 x 1 bedroom dwellings = 10 x 0.4 parking spaces = 4 10 x 2 bedroom dwellings = 10 x 0.5 parking spaces = 5 Total parking spaces required = 4 + 5 = 9 Total parking spaces provided = 9
(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, and	Not applicable.
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	Demolition of 4 existing single storey detached dwellings and associated structures is proposed. The site does not contain a heritage item identified in any environmental planning instrument nor an interim heritage order or on the State Heritage Register. The site is not identified in an environmental planning instrument as being within a heritage conservation area.
(b) the subdivision of land and subdivision works. Note – Section 32 prohibits the subdivision of a boarding house.	Consolidation of the site into a single lot is proposed.
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under	Noted.

Provision	Compliance
the Act, former section 75P to be subject to the Act, Part 4.	
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	LAHC is the relevant authority carrying out the activity.
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections -	Sections 2.15 and 2.17 in <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> are not applicable to the site or development.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
(6) In this section- Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. Residential development has the same meaning as in the Housing Act 2001, section 8.	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	Advice was sought from Council regarding additional persons or properties that should be notified of the development via email correspondence on 1/11/2021. Council provided a response on 18/11/2021 requesting that owners and some additional properties be notified. Advice was again sought from Council regarding additional persons or properties that should be notified of the development via email correspondence sent to Council on 28/03/2024. Council provided a response on 9/04/2024 requesting that owners and some additional properties be notified.
(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	A letter notifying Council of the proposed development activity was sent to Council on 19/09/2023. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date. Owners and occupiers of adjoining land were required to be re-notified on 19/04/2024 due to an administrative error.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC’s notification by letter dated 26/10/2023. Comments on the response are provided in Section 7.1 of this REF. A total of 6 submissions were received from adjoining owners and occupiers from both rounds of notification. Comments on the submissions are provided in Section 7.2 of this REF.

Provision	Compliance
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in Appendix O and subsection 6.5.2 of this REF. These conclude that the development complies with all relevant development requirements relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 6.5.2 of this report. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to section 6.5.3 and 6.5.4 of this REF and the Architect's Statement and Certificate of Building Design Compliance in Appendix M which indicate that <i>Good Design for Social Housing</i> and the <i>Land and Housing Corporation Design Requirements</i> have been considered.
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	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.	Noted.

6.5.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

The *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG) (March 2004) has been prepared to assist in the design and assessment of applications for development of seniors housing. Section 43(1)(d) of the Housing SEPP requires LAHC to consider SLUDG when assessing a residential development under Chapter 2, Part 2, Division 6 of the Housing SEPP.

The SLUDG outlines the design issues, principles and better practices that must be considered when designing a development. There are 5 sections in the document, each corresponding to a key issue when designing a residential development. These include:

- improving neighbourhood fit
- improving site planning and design
- reducing impacts on streetscape
- reducing impacts on neighbouring properties; and
- improving internal site amenity.

An assessment of the design of the activity against the SLUDG is provided at **Appendix O**. The design has followed the guidelines, except in relation to the following justifiable departures outlined in **Table 6**.

Table 6 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	Concrete driveways and paths have been proposed for maintenance reasons.
3.06 Set back upper levels behind the front building façade?	The proposal is two storeys only. The proposed design and two-storey built form is generally consistent with the emerging character of development within the locality and provides street facing balconies and articulation to provide variation in the facades.
3.22 Vary the alignment of driveways to avoid a 'gun barrel' effect?	The proposed driveway follows a straight alignment due to site constraints and to facilitate clear sight lines; however, strips of landscaping have been proposed along the driveway edges and between the driveway end and the rear boundary fence such that the view down the driveway terminates with landscaping.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway?	A gate has not been provided to avoid maintenance and management costs and is also considered unnecessary as the communal driveway is provided with landscaping to minimise visual pull.
4.05 Incorporate second stories within the roof space and provide dormer windows?	Second stories within roof spaces and dormer windows are not characteristic in the locality. The proposed second storey complies with height requirements and does not give rise to any adverse streetscape or amenity impacts.

6.5.3 Good Design for Social Housing

Good Design for Social Housing establishes the 4 key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Section 43(1)(f)(i) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing* policy (September 2020) when assessing a proposed residential development under Chapter 2, Part 2, Division 6 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Each goal is individually addressed below:

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe. The floor plan design allows for future adaptation to accommodate the changing needs of tenants over time and allowing them to age in place.

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a NatHERS rating with an average of 7.5 stars which exceeds the minimum targets set by LAHC.

Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species at ground floor level. High quality landscaping across the site will enhance the amenity for residents.

Ample parking is provided to residents, and pedestrian access through the site is accessible and has good passive surveillance.

Belonging

The form and materiality of the proposed development have been selected to generally respond to the style and character of the local area and will make a high-quality contribution to the streetscape. The use of predominantly exposed brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time.

The pedestrian entries and communal spaces have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces.

The mixed unit sizing and the provision of 2 adaptable units caters to the needs of a diverse range of tenants including seniors or people with a disability.

Value

The development exceeds sustainability targets, with an average NatHERS rating of 7.5 stars. The scheme incorporates sustainable features including insulation, clothes lines, native plantings and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

The building materials, construction method and services have been selected to ensure that the development is durable, minimises maintenance and contributes to the low on-going running costs of the dwellings.

The yield is compatible with the planning provisions and the capability of the site, whilst providing a comfortable space for tenants and a positive streetscape contribution for the wider community.

Collaboration

The project involved a rigorous design process in collaboration with design professionals and engineers to ensure that the development incorporates the current best practice in affordable housing design. The development is in keeping with current government initiatives to deliver quality housing stock.

The design and assessment process involved close collaboration with a number of stakeholders, including input from Council and adjoining landowners.

6.5.4 Land and Housing Corporation Design Requirements

The proposed development was originally designed in accordance with the *Land and Housing Corporation Dwelling Requirements*, however these requirements were replaced by the *NSW Land and Housing Corporation Design Requirements* in February 2023. The proposed development is generally in accordance with the updated Requirements (refer to Certificate of Design Compliance from the Architect in **Appendix M**). The development exceeds the NatHERS targets specified in the Design Requirements as it achieves an average NatHERS rating of 7.5 stars across the development, with ratings varying between 9.7 and 5.7 stars. Whilst units 11 and 19 fall below the minimum rating of 6 stars required by the Design Requirements, the variations are acceptable as the development overall achieves BASIX and NatHERS targets. In addition, the Design Requirements require that dwellings receiving less than 15 minutes of solar access to living areas and private open space should be avoided. Due to the orientation of the site, Units 9 and 19 (10% of the units in the development) do not receive solar access to their living and private open space areas during mid-winter. The variation to the Design Requirements is considered acceptable given that the Apartment Design Guide allows 15% of dwellings in a development to receive no sunlight. It is noted that units 12 and 15 do not meet the minimum 10m² required by the Design Requirements. Accordingly, Identified Requirement (No. 76) is recommended requiring these balconies to be increased in size to meet this requirement.

Further detail will be incorporated in the construction documentation.

6.6 Other State Environmental Planning Policies

Table 7 below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 7 Compliance with other Applicable State and Environmental Planning Policies

SEPP (Building Sustainability Index: BASIX) 2004
<p>A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to Appendix K). A revised BASIX certificate has been required by Identified Requirement 74 due to the introduction of air conditioning units to each of the dwellings and additional solar (photovoltaic electricity generation) to reduce associated running costs. The plans in Appendix A show the location of the future provision of air conditioning units however a change in Homes NSW policy now means that these will be installed at construction.</p>
SEPP (Transport and Infrastructure) 2021
<p>The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and child care facilities and major infrastructure corridors.</p> <p>The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.</p>
SEPP (Biodiversity and Conservation) 2021
<p>This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p><u>2.6(1) Clearing that requires permit or approval</u></p> <p>Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 2 trees within the site (refer to Arboricultural Impact Assessment Report at Appendix J).</p> <p>Notwithstanding, Section 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p>An assessment of the proposed tree removal has been undertaken within Section 8.9 of this REF. New replacement planting on site will be undertaken in accordance with the detailed landscape plan (Appendix B).</p>
SEPP (Resilience and Hazards) 2021
<p>The Resilience and Hazards SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.</p> <p>Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to contaminated land.</p> <p>Notwithstanding, the <i>draft Contaminated Land Planning Guidelines</i> (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination and these are considered in Table 7a.</p>

Table 7a: Matters to be considered in an initial evaluation of land

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes since the early 1950's. Historical aerial imagery indicates that in 1944 the land was undeveloped. Existing housing on the site was established c.1954.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	Each lot currently contains a single storey detached dwelling and associated structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection has been undertaken which indicated that the site is unlikely to have been associated with potentially contaminating activities.
(g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the late 1940's.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard identified requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
(i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM Act or a site regulated by the EPA under the CLM Act.

