



# REVIEW OF ENVIRONMENTAL FACTORS



Proposed Residential Development

at

**47-49 Curry Street, Wallsend NSW 2287**

February 2023

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Land & Housing Corporation  
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## DOCUMENT CONTROL REGISTER

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## DOCUMENT SIGN-OFF

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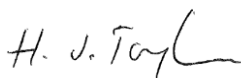
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2. I do not consider I have any personal interests that would affect my professional judgement.
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# 1. Executive Summary

The subject site is located at 47-49 Curry Street, Wallsend NSW 2287, and is legally described as Lots 141 and 142 in Deposited Plan 35087.

The proposed general housing development is described as follows:

Demolition of two existing dwellings and associated structures, and the construction of a residential flat building containing 4 x 1-bedroom and 5 x 2-bedroom dwellings, with associated landscaping and fencing, surface car parking for five cars and consolidation into a single lot.

The proposed development is permitted with consent on the site under the applicable local environmental planning instrument being the *Newcastle Local Environmental Plan 2012* (NLEP2012). Therefore the proposed development can be carried out by NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), as it does not result in more than 60 dwellings on the site and does not exceed 9 metres in height.

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.

There are no trees requiring removal as part of the activity.

The REF demonstrates that:

- the preparation of an Environmental Impact Statement is not required, based on the outcomes of the analysis of the potential environmental impacts associated with the proposed development,
- based on a review of the potential environmental impacts resulting from the proposed development and subject to the implementation of mitigation measures, that will be incorporated in the approval as identified requirements, the development will not have any significant adverse impacts on the environment,
- the proposed development 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 development has adequately taken into account the design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development*, and the *Good Design for Social Housing* and the Land and Housing Corporation's *Dwelling Requirements*,
- the site planning and design of the proposed development adequately address the requirements of the applicable local environmental planning and development controls of City of Newcastle Council,
- a BASIX certificate, a NatHERS certificate and stamped plans have been submitted for the proposed development demonstrating its compliance with the State Government's environmental sustainability targets, and
- there are no separate approvals, authorisations or notifications required in relation to the proposed development prior to determination under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) or under any other Acts.

Under the provisions of the Housing SEPP, the City of Newcastle Council and occupiers of adjoining land were notified of the proposed development by letter dated 16 September 2022. A response was received from Council dated 14 October 2022. Comments on the response are provided in Section 6.1 of this REF. Submissions were received from four occupiers of adjoining land. Comments on the submissions are provided in Section 6.2 of this REF. In accordance with Section 2.15 of the *State*

*Environmental Planning Policy (Transport and Infrastructure) 2021*, the Mine Subsidence Board (now Subsidence Advisory NSW) was notified of the proposed development (refer to Section 6.3 of this REF).

If the proposed development is carried out in accordance with the environmental mitigation measures outlined in this REF, it will not result in any significant or long-term negative impacts on the environment and it can be proceed subject to the implementation of the identified requirements of determination in **Appendix C**.

## 2. Introduction

This REF under Part 5 of the EP&A Act is for a development that involves the demolition of two existing dwellings and associated structures, construction of a residential flat building containing 4 x 1-bedroom and 5 x 2-bedroom dwellings with associated landscaping and fencing, surface car parking for five cars and consolidation into a single lot at 47-49 Curry Street, Wallsend.

The activity\* 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 in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the EP&A Regulation 2021.

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.

**\*Note:** *The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the EP&A Act.*



## 2.1 Summary of Proposed Development

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

### ***Architectural Plans***

- Sam Crawford Architects –
  - Drawing No.000, Rev P3 dated 12.04.2022 – Cover Sheet
  - Drawing No.101, Rev P3 dated 12.04.2022 – Block Analysis Plan
  - Drawing No.102, Rev P3 dated 12.04.2022 – Site Analysis Plan
  - Drawing No.103, Rev P3 dated 12.04.2022 – Demolition Plan
  - Drawing No.104, Rev P3 dated 12.04.2022 – Development Data
  - Drawing No.105, Rev 01 dated 12.04.2022 – Site Plan
  - Drawing No.106, Rev P3 dated 12.04.2022 – Ground Floor Plan
  - Drawing No.107, Rev P3 dated 12.04.2022 – First Floor Plan
  - Drawing No.108, Rev P3 dated 12.04.2022 – Roof Plan
  - Drawing No.109, Rev P3 dated 12.04.2022 – Liveable Housing Compliance
  - Drawing No.201, Rev P3 dated 12.04.2022 – Street Elevations
  - Drawing No.202, Rev P3 dated 12.04.2022 – Elevations
  - Drawing No.301, Rev P3 dated 12.04.2022 – Sections
  - Drawing No.401, Rev P3 dated 12.04.2022 – Shadow Diagrams
  - Drawing No.402, Rev P3 dated 12.04.2022 – Solar Access
  - Drawing No.501, Rev P3 dated 12.04.2022 – External Finishes and Materials

### ***Landscape***

- Place Design Group, landscape consultant –
  - Page No. 3, Rev 05 dated 23.06.2022 – Extent of Works
  - Page No. 4, Rev 05 dated 23.06.2022 – Landscape Plan
  - Page No. 5, Rev 05 dated 23.06.2022 – Fencing Strategy
  - Page No. 6, Rev 05 dated 23.06.2022 – Landscape Key Plan and Sections
  - Page No. 7, Rev 05 dated 23.06.2022 – Planting Schedule
  - Page No. 8, Rev 05 dated 23.06.2022 – Material Selection
  - Page No. 9, Rev 05 dated 23.06.2022 – Typical Landscape Details

### ***Soil and Water Management***

- Cardno (NSWACT) Pty Ltd, consulting engineers –
  - Drawing No 80822047-CI-0001, Rev 5 dated 28.11.2022 – Cover Sheet , Locality Plan & Schedule of Drawings
  - Drawing No 80822047-CI-0002, Rev 5 dated 28.11.2022 – Civil Construction Notes
  - Drawing No 80822047-CI-1101, Rev 6 dated 28.11.2022 – Stormwater Drainage Plan Ground Floor
  - Drawing No 88022047-CI-1102, Rev 3 dated 28.11.2022 – Cut & Fill Plan
  - Drawing No 88022047-CI-1103, Rev 3 dated 28.11.2022 – Bulk Earthworks Level
  - Drawing No 88022047-CI-1201, Rev 6 dated 28.11.2022 – Sedimentation & Erosion Control Plan
  - Drawing No 80822047-CI-2101, Rev 5 dated 28.11.2022 – Stormwater Details Sheet 1
  - Drawing No 80822047-CI-2102, Rev 5 dated 28.11.2022 – Stormwater Details Sheet 2
  - Drawing No 80822047-CI-2103, Rev 5 dated 28.11.2022 – Stormwater Details Sheet 3 – OSD Rainwater Tank Details
  - Drawing No 80822047-CI-2201, Rev 5 dated 28.11.2022 – Sedimentation and Erosion Control Details

### **Survey**

- RPS Australia East, consultant surveyors –
  - Drawing dated 12.04.19 – Detail Survey – 47-49 Curry Street

### **BASIX / NatHERS**

- Northrop Consulting Engineers Pty Ltd–
  - BASIX Certificate No 1277603M\_02 dated 28.06.2022
  - NatHERS Certificate No. 0007825770 dated 28.06.2022

### **Specialist Reports**

- The Transport Planning Partnership, traffic consultant –
  - Traffic Impact Assessment, dated 13 April 2022
- Hunter Horticultural Services, consultant arborist –
  - Arborists Stage A Report, dated 27 October 2021
- Morris Goding Access Consulting, access consultant –
  - Access Review, dated 28 June 2022
- BCA Vision, BCA consultant –
  - Design Compliance Assessment, dated 28 June 2022
- Sam Crawford Architects, architectural consultant –
  - Character Statement, dated 2 June 2022
- Sam Crawford Architects, architectural consultant –
  - Waste Management Plan, dated 10 October 2022
- STS GeoEnvironmental, geotechnical consultant –
  - Site Investigation Report, dated 26 November 2018

### **Design Compliance and Checklists**

- *Seniors Living Policy: Urban Design Guidelines for Infill Development* checklist, dated 11 July 2022
- Architect's Certificate of Building Design Compliance, dated 12 Jan 2023
- Engineer's Certificate of Design Compliance, dated 16 March 2022
- Landscape Architect's Certificate of Design Compliance, dated 28 March 2022

### **Supporting Information**

- City of Newcastle Council –
  - Section 10.7(2)(5) Planning Certificate No PL2023/00099 - No. 47 Curry Street, Wallsend, NSW 2287, Lot 141 DP 35087, dated 12 January 2023

- Section 10.7(2)(5) Planning Certificate No PL2023/00100 - No. 49 Curry Street, Wallsend, NSW 2287, Lot 142 DP 35087, dated 12 January 2023
- Title search and Deposited Plans –
  - Certificate of Title Folio 141/35087, search date 19 October 2018
  - Certificate of Title Folio 142/35087, search date 19 October 2018
  - Deposited Plan 35087
- Heritage NSW –
  - AHIMS Search, dated 24 October 2022

## 2.2 Demolition

The proposed development includes demolition of 2 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to **Appendix E**).

## 2.3 Removal of Trees

No trees are proposed for removal as part of the activity.

## 2.4 Proposed Dwellings

The proposed housing represents a contemporary, high-quality design, which will be an improvement to the existing dwellings. The use of face brick for external walls and metal roofing is consistent with the existing and developing future characters of Wallsend. Six of the nine proposed units will address the street, namely, units 1, 2 & 3 on the ground floor and units 6, 7 & 8 on the first floor. The openings to the living areas of these units will face the street for passive surveillance.

