

Department of Planning and Environment

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REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building

at

6-12 Peters Avenue, Wallsend NSW 2287

November 2023





Acknowledgement of Country

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

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REVIEW OF ENVIRONMENTAL FACTORS

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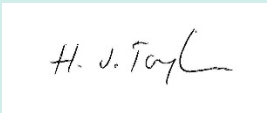

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DOCUMENT CONTROL REGISTER

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

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DOCUMENT SIGN-OFF

REF prepared and peer reviewed by:	
Having prepared the Review of Environmental Factors: <ul style="list-style-type: none">I have declared any possible conflict of interests (real, potential or perceived) to the A/Head of Policy and Innovation, NSW Land and Housing Corporation.I do not consider I have any personal interests that would affect my professional judgement.I will inform the A/Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest. Name: Howard Taylor Designation: Planner – Portfolio Services Signature:  Date: 7.12..2023	
REF reviewed and endorsed by:	
I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading. Name: Carolyn Howell Designation: Manager, Planning & Assessment, NSW Land & Housing Corporation Signature:  Date: 8 December 2023	
REF authorised for issue by:	
Having authorised the issuing of this Review of Environmental Factors: <ul style="list-style-type: none">I have declared any possible conflict of interest (real, potential or perceived) to the A/Head of Policy and Innovation, NSW Land and Housing Corporation.	

- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest.

Name: Yolanda Gil

Designation: Director, Portfolio Services, NSW Land & Housing Corporation

Signature:

A handwritten signature in black ink, appearing to read 'Yolanda Gil', is written over a white rectangular background.

Date: 13 December 2023

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1 Executive Summary

The subject site is located at 6-12 Peters Avenue, Wallsend and is legally described as lots 5, 6, 7 and 8 in DP 35087. The proposed residential flat building development is described as follows:

Demolition of existing dwellings and associated structures, removal of trees, and the construction of 3 residential flat buildings containing 20 units comprising 8 x 2-bedroom and 12 x 1-bedroom dwellings, with associated landscaping and fencing, surface car parking for 9 cars and consolidation into a single lot.

The proposed activity is permitted on the site under the applicable local environmental planning instrument being the *Newcastle Local Environmental Plan 2012* and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of 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 9m in height.

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

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this review of environmental factors under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity, it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration *Good Design for Social Housing Guidelines* and *NSW Land and Housing Corporation Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of City of Newcastle Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity, demonstrating compliance with the State Government's environmental sustainability targets; and
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts; and
- City of Newcastle Council and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP. A response was received from Council dated 13 October 2022. Comments on the response are provided in Section 6.1 of this REF. One submission was received from occupiers of adjoining land. Comments on the submission is provided in Section 6.2 of this REF.

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

2 Introduction

This REF, prepared under the provisions of Part 5 of the EP&A Act, is for an activity involving the demolition of existing dwellings and associated structures, removal of trees, and the construction of 3 residential flat buildings containing 20 units comprising 8 x 2-bedroom and 12 x 1-bedroom dwellings, with associated landscaping and fencing, surface car parking for 9 cars and consolidation into a single lot at 6-12 Peters Avenue, Wallsend.

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

This REF has been prepared by LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation* (EP&A Regulations) 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.

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

2.2 Assessment Methodology

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

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Newcastle Local Environmental Plan 2012* (NLEP 2012);
- it was determined that residential flat buildings are ‘permitted with consent’ in the R2 Low Density Residential zoning pursuant to the NLEP 2012, and can be carried out ‘without consent’ under the provisions of Housing SEPP 2021;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- a site inspection was undertaken;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the REF; and
- Identified Requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

2.3 Existing Site and Immediately Adjoining Development

The site is located in the Newcastle local government area (LGA) and comprises 4 residential allotments. A location plan is provided at **Figure 1**.



Figure 1 Location Plan (Source: SIX Maps)

The site is currently occupied by 4 single storey fibro dwellings with brick subfloor with tiled or metal roofs (refer to photographs at **Figure 2** to **Figure 5**).

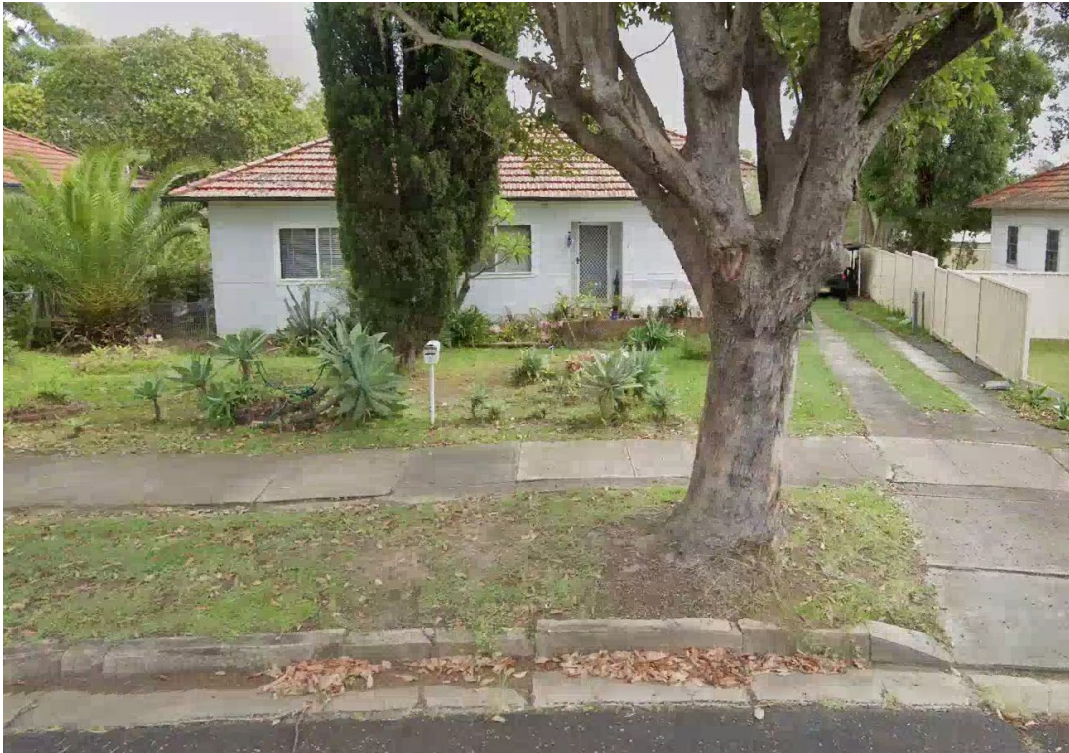


Figure 2 Development site – 6 Peters Avenue (Source – Google Maps Street View – March 2021)



Figure 3 Development site – 8 Peters Avenue (Source – Google Maps Street View – March 2021)



Figure 4 Development site – 10 Peters Avenue (Source – Google Maps Street View – March 2021)



Figure 5 Development site – 12 Peters Avenue (Source – Google Maps Street View – March 2021)

Adjoining the site immediately to the north is 4 Peters Avenue, which contains a detached single storey dwelling (refer photograph at **Figure 6**).



Figure 6 Adjoining development to the north – 4 Peters Avenue (Source: Google maps – Street view – March 2021)

Adjoining the site immediately to the south is 14 Peters Avenue, which contains a detached single storey dwelling. Refer to photograph at **Figure 7**.



Figure 7 Adjoining development to the south – 14 Peters Avenue (Source – Google Maps Street View – March 2021)

2.4 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos PL2023/04924, PL2023/04922, PL2023/04912, PL2023/04910) are provided in *Appendix F*.

The site has a total area of 2579.9m² and has a frontage to Peters Avenue of 67.741m, a northern side boundary of 33.528m, a southern side boundary of 35.052m and a western rear boundary of 79.486m; and

falls generally from the front toward the rear by approximately 2.5m (refer to the submitted Detail Survey Plan in *Appendix D*).

Stormwater is proposed to drain to Council's existing stormwater pipe network which traverses the northern boundary of 14 Peters Avenue. Easements to drain water 1.5m wide (12 Peters Ave) and 3m wide (14 Peters Ave) have been registered and are shown on the Detail Survey Plan.

The site is not within a flood planning area and is not subject to flood related development controls; and is not within a proclaimed mine subsidence district.

There are a total of 21 trees on and adjoining the site:

- 15 trees located within the site;
- 2 trees within the road reserve at the front of the site;
- 3 trees within 4 Peters Avenue; and
- 1 tree located within 14 Peters Avenue.

Water, sewer, electricity, gas and telephone facilities are available to the site (refer to the submitted Detail Survey Plan for the location of available services at *Appendix D*). Water, electricity and telephone services are located along the road alignment of Peters Avenue. Sewer traverses the rear part of the site.

There are no encumbrances on the section 10.7 certificate.

2.5 Neighbouring Development and Locality

The site is located within an established residential area predominantly characterised by single storey detached dwelling houses of brick, fibrous and lightweight weatherboard construction with tiled roofs. There are also some examples of older-style 2 storey multi-unit housing development. Refer to photographs at **Figure 8** and **Figure 9**.



Figure 8 Detached single storey residential dwelling characteristic of the locality (Source – Google Maps Street View – image capture March 2021)



Figure 9 Existing 2-storey multi-unit housing development south-east of the site in Douglas Street.

(Source: Google maps – Street view – image capture March 2021)

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

- Douglas St at Stapleton St – Bus stop ID 2287180
- Douglas St at Stapleton St – Bus stop ID 2287175

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

3 Project Description

The proposed activity can be described as follows:

3.1 Demolition

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

3.2 Removal of Trees

The proposed activity includes the removal of 11 trees and shrubs within the site and 1 tree from Council's road reserve (ref ST2).

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

Street tree ST2 is required to be removed to accommodate the driveway. As discussed in Section 6.1 of this REF, Council requested the planting of an additional 6 trees to compensate for the removal of ST2.

Generally, more appropriate tree plantings within the site, including 9 trees capable of reaching mature heights ranging between 12m and 15m, will be provided as part of the proposed landscaping plan to compensate for the loss of trees within the site (refer to submitted Landscape Plan in *Appendix B*).