6.7 Newcastle Local Environmental Plan 2012 (NLEP 2012)

Compliance with the relevant provisions / development standards set out in the NLEP 2012 is demonstrated in **Table 8** below.

Table 8 Newcastle Local Environmental Plan 2012

Relevant Provisions / Development Standards for Residential Flat Buildings			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres).	Maximum building height (measured in accordance with the LEP definition) is 7m.
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site has an applicable maximum Floor Space Ratio of 0.6:1.	Proposed FSR is 0.606:1 – discussed below.
6.1	Acid Sulphate Soils	<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class 5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>	<p>Clause 6.1 of NLEP 2012 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.</p> <p>A Geotechnical Site Investigation and Acid Sulfate Soil Assessment Report, prepared by STS Geotechnics assessed the site and determined that, due to the locality being underlain by Waratah Sandstone and the site's elevation, the geomorphic or site criteria do not meet the requirements for the presence of acid sulfate soils. Based on this, and on-site observations, STS Geotechnics have concluded that an Acid Sulfate Management Plan is not required for the development.</p>

Non-Compliance with FSR Standard

The proposal has an FSR of 0.606:1 and exceeds the permissible FSR of 0.6:1 under the NLEP 2012 by 14.8m².

Given the very minor exceedance of the FSR control, it is considered that the density of the development is generally appropriate and compatible with the development site and locality. That is, despite this exceedance, it is considered the bulk and scale of the proposed development is compatible with the emerging character of the locality, maintains appropriate visual relationships with the existing area, will not adversely affect the

streetscape, skyline, or landscape, and does not result in unacceptable adverse environmental effects on adjoining land.

6.8 Newcastle Development Control Plan 2023

The proposed development was designed generally in accordance with *Newcastle Development Control Plan 2012* which contained specific development controls for residential flat buildings. However, *Newcastle Development Control Plan 2023* (NDCP 2023) was adopted on 1 March 2024 which repeals the former DCP. Compliance with key development controls of NDCP 2023 for residential flat buildings are addressed in **Table 9** below.

The general controls for all development set out in NDCP 2023 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 9 Newcastle Development Control Plan 2023

Compliance with key requirements for residential flat buildings		
Clause	Requirement	Proposed
PART C: General development controls		
C6 Waste Management		
C-4	When a collect-and-return service is used, developments with five or more residential dwellings must have a communal refuse bin presentation area, located within 10 metres of the property boundary – no bins presented to street. Bins shall be of a size deemed appropriate. <ul style="list-style-type: none"> - 1.8m wide carting route - Max 5% grade 	<p>The development proposes to use Council's collect-and-return service.</p> <p>The bin storage area is located within 10m of the front property boundary with an obstruction free, relatively level (0.06% grade) concrete pathway 1.5m wide. Identified requirement (No. 84) is recommended requiring the pathway width to be increased to 1.8m to satisfy the council requirement.</p> <p>In addition, the proposal has been amended to address Council's feedback in relation to ongoing waste management for the development. Refer to section 7.1 of this REF.</p>
C12 Open Space and Landscaping - Part 13 All other residential development		
C-1	For residential development in R2 zone: <ul style="list-style-type: none"> Min. landscaped area – 30% of site area Min. deep soil zone – 15% of site area, min 3m dimension 	<p><u>Complies:</u></p> <p>30% of site area = 727m²</p> <p>Provided = 855m²</p> <p><u>Complies:</u></p> <p>15% of site area = 363m²</p> <p>Provided = 653m²</p>
C-4	A minimum 3m wide landscaped area is located along the rear boundary.	A 3m wide landscaped area is proposed along the site's rear boundary, with the exception of the portion of boundary adjacent to the eastern extent

Compliance with key requirements for residential flat buildings

		<p>of the car parking area, which varies in width between 1m and 2.5m.</p> <p>The variation to the control is considered acceptable as the landscaped area is sufficient to support Brush Cherry hedge plantings, a variety of ground covers and 4 significant tree plantings including:</p> <ul style="list-style-type: none"> - 3 x Prickly Paperbark (mature height 15m) - 1 x Crepe Myrtle (mature height 8m) <p>Refer to the Landscape Plan in Appendix B.</p>
C-5	A minimum 25% of the front setback is landscaped area.	Approximately 50% of the front setback areas are landscaped.
C-11	A minimum of one tree with a minimum mature height over 8m is to be provided per 400m ² of the site	<p><u>Complies:</u></p> <p>Required = $2422 / 400 = 6$ trees</p> <p>Provided = 22 trees with a minimum mature heights of over 8m</p>

C13 Liveable housing – Part 7.0 Universal design

C-2	All other dwellings (except detached dwellings) include the Livable Housing Design Guidelines Silver Level universal design features and demonstrate compliance at design stage and prior to occupation.	All ground floor dwellings have been designed to meet Silver Level - Livable Housing Design Guidelines (refer to Access Report in Appendix H).
C-4	For multi dwelling housing, residential flat buildings, apartments and shop top housing development resulting in five or more dwellings, at least 20% of dwellings are designed to Platinum Level under the Livable Housing Design Guidelines and demonstrate compliance at design stage and prior to occupation.	<p>For this development, 10% of the dwellings are designed to comply with AS4299 Class C in line with the guidance provided by <i>NSW Land and Housing Corporation Design Requirements</i> (Feb 2023). In the absence of a specific DCP control for adaptable dwellings, 10% has been assessed as an appropriate provision on this site.</p> <p>It is noted that the design of units in accordance with AS4299 Class C provides a similar level of amenity to a unit designed to meet Liveable Housing Design Guidelines - Platinum level. The design provides access within the unit and fixtures and features that support future adaptability for LAHC's tenant cohort.</p>

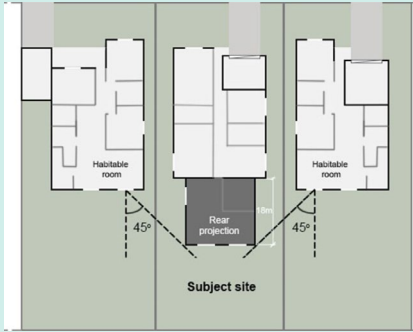
PART D - Section D3 Residential Development

8.0 Frontage width	C-1. Residential flat buildings in R2: Min 18m site frontage width	<p>Complies</p> <p>The site has a combined frontage of 92.6m</p>
9.0 Front setback	C-1. Min front setback is the average distance of buildings within 40m either side of the lot on the same primary road.	The average front setback within 40m of the site is approximately 8m. The main building façade presents a varied setback ranging between 4.5m and 6.3m.

Compliance with key requirements for residential flat buildings

	<p>C-2. If there is no established building line, the maximum front setback is 4.5m.</p> <p>C-8. Articulation zone can extend 1.5m from the building line into setback area for a maximum 25% width of the lot at the building line.</p>	<p>With the exception of Unit 9 private open space which exceeds, by 300mm the 1.5m articulation zone specified in C-8, the proposed activity complies with the numerical front setback of the DCP – ie minimum 4.5m with a 1.5m articulation zone for 25% of the site if there is no established building line.</p> <p>It is noted that the established 8m front setback in the street aligns with the existing modest detached dwelling houses in the street.</p> <p>However, the proposed activity represents a modern and different building typology, similar to the examples provided in the submitted Character Statement (<i>Appendix T</i>). Therefore, the locality is considered to have an emerging character where strict compliance with the established front setback is considered onerous for the emerging building typology, and compliance with the numerical minimum 4.5m front setback control is considered more appropriate.</p> <p>Realigning the proposed buildings to comply with the established street setback of 8m would result in the loss of affordable housing dwellings, which are of high need in the locality.</p> <p>In addition, pursuant to section 4.15(3A)(b) of the EP&A Act, DCPs are to be applied flexibly, to allow for alternate solutions.</p> <p>In relation to Unit 9 private open space, the variation to the control is considered acceptable given the minor extent of the breach to the control and that the structure encroaching the articulation zone comprises a patio and a low wall, 1.2m high. The non-complying structure is also screened from the street by shrub plantings.</p>
	C-3. The secondary street minimum setback is 2m.	<p>Complies</p> <p>Setbacks exceed 2m.</p>
	C-4. On corner lots, at least one dwelling is to be presented to each street frontage.	Each building addresses the street with entry pathways and private open space and living areas facing the street.
10.0 Side and rear setbacks – R2 Low Density Residential Zone	<p>C-1. Side setbacks:</p> <p>Minimum 900mm from each boundary up to a height of 4.5m, then at an angle of 4:1</p>	Complies - The development provides a minimum side setback of 3m for the ground floor and a setback of 3m for the first floor.