Minor cut (up to approximately 1.3m) and fill (up to approximately 300mm) is proposed across the site to provide a level building platform. The volume of cut and fill is generally within the permissible levels under Council's DCP. Sections of retaining wall, up to 1.3m high, are proposed at the southern and eastern boundaries of the site as shown on the Site Plan (refer to **Appendix E**).

Generally, a variety of planting species is considered for the proposed new landscaping to enhance the appearance of the site. The proposed new planting will consist of a mixture of new trees, shrubs and groundcovers that will enhance landscaped setbacks and positively contribute to the streetscape.

Each unit will be provided with its own enclosed private open space area. Privacy for the private open space areas facing the street will be maintained via a combination of open style fencing and a variety of plantings within the front setback area. All private open space areas are directly accessible from the living areas.

At grade car parking for five vehicles will be provided on the site, including one accessible car space.

Generally, surface stormwater will be collected via a series of stormwater pits and gutters and piped to an underground detention tank in the driveway at the front of the site before discharging to Council's stormwater infrastructure located on the southern side of Curry Street, via a new kerb inlet pit at the front of the site.

Rainwater from the roof areas will be directed via filters to 2 underground rainwater tanks for recycling, noting that the rainwater tanks are isolated from the underground detention tank to avoid cross-contamination. Overflow is piped to the underground detention tank.

Behind the building line, new 1.8m high Colorbond fencing is proposed along the side and rear boundaries. At the side boundaries, forward of the building line, Colorbond fencing 800mm high is proposed. A combination of masonry and palisade fencing 1.2m high will be provided at the front of the development facing Curry Street.



The property immediately to the east (51 Curry Street) contains a detached single storey dwelling house (refer to photograph at **Figure 3**).



**Figure 3: Adjoining development to the east – 51 Curry Street**  
(Source: Google maps – image capture March 2021)

The property to the west (45 Curry Street) contains a detached single storey dwelling house (refer to photograph at **Figure 4**).



**Figure 4: Adjoining development to the west – 45 Curry Street**  
(Source: Google maps – image capture March 2021)

## 3.2 Site Description

The site has a total area of 1,226m<sup>2</sup> and has a frontage to Curry Street of 36.576m, side boundaries of 33.53m and a rear boundary of 36.576m (refer to the Detail Survey, **Appendix E**).

The site falls steadily from the rear south-east corner of the site toward the front north-western corner of the site at Curry Street by approximately 3m. An easement for the drainage of stormwater is not required.

There are no trees located within the site. Three trees are located on the adjoining site to the rear, at 38 Davis Avenue Wallsend.

Water, electricity, sewer and telephone facilities are available to the site (refer to Detailed Survey for the location of available services at **Appendix E**). All services are located along the street alignment.



There are no encumbrances on title, Section 10.7 planning certificates or on the submitted Detail Survey Plan.

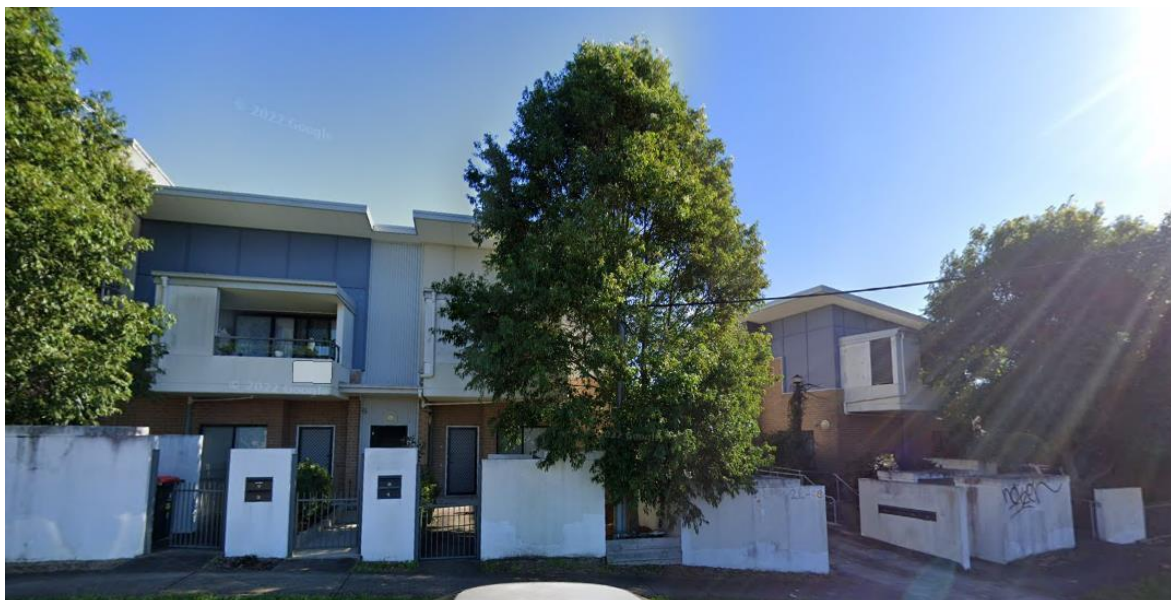
Copies of the Section 10.7(2) and (5) Planning Certificates (Nos. PL2023/00099 and PL2023/00100) dated 12 January 2023 are provided in **Appendix A**.

### 3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses interspersed with more recent 2-storey residential dwellings and duplex style development. The predominant construction materials in the area are brick, fibrous cement and lightweight weatherboard with tiled roofs (refer to photographs at **Figures 5 & 6**).



**Figure 5: Multi dwelling housing development at 30 Douglas Street, Wallsend (north of the site)**  
(Source: Google maps – image capture June 2022)



**Figure 6: A more recent 2-storey development at 26 Davis Avenue (south east of the site)**  
(Source: Google maps – image capture June 2022)

There are two bus stops located on the opposite side of Douglas Street approximately 60m and 75m walking distance east from the site (refer to Site Plan at **Appendix E**). The bus stops are used by Route 24, which provides a regular bus service to Marketown Shopping Centre and Mayfield town centre and has at least 1 bus per hour servicing the bus stop between—

- (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and
- (ii) 8am and 6pm on each Saturday and Sunday.



## 4. Zoning and Permissibility

The site is zoned R2 Low Density Residential (R2) under the *Newcastle Local Environmental Plan 2012* (NLEP2012). Residential Flat Buildings are permissible with consent in the R2 zone. The proposed development is defined as a 'residential flat building' under the provisions of NLEP2012 and is permissible with Council's consent on site. The proposal is therefore permissible without consent pursuant to Section 42 of the Housing SEPP.

The relevant objectives of the R2 zone, as set out in NLEP2012 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 to meet the identified needs of the community within the low density residential area. A Character Statement (**Appendix P**) prepared in support of the activity demonstrates that the development is generally consistent with the existing and emerging character of surrounding development. Substantive new tree plantings proposed as part of the development will improve the quality of the environment.

Section 42 of the Housing SEPP permits residential development to be carried out by LAHC as 'development without consent' subject to the provisions set out under that Section. **Table 3** in subsection 5.2.1 of this REF demonstrates how the proposal complies with the relevant provisions of Section 42 of the SEPP.

## 5. Planning and Design Framework

### 5.1 State Legislation

#### 5.1.1 Environmental Planning and Assessment Act 1979

##### ***Duty to consider environmental impact [Section 5.5]***

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

**Table 1** below demonstrates the effect of the proposed development on the matters listed for consideration in subsection 3 of Section 5.5.

Table 1: Matters for consideration under Sub-Section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity (Proposed Development)
(3) <i>Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.</i>	The proposal will have no tangible effects on the wilderness area, as the site and surrounding areas are not within a wilderness area (within the meaning of the Wilderness Act 1987).

#### 5.1.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly 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, it is considered that the proposed development (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 nor it constitutes habitat of threatened species or ecologic community. The proposed development will not be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

#### 5.1.3 Other Acts

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

#### 5.1.4 Environmental Planning and Assessment Regulation 2021

##### ***Factors that must be taken into account concerning the impact of an activity (development) on the environment [Section 171]***

For the purposes of Part 5 of the EP&A Act, the factors in **Table 2** 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 activity.

**Table 2:**

Factors to be taken into account concerning the impact of an activity on the environment	Relevant?	Impact		
		Temporary	Minor	Significant [Note 1]
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines. <b>[Note 1]</b>	N/A			
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. <b>[Note 2]</b>	N/A			

If no guidelines are in force, the following must be taken into account:

(a) environmental impact on the community	Y	x	x	
(b) transformation of a locality	Y		x	
(c) environmental impact on the ecosystems of the locality	Y	x	x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality	Y	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	N/A			
(f) impact on the habitat of protected or endangered animals (within the meaning of the <i>Biodiversity Conservation Act 2016</i> )	N/A			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment	Y		x	
(i) degradation of the quality of the environment	Y	x	x	
(j) risk to the safety of the environment	N/A			
(k) reduction in the range of beneficial uses of the environment	N/A			
(l) pollution of the environment	Y	x	x	
(m) environmental problems associated with the disposal of waste	Y		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply	Y		x	
(o) cumulative environmental effect with other existing or likely future activities	Y		x	

<b>Table 2:</b>				
Factors to be taken into account concerning the impact of an activity on the environment	Relevant?	Impact		
	Yes /NA	Temporary	Minor	Significant [Note 1]
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. <b>[Note 3]</b>	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y			
(r) other relevant environmental factors.	Y			

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

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

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

The proposed general 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 environmental and social outcomes in the long term, and the social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement and Community Strategic Plan are considered below at **Section 5.1.5** of this report.