3.3 Proposed Dwellings

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

The proposed housing represents a contemporary, high quality design, which will replace the existing aging dwellings. The use of face brick for external walls and metal roofing is generally consistent with the existing and developing character of the Wallsend suburb. Of the 20 proposed units, 12 will address the street (Units 1, 4, 5, 6, 7 & 8) on the ground floor and Units 11, 14, 15, 16, 17 & 18 on the first floor) with living areas and living area windows facing the street for passive surveillance.

Cut and fill is proposed to provide a level building platform and is generally within Council's DCP standards. Small retaining walls are proposed at the rear car parking area adjacent the rear boundary and to the front private open space areas and the Private Open Space of units 3 and 10.

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

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

A total of 9 surface car parking spaces will be provided on the site, including 2 accessible spaces.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected and to an underground detention tank at the rear of the site, which discharges to Council's existing stormwater pipe at the northern boundary of 14 Peters Avenue.

To formalise stormwater disposal for the site, easements to drain water 1.5m wide (12 Peters Ave) and 3m wide (14 Peters Ave) have been created over Council's existing stormwater pipe in favour of City of Newcastle Council. Refer to the Detail Survey Plan (*Appendix D*) for the location of the easements.

Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

A new 1.8m high metal fence is proposed along the side and rear boundaries. A combination of face brickwork and palisade fencing will be provided at the front of the development orientated to Peters Avenue Street.

Figures 10 - 14 include extracts from the architectural plans illustrating the proposed development.

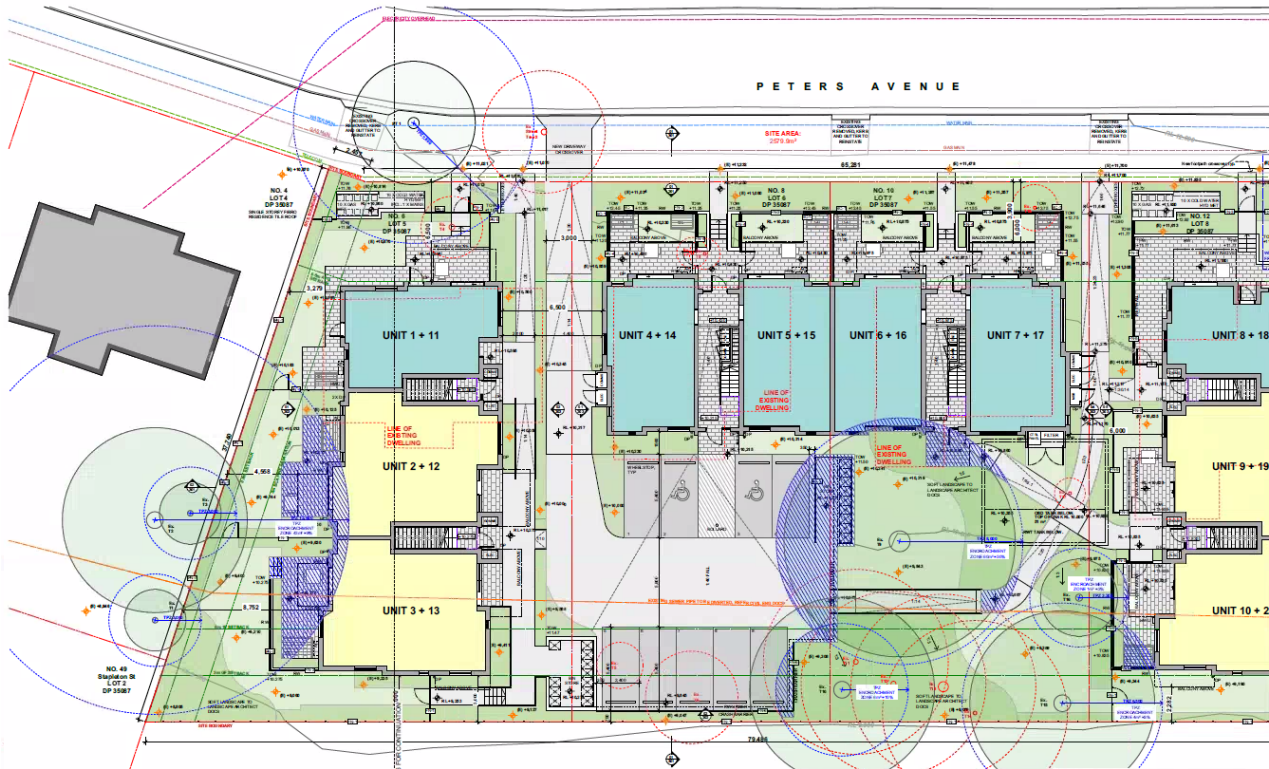


Figure 10 Extract from Architectural Plans – Site Plan (Source: Sam Crawford Architects)

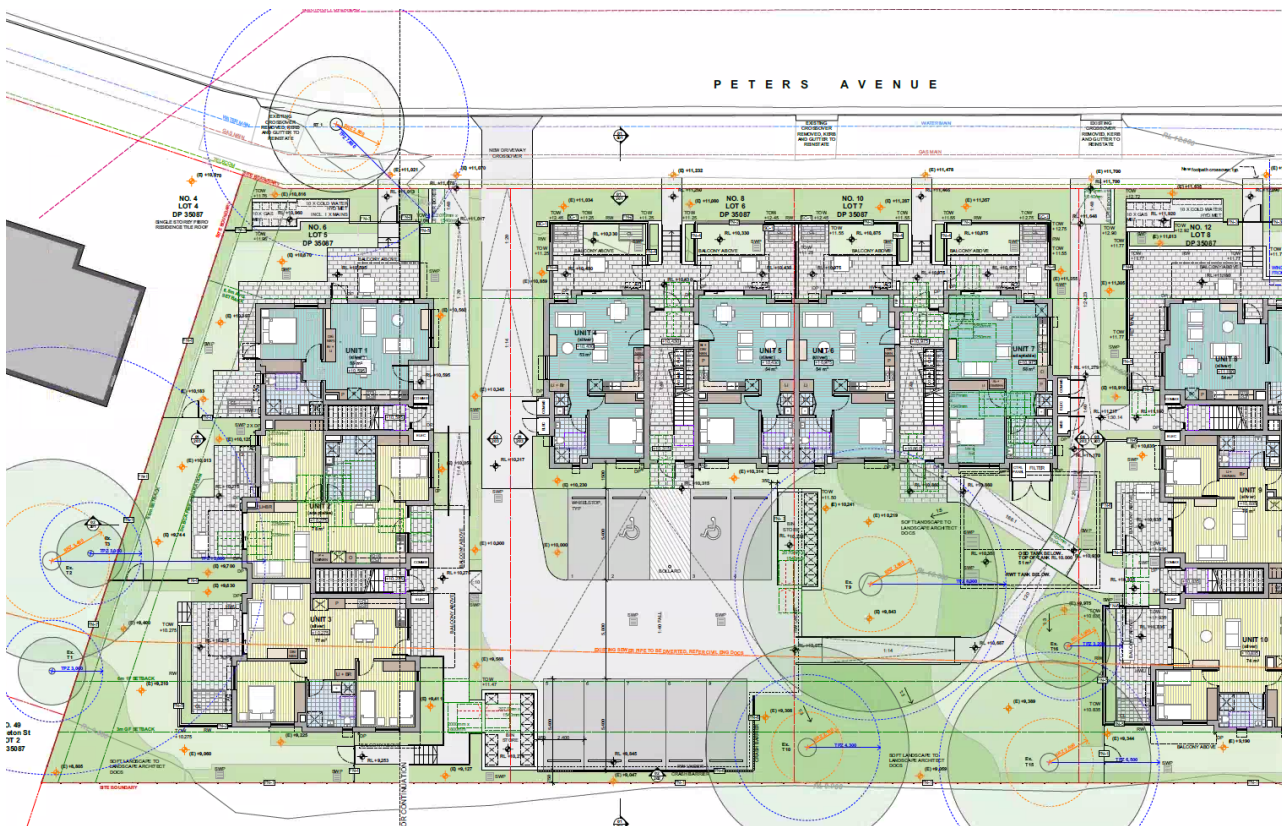


Figure 11 Extract from Architectural Plans – Ground Floor Plan (north) (Source: Architectural Plans, Sam Crawford Architects)