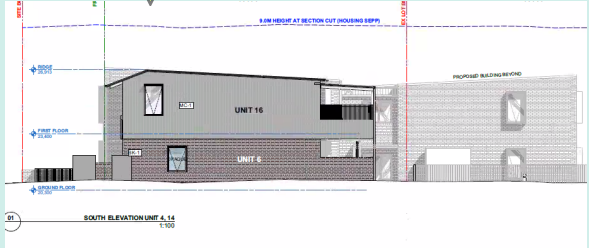
Compliance with key requirements for residential flat buildings

	<p>Rear setbacks:</p> <p>Minimum 3m for walls up to 4.5m in height and 6m for walls greater than 4.5m in height.</p>	<p>Complies – minimum rear setback of 6.272m proposed.</p>
	<p>C-3. Where adjoining a dwelling house in the R2 Low Density Residential zone, the depth of projection of a building is no greater than 45 degrees for 18m as measured from the middle of the window of the closest ground floor habitable room on the rear wall building line of the main neighbouring property on both sides.</p> 	<p>For the purposes of interpretation this section of the DCP, the relevant dwellings are 4 Neal Place and 17 Douglas Street:</p> <p><u>4 Neal Place:</u></p> <p>The 45° plane projects across the rear car park and as such the proposed development is not in conflict with the objectives of the control.</p> <p><u>17 Douglas Street:</u></p> <p>The 45° plane would intersect Units 3 and 13 and therefore this part of the development does not comply with the control.</p> <p>The objectives of the control seek to minimise impacts on privacy and overshadowing and to provide opportunity for landscaping and deep soil zones.</p> <p>The variation to the control is acceptable in this instance as the development provides a 3m side setback which provides opportunity for deep soil plantings and, as demonstrated by the shadow diagrams there are no overshadowing impacts. Privacy is maintained with a combination of privacy screens, placement of living area windows and significant tree plantings.</p>
<p>12.0 Siting the development – public domain interface</p>	<p>C-4. Development ensures site services and related structures, including electricity transformers, fire hydrant and booster assemblies, air conditioning and other mechanical plant, vents and exhausts are:</p> <ol style="list-style-type: none"> a. no more than 5m or 10% of the street frontage, whichever is lesser b. oriented towards the internal driveways or footpaths on site c. located, screened or landscaped so that they are not visually intrusive when viewed from the street. 	<p>The substation sits within an enclosure approximately 5m wide at the corner of the Neal Place and Douglas Street frontages and is screened by landscaping.</p>

Compliance with key requirements for residential flat buildings

	<p>C-5. Fences and walls forward of the building line of the primary road frontage:</p> <ul style="list-style-type: none"> a. have a maximum height of 1.2m, and are constructed using materials such as slats or pickets with at least 50% of the fence area open c. do not use unfinished timber paling and metal panel fences d. have courtyard fences and walls to secondary street frontages align with the facade facing the street e. solid fencing components are finished with the same material as the building facade. 	<p>Fencing forward of the building line is predominately 1.2m high comprising:</p> <ul style="list-style-type: none"> - brickwork (matching the brickwork used in parts of the building facades) to a height of 800mm with aluminium slat fencing 400mm high on top - aluminium slat fencing 1.2m high <p>To provide privacy to Unit 8, a relatively short length of aluminium slat fencing 1.5m high is also proposed.</p>
	<p>C-7. Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface by:</p> <ul style="list-style-type: none"> a. street access, pedestrian paths and building entries which are clearly defined; or b. paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space; or c. walls fronting the public spaces have openings that are at least 25% of the surface area of the wall. 	<p>The site is located opposite McIlvenie Park open space.</p> <p>The proposal is considered to positively address the interface with McIlvenie Park by providing landscaped front setbacks, defined street entries and low height, open style fencing.</p>
	<p>C-9. Direct visibility is provided from the public domain to the front door along paths and driveways.</p>	<p>Entries to the development are via clearly defined pathways from the street.</p>
<p>13.0 Siting the development – pedestrian and vehicle access</p>	<p>C-4. Driveways, internal streets, lanes and visitor car parking spaces are setback:</p> <ul style="list-style-type: none"> a. at least 1m from a fence b. at least 1m from another dwelling c. at least 2.5m from a window to a habitable room that is 1m² or larger in size. 	<p>The proposal generally complies with this requirement with the provision of soft landscaping and fencing between pathways, driveways and habitable room windows.</p>
<p>14.0 Siting the development – orientation and siting</p>	<p>C-2. Fill outside the building footprint does not exceed a height measured from existing ground level of:</p>	<p>Fill outside the building footprint is not proposed.</p>

Compliance with key requirements for residential flat buildings

	<p>a. 600mm if located within 1m of a boundary, and</p> <p>b. 1m if located greater than 1m from a boundary.</p>	
	C-5. Ground floor levels are not more than 1.3m above existing ground level and not more than 1m below existing ground level	Complies – varies between approximately 400mm fill and 200mm cut across the development.
15.0 Siting the development – building separation	C-1. Adequate separation is provided between buildings to ensure visual privacy is achieved.	<p>The buildings are separated by approximately 9m at the closest point. Privacy screens to the southern side of Unit 14 balcony ensure adequate privacy is maintained:</p> 
28.0 Configuration – communal area and open space	C-1. Where 10 or more dwellings are proposed, provide active communal open space with a minimum area of 5% of the site area and with a minimum dimension of 8m.	An area of common open space is provided at the rear of the development. Identified requirement (No. 75) requires the landscape plan to be updated to provide access to the area from an accessible pathway and for seating to be provided.
29.0 Configuration – architectural design and visual appearance	<p>C-1. The roof design is integrated with the overall building form.</p> <p>C-2. Skylights and ventilation systems are integrated into the roof design.</p> <p>C-3. An articulation zone is provided forward or behind the building line.</p> <p>C-4. Facades contain a balanced composition of elements including a mix of solid and void.</p> <p>C-5. Building services are integrated within the overall facade.</p> <p>C-6. Building facades relate to key datum lines of adjacent buildings through upper level setbacks,</p>	The Character Statement and <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , prepared by the Architect, demonstrate that the development meets the intent of this section of the DCP.

Compliance with key requirements for residential flat buildings

parapets, cornices, awnings or colonnade heights.

C-7. Building entries are clearly defined and include a covered entry.

C-8. All building elements, including shading devices and awnings are coordinated and integrated into the overall facade design.

C-9. A variety of materials, colours, textures and finishes are used to articulate finer scale architectural features and building elements.

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43 of the Housing SEPP, City of Newcastle Council was notified of the development by letter dated 19 September 2023 (refer to **Appendix G**). The notification response period formally closed on 13 October 2023 and Council responded to the notification by letter dated 26 October 2023 which has been extracted in **Table 10** 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 the **Activity Determination**.

Table 10 Issues raised in Council submission

Issues Raised	Response
<p>1 Design considerations</p> <p><u>Character of the area</u> It is suggested that an increased setback to units 2, 5 and 6, would result in an enhanced streetscape outcome. If this can be facilitated through minor amendments through the proposed design, it is recommended that this be considered.</p> <p><u>Private open spaces</u> The private open space areas of proposed Units 1, 2 and 9 encroach beyond the building line, further the open space of Unit 2 includes a clothesline. These encroachments will detract from the overall appearance of the development to the streetscape and will not provide suitable privacy and amenity for the future occupants. It is suggested that consideration be given to amendments to these areas to improve the private open space for these units and future residents.</p>	<p>The front setback to the building containing Units 2, 5 and 6 has been increased from a minimum of approximately 2.7m to a minimum of 4.5m. The setback to the portion of the building façade containing the living areas of Units 2 and 12 has been increased from 5.5m to 6m, to enable the front setback to the balcony of Unit 12 to be increased to 4.5m. In addition, the balconies to Units 15 and 16 (above Units 5 and 6) have been relocated to the rear, to provide an increased front setback to these units.</p> <p><u>Units 1 and 2:</u> The principal private open space area (PPOS) of Unit 1 has been relocated to the rear; and the private open space (POS) area at the front of Unit 1 has been reduced in size to be setback 4.5m from the front property boundary.</p> <p>The relocation of the PPOS area to the rear of the unit, the increased setback to the remaining POS area at the front of the unit and the proposed mix of shrub and tree plantings within the front setback area are considered to maintain a reasonable level of privacy for the tenants whilst reducing the visual impact of this part of the development on the streetscape.</p> <p>In relation to the POS of Unit 2, it was not possible to relocate the clothesline to the rear of the unit due to the layout in this part of the building.</p>