## 5.1.5 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, MidCoast, 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 the site 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 providing more diverse and affordable housing.

Local planning strategies set out the preferred pathway 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 United Nations Sustainable Development Goals and New Urban Agenda. The strategic vision is supported by seven 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 nine general housing 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, focused 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 inclusive, affordable housing in the LGA.

## 5.2 Environmental Planning Instruments and Codes

### 5.2.1 State Environmental Planning Policy (Housing) 2021

#### Development without Consent

Section 42 of the Housing SEPP permits certain development that may be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 3** below demonstrates compliance with the relevant provisions of Section 42 of the Housing SEPP.

Table 3: Compliance with relevant provisions under Sections 42 and 43 of Chapter 2, Part 2, Division 6 of the Housing SEPP for 'residential development without consent' carried out by LAHC	
Provision	Compliance
<p>42 (1) This Division applies to residential development if —</p> <p>(a) the development is permitted with consent on the land under another environmental planning instrument, and</p> <p>(b) all buildings will have a height of not more than 9m, and</p> <p>(c) the development will result in 60 dwellings or less on a single site, and</p> <p>(d) for development on land in an accessible area—the development will result in at least the following parking spaces—</p> <p>(i) for each dwelling containing 1 bedroom—0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—1 parking space, and</p> <p>(e) for development on land that is not in an accessible area—the development will result in at least the following parking spaces—</p> <p>(i) for each dwelling containing 1 bedroom—0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—1.5 parking spaces.</p>	<p>The development is permissible under the NLEP2012.</p> <p>The maximum building height is 8.08m.</p> <p>The development is for nine dwellings.</p> <p>The development is located in an accessible area and requires the following number of parking spaces:</p> <ul style="list-style-type: none"> <li>4 x 1 bedroom dwellings = 1.6 = 2</li> <li>5 x 2 bedrooms dwellings = 2.5 = 3</li> </ul> <p>Total parking spaces required = 5.</p> <p>Total parking spaces provided = 5.</p>
<p>(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument—</p> <p>(a) the demolition of buildings and associated structures if the building or structure is on land—</p> <p>(i) that is non-heritage land, and</p> <p>(ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,</p> <p>(b) the subdivision of land and subdivision works.</p> <p><b>Note—</b> Section 32 prohibits the subdivision of a boarding house.</p>	<p>Demolition of 2 existing single storey detached dwellings and associated structures is proposed.</p> <p>The site does not contain a heritage item identified in any environmental planning instrument or an interim heritage order or on the State Heritage Register.</p> <p>The site is not identified in an environmental planning instrument as being within a heritage conservation area.</p> <p>Consolidation of the site into a single lot is proposed</p>
<p>(3) This Division does not apply to—</p> <p>(a) development to which this Part, Division 5 applies, or</p> <p>(b) development that is part of a project, or part of a stage of a project that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.</p>	<p>Noted</p>

<p>(5) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021, sections 2.15 and 2.17 apply to the development and, in the application of the sections—</i></p> <p>(a) <i>a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and</i></p> <p>(b) <i>a reference in the sections to a public authority is taken to be a reference to the relevant authority.</i></p>	<p>Under Section 2.15(2)(f), of the Transport and Infrastructure SEPP, the development is specified development as it is on land in a mine subsidence district. As such, the relevant specified authority, namely, the Mine Subsidence Board (now known as Subsidence Advisory NSW (SA NSW)) was notified of the proposed development and subsequently provided approval for the development (refer to Section 6.3 of this REF).</p>
<p>(6) <i>In this section—</i>  <b>former section 75P</b> means the Act, section 75P, as in force immediately before its repeal by the <i>Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011</i>.  <b>residential development</b> has the same meaning as in the <i>Housing Act 2001, section 8</i>.</p>	<p>Not applicable.</p>
<p><b>43 Requirements for carrying out residential development</b></p> <p>(1) <i>Before carrying out development under this Division, the Land and Housing Corporation must—</i></p> <p>(a) <i>request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and</i></p> <p>(b) <i>give written notice of the intention to carry out the development to—</i>  (i) <i>the council, and</i>  (ii) <i>the person or persons nominated by the council, and</i>  (iii) <i>the occupiers of adjoining land, and</i></p> <p>(c) <i>take into account the responses to the notice that are received within 21 days after the notice is given, and</i></p> <p>(d) <i>take into account the Seniors Living Policy: Urban Design Guidelines for Infill Development, March 2004, published on the Department's website, to the extent to which it is not inconsistent with this Division, and</i></p> <p>(e) <i>consider the Good Design for Social Housing and the Land and Housing Corporation Dwelling Requirements, September 2020, published on the website of the Land and Housing Corporation, to the extent to which it is not inconsistent with this Division, and</i></p> <p>(f) <i>if the development is for the purposes of manor houses or multi dwelling housing (terraces)—consider the provisions of the Codes SEPP, Part 3B, to the extent to which the provisions apply to the development.</i></p> <p>(2) <i>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.</i></p>	<p>Advice was sought from City of Newcastle Council regarding additional persons or properties that should be notified of the development via a letter sent to Council on 5 August 2022. Council provided an updated list as of 10 August 2022.</p> <p>A letter notifying City of Newcastle Council of the proposed development was sent to Council by LAHC on 16 September 2022. Letters notifying occupiers of adjoining land of the proposed development were sent to the subject recipients by LAHC on the same date.</p> <p>Council responded to LAHC's notification by letter dated 13 October 2022. Comments on the response are provided in Section 7.1 of this REF. Four submissions were received from adjoining occupiers. Comments on the submissions are provided in Section 7.2 of this REF.</p> <p>Refer to the checklist in <b>Appendix D</b> and subsection 5.2.2 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 5.2.2 of this REF. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.</p> <p>Refer to Sections 5.2.3 and 5.2.4 of this REF and the Architect's Statement and Certificate of Building Design Compliance in <b>Appendix N</b> which indicate that <i>Good Design for Social Housing</i> and the <i>Land and Housing Corporation Dwelling Requirements</i> have been considered.</p> <p>N/A – the development is not for the purposes of a manor house or multi-dwelling housing (terraces).</p> <p>Noted.</p>

## 5.2.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the design of the proposed development against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix D**. The design has followed the Guidelines, except for a few justifiable departures as discussed in **Table 4**, below.

Table 4: Design Alternatives	
Guideline Requirement	Response
2.20 - Use semi-pervious materials for driveways, paths and other paved areas	Semi-pervious areas have not been provided for driveways and other paved areas as they may not be suitable as a long term stable / durable surface and are not conducive to wheelchair access. Concrete driveways, paved areas and paths have been proposed for maintenance reasons.
3.06 - Set back upper levels behind the front building façade	The proposal exhibits two storeys only and compliance with setbacks is achieved. The proposed design and second storey built form is consistent with emerging character of development within the locality and provides for an acceptable visual impacts.
3.20 – Orientate mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings?	Letterboxes have been integrated into the design of the front fence and do not result in visual clutter along the streetscape.
3.22 - Vary the alignment of driveways to avoid a 'gun barrel' effect?	This was not achievable due to site constraints, however, strips of landscaping have been proposed along the driveway edges, surrounding the carpark area and at the rear boundary such that the view down the driveway terminates with landscaping.
3.27 - Vary the driveway surface material to break it up into a series of smaller spaces?	Breaking the driveway surface material into a series of smaller spaces is not considered appropriate for this development as the driveway is integrated well into the site through the provision of plantings along the edges of the driveway.
3.29 – Provide gates at the head of the driveways to minimise visual 'pull' of the driveway.	A gate has not been provided to avoid repairs, maintenance and management costs, and is also considered unnecessary as the communal driveway is provided with a landscaped blister to minimise visual pull.
4.05 - Incorporate second stories within the roof space and provide dormer windows.	Second storeys within roof spaces and dormer windows are not a characteristic of the locality.

## 5.2.3 Good Design for Social Housing

An assessment of the proposed development against the *Good Design for Social Housing*, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 5** below. Refer to Certificate of Compliance from the Architect in **Appendix N**.