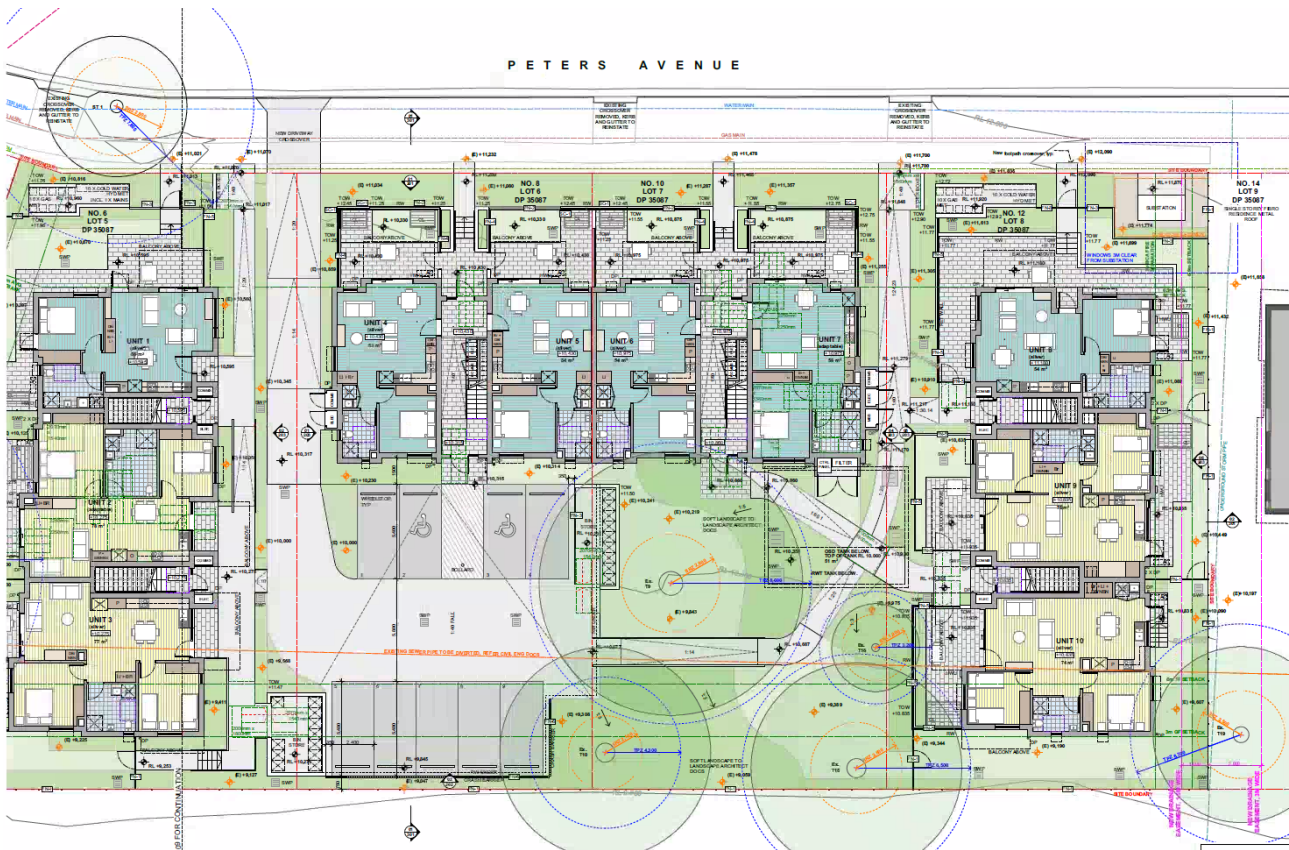


Figure 12 Extract from Architectural Plans – Ground Floor Plan (south) (Source: Architectural Plans, Sam Crawford Architects)

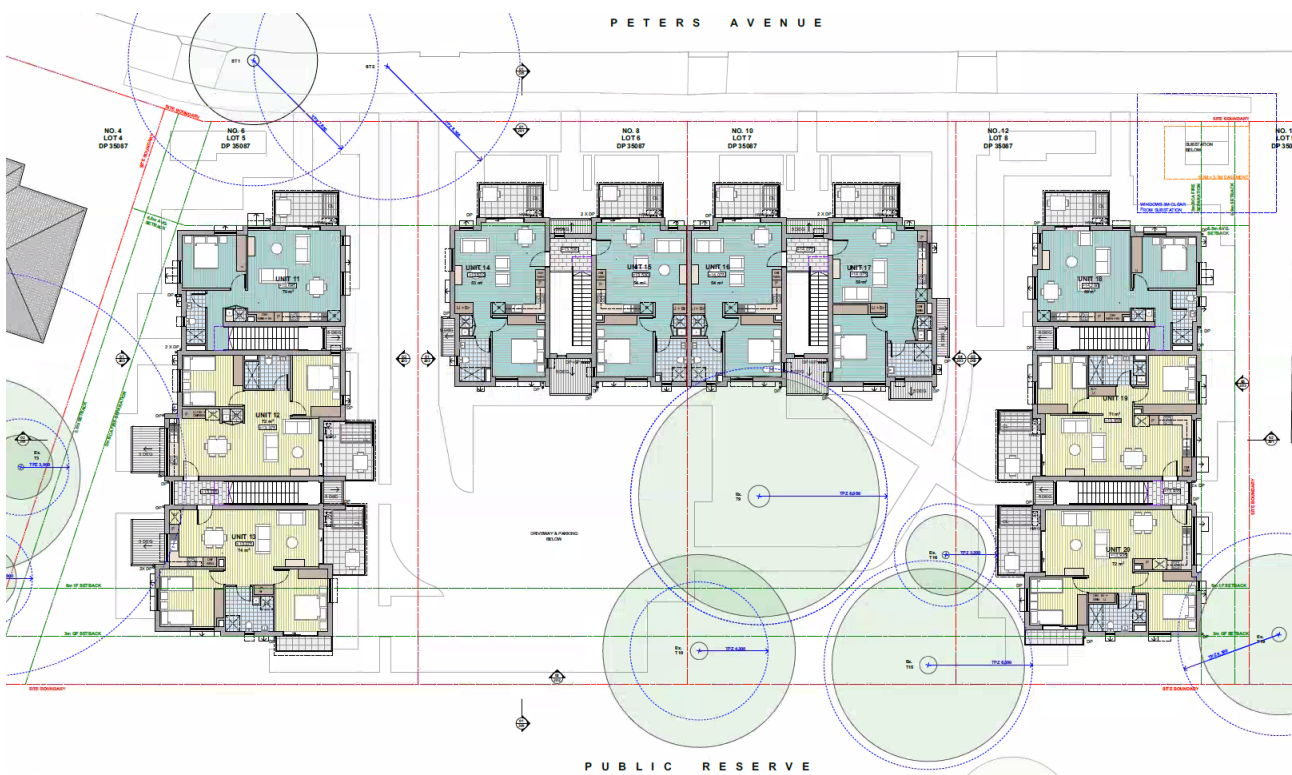


Figure 13 Extract from Architectural Plans – First Floor Plan (Source: Architectural Plans, Sam Crawford Architects)



Figure 14 Extract from Architectural Plans – Peters Avenue Streetscape (Source: Architectural Plans, Sam Crawford Architects)

3.4 Supporting Information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural – Appendix A				
Coversheet	000	3	7.7.2022	Sam Crawford Architects
Block Analysis Plan	101	3	7.7.2022	Sam Crawford Architects
Site Analysis Plan	102	3	7.7.2022	Sam Crawford Architects
Demolition Plan (South)	103	3	7.7.2022	Sam Crawford Architects
Demolition Plan (North)	104	3	7.7.2022	Sam Crawford Architects
Development Data	105	3	7.7.2022	Sam Crawford Architects
Site Plan (South)	106	2	7.7.2022	Sam Crawford Architects
Site Plan (North)	107	1	7.7.2022	Sam Crawford Architects
GF Plan (South)	108	3	7.7.2022	Sam Crawford Architects
GF Plan (North)	109	1	7.7.2022	Sam Crawford Architects
First Floor Plan	110	3	7.7.2022	Sam Crawford Architects
Roof Plan	111	3	7.7.2022	Sam Crawford Architects
Street Elevation	201	3	7.7.2022	Sam Crawford Architects
Elevations 1	202	3	7.7.2022	Sam Crawford Architects
Elevations 2	203	3	7.7.2022	Sam Crawford Architects
Sections	301	3	7.7.2022	Sam Crawford Architects
Shadow Diagrams	401	3	7.7.2022	Sam Crawford Architects
Solar Access	402	3	7.7.2022	Sam Crawford Architects
Solar Access 2	403	2	7.7.2022	Sam Crawford Architects
Ext. Finishes & Materials	501	3	7.7.2022	Sam Crawford Architects
Landscape Plans – Appendix B				
Landscape Plan 01	2521028	5	26.09.2023	Place Design Group

Landscape Plan 02	2521028	5	26.09.2023	Place Design Group
Fencing Strategy	2521028	5	26.09.2023	Place Design Group
Landscape Key Plan and Sections	2521028	5	26.09.2023	Place Design Group
Planting Schedule	2521028	5	26.09.2023	Place Design Group
Material Selection	2521208	5	26.09.2023	Place Design Group
Typical Landscape Details	2521028	5	26.09.2023	Place Design Group
Civils Plans – Appendix C				
Cover Sheet, Locality Plan and Schedule of Drawings	80822045- CI-0001	5	10.02.2023	Stantec
Civil Construction Notes	80822045- CI-0002	5	10.02.2023	Stantec
Stormwater Drainage Plan Ground Floor	80822045- CI-1101	8	7.09.2023	Stantec
Pit Schedule	80822045- CI-1102	6	7.09.2023	Stantec
Cut & Fill Plan	80822045- CI-1103	6	9.05.2023	Stantec
Sediment and Erosion Control Plan	80822045- CI-1201	6	9.05.2023	Stantec
Stormwater Details Sheet 1	80822045- CI-2101	5	10.02.2023	Stantec
Stormwater Details Sheet 2 OSD Rainwater Tank Details	80822045- CI-2103	5	10.02.2023	Stantec
Sedimentation and Erosion Control Details	80822045- CI-2201	5	10.02.2023	Stantec
Survey Plans – Appendix D				
Detail Survey	1 of 7	5	2.11.2023	RPS Australia East
Detail Survey	2 of 7	5	2.11.2023	RPS Australia East
Detail Survey	3 of 7	5	2.11.2023	RPS Australia East
Detail Survey	4 of 7	5	2.11.2023	RPS Australia East
Detail Survey	5 of 7	5	2.11.2023	RPS Australia East
Detail Survey	6 of 7	5	2.11.2023	RPS Australia East
Detail Survey	7 of 7	5	2.11.2023	RPS Australia East
Notification Plans – Appendix E				
Cover Page	601	-	-	Sam Crawford Architects
Site/ Landscape Plan	602	1	-	Sam Crawford Architects
Development Data	603	1	-	Sam Crawford Architects
Elevations	604	1	-	Sam Crawford Architects
Schedule of Finishes	605	1	-	Sam Crawford Architects
Shadow Diagrams	606	1	-	Sam Crawford Architects
Access Report – Appendix H				
Access Review	-	V4	8 August 2022	Morris Goding Access Consulting
AHIMS Web Search – Appendix I				