Issues Raised	Response
<p><u>Fencing</u> The proposed 1800mm high Colorbond located fence within the front setback around the courtyard area of Unit 8 + 18 will result in a poor visual outcome and amenity when viewed from the street and is contrary to CPTED principles. Further, the fencing adjacent to the substation enclosure and driveway area is reliant on landscaping/screen planting. It is</p>	<p>However, the setback to the POS of Unit 2 has been increased by 1m and the clothesline is screened by aluminium slat fencing 1.5m high and by a mix of shrub plantings including:</p> <ul style="list-style-type: none"> • Weeping Bottlebrush – mature height 5m • Bottlebrush ‘White Anzac’ – mature height 3m • Boobialla – mature height 3m <p>The increased setback to the POS, slat fencing 1.5m high and shrub plantings are considered to provide to adequate privacy for the tenants and screening of the clothesline. The shrub plantings will also provide a landscaped setting for the development, similar to existing surrounding development.</p> <p><u>Unit 9:</u> In response to Council’s feedback the plans have been amended to reduce the amount of PPOS area for Unit 9 located forward of the building line. However, a portion of Unit 9 PPOS sits forward of the articulation zone by approximately 800mm over a distance of approximately 4m (3.2m²). This very minor encroachment beyond the articulation zone enables Unit 9 POS to achieve the minimum 3m depth required by the LAHC Design Requirements. Noting that DCP controls are to be applied flexibly and that SLUDG supports POS in the front setback, the scale of the encroachment in relation to the length of the front setback to Neal Place is not considered to unreasonably impact the streetscape.</p> <p>Shrub plantings and a low wall are proposed to provide privacy to the PPOS area of Unit 9. However, an identified requirement (No. 79) is recommended requiring that the wall adjoining the western extent of Unit 9 PPOS maintains a minimum height of 1.5m above the entry pathway so as to prevent opportunity for overlooking.</p> <p>In response to Council’s feedback, fencing in this location has been replaced with semi-transparent aluminium slat fencing to a maximum height of 1.5m, which will improve the visual outcome whilst providing privacy</p>

Issues Raised	Response
<p>recommended the selection of fencing materials and height in this location be reconsidered, for example lower height fencing and/or semitransparent style.</p>	<p>for the residents and a degree of visual transparency for casual surveillance.</p>
<p>2 Accessibility</p> <p>At the meeting of Council of 23 August 2022, a proposed Notice of Motion (NOM) relating to Housing Affordability was endorsed. The NOM was to be included in CN's submission to the Local Government NSW (LGNSW) Annual Conference held in late October 2022.</p> <p>The proposed NOM, in part, was seeking that LGNSW:</p> <ol style="list-style-type: none"> <i>1. Calls upon the State government to ensure that all new public, social and affordable housing at a minimum incorporates the new accessibility standards in the National Construction Code.</i> <p>The revised National Construction Code includes new minimum accessibility standards, based on 'Silver' Performance level Accessibility standards of Liveable Housing Australia.</p> <p>According to the Access Review' report dated 23 December 2022 prepared in support of the proposal eight of the proposed twenty dwellings will achieve the silver standard.</p> <p>Section 3.03.04 Configuration of the NDCP 2012 requires that all dwellings, except Seniors housing development under the relevant State Environmental Planning Policy include Liveable Housing Design Guidelines Silver Level universal design features.</p> <p>A control of Section C13-Liveable Housing of the Draft NDCP 2023, currently on public exhibition, requires that for residential flat building (RFB) resulting in five or more dwellings, at least 20% of dwellings are designed to Platinum Level under the Liveable Housing Design Guidelines. An acceptable solution for RFB being <i>'...it is a preference for 1-2 bedroom units to be designed of Platinum Level.'</i></p> <p>Therefore it is requested consideration be given to the accessibility requirements of the existing and draft NDCP in the design of the proposal to achieve a greater proportion of units achieving this standard.</p>	<p>The development has considered the LAHC Dwelling Requirements and the updated LAHC Design Requirements 2023, which set out the minimum provision of universally designed dwellings for activities carried out by LAHC. All ground level dwellings are silver livable and first floor dwellings have silver level features.</p> <p>For this development, 10% of the dwellings are designed to comply with AS4299 Class C in line with the guidance provided by NSW Land and Housing Corporation Design Requirements (Feb 2023). In the absence of a specific DCP control for adaptable dwellings, 10% has been assessed as an appropriate provision on this site.</p> <p>It is noted that the design of units in accordance with AS4299 Class C provides a similar level of amenity to a unit designed to meet Liveable Housing Design Guidelines - Platinum Level. The design provides access within the unit and fixtures and features that support future adaptability for LAHC's tenant cohort.</p>
<p>2 Stormwater Management</p> <p>It is recommended stormwater runoff from the proposal is managed in accordance with the requirements of Section 7.06 'Stormwater' of NDCP 2012, the associated Technical Manual and AS/NZS 3500.3 Plumbing and drainage Part 3</p>	<p>Generally, the stormwater plans have been updated by the consultant stormwater engineer to address Council's comments. Refer to updated Civils Plans in Appendix C.</p>

Issues Raised	Response										
<p>Stormwater drainage, as indicated on the stormwater management concept plan prepared by Stantec (Drg. No. 80822046-CI-0001 to 2201, Revision 4, dated 25/02/2023) except as recommended to be amended by the following comments. As the site is located within the coastal wetland catchment, additional controls in the NDCP apply.</p> <p>Based on a roof area of approximately 770m², NDCP 2012 requires storage of 30m³ of rainwater from the entire roof area with half the storage volume draining to a 5mm weep hole to allow a slow release into the downstream receiving environment. Additional storage of 11.8m³ (=762m² (impervious area excluding roof) x 15.5mm depth storage) is to be provided in a detention tank. The proposal provides 30.5m³ of detention storage plus 9m³ of reuse storage which does not meet the NDCP requirements, and it is recommended that the design be amended to meet the coastal wetland requirements above.</p> <p>The abovementioned concept plan did not consider the water quality requirements of the NDCP 2012. It is recommended that water quality is managed as follows:</p> <p>Table 4: Water quality and water quantity targets</p> <table border="1"> <tr> <td>Total Suspended Solids</td><td>85% reduction in the average annual load of Total Suspended Solids.</td></tr> <tr> <td>Total Nitrogen</td><td>45% reduction in the average annual load of Total Nitrogen.</td></tr> <tr> <td>Phosphorous</td><td>65% reduction in the average annual load of Total Phosphorus.</td></tr> <tr> <td>Gross Pollutants</td><td>90% reduction in the average annual load of Gross Pollutants (>5mm).</td></tr> <tr> <td>Hydrocarbons</td><td>100% removal.</td></tr> </table> <p>This can usually be achieved by constructing a bioretention basin (preferred option) or alternatively a sand filter or proprietary products placed inside tanks. Gross pollutants are to be captured, either by installing pit inserts or an end of line Gross Pollutant Trap.</p> <p>Stormwater discharge via three rectangular hollow section outlets to the street kerb is acceptable.</p> <p><u>Controlling surface water</u></p> <p>Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties as a result of the proposal.</p> <p><u>Water tanks and plumbing design standards</u></p> <p>It is recommended roof water from the proposal is directed to a water reuse tank with a minimum capacity of 30,000 litres, designed in accordance with Appendix 8 of CNs Technical Manual – Stormwater and Water Efficiency for Development, which supports the relevant provisions of NDCP 2012.</p>	Total Suspended Solids	85% reduction in the average annual load of Total Suspended Solids.	Total Nitrogen	45% reduction in the average annual load of Total Nitrogen.	Phosphorous	65% reduction in the average annual load of Total Phosphorus.	Gross Pollutants	90% reduction in the average annual load of Gross Pollutants (>5mm).	Hydrocarbons	100% removal.	<p>The stormwater plans have been updated to include a total of 11.87m³ on-site detention and 30m³ of rainwater re-use storage. The updated plans also meet targets for Total Suspended Solids, Total Nitrogen, Phosphorus and Gross Pollutants and a filter to capture Hydrocarbons.</p> <p>Noted.</p> <p>Standard identified requirement (No. 7) is recommended in this regard.</p> <p>The stormwater plans have been updated to include rainwater re-use tanks with a combined capacity of 30,000 litres.</p>
Total Suspended Solids	85% reduction in the average annual load of Total Suspended Solids.										
Total Nitrogen	45% reduction in the average annual load of Total Nitrogen.										
Phosphorous	65% reduction in the average annual load of Total Phosphorus.										
Gross Pollutants	90% reduction in the average annual load of Gross Pollutants (>5mm).										
Hydrocarbons	100% removal.										