Table 5: Good Design for Social Housing – Relevant Goals & Principles		
Goals	Principles	Comment - Discussion on how the design responds to the principles:
<b>Wellbeing</b>	<ul style="list-style-type: none"> <li>Healthy environments</li> <li>Good for tenants</li> <li>Quality homes</li> </ul>	<ul style="list-style-type: none"> <li>Safe access is provided from the car park to entries of the building.</li> <li>The units have been designed to ensure residents have privacy and feel safe.</li> <li>Design of the development is compliant with BASIX requirements (<b>Appendix H</b>).</li> <li>The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape.</li> </ul>



**Table 5: Good Design for Social Housing – Relevant Goals & Principles**

Goals	Principles	Comment - Discussion on how the design responds to the principles:
		<ul style="list-style-type: none"> <li>The site is located within close proximity to open space and recreation areas including McIlvenie Park and Collier Street Park.</li> </ul>
<b>Belonging</b>	<ul style="list-style-type: none"> <li>Mixed tenure</li> <li>Good shared and public spaces</li> <li>Contribute to local character</li> </ul>	<ul style="list-style-type: none"> <li>Easily identified front entrances.</li> <li>Attractively designed landscaping along street frontage.</li> <li>There are few two-storey developments on Curry Street, however the scale of the development and the geometry of roof form has been designed to respond to the character.</li> <li>The building design and landscaping integrate with the surrounding residential neighbourhood.</li> </ul>
<b>Value</b>	<ul style="list-style-type: none"> <li>Whole of lifecycle approach</li> <li>Sustainability and resilience</li> <li>Make every dollar count</li> </ul>	<ul style="list-style-type: none"> <li>Low maintenance landscape species introduced.</li> <li>Durable building materials recommended.</li> <li>The orientation of each dwelling and private open space areas have been designed to optimise natural light to these areas.</li> <li>Rainwater tanks are provided for the development to assist with sustainability and on-site water retention. Collaboration and consultation with key stakeholders were incorporated at critical design milestones.</li> </ul>

## 5.2.4 Land and Housing Corporation Dwelling Requirements

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

## 5.2.5 Other State Environmental Planning Policies

**Table 6** below outlines applicability of, and compliance with, other State Environmental Planning Policies (SEPPs).

**Table 6: Compliance with other applicable State and Environmental Planning Policies**

State Environmental Planning Policy	Applicability
SEPP 65 (Design Quality of Residential Apartment Development)	<p>The proposed development does not meet the height/ storey trigger requiring assessment of SEPP 65 and the Apartment Design Guide.</p> <p>Further assessment is not required.</p>
SEPP (Building Sustainability Index: BASIX) 2004	<p>A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to <b>Appendix H</b>).</p>
SEPP (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)	<p>As noted on the Section 10.7 Certificates, the site is located within a proclaimed mine subsidence district.</p> <p>For the purposes of Section 42 of the Housing SEPP, Sections 2.15 and 2.17 of the Transport and Infrastructure SEPP apply to the activity.</p> <p>Under section 2.15(2)(f), of the Transport and Infrastructure SEPP, the development is specified development as the development is on land in a mine subsidence district and must be referred to the relevant specified authority, namely, the Mine Subsidence Board (now known as Subsidence Advisory NSW (SA NSW)).</p> <p>LAHC consulted with SA NSW by email dated 25 January 2023.</p> <p>In an email dated 27 January 2023, SA NSW provided stamped plans approving the development (refer to <b>Appendix B</b>).</p>

Table 6: Compliance with other applicable State and Environmental Planning Policies	
State Environmental Planning Policy	Applicability
	<p>With respect to Sections 2.98–2.100 of the Transport and Infrastructure SEPP, the site is not adjacent to a rail corridor.</p> <p>Curry Street is not a classified road, hence Section 2.119 of the Transport and Infrastructure SEPP is not applicable.</p> <p>The site is not located in close proximity to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles, hence Section 2.120 of the Transport and Infrastructure SEPP is not applicable.</p>
SEPP (Biodiversity and Conservation) 2021	No tree removal is proposed as part of this development. Tree protection measures will be implemented to protect trees on adjoining properties.
SEPP (Resilience and Hazards) 2021	The site is located within a developed residential area of Wallsend. The Section 10.7 planning certificates have not identified the sites as potentially contaminated and the geotechnical report undertaken for the development has not identified any areas of potential contamination. However, a standard recommended identified requirement (No. 17) requires implementation of contamination management measures in the event of contamination being discovered during demolition or construction works.

## 5.2.6 Other Legislation

There are no other State or Commonwealth legislation relevant to the development.

## 5.3 Local Planning Controls

### 5.3.1 Newcastle Local Environmental Plan 2012 (NLEP 2012)

Compliance with the relevant provisions /development standards set out in the NLEP 2012 is demonstrated in **Table 7** below.

Table 7: Newcastle Local Environmental Plan 2012 Relevant Provisions / Development Standards for 47-49 Curry Street Wallsend			
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).	The maximum proposed building height on site (measured in accordance with the LEP definition) is 8.08 metres.
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. (0.6:1).	The proposed FSR is 0.53:1 (calculated in accordance with the LEP definition).
5.21	Floodplain planning	Development must be compatible with the flood hazard on land.	Section 10.7 planning certificates confirm the site is located above the Flood Planning Level.
6.1	Acid sulfate soils	Management plan required for certain development affecting acid sulfate soils	<p>As noted on Section 10.7 planning certificates, the land is classified as Class 5 Acid sulphate soils, and affected by a policy restriction relating to acid sulphate soils.</p> <p>However, a management plan is not required as the works are not 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</p>

Table 7: Newcastle Local Environmental Plan 2012 Relevant Provisions / Development Standards for 47-49 Curry Street Wallsend			
Clause	Provision / Development Standard	Required	Provided
			table is likely to be lowered below 1 metre Australian Height Datum on the adjacent Class 1, 2, 3 or 4 land.
6.2	Earthworks	<p>Before granting development consent for earthworks or for development involving ancillary earthworks, the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> <li>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</li> <li>(b) the effect of the development on the likely future use or redevelopment of the land,</li> <li>(c) the quality of the fill or the soil to be excavated, or both,</li> <li>(d) the effect of the development on the existing and likely amenity of adjoining properties,</li> <li>(e) the source of any fill material and the destination of any excavated material,</li> <li>(f) the likelihood of disturbing relics,</li> <li>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</li> <li>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul>	<p>Stormwater management has been designed generally in accordance with Council's requirements as detailed at section 6.1 of this REF, and is considered to be acceptable.</p> <p>The proposed earthworks facilitate continued residential use of the land.</p> <p>The soil is not known to be contaminated. Any fill will be virgin excavated natural matter, as required by identified requirement (no.36).</p> <p>Impacts from the proposed excavation can be reasonably mitigated by identified requirements.</p> <p>The Waste Management Plan (<b>Appendix K</b>) will address the disposal of excavated material. Any fill will be virgin excavated natural matter, as required by identified requirement (no.36).</p> <p>No relics are known to be located on the site. Identified Requirements (no.45 &amp; 46) are recommended should relics be found on the site.</p> <p>The development will improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off and conserve water.</p> <p>Earthworks are contained within the building footprint and is of a relatively minor level.</p>

### 5.3.2 Newcastle Development Control Plan 2012 (NDCP 2012)

*Newcastle Development Control Plan 2012 (NDCP 2012)* contains specific development controls for residential flat buildings which are addressed in Error! Reference source not found. below.

The general controls for all development set out in NDCP 2012 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

**Table 8 Newcastle Development Control Plan 2012  
Compliance with Applicable Key Requirements**

Clause	Requirement	Proposed
<b>3.03.01 Principal Controls</b>	<p><u>B Front setbacks</u> Average distances of buildings within 40m either side</p> <p>An articulation zone that extends 1.5m from the building line into the setback from the primary road may be provided where the setback from the primary road is 3m or greater. The articulation zone is a maximum 25% width of the lot at the building line.</p>	<p>From the Block Analysis Plan, the average front setback within 40 metres of the site is 6 metres.</p> <p>The front building line is setback a minimum 6m with parts of Units 1 and 3 further setback a further 500mm. Unit 2 is setback a minimum 7.7 metres from the front boundary.</p> <p>However, the front balcony structures to Units 6 and 8 extend 0.6m beyond the articulation zone, whilst Unit 7 extends 0.355m. The combined width of the balcony structure encroachments equates to approximately 33% of the lot width which is considered a relatively minor variation to the development controls.</p> <p>Notwithstanding, Council's submission (refer to Section 6.1 of this REF) raised concerns about the amount of solid structures, in addition to the balconies, sited forward of the building line, and requested further consideration be given to the design to reduce their visual impact.</p> <p>To address Council's concerns, the plans have been amended to reduce the amount of solid structures located within the front setback area, reducing the overall visual impact of the development on the street. The amendments include, in summary:</p> <ul style="list-style-type: none"> <li>- A reduction in the size of the elevated front patio to Unit 2 and replacement with soft landscaping;</li> <li>- The removal of the substation and enclosing wall and replacement with soft landscaping and open style fencing;</li> <li>- The removal of the proposed seat at the front boundary and replacement with soft landscaping; and</li> <li>- The lowering of the height of the wall originally containing the letter boxes (max. height reduced from 1.2m to 800mm); and the relocation of the letter boxes perpendicular to the front boundary and within the site.</li> </ul> <p>The amended Ground Floor Plan and Street Elevations plan are included in <b>Appendix E</b>.</p> <p>The current Landscape Plans are inconsistent with the amended Architectural Plans. Accordingly, Identified Requirement (No 78) is recommended requiring the Landscape Plans to be updated so as to be consistent with the Architectural Plans.</p>
	<p><u>C Side setbacks</u> Minimum 900mm up to a height of 4.5m, then at an angle of 4:1 up to the maximum permitted height</p>	<p>The side setback planes shown on drawing No. 201 – Street Elevations, whilst incorrectly drawn at 3 metres inwards from the boundary, indicate that the side setbacks comply with the requirements of the DCP.</p>
	<p><u>C Rear setbacks</u> Minimum 3m for walls up to 4.5m and 6m for walls greater than 4.5m in height.</p>	<p>The development provides a 6.75m rear setback.</p>

## 6. Notification, Consultation and Consideration of Responses

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

### 6.1 Council Notification

In accordance with section 43 of the Housing SEPP, City of Newcastle Council was notified of the development by letter dated 16 September 2022 (refer to **Appendix B**), Council responded to the notification by letter dated 13 October 2022, which has been extracted below. A response is provided in relation to the comments and matters raised in Council's letter and where appropriate, these matters have been addressed in the Identified Requirements in **Appendix C**.