AHIMS search	Peters Ave	-	5.11.2023	AHIMS Web Services
Arborist Report – Appendix J				
Arborist's Stage C Report	-	-	19.10.2023	Hunter Horticultural Services
BASIX – Appendix K				
BASIX Certificate	1287367M	-	21.07.2023	Northrop Consulting Engineers
BCA report – Appendix L				
Design Compliance Assessment	P210197	1	14 January 2020	BCA Vision
NatHERS Certificate – Appendix N				
Nationwide house energy rating scheme – class 2 summary	0007898210	-	21.07.2022	Northrop Consulting Engineers
Geotechnical Report - Appendix P				
Geotechnical Investigation and Acid Sulfate Soil Assessment	21/2033	-	July 2021	STS Geotechnics
Waste Management Plan – Appendix R				
Waste Management Plan	-	-	-	-
Traffic Impact Assessment - Appendix S				
Traffic Impact Assessment	21148	V02	21.07.2022	The Transport Planning Partnership
Traffic Response to Council Submission	21148	-	25.09.2023	The Transport Planning Partnership
Architectural Statement – Appendix T				
Architectural Statement	-	A	2.06.2022	Sam Crawford Architects

Section 10.7 Planning Certificates – Appendix F

Lot 8 DP 35087, Cert no. PL2023/04910, dated 14.09.2023 – City of Newcastle Council

Lot 7 DP 35087, Cert no. PL2023/04912, dated 14.09.2023 – City of Newcastle Council

Lot 6 DP 35087, Cert no. PL2023/04922, dated 14.09.2023 – City of Newcastle Council

Lot 5 DP 35087, Cert no. PL2023/04924, dated 14.09.2023 – City of Newcastle Council

Notification Letters & Submissions – Appendix G

Design Compliance Certificates – Appendix M

Architect's Certificate of Building Design Compliance – 14.11.2022

Certificate of Landscape Documentation Compliance – 28.07.2022

Certificate of Stormwater Documentation Compliance – 28.07.2022

Seniors Living Policy Checklist – Appendix O

Seniors Living Policy: Urban Design Guidelines for infill development, prepared by Sam Crawford, 26.07.2022

Titles and Deposited Plans – Appendix Q

Title Search, Folio: 5/35087, search date 14.11.2023. First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 6/35087, Search date 14.11.2023. First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 7/35087, Search date 14.11.2023. First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 8/35087, Search date 14.11.2023. First Schedule: New South Wales Land and Housing Corporation. Second Schedule: Easement to drain water 1.5 metre(s) wide affecting the Part(s) shown so burdened in DP1293325

Deposited Plan 35087, Search Date 22.02.2018

Deposited Plan 1293325 dated 10 March 2023 – Plan of Easement to Drain Water in Lot 8 in DP35087 and Lot 9 in DP 35087 [Registered 02.05.2023]

4 Zoning and Permissibility

The site is zoned R2 Low Density Residential (R2) under the *Newcastle Local Environmental Plan 2012* (NLEP 2012). The proposed development is defined as a 'residential flat building' under the provisions of NLEP 2012 and is permissible with consent in the R2 zone.

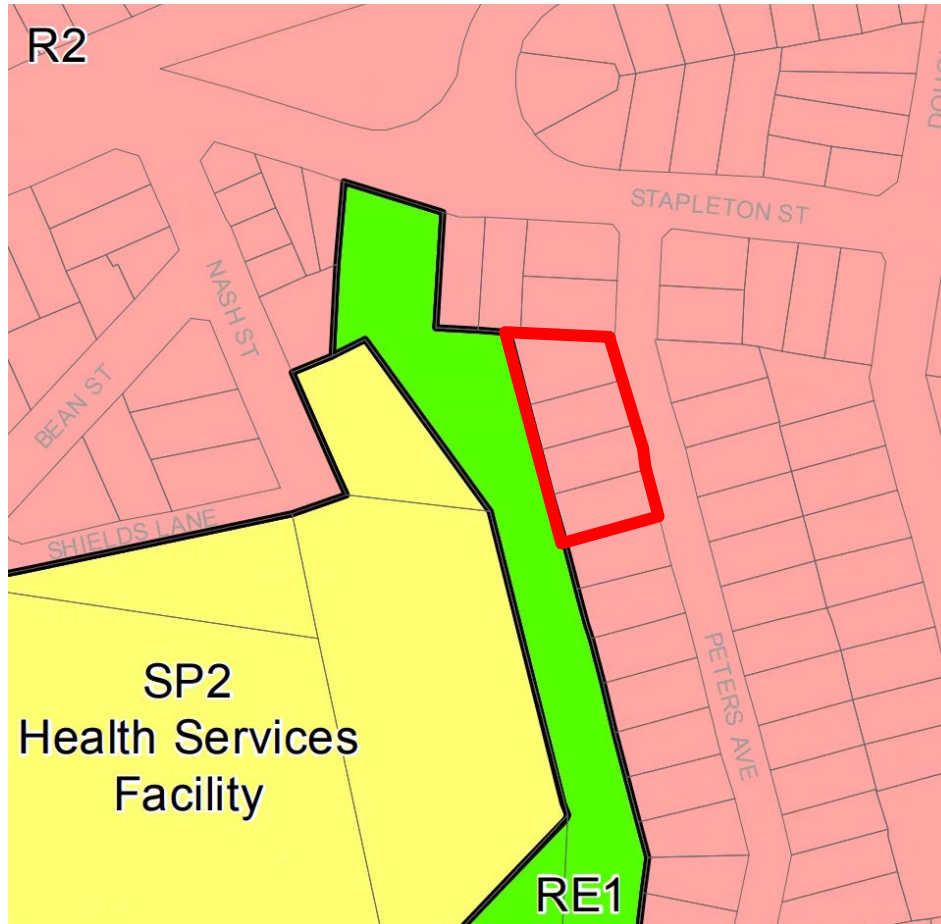


Figure 15 Land zoning map (Source: legislation.nsw.gov.au)

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

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

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

Section 42 of the Housing SEPP permits residential development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause.

Table 5 in subsection 5.5.1 of this REF demonstrates compliance with the relevant provisions of Section 42 of the Housing SEPP.

5 Planning and Design Framework

5.1 Environmental Planning and Assessment Act 1979

5.1.1 Duty to consider environmental impact [Section 5.5]

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

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

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

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

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

5.3 Other Acts

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

5.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 3** and **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171]

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021.

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

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

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.1		x	
(r) other relevant environmental factors.	Yes – discussed in Section 7.	x	x	

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

Note 2: The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed housing development is not expected to generate any significant or long-term impacts on the environment. The short term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Regional Plan, Community Strategic Plan and Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below:

5.4.2 Strategic Planning Framework

Regional Plans

- Hunter Regional Plan 2041**

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

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

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

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

Local Strategies

- Community Strategic Plan – Newcastle 2030**

The *Community Strategic Plan – Newcastle 2030* (CSP) outlines a strategic vision for the community derived from an extensive community engagement process, and is aligned with the United Nation 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 20 units is not in conflict with the CSP as it will contribute to the provision of new affordable housing within the LGA.

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

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

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

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

5.4.3 Activities in catchments [Section 171A]

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

5.5 State Environmental Planning Policy (Housing) 2021

5.5.1 Development without Consent

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

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

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	The proposed development for 3 residential flat buildings is permissible, with consent, in the R2 zone under the NLEP 2012.
(b) all buildings will have a height of not more than 9m, and	Maximum building height is 8.20m.
(c) the development will result in 60 dwellings or less on a single site, and	20 dwellings proposed.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces –	The development is located in an accessible area. <u>Car parking calculation:</u>

Provision	Compliance
(i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	<ul style="list-style-type: none"> 12 x 1 bedroom dwellings = 12 x 0.4 parking spaces = 4.8 8 x 2 bedrooms dwellings = 8 x 0.5 parking spaces = 4 Total parking spaces required = 4 + 4.8 = 8.8 Total parking spaces provided = 9
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	Not applicable.
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	Demolition of 4 existing single storey detached dwellings and associated structures is proposed. The site does not contain a heritage item identified in any environmental planning instrument nor an interim heritage order or on the State Heritage Register. The site is not identified in an environmental planning instrument as being within a heritage conservation area.
(b) the subdivision of land and subdivision works. Note – Section 32 prohibits the subdivision of a boarding house.	Consolidation of the site into a single lot is proposed.
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Noted.
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	LAHC is the relevant authority carrying out the activity.
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections -	Clauses 16 and 17 of <i>State Environmental Planning Policy (Infrastructure) 2007</i> (now Sections 2.15 and 2.17 in <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>) are not applicable to the site or development.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	
(6) In this section-	Not applicable.

Provision	Compliance
<p>Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011.</p> <p>Residential development has the same meaning as in the Housing Act 2001, section 8.</p>	
43 Requirements for carrying out residential development -	
(1) Before carrying out development under this Division, the Land and Housing Corporation must-	
(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and	Advice was sought from Council regarding additional persons or properties that should be notified of the development via email correspondence sent to Council on 08/02/2022. Council provided a response on 25/02/2022 outlining that the City of Newcastle Council (CN) does not require notification of any additional properties, other than those already identified.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Council of the proposed development activity was sent to Council on 16/09/2022. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC's notification by letter dated 13/10/2022. Comments on the response are provided in Section 6.1 of this REF. One submission was received from adjoining occupiers. Comments on the submission are provided in Section 6.2 of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in Appendix O and subsection 5.5.2 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 5.5.2 of this report. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to section 5.5.3 and 5.5.4 of this REF and the Architect's Statement and Certificate of Building Design Compliance in Appendix M which indicate that the <i>Good Design for Social Housing</i> and the <i>Land and Housing Corporation Design Requirements</i> have been considered.

Provision	Compliance
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	Not applicable.
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

5.5.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

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

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

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

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

Table 6 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	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 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 two-storey built form is generally consistent with the emerging character of development within the locality and provides for 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 and between the driveway end and the bin storage area 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? (e.g. to delineate individual dwellings)	Breaking the driveway surface materials into a series of smaller spaces is not considered appropriate for this development as the driveway is integrated into the site through provision of plantings along the driveway edges.
3.29 Provide gates at the head of 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 landscaping to minimise visual pull.
4.05 Incorporate second stories within the roof space and provide dormer windows?	Dormer windows are not compatible with the local character.
4.20 Position driveways so as to be a buffer between new and existing adjacent dwellings?	The driveway has been positioned between two separate buildings to break down the mass of the development.