Issues Raised	Response
<p>The upper 50% of the capacity of the rainwater tank is to drain from the tank by way of a 5mm weep hole connected to the main overflow pipe for the tank. The tank is to be reticulated into the following new uses:</p> <ul style="list-style-type: none"> • site irrigation systems • external taps • all toilets • cold water washing machine taps and laundry basin taps. <p>A mains water top-up system is to be installed to maintain a minimum water depth of 100mm within the tank. Alternatively, an electronically activated mechanical valve device is installed to switch to mains water when the water level in the tank falls below the minimum depth.</p> <p>The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3).</p>	<p>In relation to rainwater re-use, the activity is supported by a BASIX certificate which specifies that rainwater is to be reticulated for re-use in the toilets and landscaping irrigation (<i>Appendix K</i>).</p> <p>Identified Requirement (No 80) is recommended requiring the provision of a mains water top-up system to be installed to maintain a minimum water depth of 100mm within the tank; or an electronically activated mechanical valve device be installed to switch to mains water when the water level in the tank falls below the minimum depth.</p> <p>Under s.6.28 of the EP&A Act, LAHC must comply with the State's building laws which includes Volume 3 of the National Construction Code and which applies to plumbing and drainage.</p>
<p>3 Vehicular Access, Driveway Design and Crossing Location</p> <p>It is recommended the proposal is designed in accordance with Section 7.03 Traffic, Parking and Access of NDCP2012 and Australian Standard AS/NZS2890.1:2004-Off Street Car Parking.</p> <p>It is also recommended that the width of the internal driveway is increased to 5.5m to enable entering and exiting vehicles to pass each other and avoid conflict.</p>	<p>The Traffic Impact Assessment (<i>Appendix S</i>) confirms that the design of the driveway and car parking areas comply with the relevant Australian Standards.</p> <p>In relation to the width of the driveway, widening is not considered necessary as car parking and vehicular access has been designed in accordance with the relevant Australian Standards, noting that there is no requirement in the Australian Standard for the driveway to be widened as the driveway is less than 30m in length, is accessed from a local road and does not meet the threshold for vehicle movements into and out of the site.</p> <p>Further, the Traffic Impact Assessment did not identify any unacceptable traffic safety impacts and noted that the projected net increase in traffic can be accommodated</p>

Issues Raised	Response
<p>It is noted the existing road verge is higher than the road level and steep driveways present. It is recommended the driveway grades are checked against CN's standard drawing A1300 to ensure compliant grades are achieved and vehicle scraping does not occur. This is particularly important as a detention tank is located underneath the driveway making it difficult to lower the internal driveway if grades are found to be too steep later.</p>	<p>within the capacity of the existing local street network.</p> <p>The Civil plans include a driveway long-section, demonstrating that cars will not scrape when entering and exiting the site. In addition, the civil engineer for the project has confirmed that the driveway grades comply with Council's standard drawing A1300.</p>
<p>4 Parking</p> <p>It is noted bicycle parking can be provided within the individual units for tenants. It is recommended that at least one bicycle hoop be included in a common area for visitors bicycle parking.</p> <p>In accordance with the DCP, it is recommended that 5% of the car parking spaces are fitted with electric vehicle chargers in accordance with following requirements:</p> <p>a) Each off-street car parking space will be provided with electrical circuitry to support the installation of a 'Level 2' electric vehicle charger point. The construction plans are to:</p> <ul style="list-style-type: none"> i) Identify the power capacity to each car parking space. ii) Identify the EV Distribution Board and EV Load Management System on each level of parking. Locate EV Distribution Board(s) so that no future EV Ready connection will require a cable of more than 50 metres from the parking bay to connect. iii) Identify the conduit system to allow each car space to install an electric vehicle charger point – such as cable trays and/or buried cables underground. This system should allow future installation of cabling to power electric vehicle charger points and allow internet access (run Ethernet cable or install 4Gmodem). <p>Note: The installation of a charging point is not required by clause (a).</p> <p>b) A minimum of one 'Level 2' electric charger must be provided and 'Level 2' electric chargers must be provided to not less than 5% of all car parking spaces. The location of all electric vehicle chargers must be shown on the construction plans.</p> <p>c) The certifier must be satisfied that the electrical plans and specifications are consistent with (a) and (b) before the commencement of construction.</p> <p>Note: The minimum electric circuitry requirements for 'Level 2' electric vehicle charging points are:</p>	<p>Identified Requirement (No. 81) is recommended requiring a bicycle hoop to be provided within a common area.</p> <p>The current cost of electric vehicles means that for social housing tenants these vehicles are unlikely to be an affordable option. To future proof our site however an Identified requirement (No. 82) is recommended requiring the provision of conduit to enable the future provision of an EV charger.</p>

Issues Raised	Response
<p>i) Privately available spaces: 'Level 2' slow – single phase 7kW power; and</p> <p>ii) Public spaces: 'level 2' fast – three-phase 11-22kW power.</p>	
<p>Public Domain works</p> <p>The LAHC is to design and construct the following works in connection with the proposal within the Douglas Street public road reserve, adjacent to the site, at no cost to CN and in accordance with CN's guidelines and design specifications:</p> <p>(a) A new driveway crossing in accordance with CN's Standard Drawing A1300.</p> <p>(b) Removal of redundant driveways in the road reserve and restoration of kerb and gutter.</p> <p>(c) Three kerb outlets to Douglas Street.</p> <p>It is acknowledged Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a public authority, such as the LAHC, does not require consent from CN to exercise its functions in respect of an unclassified road that is not a Crown Road. Accordingly, it is requested that prior to the commencement of construction CN is provided with a copy of plans for the crossing and layback together with the payment of any CN inspection fees.</p> <p>All works within the road reserve required by CN and the 'Activity Determination' are to be completed prior to the occupation of the proposed development.</p>	<p>Standard Identified Requirements (Nos 10 & 11) require the driveway crossing and restoration of kerb and gutter to be designed and constructed in accordance with Council's policies and technical guidelines, together with the payment of any Council inspection fees.</p> <p>Identified Requirement (No. 83) requires the design and construction of the 3 kerb outlets to be designed and constructed in accordance with Council's technical policies and guidelines.</p> <p>Noted. Identified Requirement (No. 10) includes the requirement to pay Council the relevant inspection fees.</p> <p>Standard Identified Requirement (No 69) requires all Identified Requirements to be complied with prior to occupation, which would include works within the road reserve</p>
<p>6 Street trees</p> <p>The CN Street trees (79108, 79109 & 79110) located on the Neal Street frontage of the site are to be physically protected during the construction phase of the proposal in accordance with the CN's Part B Public Trees'. 'Section 8.0 - Protection Measure' of CN's Urban Forest Technical Manual. The tree protection fencing must remain in place and maintained until all works have been completed, with no waste material, washouts, equipment, or machinery to be stored within the fenced area.</p> <p>Note. The tree selection and location of the required compensatory tree will be determined by CN's City Greening Section in accordance with the CN's Street Tree selection</p>	<p>Standard Identified Requirement (No 36) requires retained trees to be protected in accordance with the recommendations contained in the Arborist's Report.</p> <p>Noted. However, Council street trees are not proposed to be removed.</p>