**Table 9 Issues raised in Council submission**

Issues raised	Response
<p><b>1. Character of Area</b></p> <p>'Concern is raised regarding the compatibility of the proposal with the existing character of the area, as well as the desired character and streetscape provided for by the requirements of the Newcastle Development Control Plan (NDCP) 2012. As indicated within the compliance table on the Development Data drawing the average front building setback in this location is approximately six metres. The proposal includes a minimum setback at ground floor level of six metres, but at the first floor level the balconies of proposed units six and eight protrude approximately two metres forward of the front elevation. The extension of the main roof form over the balconies and slated [sic] screening down to ground level add to their visual bulk. These balconies and those front courtyards and the substation enclosure enclosed, or partly enclosed with masonry fencing add to the building bulk and scale of the development and its visual impact on the streetscape. It is recommended changes are made to the design to address this issue.'</p>	<p>The activity is supported by a Character Statement which indicates that the overall design is generally consistent with the existing and emerging character of the locality.</p> <p>Council's concerns in relation to structures forward of the building line are noted and, as such, the architectural plans have been amended to reduce the amount of solid structures located within the front setback, reducing the overall visual impact of the development on the street.</p> <p>The amendments include, in summary:</p> <ul style="list-style-type: none"> <li>- A reduction in the size of the elevated front patio to Unit 2 and replacement with soft landscaping;</li> <li>- The removal of the substation and enclosing wall and replacement with soft landscaping and open style fencing;</li> <li>- The removal of the proposed seat at the front boundary and replacement with soft landscaping; and</li> <li>- The lowering of the height of the wall originally containing the letter boxes (max. height reduced from 1.2m to 800mm); and the relocation of the letter boxes perpendicular to the front boundary and within the site.</li> </ul> <p>The Ground Floor Plan and Street Elevations plan, as amended, are included in <b>Appendix E</b>. Identified Requirement (No 78) is recommended requiring the Landscape Plans to be updated so as to be consistent with the Architectural Plans.</p>
<p><b>2. Access</b></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 will be included in CN's submission to the Local Government NSW (LGNSW) Annual Conference to be held in late October 2022.</p> <p>The proposed NOM, in part, is seeking that LGNSW:</p> <p><i>'3. Calls upon the State government to ensure that all new public, social and affordable housing at a minimum</i></p>	<p>Council's Notion of Motion is noted.</p> <p>However, it is noted that the National Construction Code 2022 comes into effect on 1 May 2023 and the Access Report prepared in support of this activity confirms that the design of the development meets, or is capable of meeting, the current requirements of the BCA and the <i>Disability (Access to Premises – Buildings) Standards 2010</i>.</p>

**Table 9 Issues raised in Council submission**

Issues raised	Response
<p><i>incorporates the new accessibility standards in the National Construction Code.'</i></p> <p>The revised National Construction Code includes new minimum accessibility standards, based on 'Silver' Performance level Accessibility standards of Liveable Housing Australia (LHA).</p> <p>According to the Access Review' dated 28 June 2022 prepared in support of the proposal, while one unit will be 'adaptable' no units will achieve the silver standard. It is requested that L&amp;HC provide leadership on this issue by having all of the proposed dwellings comply with the silver standard.</p>	<p>In accordance with the Land and Housing Corporation Dwelling Requirements, all ground floor dwellings have been designed as a Livable Housing Design Silver Level.</p>
<p><b>2. Stormwater Management</b></p> <p>It is recommended the project is designed in accordance with Section 7.06 Stormwater of the Newcastle Development Control Plan (NDCP) 2012 and associated Technical Manual which requires:</p> <p>a) The provision of on-site stormwater storage sized for 16.7mm of rainfall over new impervious areas, based on the proposed 68% coverage of impervious areas (Control 1(vi)(c)(i)).</p> <p>b) The provision of 'leaky' rainwater retention and reuse tanks totalling 20,000L (for new roof area in the range of 301-500m<sup>2</sup>) of storage to meet hydrology objectives for development draining to coastal wetlands (Control 1(vi)(c)(ii)).</p> <p>Reuse capacity is recommended to be sized for a four-day fill and 20-day drawdown. At an estimated daily drawdown of 0.125kL for each one or two bedroom dwelling, the 20- day drawdown of the proposed development is 22.5kL. Runoff from paved surfaces and exposed carpark area is to be directed to an underground on-site detention tank. To comply with the above NDCP requirements, L&amp;HC may consider the following:</p> <p>a) A retention tank with minimum capacity of 6,000L and 2.9m<sup>2</sup> sand filter to control runoff from the 359m<sup>2</sup> of unroofed impervious areas.</p> <p>b) Rainwater reuse totalling 20,000L of capacity with the top 50% of each tank configured to drain to the overflow via a 5mm diameter weephole.</p> <p>The Stormwater Drainage Plan prepared by Cardno (Ref. 80822047-CI-0002) is to detail how the proposed below-ground retention tank, which includes a separate component for rainwater retention and reuse, shall be designed such that no cross-contamination will occur between the reuse storage and other captured runoff for all storm events up to the 10% AEP.</p> <p>The water management measures as indicated on the submitted plans and/or as modified under the terms of the 'Activity Determination' are to be implemented and the nominated fixtures and appliances are to be installed and operation prior to the occupation of the development.</p> <p><b>3.1 Excavation for below-ground retention tank</b></p> <p>The submitted geotechnical report prepared by STS GeoEnvironmental observed that <i>'...if excavations for rainwater or detention tanks are to be made within six metres of the building foundations, advice should be sought regarding their effect on the foundations.'</i></p>	<p>The submitted Stormwater Plans have been updated by the consultant stormwater engineer to address Council's comments.</p> <p>Generally, the updated design includes two rain water tanks (RWT) for re-use with a combined capacity of 20,700kL. Each RWT is separated from the OSD tank to prevent cross contamination, and the pipework entering each RWT is fitted with a suitable filter.</p> <p>Standard Identified Requirement (No 28) is recommended requiring more detailed stormwater plans, prepared in accordance with Council's policies and guidelines, to be submitted to LAHC prior to any work commencing.</p>


Table 9 Issues raised in Council submission	
Issues raised	Response
<p>The proposed below-ground on-site detention (OSD) and rainwater reuse tank will be located within six metres of the existing dwelling on property 51 Curry Street. It is recommended advice from a suitably qualified engineer is obtained to certify that excavations for the proposed below-ground retention tank will not adversely affect building foundations in close proximity (closer than six metres) of the tank.</p> <p><b>3.2 Proposed drainage infrastructure in public road</b> A new kerb inlet pit (GF-15) is proposed in Curry Street to provide a point of discharge for development stormwater. This new pit is proposed to be connected directly to an existing kerb inlet pit (SW0027972) located west of the development on the opposite side of Curry Street.</p> <p>To minimise services crossing laterally under public road, L&amp;HC are to connect to the existing pit SW0027973 (See red drainage alignment in diagram at Attachment A) located at the corner of Peters Avenue and Curry Street.</p> <p>Attachment A: Drainage infrastructure in Curry Street, Wallsend</p> 	<p>Identified Requirement (No. 73) is recommended requiring certification from a suitably qualified engineer certifying that excavations for the underground detention tank will not adversely affect the neighbour dwelling at 51 Curry Street.</p> <p>The Civils Plans have been amended to include a new section of stormwater pipe at the southern side of Curry Street, connecting the proposed new kerb inlet pit (KIP) at the front of the site with Council's existing pit (ref: SW00227973) at the corner of Peters Avenue and Curry Street.</p>
<p><b>4. Roof Water</b> Roof water from the proposal is to be directed to a water reuse tank with a minimum capacity of 20,000 litres, designed in accordance with Appendix 8 of CN's Technical Manual - Stormwater and Water Efficiency for Development, which supports relevant provisions of the NDCP 2012.</p> <p>The lower 50% capacity or a minimum 4,000 litres, whichever is the greater, of the rainwater tank is to be reticulated into each of the following new uses:</p> <ul style="list-style-type: none"> <li>• Site irrigation systems</li> <li>• External taps</li> <li>• All toilets</li> <li>• Cold water washing machine taps and laundry basin taps</li> </ul> <p>The upper remaining 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.</p> <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 to be installed to switch to mains water when the water level in the tank falls below the minimum depth. The water tank and plumbing are to be designed in accordance with the Plumbing Code of Australia (National Construction Code Volume 3).</p>	<p>The submitted stormwater plans have been updated by the stormwater engineer to address Council's comments.</p> <p>Generally, the updated design includes 2 RWTs for re-use with a combined capacity of 20,700kL, with water being filtered prior to entering each RWT.</p> <p>Standard Identified Requirement (No 28) is recommended requiring more detailed stormwater plans, prepared in accordance with Council's policies and guidelines, to be submitted to LAHC prior to any work commencing.</p>
<p><b>5. Erosion and Sediment Control Measures</b> Erosion and sediment control measures are to be implemented prior to the commencement of works and maintained during the period of demolition and/or construction in accordance with the requirements of Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book') published by</p>	<p>Standard Identified Requirement (No. 13) is recommended to implement erosion and sediment control measures.</p>