5.5.3 Good Design for Social Housing

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

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

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

Wellbeing

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

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a high NatHERS rating with an average of 7.3 stars which exceeds the minimum targets set by LAHC.

Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species at ground floor level. High quality landscaping across the site will enhance the amenity for residents, and the common seating area at the rear will encourage social interaction in a peaceful landscaped setting.

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

Belonging

The form and materiality of the proposed development have been selected to generally respond to the style and character of the local area and will make a high quality contribution to the streetscape. The use of

predominantly exposed brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time.

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

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

Value

The development exceeds sustainability targets, with an average NatHERS rating of 7.3 stars. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings and good solar access and cross-ventilation.

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

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

Collaboration

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

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

5.5.4 Land and Housing Corporation Design Requirements

The proposed development was designed in accordance with the *Land and Housing Corporation Dwelling Requirements* (refer to Certificate of Compliance from the Architect in **Appendix M**). These requirements were replaced by the *NSW Land and Housing Corporation Design Requirements* in February 2023. The proposed development is generally in accordance with the provisions of the updated Requirements. The development exceeds the NatHERS targets specified in the Design Requirements as it achieves an average NatHERS rating of 7.3 stars across the development, with ratings varying between 8.7 and 6.1 stars. In this instance, the proposed variations are acceptable as the development achieves BASIX and NatHERS targets. Further detail will be incorporated in the construction documentation.

5.6 Other State Environmental Planning Policies

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

Table 7 Compliance with other Applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been prepared for the development proposal, as required under the SEPP (refer to Appendix K).
SEPP (Biodiversity and Conservation) 2021	The Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.

State Environmental Planning Policy	Applicability
	<p>The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 11 trees within the site and 1 street tree (refer to the Arborist's Stage C Report at <i>Appendix J</i>).</p> <p>Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without any other consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p><u>Street Tree</u></p> <p>As noted above, 1 street tree (ref. ST2) is proposed to be removed to enable construction of the driveway.</p> <p>In an email to City of Newcastle Council dated 28.07.2023 (<i>Appendix G</i>), Council were consulted about the removal of ST2.</p> <p>A response from Council was received via email dated 02.08.2023 agreeing to the removal of ST2 subject to compensatory tree plantings. For further discussion about the removal of ST2, refer to section 6.1 of this REF.</p>
SEPP (Resilience and Hazards) 2021	<p>The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.</p> <p>Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The site is located within a developed residential area of Wallsend. The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to <i>Appendix F</i>).</p> <p>Further consideration of contamination, including an assessment of the draft Contaminated Land Guidelines is provided at section 7.10 of this REF.</p> <p>A standard recommended Identified Requirement (No. 17) requires implementation of management measures in the event of contamination during construction works.</p>

5.7 Newcastle Local Environmental Plan 2012 (NLEP 2012)

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

Table 8 Newcastle Local Environmental Plan 2012

Relevant Provisions / Development Standards for Residential Flat Buildings			
Clause	Provision / Development Standard	Required	Provided

Relevant Provisions / Development Standards for Residential Flat Buildings			
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres).	Maximum building height (measured in accordance with the LEP definition) is 8.20 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. The site has a maximum Floor Space Ratio of 0.6:1 applicable.	Proposed FSR is 0.53:1

5.8 Newcastle Development Control Plan 2012

Newcastle Development Control Plan 2012 (NDCP 2012) contains specific development controls for residential flat buildings which are addressed in **Table 9** 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 9 Newcastle Development Control Plan 2012

Compliance with setback controls for residential flat buildings		
Residential flat buildings		
Clause	Requirement	Proposed
3.03.01 Principal Controls	<p><u>B Front Setbacks</u></p> <p>Average distances of buildings within 40m either side.</p> <p>Articulation zone can extend 1.5m into setback area for a maximum 25% of the lot width.</p>	<p>The average front setback within 40m of the site is approximately 6.5m.</p> <p>The main building façade presents a varied setback between 6m and 7m.</p> <p>The building containing Units 4/14; 5/15; 6/16; and 7/17 are sited 6m from the front property boundary, approximating to 27% of the lot width.</p> <p>In addition, the front balcony structures to Units 11, 14-17 and 18 are sited between 1.1m and 1.5m beyond the articulation zone. The combined width of the balcony structure encroachments equates to 36% of the lot width.</p> <p>However, the variation to the control is considered acceptable as:</p> <ul style="list-style-type: none"> - The proposed activity complies with the numerical front setback of section 3.03.01 of Newcastle DCP 2012 – ie minimum 4.5m with a 1.5m articulation zone for 25% of the site if there is no established building line. The established 6.5m front setback for the street aligns with the prevailing modest detached dwelling houses in the locality. The proposed activity represents a modern and very different building typology. Therefore, the locality is considered to have an emerging character where strict compliance with the established front

		<p>setback is considered onerous for the emerging building typology, and compliance with the numerical minimum 4.5m front setback control is considered more appropriate.</p> <ul style="list-style-type: none"> - Realigning the proposed buildings to comply with the established street setback of 6.5m is likely to adversely impact significant trees and could result in loss of affordable housing dwellings, which are of high need in the locality. - Pursuant to section 4.15(3A)(b) of the <i>Environmental Planning and Assessment Act, 1979</i>, DCPs are to be applied flexibly and allow alternate solutions.
	<p><u>C Side Setbacks</u></p> <p>Minimum 900m up to a height of 4.5m, then at an angle of 4:1 up to the maximum permitted height</p> <p><u>C Rear Setbacks</u></p> <p>Minimum 3m for walls up to 4.5m and 6m for walls greater than 4.5m in height.</p>	<p>Complies - The development provides a side setback of 3m for the ground floor and a setback of 3m for the first floor.</p> <p>The development provides a minimum ground floor rear setback of 3m. The first-floor balconies for units 13 and 20 have a setback of 2.4m and do not comply with the requirements of the DCP.</p> <p>The non-compliance with the control is considered acceptable as living area windows and balcony structures overlook McQuirk Park reserve and internal parts of the site; and there are no unreasonable overshadowing impacts.</p>

6 Notification, Consultation and Consideration of Responses

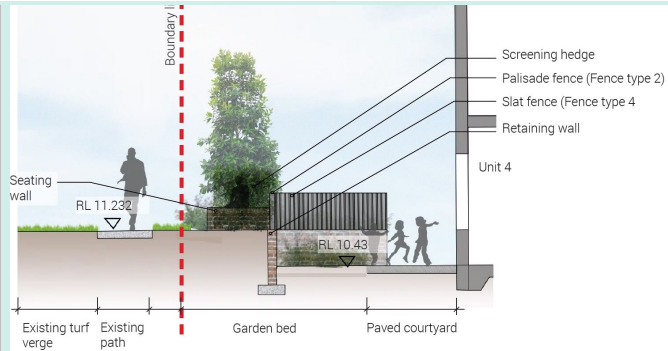
A copy of the notification letter sent to the local council is provided in *Appendix G*, together with a copy of the response received from public authorities (where relevant).

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 16/09/2022 (refer to *Appendix G*). The notification response period formally closed on 10/10/2022 and Council responded to the notification by letter dated 13/10/2022 which has been extracted in **Table 10** below. A response is provided in relation to the comments and matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements in the *Activity Determination*.

Table 10 Issues raised in Council submission

Issues Raised	Response
<p>1 DESIGN CONSIDERATIONS</p> <p>Character of the Area</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 6.5m. The proposal includes a minimum setback at ground floor level of six metres but is seeking a substantial numerical variation to this at the first-floor level (minimum 3.8m). While it is noted this is the minimum setback and the building form and setback increases, and articulation is provided; the partly screened protruding first floor balconies and the front courtyard areas with solid fencing add to the building bulk and scale and draws the main building form closer to the street and visually presents as a reduced setback overall, varying this section of streetscape substantially. 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 emerging character of the locality.</p> <p>Notwithstanding, Council's concerns are noted.</p> <p>In relation to the first floor balconies, the 7 Prickly Paperbark trees with mature heights of 15m within the front setback area will partially screen and reduce the visual impact of the balcony structures on the street.</p> <p>Solid fencing enclosing the ground floor private open space areas has been replaced with open style slat fencing. The amended Ground Floor Plan and Street Elevations are included in <i>Appendix A</i>.</p> <p>It is also noted that the ground level private open space areas are sited below ground level, behind open style fencing and 1m high plantings which will screen the spaces and reduce their visual impact. A cross section through the private open space areas at the front of the site is shown in the following detail, extracted from the Landscape Plan:</p>



New tree plantings with mature heights of 15m, together with a variety of shrubs and ground covers will provide a landscaped setting for the development, generally consistent with the existing character of landscaped front setbacks in the street.

Furthermore, the variation to the front setback is considered acceptable as:

- The proposed activity complies with the numerical front setback of section 3.03.01 of Newcastle DCP 2012 – ie minimum 4.5m with a 1.5m articulation zone for 25% of the site if there is no established building line. The established 6.5m front setback for the street aligns with the prevailing modest detached dwelling houses in the locality. The proposed activity represents a modern and very different building typology. Therefore, the locality is considered to have an emerging character where strict compliance with the established front setback is considered onerous for the emerging building typology, and compliance with the numerical minimum 4.5m front setback control is considered more appropriate.
- Realigning the proposed buildings to comply with the established street setback of 6.5m is likely to adversely impact significant trees and could result in loss of affordable housing dwellings, which are of high need in the locality.

Rear boundary setbacks

The proposal complies at ground level with the required rear boundary setback of the NDCP 2012 with a three-metre setback provided, however at first floor level a minimum setback of 2.4m is proposed. However, this variation is considered to be reasonable as it only relates to a small proportion of the proposed units to be located at either side of the site.

Pursuant to section 4.15(3A)(b) of the EP&A Act, DCPs are to be applied flexibly and allow alternate solutions.

Noted.