Issues Raised	Response
<p>manual. The location of the compensatory tree planting may not be in the immediate proximity of the site.</p>	
<p>7 Waste management plan</p> <p>Generally, developments that comprise five or more dwellings must have a common / communal refuse bin presentation area located within 10 metres of the street property boundary to facilitate a collect-and-return service. The bins are to be of a size deemed appropriate by CN.</p> <p>Based on 10 x 1 bedroom apartments (80 litres / week / apartment) and 10 x 1 bedroom apartments (100 litres / week / apartment), the residential waste generation is estimated at:</p> <ul style="list-style-type: none"> General Waste: 1,800 litres / week – 3 x 660 litre bin emptied weekly, collect and return. Comingled Recycling: 3,600 litres / week – 3 x 1,100 litre bin emptied weekly, collect and return. Garden Organics: 1,000 litres / fortnight – 4 x 240 litre bins emptied fortnightly, from the kerbside. <p>To meet our criteria for the collect and return service, the following would be applicable:</p> <ul style="list-style-type: none"> The bin storage area should be located within approximately 10 metres of the property boundary access point and not require a key for access; PIN or similar is acceptable. The bin carting route needs to allow for safe and adequate movement of the larger bins, with no obstructions and no requirement for bins to be carried over any steps, landscape edging or gutters / kerbs, etc. There needs to be adequate provision for a heavy rigid collection vehicle to safely and legally park adjacent to the property, in close proximity to the bin presentation/ collection point, allowing for larger bins to be wheeled safely to the rear of the collection vehicle. Appropriate kerbside parking space is preferably on the departure side of any driveway access. <p>The submitted Waste Management Plan (WMP) does not provide enough detail to make informed comment on this aspect of the proposal. The LAHC will need to provide a detailed revised WMP, particularly in relation to the ongoing operational waste management. The plan is to include details of the following:</p>	<p>In response to Council's feedback, the waste enclosure has been moved to within 10m of the front property boundary to facilitate a collect-and-return service. The enclosure has capacity to contain the following bins:</p> <p>3 x 660L general waste 4 x 1000L comingled recycling 4 x 240L garden organics</p> <p>It is noted that that the proposed bin carting route from the waste enclosure to the front property boundary is 1.5m wide, contrary to Section 6 of the DCP which requires the bin carting route to be a minimum 1.8m width.</p> <p>Identified Requirement (No. 84) is recommended requiring the width of the bin carting route to be increased to 1.8m.</p> <p>Approximately 20m of unobstructed kerb between the proposed driveway and the intersection of Douglas Street with Neal Place is available for Council's collection vehicle.</p> <p>A floor gully and water tap are proposed to enable the enclosure to be washed.</p> <p>Identified Requirement (No. 37) is recommended requiring the preparation of a final waste management plan, including the management of ongoing waste.</p>

Issues Raised	Response
<ul style="list-style-type: none"> • estimated waste generation for all facets of the development (with reference to the EPA's Better Practice Guide for Resource Recovery in Residential Developments - 2019 Revision), • bin presentation point/s, • bin storage area/s, • bin numbers and sizes, • collection methodology, • frequency of collection, • collection vehicle access to bin presentation point, <p>A waste management plan checklist (some items may not be applicable to this specific development, but many will) is attached for your convenience. The NSW Environment Protection Authority publication 'Better Practice Guide for Resource Recovery in Residential Developments' (2019 Revision) can also be used as a reference.</p>	
<p>8 Consolidation of lots</p> <p>It is recommended the whole of the subject site comprising Lot 58 and 59 DP 35087 and Lot C & D DP 35096 is to be consolidated into a single title lodged for registration of a survey plan of consolidation with the NSW Land Registry Services.</p>	<p>Standard Identified Requirement (No. 5) is recommended in this regard.</p>
<p>9 House numbering</p> <p>Prior to commencement of construction, the LAHC must submit a Street Numbering Application to CN to enable the addressing allocation process to commence. The allocated addressing will be as per CN's Addressing Allocation document and in accordance with the NSW Addressing Policy and the Australian/New Zealand Standard: Rural and Urban Addressing (AS/NZS 4819:2011).</p>	<p>Identified Requirement (No. 85) is recommended in this regard.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or properties that should be notified of the development via email correspondence on 1/11/2021. Council provided a response on 18/11/2021 requesting that owners and some additional properties be notified.

Advice was again sought from Council regarding additional persons or properties that should be notified of the development via email correspondence sent to Council on 28/03/2024. Council provided a response on 9/04/2024 requesting that owners and some additional properties be notified.

Figure 18 illustrates the properties in which the occupiers and landowners were notified of the development:



Figure 18 Map of Properties Notified of the Proposed Development (Source: LAHC)

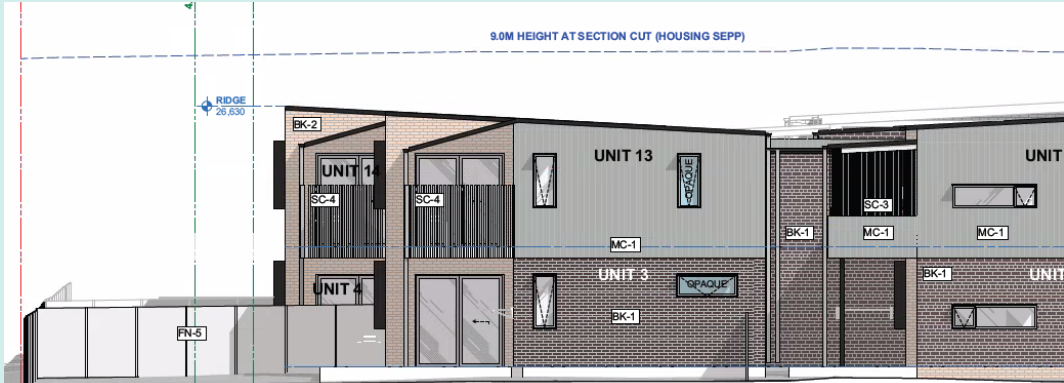
Under section 43(1)(b) of Housing SEPP, owners and occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 19 September 2023.


Due to an administrative error, owners and occupiers were re-notified of the development by letter dated 19 April 2024. A sample of the notification letter is provided at **Appendix G**.

The notification response period formally closed on 14 May 2024 and a total of 6 submissions were received. The issues raised in the submissions are discussed in **Table 11** below.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Anti-social behaviour	The majority of tenants are good neighbours and law-abiding people. Nevertheless, DCJ (Housing Services) has in place a policy for dealing with disruptive tenants. More information about the policy can be found at http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy . In addition, DCJ (Housing Services) has a dedicated 24 hour hotline, 1800 422 322, where local residents can report any tenancy related matters.
Negatively impact property values	There is no evidence to suggest the development would adversely affect property values.

Issues raised	LAHC Response
Impacts on the availability of on-street car parking; the amount of car parking provided; and car ownership rates.	<p>In relation to car parking, it is anticipated that impacts on-street car parking will be minimal as the development provides 9 car parking spaces on the site, which is consistent with the amount of car parking required for development on a site located in an accessible area under the Housing SEPP.</p> <p>Car parking rates are consistent with data provided by the Australian Bureau of Statistics, which shows that social housing tenants across NSW typically own fewer cars than non-social housing tenants.</p>
Access to public transport and proximity to services including John Hunter Hospital, schools, aged care facilities and open space	<p>The site is located in relatively close proximity to a range of services and facilities including the John Hunter Hospital, schools, aged care facilities and open space at McIvenie Park opposite the site. In addition, the site is located in an 'accessible area' under the Housing SEPP as there is a Hunter Buses Network service (Route 24), which operates at the required frequency, from bus stops located within 400m walking distance of the site, located at:</p> <ul style="list-style-type: none"> • Douglas St at Curry St – Bus stop ID 2287176 (eastern side of Douglas Street, between Neal Place and Curry Street) • Douglas St at Curry St – Bus stop ID 2287179 (western side of Douglas Street, south of Curry Street) <p>Bus route 24 provides services between Wallsend and Marketown Shopping Centre via Mayfield.</p>
Potential property damage when removing trees	<p>Tree removal will be undertaken by a qualified Arborist in accordance with the relevant Australian Standards.</p>
Privacy impacts to 17 Douglas St including 2-storey development at the rear	<p>The proposed development has been designed to minimise visual privacy impacts on neighbouring properties through fencing and the careful placement of windows and privacy screens. As shown in the Architectural Plan extract of the north elevation, privacy screening to a minimum height of 1.6m along the northern edge of balconies facing the common northern boundary with 17 Douglas St has been provided to prevent overlooking of the adjoining property. Windows on the first floor facing the northern boundary, have been appropriately sized and treated to prevent unacceptable privacy impacts.</p>  <p>In addition, metal fencing 1.8m high together with Brush Cherry plantings (mature height up to 6m) are proposed along the northern boundary with 17 Douglas Street which will also reduce any privacy impacts.</p>