Table 9 Issues raised in Council submission	
Issues raised	Response
Landcom, 2004. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.	
<p><b>6. Vehicular Access, Driveway design and crossing location</b></p> <p>It is recommended the development is designed in accordance with Section 7.03 Traffic, Parking and Access of NDCP2012, Australian Standard AS/NZS2890.1:2004 Off Street Car Parking and AS/NZ 2890.06:2009 Parking Facilities-Off Street parking for people with disabilities.</p> <p>Vehicular traffic flow on Curry Street is nominally two-lane bidirectional but may be reduced to just a single lane of travel due to kerbside parking. To minimise potential conflicts and queuing in Curry Street, it is recommended the Proponent be required to widen the driveway handle and driveway crossing to 5.5m wide to allow vehicle passing.</p>	<p>A Traffic Impact Assessment (<b>Appendix L</b>) prepared in support of the activity confirms that driveway and the car parking area have been designed in accordance with the relevant Australian Standards and that no concerns were raised in relation to traffic safety.</p> <p>In relation to the proposed driveway width, the anticipated number of vehicle movements into and out of the site does not require the width of the driveway handle to be widened to 5.5 metres.</p> <p>Notwithstanding, Identified Requirements (No.s 75 &amp; 76) requires the driveway crossover to be widened to a minimum 5.5 metres wide within the road reserve to minimise potential conflicts and queuing.</p>
<p><b>7. Street Trees</b></p> <p>It is recommended that two trees be planted as compensation for the impact on the existing street tree plantings. A fee, to be determined by contacting CN's City Greening Services is to be paid to CN for the required planting. The tree selection and location of the required compensatory trees will be determined by the City Greening Team in accordance with CN's Street Tree Selection Manual. The location of these trees may not be in the immediate proximity of the subject site.</p>	<p>Identified Requirement (No 74) is recommended to provide two new trees within the road reserve, in consultation with the City of Newcastle Council.</p>
<p><b>8. Public Domain Works</b></p> <p>The L&amp;HC is to design and construct the following works in connection with the proposal within the Peters Avenue [sic] public road reserve, adjacent to the site, at no cost to CN and in accordance with CN's guidelines and design specifications:</p> <ul style="list-style-type: none"> <li>a) A new driveway crossing in accordance with CN's Standard Drawing A1300</li> <li>b) Construct a new kerb inlet pit in Curry Street in accordance with CN specification A2201</li> <li>c) Connect a new kerb inlet pit to existing kerb inlet pit (SW0027973) via approximate 49m of 375mm diameter reinforced concrete pipe at a minimum grade of 1%</li> <li>d) Associated road pavement, and kerb and gutter replacement</li> <li>e) Removal of redundant driveways and reinstate kerb and gutter</li> <li>f) Associated drainage works</li> </ul> <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 L&amp;HC, does not require consent from CN, to exercise its functions in respect of an unclassified road that is not a Crown Road.</p> <p>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>It is noted that the first paragraph of point 9 of Councils' submission incorrectly refers to connecting to Council' infrastructure in Peters Avenue, rather than Curry Street. The diagram included in point 3.2 of Councils submission (extract reproduced at 3.2 of this table in the column 'issues raised', above) indicates that the existing kerb inlet pit is located within Curry Street on the south side at the intersection with Peters Avenue.</p> <p>Identified Requirement (No.75) is recommended to address this part of Council's submission.</p>



Table 9 Issues raised in Council submission	
Issues raised	Response
The works are to be completed prior to occupation of the proposed development.	Noted.
<p><b>9. Vehicular Crossing</b></p> <p>A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:</p> <p>a) Constructed in accordance with CN's A1300 – Driveway Crossings Standard Design Details.</p> <p>b) The driveway crossing, within the road reserve, shall be a maximum of 5.5 metres wide.</p> <p>c) Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 metre, in the 2 metres by 2.5 metre splay within the property boundary each side of the driveway entrance.</p> <p>d) The proposed driveway shall be a minimum of three metres clear of the trunk of any tree within the public reserve, unless otherwise approved by CN's City Greening Team.</p> <p>e) The proposed driveway shall be a minimum of 750mm clear of the centre of any pole or obstruction within the public reserve and 1 metre clear of any drainage pit.</p> <p>f) Any redundant existing vehicular crossing is to be removed at no cost to CN. The road reserve and kerb being restored to, CN's satisfaction, to match the existing infrastructure.</p> <p>The works are to be completed prior to the occupation of the proposed development.</p>	Identified Requirement (No.78) is recommended to address this part of Council's submission.
<p><b>10. Car Parking</b></p> <p>The car parking and vehicular access is to be designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking and AS/NZS2890.6:2009-Parking Facilities- Off street parking for people with disabilities.</p> <p>All proposed driveways, parking bays, and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete, or interlocking pavers and being properly maintained.</p>	<p>The Traffic and Parking Assessment (<b>Appendix L</b>) confirms that the design and construction of the driveway and car parking areas comply with the relevant Australian Standards.</p> <p>Standard Identified Requirement (No. 12) is recommended such that the driveway and parking spaces are constructed of concrete or other approved hard surface materials.</p>
<p><b>11. Consolidation of Lots</b></p> <p>The whole of the subject site comprising Lot 5, 6, 7 and 8 of DP 35087 is to be consolidated into a single title lodged for registration of a survey plan of consolidation with the NSW Land Registry Services.</p>	Noting that the lots subject of this activity are lots 141 and 142, standard identified requirement (No. 5) is recommended requiring the consolidation of the 2 lots into a single lot.
<p><b>12. House Numbering</b></p> <p>The premises are to be identified by the provision of house and street numbers on the building exterior and mailbox, respectively, such that they are clearly visible from the road frontage.</p> <p>The minimum numeral heights are to be:</p> <p>a) Exterior of the building = 75mm and</p> <p>b) Group mailbox: - street number = 150mm - house number = 50mm</p> <p>A schedule of the street addresses for the proposal prepared in accordance with CN's 'House Numbering</p>	Refer to identified requirement (No. 77).

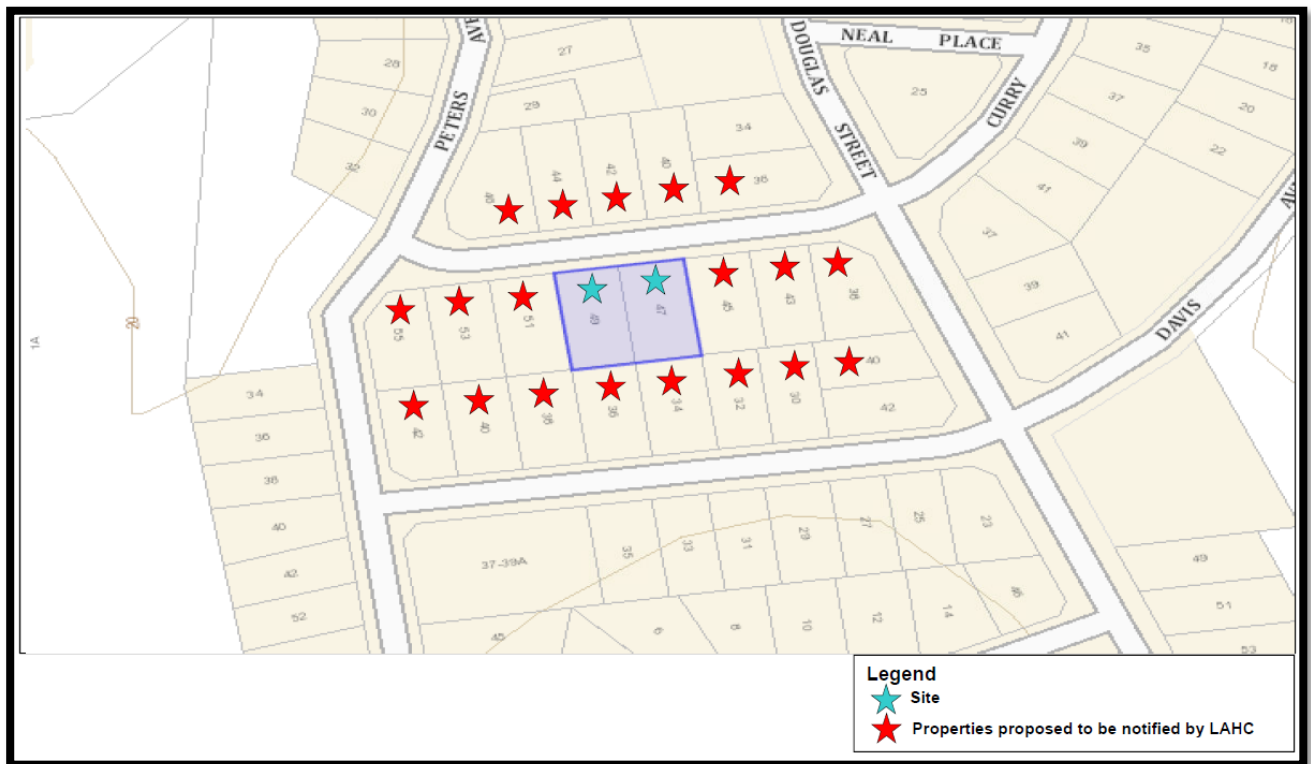
**Table 9 Issues raised in Council submission**

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<p>Policy' and the Surveying and Spatial Regulation 2017 is attached. (Refer to Attachment B)</p> <p>Attachment B: House numbering schedule</p> <table><tr><th colspan="5">ADDRESS SCHEDULE</th></tr><tr><th rowspan="2">Unit/ Dwelling/ Lot Number on plan</th><th colspan="4">Council Allocated Street Addresses</th></tr><tr><th>House Number</th><th>Street Name</th><th>Street Type</th><th>Suburb</th></tr><tr><td>Primary Site Address</td><td>47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 1</td><td>4/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 2</td><td>2/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 3</td><td>1/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 4</td><td>5/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 5</td><td>3/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 6</td><td>104/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 7</td><td>102/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 8</td><td>101/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr><tr><td>Proposed Unit 9</td><td>103/47</td><td>Curry</td><td>Street</td><td>Wallsend</td></tr></table>	ADDRESS SCHEDULE					Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses				House Number	Street Name	Street Type	Suburb	Primary Site Address	47	Curry	Street	Wallsend	Proposed Unit 1	4/47	Curry	Street	Wallsend	Proposed Unit 2	2/47	Curry	Street	Wallsend	Proposed Unit 3	1/47	Curry	Street	Wallsend	Proposed Unit 4	5/47	Curry	Street	Wallsend	Proposed Unit 5	3/47	Curry	Street	Wallsend	Proposed Unit 6	104/47	Curry	Street	Wallsend	Proposed Unit 7	102/47	Curry	Street	Wallsend	Proposed Unit 8	101/47	Curry	Street	Wallsend	Proposed Unit 9	103/47	Curry	Street	Wallsend	
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## 6.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 5 August 2022. Council provided an email response on 11 August 2022. Council did not nominate any other occupiers of adjoining land in addition to those identified in the map at **Figure 10**, below:



**Figure 10 – Map of Properties Notified of the Proposed Development**

Source: LAHC

Under section 43(1)(b) of the Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development by letter dated 16 September 2022. Copies of the notification letters are provided at **Appendix B**.