Furthermore, the site adjoins a public reserve at the rear and a large portion of the central area of the site along the rear boundary is open space and landscape area.

2 Accessibility

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.

The proposed NOM, in part, is seeking that LGNSW:

3. Calls upon the State government to ensure that all new public, social and affordable housing at a minimum incorporates the new accessibility standards in the National Construction Code.

The revised National Construction Code includes new minimum accessibility standards, based on 'Silver' Performance level Accessibility standards of Liveable Housing Australia (LHA).

According to the Access Review' dated 27 July 2022 prepared in support of the proposal, ten of the proposed twenty dwellings will achieve the silver standard. It is requested that LAHC provide leadership on this issue by having all proposed dwellings comply with the silver standard.

The development has considered the LAHC Dwelling Requirements and the updated LAHC Design Requirements 2023, which set out the minimum provision of universally designed dwellings for activities carried out by LAHC.

In this instance, as no lifts are proposed or proposed to be retrofitted, Silver Level liveable features (Liveable Housing Australia) have not been incorporated into the first floor dwellings. This is consistent with the requirements of the Housing SEPP for developments undertaken by LAHC.

3 Stormwater Management

It is recommended the project is designed and constructed in accordance with the following relevant requirements of Section 7.06 Stormwater of NDCP 2012:

(a) The subject site is located within CN's Coastal Wetland catchment and all development in this catchment is subject to the specific coastal wetland provisions. Section 7.06 Stormwater and more specifically Appendix 8 of CN's 'Stormwater and Water Efficiency for Development Technical Manual'

Generally, the stormwater plans have been updated by the stormwater engineer to address Council's comments. Refer to updated Civils Plans in **Appendix C**.

Standard Identified Requirement (No 42) is also recommended requiring detailed stormwater plans, prepared in accordance with Council's policies and

state that for development in the coastal wetland catchment the following is required:

- 100% of roof areas drain to a rainwater tank for reuse via irrigation, outdoor taps, toilets, washing machine taps and laundry taps. The stormwater plans show a small 5kL reuse tank with several downpipes bypassing the reuse system and not meeting this requirement of the DCP.
- Rainwater reuse tanks are to be fitted with a 5mm weep hole halfway up, draining to the stormwater system to slowly release the upper 50% of water from the tank into the public stormwater system. Reuse tanks are to be sized in accordance with Table 3 of the DCP. The ~840m² roof catchment on this development results in a required reuse tank volume of 33.6m³ with the top half being a leaky tank with weep hole (16.8m³) and the bottom half for reuse (16.8m³).
- An onsite detention tank is to be included with a sand filter to meet CN's water quality requirements as well as slow down the release of water into the public system. The stormwater plans for this development show a detention tank; however, a sand filter is not included on the downstream side. A sand filter should be included, sized at 0.8m² surface area per 100m² of hardstand catchment. As a sand filter will slow the release of rainwater similar to the leaky portion of the reuse tank, the leaky portion can be removed from the reuse tank if the detention tank is increased in size by the same amount.

To summarise the above storage requirements, the following is required:

- Rainwater reuse tank volume 16.8m³
- Detention tank volume = 16.8m³ (leaky) + 14.6mm/1000*760m² (hardstand) = 27.9m³
- Sand filter area = 0.8m²/100m² * 760m² = 6.1m²

guidelines, to be submitted to LAHC prior to any work commencing.

(b) Discharge from the site is proposed via an easement being granted across CN's owned land. A private easement across public parkland is only considered in exceptional circumstances which do not apply in this case. Accordingly, consideration should be given to making a connection within the private property boundaries to the existing CN pipe that runs parallel to the boundary between 12 and 14 Peters Avenue (shown on survey). If a connection is made to this pipe in the neighbouring property, an easement over the full length of the existing pipe should be created extending 1.5m from the centreline of the pipe in each direction (3m wide) and benefitting the CN.

If a connection is made to this pipe within the private property boundaries, removal of the existing tree in the corner of the property may be required. This design amendment will require further consideration by the project arborist.

(c) Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties because of the project.

(d) A copy of the stormwater drainage design plans approved with the 'Activity Determination' with 'work as executed levels' indicated shall be prepared and submitted to L&HC prior to the occupation of the development.

The stormwater layout has been redesigned to discharge to Council's existing pipe that traverses the northern boundary of 14 Peters Ave, in close proximity to the southern boundary of the site.

Easements to drain water 1.5m wide over lot 9 and 3m wide over lot 8, benefitting City of Newcastle Council, have been created in accordance with Council's recommendation.

The location of the easements is shown on the Detail Survey Plans in *Appendix D*.

The Arborist's Stage C Report was updated to consider the impacts of the new stormwater layout and confirms that tree 19, located in close proximity to the easement at the south-west corner of the site, is able to be retained.

Standard Identified Requirement (No. 7) is recommended in this regard.

Standard Identified Requirement (No. 71) is recommended in this regard.

4 Roof Water

It is recommended roof water from the proposal is directed to a water reuse tank with a minimum capacity of 24,000 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.

The lower 50% capacity or a minimum 4,000 litres, whichever is the greater, of the

Generally, the stormwater plans have been updated by the stormwater engineer to address Council's comments. Refer to updated Civils Plans in *Appendix C*.

In addition, standard Identified Requirement (No. 42) is recommended requiring the stormwater management for the site to be designed in accordance with Council's policies and technical guidelines.

rainwater tank is to be reticulated into each of the following new uses:

- Site irrigation systems
- External taps
- All toilets
- Cold water washing machine taps and laundry basin taps

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.

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).

A detention tank and sand filter are to be installed in accordance with the abovementioned technical manual, in particular Figure 4.3.1. A detention tank is to have a minimum volume of 27,900 litres and the sand filter shall have a minimum area of 6.1m².

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 operational prior to occupation of the development.

In relation to rainwater re-use, the activity is supported by a BASIX certificate which specifies that rainwater is to be reticulated for re-use in the toilets and landscaping.

5 Erosion and Sediment Control Measures

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 Landcom, 2004. Controls are not to be removed until the

Standard Identified Requirement (No. 13) is recommended to address this part of Council's submission.

site is stable with all bare areas supporting an established vegetative cover.

6 Vehicular Access, Driveway Design and Crossing Location

It is recommended the development is designed in accordance with Section 7.03 Traffic, Parking and Access of NDCP 2012 and Australian Standard AS/NZS2890.1:2004 Off Street Car Parking.

A single width driveway is proposed for vehicular access to the site. The driveway in the road reserve curves around the trunk of a street tree identified on the Landscape Plan as ST2. Another street tree identified as SDT1 is located further north. The proposed driveway crossover will significantly impact on tree ST1 and would require its removal. The design of the project does not appear to have considered other design options to retain this street tree. Further, CN's standard drawing A1300 requires driveways to run perpendicular to the property boundary and be offset a minimum of three metres from any street trees.

CN's City Greening Team have recommended that the design of the proposal is changed such that the proposed driveway crossover is located to maintain a minimum clearance of four metres from the two street trees.

It is recommended the width of the access driveway be adjusted to 5.5m in the road reserve and extend six metres into the property to enable entering and exiting vehicles to pass each other and avoid conflict.

The Traffic Impact Assessment and traffic response to Council's submission (**Appendix S**) confirm that the design of the driveway and car parking areas comply with the relevant Australian Standards.

Whilst the plans have been updated such that the driveway runs perpendicular to the front property boundary in response to Council's submission, ST2 was not able to be retained.

In an email dated 28.07.2023, LAHC sent a request for the removal of ST2 to Council staff noting, in summary, that:

- the design of the development enables retention of 4 mature trees located at the rear of the site, and
- LAHC would provide replacement street trees to compensate for the loss of ST2.

Council staff responded via email dated 2 August 2023, supporting the removal of ST2 subject to:

'1. All tree removal works are to be carried out by City of Newcastle's (CN) at Land and Housing Corporation's expense. Arrangements for the removal of the tree are to be made by contacting CN's City Greening Services (CGS) team via the contact page of CN's website at <https://www.newcastle.nsw.gov.au/about-us/contact-us>.

2. Six street trees are required to be planted as compensation for the removal of the above tree. A fee, to be determined by contacting the CGS team, is to be paid to CN for the required compensatory planting and evidence of the payment of the required fee is to be provided to CN prior to commencement of construction works. The tree selection and location of the required compensatory trees will be determined by CGS in accordance with the CN's Street Tree Selection manual. Please note the location of the compensatory tree planting may not be in the immediate proximity of the site.

3. The remaining street tree (79054) identified as ST1 on the Site analysis plan is to be retained and physically protected in accordance with Section 8.0 Protection Measures of CN's Urban Forest Technical Manual Part B Public Trees'. The tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment, or machinery to be stored within the fenced area.'

The above recommendations are included as Identified Requirements (No 72) in the ***Activity Determination***.

In relation to the driveway, widening was not necessary as car parking has been designed in accordance with the relevant Australian Standard, noting that for the category of driveway proposed, a passing bay is not required as the driveway is less than 30m in length.

Further, a traffic response to Council's submission was prepared by the traffic consultant to address Council's concerns, in summary:

- the design of the driveway and car parking area comply with the relevant Australian Standards;
- adequate sight distances are available;
- there is no requirement in the Australian Standard for the driveway to be widened as the driveway is less than 30m in length, is accessed from a local road and does not meet the threshold for vehicle movements into and out of the site;
- there is a low probability of conflict between 2 opposing vehicles based on a conflict probability analysis;
- the projected net increase in traffic can be accommodated within the capacity of the existing local street network; and
- the driveway design is not considered to result in unacceptable traffic safety impacts.

7 Street Trees

CN's street trees (ST1 & ST2) must be retained and physically protected in accordance with Part B Public trees Section 8.0 Protection Measures of CN's 'Urban Forest Technical

As noted at issue 6, above, in this table, the recommendations contained in Council's email of 2 August 2023 supersede this issue.

Manual'. Tree protection fencing must remain in place and maintained until all works have been completed, with no waste materials, washouts, equipment, or machinery being stored within the fenced area.