Issues raised	LAHC Response
Traffic impacts	The Traffic Impact Assessment (Appendix S) confirms that the net increase in traffic movements generated by the development is not expected to have any negative impacts on the local street network or impact traffic safety.
Construction noise	Identified Requirements have been recommended to limit construction noise in accordance with relevant legislation.
Noise after construction	<p>Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings.</p> <p>Air conditioning units will be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the <i>Protection of the Environment Operations (Noise Control) Regulation 2017</i>. Acoustic certification prior to occupation will ensure that the air conditioning units are appropriately designed and installed.</p> <p>Buildings will be constructed to comply with the deemed-to-comply provisions of the Building Code of Australia with respect to noise transmission.</p>
Drilling ground or excavation for footing may impact our property	The building contractor is required to take care to prevent any damage to adjoining property and shall be liable to pay compensation to any adjoining owner if, due to the works, damage is caused. Standard Identified Requirement (No. 67) is recommended in this regard.
There may be unforeseen impacts	This REF takes into consideration to the fullest extent possible, the environmental impacts of the activity any unforeseen impacts will be appropriately managed by Homes NSW.
Bin storage location at the rear	The bin storage area has been relocated toward the front of the development, within 10m of the front property boundary.
Fence height between 24 Curry St to be reviewed. Requesting a minimum height of 2.1m and include acoustic attenuation to mitigate noise impacts from car parking area	<p>Identified Requirement No 86 is recommended requiring the construction of 1.8m high metal fencing with lattice 300mm in height fixed to the top along the boundary with 24 Curry St. Noise impacts associated with the car parking area are anticipated to be low given the relatively low number of 5 to 7 additional vehicle trips generated by the development. In addition to the 1.8m high metal fence, a landscaped area is proposed between the eastern extent of the carparking area and the boundary with 24 Curry Street which will mitigate noise impacts. Tree plantings proposed within this area include Brush Cherry (<i>syzygium australe</i>) hedge plantings; 3 x Prickly Paperbark (mature height 15m) and 1 x Crepe Myrtle (mature height 8m); and a variety of ground covers.</p> <p>Photograph of Brush Cherry (<i>Syzygium australe</i>) hedge, extracted from the Landscape Plan:</p>  <p><i>Syzygium australe</i></p>
Safety of car parking area adjoining the boundary with 24 Curry Street	The car parking area has been designed in accordance with the relevant Australian Standards and is designed so that cars can enter and leave the site in a forward direction. A traffic and parking impact assessment for the development indicates that the development will not result in a significant increase in the amount of vehicle trips in and out of the site. Nevertheless, safety barriers are to be provided for the car parking area, where required.

Issues raised	LAHC Response
Privacy impacts to 24 Curry St from east facing windows	The proposed separation distance which is generally greater than 6.27m, in conjunction with landscaped screening along the eastern boundary are considered adequate to mitigate any potential overlooking impacts from the east facing windows in the development to neighbouring properties.
Requests shadow diagrams for summer equinox (24 Curry St)	The Housing SEPP requires consideration of solar access at mid-winter, considered to be the 'worst case scenario'. A review of the submitted shadow diagrams in <i>Appendix A</i> indicates that the development will have minimal shadow impacts on the rear yard of 24 Curry Street in the afternoon period on June 21, given the orientation of the site.
Location of new trees not shown	The location of new trees is shown on the Landscape Plan which has been prepared by a suitably qualified Landscape Architect. The Landscape Plan proposes Brush Cherry (<i>syzygium australe</i>) hedge plantings and the following trees in close proximity to the boundary with 24 Curry Street: <ul style="list-style-type: none"> • 3 x Prickly Paperbark (mature height 15m) • 1 x Crepe Myrtle (mature height 8m)
Tenant selection	Homes NSW have an allocation strategy when selecting tenants for new developments to ensure that properties are well cared for.

7.3 Notification of Specified Public Authorities

The development 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 *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

8 Review of Environmental Factors

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.

8.1 Neighbourhood Character

The Architectural Character Statement (*Appendix T*) prepared in support of the activity demonstrates that the development is generally consistent with the emerging character of surrounding development.

The site is located within an established residential area predominantly characterised by single storey detached dwelling houses of brick, fibro and lightweight weatherboard construction with tiled roofs. There are also some examples of older-style 2 storey multi-unit housing development

The bulk and scale of the proposed development will be generally compatible with the existing character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality and character statement. The 2-storey design, siting, layout and landscape setting of the proposed development generally aligns with that of emerging development in the locality.

Mitigation Measures

No mitigation measures.

8.2 Bulk and Density

Subject to the amendments to the plans discussed in the response to Council's submission at Section 7.1 of this REF, the development is considered generally consistent with the bulk and scale of emerging development in the locality of Wallsend. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The scale of the proposal is broken up into separate building elements reducing the scale and bulk.

The proposal incorporates a maximum floor space ratio of 0.606:1 which exceeds the maximum FSR of 0.60:1 permitted under the NLEP 2012 by 14.8m². Despite this very minor exceedance of the FSR control, the bulk and scale of the proposed development is generally compatible with the emerging character of the locality, maintains appropriate visual relationships with the existing area and will not result in any unacceptable overshadowing or privacy impacts to adjoining dwellings.

The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

The proposed development will generate some short-term visual impacts 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 generally 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 proposed within the front setback will incorporate the planting of shrubs to mature heights of between 1m and 6m; and 13 x Magnolia 'Little Gem' (mature height 4m) and 1 x Crab Apple (mature height 6m) which will reduce the visual impact of the buildings when viewed from the street. Ground floor private open spaces within the front setback area are screened by hedge plantings, which will soften their visual impact. In addition, the plans were amended to replace the originally proposed 1.8m high metal fencing in front of Unit 8 with 1.5m high aluminium slat fencing.

Considered tree and shrub planting along the side and rear boundaries of the site will add to the long-term visual amenity of the surrounding properties and enhance the appearance of the site from the street.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including landscaping, fencing, screening, adequate site setbacks, and strategic orientation of living areas to avoid direct overlooking of neighbouring properties. In particular:

- A variety of shrub and tree plantings together with fencing varying in height between 1.2m and 1.5m within the front setback area maintain a reasonable level of privacy for the private open space areas located in the front setback areas.
- A combination of solid walls and a variety of fencing types maintain privacy between ground floor private open space areas within the development.
- Metal fencing 1.8m high is proposed at the side and rear side boundaries to prevent overlooking opportunities between the development and adjoining dwellings. The fencing is supplemented by planting alongside boundaries.
- The balconies to Units 11 and 13 are setback 4.5m from the northern side boundary and are screened along their northern edge with a fixed privacy screen to prevent overlooking of the adjoining dwelling to the north.
- North facing windows to Unit 11 comprise a kitchen window and a living area window. The kitchen window is sited above a kitchen bench, which will tend to limit the angle of vision. The living area window looks over the front setback area and is not considered to raise any significant privacy concerns.
- North facing windows to Unit 13 comprise a bedroom and a bathroom window. The bedroom window is relatively small, and bedrooms are relatively less well trafficked and is therefore unlikely to result in unreasonable overlooking. The bathroom window is proposed to be obscure glazing to maintain privacy.
- The balcony and living room window to Unit 14 are setback in excess of 6m from the rear boundary. The retention of T1, an 8m high Cocos Palm, will provide some additional vegetative screening.

- Balconies on Units 15 and 16 are oriented to the internal common landscaped area at the rear of the site. The balconies are separated from each other by more than 9m to provide for privacy and limit overlooking.
- Balconies to Units 16 and 18 are sited approximately 8m apart, providing adequate visual separation. In addition, the southern side of Unit 16 balcony is fitted with a privacy screen.
- Balconies to Units 12, 17 and 19 are oriented to the street frontage and appropriately screened to provide privacy for the tenants.
- East facing windows to Unit 20 comprise a bedroom window and a bathroom window. The bedroom window is relatively small, and bedrooms are relatively less well trafficked and is therefore unlikely to result in unreasonable overlooking. The bathroom window is proposed to be obscure glazing to maintain privacy.
- As noted in Section 7.2 of this REF, in response to a submission, a section of rear boundary fence adjoining 24 Curry Street is to include lattice 300mm in height fixed to the top of the fence to mitigate any visual privacy impacts.

Mitigation Measures

Identified Requirement (No. 79) is recommended requiring the height of the western wall to the private open space of Unit 9 be no less than 1.5m above the finished level of the entry pathway from Neal Place. Identified Requirement No 86 is recommended requiring the addition of lattice 300mm in height to the top of the fence at the boundary with 24 Curry St.

8.6 Solar Access

The LAHC Design Requirements require 70% of dwellings in a development to achieve 2 hours of direct solar access to the living and private open space areas on June 21, and that dwellings receiving less than 15 mins of solar access to living areas and private open space should be avoided.

The submitted Architectural Plans indicate that 15 of the 20 dwellings (75%) receive at least 2 hours direct solar access to their living and private open space areas on June 21, which meets the requirement 70% of dwellings.

However, it is noted that units 9 and 19 (10% of units in the development) receive no solar access in mid-winter due to the orientation of the site. The variation to the Design Requirements is considered acceptable given that the Apartment Design Guide, a guiding document for the design of Residential Flat Buildings, allows 15% of dwellings in a development to receive no sunlight.

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

The shadow diagrams (*Appendix A*) confirm that the development has been designed to minimise overshadowing of surrounding development.

During the morning, shadows fall predominantly over the site and out towards Douglas Street and Neal Place. At noon, shadows are predominantly contained within the site and extend to Neal Place. Adjoining properties are not impacted by shadows cast as a result of the development between the hours of 9am and noon.