Occupiers of adjoining land were also sent a newsletter titled 'Boost to social housing in Wallsend' (**Appendix B**). The newsletter provided additional information about this and other social housing projects planned for the locality.

The notification response period formally closed on 10 October 2022, submissions are discussed in **Table 10**.

Table 10: Issues raised by adjoining owners / neighbours	
Issues raised	LAHC Response
Traffic	<p>The Traffic Impact Assessment (<b>Appendix L</b>) confirms that the net increase in traffic movements generated by the development are not expected to have any negative impacts on the local street network.</p> <p>In relation to car parking, the development provides five car parking spaces on the site, which is consistent with the amount of car parking required for a site located in an accessible area under the Housing SEPP.</p>
Amount of Social Housing	<p>LAHC continually assesses the amount and condition of social housing in each local government area; the waiting list for social housing in the area; the impacts of development on infrastructure and community; and where potential for redevelopment exists.</p> <p>This site is considered suitable for redevelopment for affordable rental housing, in particular social housing, as it 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. In addition, the site is located in an accessible area under the Housing SEPP.</p>
Services for social housing residents	<p>LAHC works closely with Department of Communities and Justice (DCJ) and the City of Newcastle Council to ensure the planning and delivery of services matches the current and future needs of the local community, particularly for residents living in social housing where the most vulnerable people are provided with additional case management and support.</p> <p>The site is located in relatively close proximity to a range of services including the John Hunter Hospital, schools, aged care facilities and open space. In addition, the site is located in an accessible area under the Housing SEPP as there are two bus stops located approximately 60m and 75m walking distance east from the site (refer to Site Plan at <b>Appendix E</b>). The bus stops are serviced by Route 24, which provides a regular bus service for the residents, to shops and services in the Marketown Shopping Centre and Mayfield town centre.</p>
Density	<p>The density of the development is consistent with the density of development envisaged for the area as it complies with the local planning controls set out in the <i>Newcastle Local Environmental Plan 2012</i>.</p>
Social issues	<p>The majority of tenants are good neighbours and law-abiding people. Nevertheless, DCJ has in place a policy for dealing with disruptive tenants. More information about the policy can be found at <a href="http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy">http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy</a>. In addition, DCJ has a dedicated 24 hour hotline, 1800 422 322, where local residents can report any tenancy related matters.</p>
Maintenance of neglected social housing	<p>LAHC regularly attends to the maintenance of its properties and has an ongoing maintenance program which includes urgent repairs, regular lawn and grounds maintenance and upgrading programs.</p>
Trees – Too few	<p>The activity is supported by a Landscape Plan which proposes a total of 19 new trees, an improvement for the site as there are currently no trees on the site.</p> <p>In addition, the amount of landscaping and deep soil zones proposed exceed the amount required under the Housing SEPP, as noted on the Architectural Plans (refer <b>Appendix E</b>).</p>
Too many and too tall – notably, 8 x 10m high trees proposed at the	<p>Identified requirement (No. 80) is recommended to amend the Landscape Plan to delete the <i>Elaeocarpus Eumundi</i> at the sites eastern boundary; and to require a larger pot size for the proposed hedge plantings (<i>Syzygium Australe</i>) at the eastern boundary to enable the hedge to reach mature height in a shorter time frame.</p>

sites eastern boundary	
Privacy	The proposed development has been designed to minimise visual and acoustic impacts on neighbouring properties through fencing and the careful placement of windows. Screening hedges ( <i>Syzygium Australe</i> ), two metres in height when mature, are also proposed along the site boundaries.

## 6.3 Notification of Specified Relevant Authorities

The proposal is defined as ‘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 relevant authorities identified in Sections 2.15 and 2.17 of the Transport and Infrastructure SEPP.

Under section 2.15(2)(f), of the Transport and Infrastructure SEPP, the development is specified development as the development is on land in a mine subsidence district and must be referred to the relevant specified authority, namely, the Mine Subsidence Board (now known as Subsidence Advisory NSW (SA NSW)).

LAHC consulted with SA NSW by email dated 25 January 2023. In an email dated 27 January 2023, SA NSW provided stamped plans approving the development (refer to **Appendix B**).

## 7. 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.

### 7.1 Neighbourhood Character

A Character Statement (**Appendix P**) prepared in support of the activity demonstrates that the development is generally consistent with the existing and emerging character of surrounding development. Substantive new tree plantings proposed as part of the development will improve the quality of the environment.

However, Council raised concerns about the amount of structures forward of the building line as noted in section 6.1 of this REF. As such, the architectural plans were amended to reduce the scale of the built form located within the front setback, reducing the overall visual impact of the development on the street.

The amendments to the design include, in summary:

- a reduction in the size of the elevated front patio to Unit 2 and replacement with soft landscaping,
- the removal of the substation and enclosing wall and replacement with soft landscaping and open style fencing,
- the removal of the proposed seat at the front boundary and replacement with soft landscaping; and
- the lowering of the height of the wall originally containing the letter boxes (max. height reduced from 1.2m to 800mm); and the relocation of the letter boxes perpendicular to the front boundary, within the site.

The Ground Floor Plan and Street Elevations plan, as amended, are included in **Appendix E**.

#### ***Mitigation measures***

Identified Requirement (No 78) is recommended requiring the Landscape Plans to be updated so as to be consistent with the Architectural Plans.

### 7.2 Bulk and Density

Subject to the amendments to the plans discussed in the response to Council's submission at Section 6.1 of this REF, the development is generally consistent with the bulk and scale of surrounding development in the locality of Adamstown. 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.

However, Council in its submission raised concerns about the amount of built form forward of the building line. Council's submission is addressed at Section 6.1 of this REF and further discussed at Section 7.1 of this REF, above. In summary, the amended plans are considered to have addressed Council's concerns by reducing the built form within the front setback area and the addition of soft landscaping.

The proposal incorporates a floor space ratio of 0.53:1 and a maximum height of 8.08m which is generally consistent with a low-density residential area and complies with Council's controls. The FSR and 2-storey built form is sympathetic to the surrounding context and is an appropriate

response to the desired future character envisaged for the R2 Low Density Residential zone, which encourages a variety of housing types and densities.

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***

Identified Requirement (No 78) is recommended requiring the Landscape Plans to be updated so as to be consistent with the Architectural Plans.

## **7.3 Streetscape**

The architectural style of the proposed development activity is compatible with the form of development emerging in the surrounding locality. The street façade is divided into a number of distinct elements, separated with substantial landscaping resulting in a finer grained streetscape appearance, consistent with existing dwellings in the area. In addition, the hard stand car parking area will be generally obscured from street view, resulting in a built form that has been designed with consideration of surrounding dwellings.

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

The built form has been designed to address the street frontage through incorporation of street facing windows and doors, as well as courtyards and balconies within the front setback, improving casual surveillance of the street.

### ***Mitigation Measures***

No mitigation measures are required.

## **7.4 Visual Impact**

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

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

New landscaping proposed within the front setback will incorporate the planting of 5 x Water Gum trees to a mature height of 12m and 2 x Prickly Paperbark to a mature height of 15m; and various shrubs to mature heights of 1-3m. 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 improve the appearance of the site from the street. As such, no mitigation measures are required.

## **Mitigation Measures**

No mitigation measures are required.

## **7.5 Privacy**

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered site landscaping, new 1.2-1.8m high fencing, adequate site setbacks and strategic placement of windows so as to avoid direct overlooking of neighbours. In particular:

- The private open space area (POS) of units 1, 2 and 3 are orientated toward Curry Street with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents. Suitable fencing is provided between each private open space area to provide visual privacy.
- The POS areas for Units 4 and 5 face the side and rear boundaries respectively and are screened by fencing and raised landscaped areas. Suitable fencing is provided between each private open space area to provide visual privacy.
- Balconies associated with Units 6, 7 and 8 are orientated toward Curry Street, with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents.
- The balcony for Unit 9 is oriented internally and is separated from the neighbouring dwelling to the west (51 Curry Street) by approximately 15.5metres, which is considered adequate to maintain privacy.
- Window openings have been minimised within the east and west elevations of units 6, 7, 8 and 9 to ensure that overlooking is mitigated to adjacent development.
- Further screening between the proposed development and adjoining neighbours is achieved through the provision of hedge plantings.
- Proposed 1.8m Colorbond fencing will mitigate unacceptable overlooking from ground level units into properties to the south, east and west.
- Patios within the development have been appropriately separated by the location or fencing and/ or landscape treatments.