It is recommended that three trees are planted as compensation for the impact on the existing street tree plantings and locations and streetscape. A fee, to be determined by contacting CN's City Greening Services, is to be paid to CN for the required planting, and evidence of the payment. 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.

8 Public Domain Works

The LAHC is to design and construct the following works in connection with the proposal within the Peters Avenue public road reserve, adjacent to the site, at no cost to CN and in accordance with CN's guidelines and design specifications:

- (a) A new driveway crossing in accordance with CN's Standard Drawing A1300.
- (b) Removal of redundant driveways in the road reserve and restoration of kerb.

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&HC, does not require consent from CN, to exercise its functions in respect of an unclassified road that is not a Crown Road. Accordingly, it is requested that prior to the commencement of construction CN is provided with a copy of plans for the crossing and layback together with the payment of any CN inspection fees.

All works within the road reserve required by CN and the 'Activity Determination' are to be completed prior to the occupation of the proposed development.

Standard Identified Requirements (Nos 10 and 11) are recommended to ensure the new driveway is constructed in accordance with Council's policies and technical guidelines.

Noted.

An Identified Requirement (No 73) is recommended requiring works within the road reserve to be completed prior to occupation.

9 Vehicular Crossing

A residential vehicular crossing is to be constructed across the road reserve, in accordance with the following criteria:

- (a) Constructed in accordance with CN's A1300 – Driveway Crossings Standard Design Details.
- (b) The driveway crossing, within the road reserve, shall be a maximum of 5.5 metres wide.
- (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.
- (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.
- (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.
- (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.

All works within the road reserve required by CN and the 'Activity Determination' are to be completed prior to the occupation of the proposed development.

Standard Identified Requirement (No.10) is recommended requiring the driveway crossover to be constructed in accordance with Council's policies and technical guidelines.

Widening of the driveway has not been undertaken for the reasons discussed above in this table.

Identified Requirement (No 74) is recommended to address this part of Council's submission.

As noted in this response, street tree ST2 is proposed to be removed. The nearest street tree to the proposed driveway is ST1, approximately 7m to the north and will be retained and protected.

As shown on the submitted Detail Survey, there are no power poles or drainage pits within the road reserve in proximity to the proposed driveway.

Standard Identified Requirement (No.10) is recommended requiring the driveway crossover to be constructed in accordance with Council's policies and technical guidelines.

An Identified Requirement (No 73) is recommended requiring works within the road reserve to be completed prior to occupation.

10 Car Parking

It is recommended the car parking and vehicular access are designed to comply with AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking.

The Traffic Impact Assessment and traffic response to Council's submission (*Appendix S*) confirm that the design of the driveway and car parking areas comply with the relevant Australian Standards.

All proposed driveways, parking bays, and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete, or interlocking pavers and being properly maintained.

Standard Identified Requirement (No. 12) is recommended such that the driveway and parking spaces are constructed of concrete or other approved hard surface materials.

11 Consolidation of Lots

It is recommended the whole of the subject site comprising Lot 5,6,7 and 8 of DP 35087 is consolidated into a single title lodged for registration of a survey plan of consolidation with the NSW Land Registry Services.

Identified Requirement (No. 5) is recommended to address this part of Council's submission.

12 House Numbering

It is recommended the premises are 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.

The minimum numeral heights are to be:

- (a) exterior of the building = 75mm and
- (b) group mailbox - street number = 150mm
- house number = 50mm

A schedule of the street addresses for the proposal prepared in accordance with CN's 'House Numbering Policy' and the Surveying and Spatial Regulation 2017 is attached. (Refer to Attachment A):

Refer to Identified Requirement (No. 75).

Attachment A: House numbering schedule

ADDRESS SCHEDULE				
Unit/ Dwelling/ Lot Number on plan	Council Allocated Street Addresses			
	House Number	Street Name	Street Type	Suburb
Primary Site Address	8	Peters	Avenue	Wallsend
Proposed Unit 1	1/8	Peters	Street	Wallsend
Proposed Unit 2	3/8	Peters	Street	Wallsend
Proposed Unit 3	6/8	Peters	Street	Wallsend
Proposed Unit 4	7/8	Peters	Street	Wallsend
Proposed Unit 5	8/8	Peters	Street	Wallsend
Proposed Unit 6	11/8	Peters	Street	Wallsend
Proposed Unit 7	12/8	Peters	Street	Wallsend
Proposed Unit 8	15/8	Peters	Street	Wallsend
Proposed Unit 9	17/8	Peters	Street	Wallsend
Proposed Unit 10	20/8	Peters	Street	Wallsend
Proposed Unit 11	2/8	Peters	Street	Wallsend
Proposed Unit 12	4/8	Peters	Street	Wallsend
Proposed Unit 13	5/8	Peters	Street	Wallsend
Proposed Unit 14	9/8	Peters	Street	Wallsend
Proposed Unit 15	10/8	Peters	Street	Wallsend
Proposed Unit 16	13/8	Peters	Street	Wallsend
Proposed Unit 17	14/8	Peters	Street	Wallsend
Proposed Unit 18	16/8	Peters	Street	Wallsend
Proposed Unit 19	18/8	Peters	Street	Wallsend
Proposed Unit 20	19/8	Peters	Street	Wallsend

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 8 February 2022. Council provided an email response on 9 August 2022 advising that the notification map is consistent with Council's Community Participation Plan and acceptable to Council. **Figure 16** illustrates the properties in which the occupiers and landowners were notified of the development.

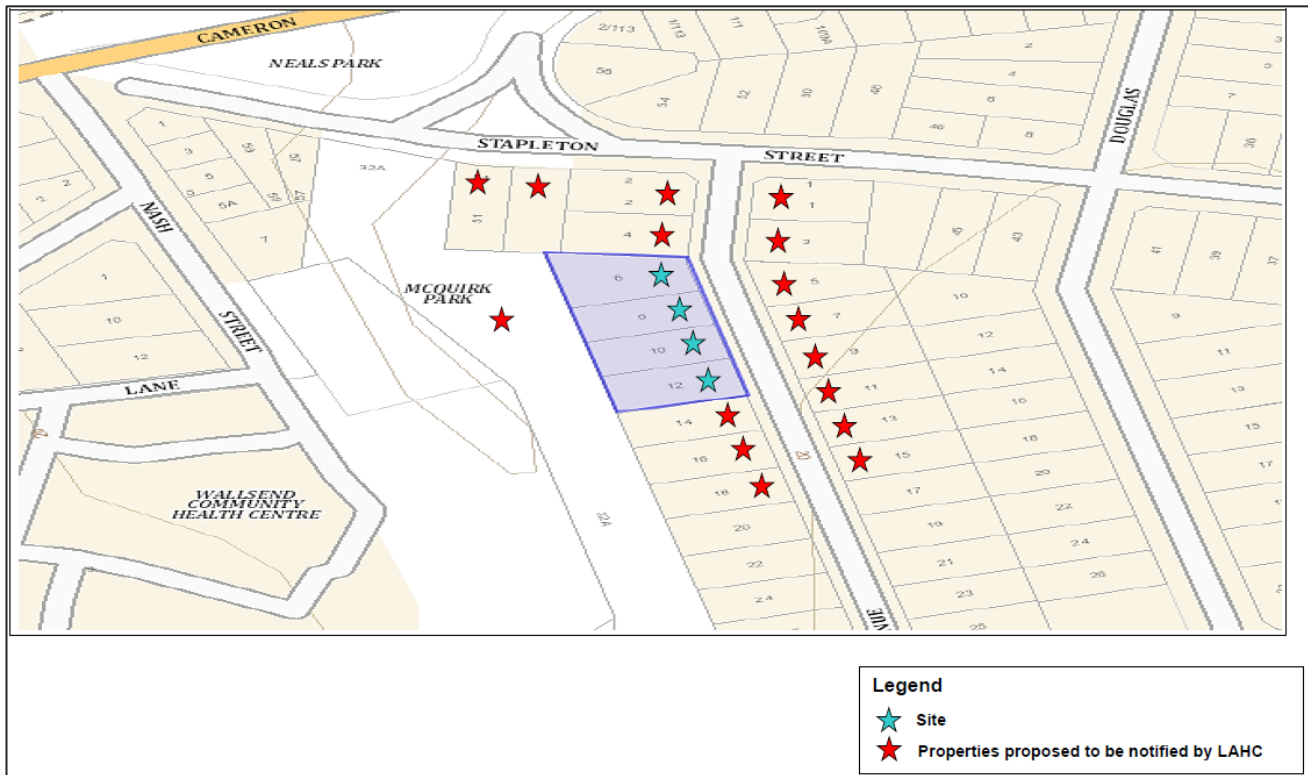


Figure 16 Map of Properties Notified of the Proposed Development (Source: LAHC)

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

The notification response period formally closed on 10 October 2022 and 1 submission was received. The issues raised are discussed in **Table 11** below.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Submission 1:	
Traffic, Parking and Narrow Streets	<p>The Traffic Impact Assessment and traffic response to Council's submission (Appendix S) confirm that the net increase in traffic movements generated by the development is not expected to have any negative impacts on the local street network or impact traffic safety.</p> <p>In relation to car parking, the development provides 9 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>
Increased density	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> .
Social issues with social housing residents	<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 http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy. In addition, DCJ has a dedicated 24 hour hotline, 1800 422 322, where local residents can report any tenancy related matters.</p>

Neglected maintenance of social housing in area	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.
Trees	<p>The proposed activity includes the removal of 11 trees and shrubs within the site and 1 tree from Council's road reserve.</p> <p>Tree removal within the site boundaries is recommended primarily to accommodate the proposed development or the individual species are recommended for removal as they are not considered to be significant or worthy of retention (refer to submitted Arborist's Stage C Report in <i>Appendix J</i>).</p> <p>More appropriate tree plantings within the site, including 9 trees capable of reaching mature heights ranging between 12m and 15m, will be provided as part of the proposed Landscaping Plan to compensate for the loss of these trees (refer to submitted Landscape Plan in <i>Appendix B</i>). In addition, Council has requested compensatory plantings to offset the removal of the street tree – refer section 6.1 of this REF for further details.</p>
General privacy from increased density	Generally, the proposed development has been designed to minimise visual and acoustic impacts on neighbouring properties through building setbacks, fencing and the careful placement of windows. Screen hedges are also proposed along the site boundaries.
Gardens	New landscaping is proposed which will include turfed areas for private courtyards, paved private terraces, planter boxes, medium and low planting, 2m high hedging along site boundaries, screening and canopy trees. Details are provided on the Landscape Plan.
Excessive amount of social housing in area	<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 provided to social housing residents	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 bus stops located within 400m walking distance with a bus service (route 24) operating at the required frequency.