In the afternoon, shadows fall predominantly over the rear of the site and Neal Place, with some shadowing affecting 4 Neal Place.

Based on the above, the development is consistent with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*, which requires that solar access to the living areas and private open space of adjoining properties is not to be unreasonably reduced between the hours of 9am and 3pm on June 21.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

A total of 9 car parking spaces for residents, including 2 accessible spaces, will be available on site to serve the proposed development. The level of provision of on-site car parking will satisfy the parking requirements set out in the Housing SEPP for developments carried out by LAHC.

Council's submission (refer to Section 7.1 of this REF) recommended that the width of the internal driveway be increased to 5.5m to enable entering and exiting vehicles to pass each other and avoid conflict.

In this regard, the Traffic Impact Assessment (**Appendix S**) confirms that widening was not necessary as the driveway has been designed in accordance with the relevant Australian Standard and is not considered to result in unacceptable traffic safety impacts.

Mitigation Measures

Identified Requirements No. 10, 11 & 12 have been recommended to ensure appropriate construction of vehicular access and parking on site.

8.9 Flora and Fauna

An Arborist Report has been prepared for the site by Hunter Horticultural Services (**Appendix J**). The report considers 6 trees, 3 of which are located within the subject site while 3 are street trees located in the Neal Place road reserve.

The report supports the removal of 2 existing trees within the site that either are required to be removed to accommodate the proposed development or the individual species are recommended for removal as they are not considered to be significant or worthy of retention.

Tree No 2 will be impacted by the proposed building, while Tree No 3 is an undesirable species.

More appropriate tree plantings within the site, including 43 trees capable of reaching mature heights ranging between 4m and 25m, will be provided as part of the proposed landscaping scheme (refer to submitted Landscape Plan in **Appendix B**).

However, it is noted that the Landscape Plan includes several larger tree species located in close proximity to the building and services which may cause structural damage; and significant areas of turf which may cause maintenance issues for residents and LAHC. As such, identified requirement (No. 75) is recommended to provide appropriately sized trees and to minimise/ eliminate turfed areas, wherever possible.

The Landscape Plan also proposes a pathway from the car parking area; however, the pathway is not accessible due to a step where the pathway adjoins the car park. Recommended identified requirement (No. 75) also includes the requirement to delete the pathway from the car parking area, unless it can be made accessible; and for access to the common open space area to be from an accessible pathway in any case.

The proposed new plantings, as detailed on the landscape plans, will provide 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.

Mitigation Measures

Retained trees are to be protected in accordance with the Tree Protection Measures contained within the Arborist's Report (refer **Appendix J**) and Identified Requirement No. 36. Identified Requirement (No. 75) is recommended requiring the Landscape Plan to be updated to be consistent with the Architectural Plan set.

8.10 Heritage (European / Indigenous)

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 26 October 2023 (**Appendix I**) 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 City of Newcastle 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

Identified Requirements (Nos 45 and 46) are recommended in the event that any cultural heritage relics are discovered during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation and Acid Sulfate Soil Assessment Report, prepared by STS Geotechnics indicates the following:

- The subsurface conditions generally consist of topsoil/fill overlying silty clays and weathered sandstone. The topsoil/fill is present to depths of 0.3m to 0.4m. Firm and very stiff natural silty clays underlie the topsoil/fill to depths of 0.6m to 1.0m. Weathered sandstone underlies these soils to the depth of auger refusal, 0.8m to 1.4m.
- Where OSD or rainwater tanks are located within 6m of the building foundations, advice should be sought regarding their effect on the foundations.
- Groundwater was not observed during drilling works.

Soil and Erosion

An Erosion and Sediment Control plan, detailing sediment control measures for the project, has been prepared by the civil engineer (refer to **Appendix C**).

Contamination

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is affected by a policy restriction relating to contaminated land.

Notwithstanding, the draft *Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in Table 7a, above in this REF.

The initial evaluation indicates that the site is unlikely to be contaminated, however, an identified requirement is recommended to cover the unlikely possibility of finding contamination during works.

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is identified as being within Class 5 Land on the Acid Sulfate Soil Map under the NLEP 2012.

Clause 6.1 of NLEP 2012 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.

A Geotechnical Site Investigation and Acid Sulfate Soil Assessment Report, prepared by STS Geotechnics assessed the site and determined that, due to the locality being underlain by Waratah Sandstone and the site's elevation, the geomorphic or site criteria do not meet the requirements for the presence of acid sulfate soils. Based on this, and on-site observations, STS Geotechnics have concluded that an Acid Sulfate Management Plan is not required for the development.

Salinity

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

Mitigation Measures

Identified Requirement (No. 1) requires that the development shall be carried out substantially in accordance with the documents set out in the table to Identified Requirement No. 1, which includes the Geotechnical Investigation report and recommendations contained therein.

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).

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

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Generally, stormwater drainage for the proposed development has been designed in accordance with Council's requirements as noted in section 7.1 of this REF. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to one of three underground detention tanks which will drain to Council's infrastructure in Douglas Street. Roof water will be collected by gutters and a series of downpipes connected to the underground detention tanks. As noted in section 7.1 of this REF, Council requested that the rainwater tanks include a mains supply to ensure levels in the tank do not fall below 100mm depth. Identified requirement (No 80) is recommended in this regard.

In response to Council's feedback, a pollutant trap is included in the design to capture hydrocarbons from car parking area run-off.

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

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.

Mitigation Measures

Identified Requirements (Nos. 6-9, 14, 42, 71, 80 and 83) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours consistent with the requirements for Complying Development throughout NSW, being 7am to 5pm Monday to Saturday with no work on Sundays or public holidays.

During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings.

Air conditioning units are proposed to be provided. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an identified requirement to address ongoing use.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

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.

Appropriate standard identified requirements (Nos. 2, 57, 59 & 72) have been applied to ensure compliance with the above mitigation measures.

8.15 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. 60, 63 & 64) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 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

Demolition materials will be stored wholly within the site prior to removal for recycling or disposal. Demolition waste will be removed from the site to an approved waste management facility or will be recycled where possible.

Specific intentions for recycling / re-use / disposal of demolition waste will be determined by the demolition contractor prior to commencement of demolition.

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 where possible.

Specific intentions for recycling / re-use / disposal of demolition waste will be determined by the demolition contractor prior to commencement of demolition.

During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins located in the garbage storage enclosure at the front of the site for collection by Council's collect-and-return waste services.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosure for collection by Council's collect-and-return waste services.

Mitigation Measures

Standard Identified Requirements (Nos. 47 - 55) are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

A standard Identified Requirement (No. 37) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

8.17 Resource Use & Availability

The proposed activity will not result in any discernible 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 demolition, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

Solar energy systems will be installed as part of the development to minimise the use and cost of access to natural resources.

The proposed development is for the 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.

Mitigation Measures

Identified Requirement (No. 73) is recommended to ensure solar energy system installation is carried out by a qualified person in accordance with required specifications.

8.18 Community / Social Effects

The proposed development will generate a number of positive community and social effects, including:

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Newcastle 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.

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

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

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

Mitigation Measures

No mitigation measures are required.

8.20 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; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 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 Sections 171 and 171A of the EP&A Regulation. 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 consistent with the relevant objectives and standards set out in the Housing SEPP, NLEP 2012, and the design principles and better practices set out in the relevant guidelines.

In addition, and as demonstrated by 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, will have 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 social housing in the local area. Therefore, the proposed development is clearly in the public interest.

9.2 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 the *Activity Determination* accompanying this REF.

Appendices

- APPENDIX A – ARCHITECTURAL PLANS
- APPENDIX B – LANDSCAPE PLAN
- APPENDIX C – CIVIL PLANS
- APPENDIX D – DETAIL SURVEY
- APPENDIX E – NOTIFICATION PLANS
- APPENDIX F – SECTION 10.7 CERTIFICATES
- APPENDIX G – NOTIFICATION & CONSULTATION
- APPENDIX H – ACCESS REPORT
- APPENDIX I – AHIMS SEARCH
- APPENDIX J – ARBORIST REPORT
- APPENDIX K – BASIX CERTIFICATE
- APPENDIX L – BCA REPORT
- APPENDIX M – DESIGN COMPLIANCE CERTIFICATES
- APPENDIX N – NatHERS CERTIFICATE
- APPENDIX O – SLUDG Checklist
- APPENDIX P – GEOTECHNICAL INVESTIGATIONS
- APPENDIX Q – TITLE SEARCH AND DP
- APPENDIX R – WASTE MANAGEMENT PLAN
- APPENDIX S – TRAFFIC REPORT
- APPENDIX T – ARCHITECTURAL STATEMENT