## **7.6 Solar Access**

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*. The submitted Architectural Plans indicate that 7 of the 9 dwellings (77%) receive at least 3 hours direct solar access to the living and POS areas on June 21, which meets the requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas on June 21.

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

## 7.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development. Shadow diagrams in **Appendix E** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites. At 9am, shadows generated by the proposed development impact the open space area to the rear of 51 Curry Street. At 12pm, shadows are contained within the subject site; and at 3pm, shadows are cast predominantly within the site, with minor overshadowing of 45 Curry Street. These properties shall receive not less than 3 hours of sunlight at the mid-winter solstice between 9.00 am and 3.00 pm.

The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9.00am and 3.00pm at the mid-winter solstice.

## 7.8 Traffic & Parking

A total of five surface car parking spaces for residents, including one accessible space, 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.

The Traffic and Parking Assessment Report (**Appendix L**) confirms that:

- the design of the driveway and car parking area comply with the relevant Australian Standards, and
- the projected net increase in traffic can be accommodated within the capacity of the existing local street network.

Council's submission (refer to Section 6.1 of this REF) noted that Curry Street is reduced to single direction traffic flow due to car parking on both sides of Curry Street, and requested that the driveway crossover and handle be widened to 5.5m to reduce potential for vehicle conflict. Whilst there is no requirement within the Australian Standard for the driveway handle to be widened to 5.5m, the plans are to be amended to provide a driveway crossover 5.5m wide to reduce any potential conflict in the road reserve.

### ***Mitigation measures***

Identified Requirement (No. 76) is recommended to require the driveway crossover within the road reserve to be widened to 5.5m.

## 7.9 Flora and Fauna

The site does not contain any mapped areas of biodiversity.

An Arboricultural Impact Assessment has been prepared for the site by Hunter Horticultural Services (**Appendix F**) and recommends the retention of three trees located on the adjoining site to the rear at 38 Davis Avenue.

Following consultation with City of Newcastle Council, the architectural plans have been updated to reduce the extent of solid structures within the front set back area. Refer to discussion at Section 6.1 of this REF. In this regard, the landscape plans are to be updated to be consistent with the architectural plans to provide softer landscaping within the front setback area.

In response to feedback from the occupiers of 45 Curry Street, the landscaping plans are to be amended to remove 8 x *Elaeocarpus Eumundi* at the eastern boundary. Despite the removal of 8



trees from the proposal, 19 new trees are proposed for the site which is considered a positive outcome given that the site currently does not contain any significant trees.

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***

Identified Requirements (No's. 1, 18 – 20, 43, 78 and 80) are included in **Appendix C** to require implementation of the Landscape Plan and tree protection measures as recommended in the arborist report.

## **7.10 Heritage (European / Indigenous)**

No heritage items are located on or in the vicinity of the site as identified in City of Newcastle Council's Section 10.7(2) & (5) Planning Certificates.

### **Aboriginal Heritage**

An Aboriginal Heritage Information Management System (AHIMS) search, dated 24 October 2022 (**Appendix M**), 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**

The Section 10.7(2) & (5) Planning Certificates and a search of the Commonwealth Department of Climate Change, Energy, the Environment and Water's Australian Heritage Database and Heritage NSW's Heritage Inventory revealed the site does not contain any Commonwealth, Local or State Heritage Items nor is it located within a heritage conservation area. However, as discovery of cultural material during development activities cannot be ruled out, identified requirements are recommended in the event that any cultural relics be discovered on the site during excavation/construction.

### ***Mitigation Measures***

Standard Identified Requirements (Nos. 45 & 46) have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

## **7.11 Soils / Contamination / Acid Sulfate Soils / Salinity / Mine subsidence**

### **Geotechnical**

A Site Investigation Report (**Appendix J**), prepared by STS GeoEnvironmental indicates that:

- The subsurface conditions consist of topsoil and fill overlying silty clays. The topsoil and fill are present to the depths of 0.2m to 0.4m. Natural silty clays underlie the topsoil and fill and are present to the depths of 0.9m to 1.6m. In BH2, the hand auger could not penetrate beyond the

depth of 0.5m. The consistency of these materials varies between firm to stiff and very stiff. Weathered sandstone underlines these soils to the depth of the auger refusal that is 1.1m to 1.6m.

- No groundwater was observed in the boreholes during the fieldwork.

### ***Mitigation Measures***

Standard Identified Requirements (Nos. 1 & 13) are recommended to require:

- implementation of the recommendations in the site investigation report; and
- 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* (4<sup>th</sup> Edition, Landcom, 2004).

### **Contamination**

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to contaminated land.

### ***Mitigation Measures***

Standard Identified Requirements (Nos. 17 and 62) are recommended to cover the possibility of discovering site contamination during demolition/ construction works.

### **Acid Sulfate Soils**

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is identified as being within Class 5 Land on the Acid Sulfate Soil Map under the NLEP2012.

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.

The site is not located within 500m of adjacent Class 1-4 land. Therefore, an Acid Sulfate Management Plan is not required.

### ***Mitigation Measures***

No mitigation measures are required.

### **Salinity**

The Geotechnical Investigation Report (***Appendix J***) indicates that the site is consistent with the presence of non-saline soils.

### ***Mitigation Measures***

No mitigation measures are required.

### **Mine Subsidence**

The site is identified on the Section 10.7(2) certificates as being located within a proclaimed mine subsidence district.

Under section 2.15(2)(f), of the Transport and Infrastructure SEPP, the development is specified development as the development is on land in a mine subsidence district and must be referred to the relevant specified authority, namely, the Mine Subsidence Board (now known as Subsidence Advisory NSW (SA NSW)).

As such, LAHC consulted with SA NSW by email dated 25 January 2023.

In an email dated 27 January 2023, SA NSW provided stamped plans approving the development as proposed (refer to **Appendix B**).

### ***Mitigation Measures***

No mitigation measures are required.

## **7.12 Drainage / Flood Prone Land / Hydrology/ Water Quality**

Generally, surface stormwater will be collected via a series of stormwater pits and gutters and piped to an underground detention tank in the driveway at the front of the site before discharging to Council's stormwater infrastructure located on the southern side of Curry Street, via a new kerb inlet pit at the front of the site.

Rain water from the roof areas will be directed via filters to 2 underground rainwater tanks for recycling, noting that the rainwater tanks are isolated from the underground detention tank to avoid cross-contamination. Overflow is piped to the underground detention tank.

As noted in the mitigation measures to this section, standard Identified Requirements are recommended requiring more detailed stormwater drainage plans to be prepared and submitted to LAHC, demonstrating that stormwater drainage for the site meets Council and legislative requirements.

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. 1, 6-9, 14, 28, 71 & 75) are recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

## **7.13 Bushfire Prone Land**

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

### ***Mitigation Measures***

No mitigation measures are required.

## 7.14 Noise and Vibration

### During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours prescribed under Department of Planning and Environment guidelines and/or in accordance with the local Council requirements.

### During Occupation

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

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

### Mitigation Measures

Demolition/construction noise will be controlled 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 and 59) are recommended to ensure compliance with the above mitigation measures.

## 7.15 Air Quality

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

### Mitigation Measures

Appropriate standard Identified Requirements (Nos. 63 & 64) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

## 7.16 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, as follows:

- concrete and bricks will be crushed to be reused for filling, levelling or temporary road base,

- any asbestos sheeting and fibrous insulation will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility,
- mixed demolition materials will be transported to an approved building waste collection facility, and
- timber, metal, wall and roof cladding and other salvageable materials will be resold to various salvage yards where appropriate or disposed of at an approved building waste collection facility.

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 as follows:

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

### **During Occupation**

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

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

### **Mitigation Measures**

Standard Identified Requirements (Nos. 38b and 47-55) are recommended to ensure construction/demolition waste is appropriately managed and disposed.

A standard Identified Requirement (No. 44) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

## **7.17 Resource Use & Availability**

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

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

## **7.18 Community / Social Effects**

It is considered that the proposed development will generate a number of positive community and social effects.

The proposed development will:

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

## **7.19 Economic Impact**

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

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

## **7.20 Cumulative Impact Assessment**

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

- the proposed development 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 development when considered in combination, and
- there are no known environmental stresses in the area of the proposed development that would be increased.

## 8. Conclusion

### 8.1 Summary of Key Issues Raised in Assessment

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

As demonstrated in this REF, the proposed development is considered to be 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 development will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards. It 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 one and two bedroom dwellings in the local area. Therefore, the proposed development is considered to be in the public interest.

### 8.2 Recommendation

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

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



## **APPENDIX B – NOTIFICATION & CONSULTATION**

## **APPENDIX C – IDENTIFIED REQUIREMENTS**

## **APPENDIX D – SENIORS LIVING POLICY: URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT**

## **APPENDIX E – DEVELOPMENT PLANS**

## **APPENDIX F – ARBORICULTURAL IMPACT ASSESSMENT**

## **APPENDIX G – ACCESS REPORT**

## **APPENDIX H – BASIX & NatHERS CERTIFICATES**

## **APPENDIX I – BUILDING CODE OF AUSTRALIA COMPLIANCE ASSESSMENT REPORT**



## **APPENDIX J – SITE INVESTIGATION (GEOTECHNICAL) REPORT**

## **APPENDIX K – WASTE MANAGEMENT PLAN**

## **APPENDIX L – TRAFFIC & PARKING ASSESSMENT**

## **APPENDIX M – AHIMS SEARCH**

## **APPENDIX N – CERTIFICATES OF DESIGN COMPLIANCE**

## **APPENDIX O – TITLES & DP**

## **APPENDIX P – CHARACTER STATEMENT**