6.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

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

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

Notwithstanding, and as discussed as section 6.1 of this REF, Council raised concern that:

'..the partly screened protruding first floor balconies and the front courtyard areas with solid fencing add to the building bulk and scale and draws the main building form closer to the street and visually presents as a reduced setback overall, varying this section of streetscape substantially.'

In relation to the first floor balconies, the 7 Prickly Paperbark trees with mature heights of 15m within the front setback area will partially screen and reduce the visual impact of the balcony structures on the street.

Solid fencing enclosing the ground floor private open space areas has been replaced with open style slat fencing. The amended Ground Floor Plan and Street Elevations are included in *Appendix A*.

It is also noted that the ground level private open space areas are sited below ground level, behind open style fencing and 1m high plantings which will screen the spaces and reduce their visual impact. A cross section through the private open space areas at the front of the site is shown in the following detail, extracted from the Landscape Plan:

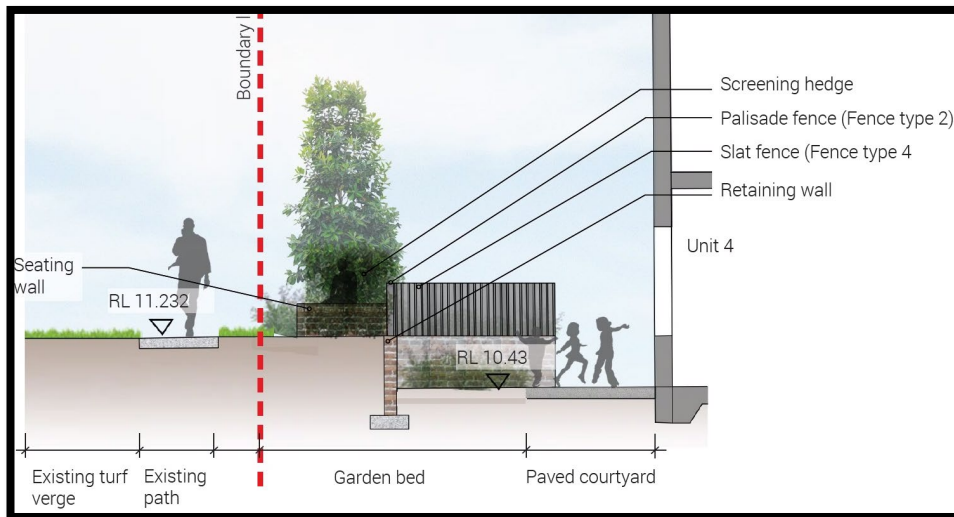


Figure 17 – Cross section through private open space areas (Source: Place Design Group)

In addition, 7 new trees with a mature height of 15m, together with a variety of shrubs and ground covers will provide a landscaped setting for the development, generally consistent with the existing character of landscaped front setbacks in the street.

Mitigation Measures

No mitigation measures are required.

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 emerging development in the locality of Wallsend. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The scale of the proposal is broken up into three separate building elements reducing the scale and bulk, especially along Peters Avenue.

The proposal incorporates a floor space ratio of 0.53:1 and a maximum height of 8.2m which is generally consistent with a low-density residential area and complies with Council's FSR control of 0.6:1. 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

No mitigation measures are required.

7.3 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 generally respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

New landscaping proposed within the front setback will incorporate the planting of various shrubs to mature heights of up to 2m and 7 x Prickly Paperbarks with a mature height of 15m, which will reduce the visual impact of the buildings and first floor balcony structures on the street. Ground floor private open space areas within the front setback area are sited below street level and are screened by 1m high hedge plantings, which will soften their visual impact. In addition, the plans were amended to replace the originally proposed solid fencing enclosing the ground floor private open space areas with open style slat fencing to reduce visual impacts.

The amended Ground Floor Plan and Street Elevations are included in *Appendix A*.

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.

Mitigation Measures

No mitigation measures are required.

7.4 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, 4, 5, 6, 7 and 8 are orientated toward Peters Avenue with landscaping, including trees and shrubs, proposed within the front setback area to improve streetscape amenity and privacy for future residents. Suitable fencing is provided between each private open space area to provide visual privacy.
- The Private Open Space areas for Units 9 and 10 are orientated inward, toward the car parking area. Suitable fencing is provided between the central open space and each private open space area to provide visual privacy.
- The Private Open Space areas for Units 2 and 3 face the side boundary. Suitable fencing is provided between each Private Open Space area and between each POS and adjoining property to the north.
- Balconies associated with Units 1, 14, 15, 16, 17 and 18 are orientated toward Peters Avenue and are partially screened by fixed floor to ceiling privacy screens. Landscaping, including trees and shrubs, proposed within the front setback area will also provide privacy for future residents.
- Balconies to Units 12, 13, 19 and 20 are oriented internally. Fixed privacy screens are proposed between each balcony to provide visual privacy.
- Highlight windows are proposed for the living areas in the north and south elevations of units 12, 13, 19 and 20 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 2m high at the rear and side boundaries.
- Proposed 1.8m metal fencing will mitigate unacceptable overlooking from ground level units.

Mitigation Measures

No mitigation measures are required.

7.5 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 LAHC Design Requirements 2023. The submitted Architectural Plans indicate that 15 of the 20 dwellings (75%) receive at least 2 hours direct solar access to the living and Private Open Space areas on June 21, which meets the requirement for 70% of dwellings to achieve 2 hours of direct solar access to the living and Private Open Space 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.

Mitigation Measures

No mitigation measures are required.

7.6 Overshadowing

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

Shadows fall predominantly over the reserve at the rear of the site in the morning, moving toward the internal areas of the site at midday. In the afternoon, shadows fall predominantly over the street.

Some overshadowing also occurs throughout the day over the adjoining dwelling to the south at 14 Peters Avenue.

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

The living area of 14 Peters Avenue, located at the front of the dwelling, is not overshadowed by the proposed development.

In relation to the principal private open space area of 14 Peters Ave, the area is located at the rear of the south-western corner of the dwelling. This area is overshadowed by the existing dwelling throughout the day and a review of the shadow diagrams indicates that the proposed development does not increase overshadowing of this area between 9am and 12 noon on June 21.

Mitigation Measures

No mitigation measures are required.

7.7 Traffic & Parking

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

Council's submission (refer to Section 6.1 of this REF) requested that the width of the access driveway be adjusted to 5.5m in the road reserve and extend 6 metres into the property to enable entering and existing vehicles to pass each other and avoid conflict.

In this regard, the response to Council's submission (Appendix S) confirmed that widening was not necessary as the driveway has been designed in accordance with the relevant Australian Standard and is not considered to result in unacceptable traffic safety impacts.

Mitigation Measures

No mitigation measures are required.

7.8 Flora and Fauna

The site does not contain any mapped areas of biodiversity.

There are a total of 21 trees on and adjoining the site:

- 15 trees located within the site;
 - 2 trees within the road reserve;
 - 3 trees within 4 Peters Avenue; and
-

- 1 tree located within 14 Peters Avenue.

Eleven trees within the site boundaries are recommended for removal primarily to accommodate the proposed development or the individual species are recommended for removal as they are not considered to be significant or worthy of retention (refer to submitted Arboricultural Impact Assessment in *Appendix J*). Four mature trees located at the rear of the site (T9, 10, T15 and T16) are proposed to be retained.

Due to the proposed location of the driveway, Council's street tree (ref. ST2) is required to be removed. As noted at section 6.1 of this REF, Council agreed to the removal of ST2 subject to 6 compensatory tree plantings in consultation with City of Newcastle staff.

Generally, more appropriate tree plantings within the site, including 9 trees capable of reaching mature heights ranging between 12m and 15m, will be provided as part of the proposed landscaping plan to compensate for the loss of trees within the site (refer to submitted Landscape Plan in *Appendix B*).

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, 36 and 72) are included in the **Activity Determination** requiring implementation of the Landscape Plan; the tree protection measures as recommended in the Arborist's Stage C Report; and the provision of Council's compensatory plantings.

7.9 Heritage (European / Indigenous)

The Section 10.7(2) & (5) Planning Certificates (Nos PL2023/04910, PL2023/04912, PL2023/04922 and PL2023/04924) indicate that no heritage items are identified or are in the vicinity of the site (refer *Appendix F*).

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 26 October 2023 (*Appendix I*) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/ construction.

Other Cultural Heritage

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

Mitigation Measures

A standard Identified Requirement (No. 45) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

7.10 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Investigation was prepared by STS GeoEnvironmental (refer to *Appendix P*), which identified following subsurface conditions were identified:

- The subsurface conditions generally consist of topsoil overlying silty clays. The topsoil is present to depths of 0.3 to 0.4 metres. In BH1, BH3, BH4 and BH5, stiff, becoming very stiff with depth, natural silty clays underlie the topsoils to the depth of drilling, 3.0 metres. In BH2 and BH6 the very stiff clays could not be penetrated beyond the depth of hand auger refusal, 0.8 to 0.9 metres.
- No groundwater was observed in during the drilling of boreholes.

Mitigation Measures

No mitigation measures required.

Soil and Erosion

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

Mitigation Measures

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

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.

Notwithstanding, the *draft Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in **Table 12**, below:

Table 12: Brief checklist for guiding an initial evaluation

Previous evidence of contamination	Yes/ No	Response
(a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes circa late 1940's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.

(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	Each lot contains a single storey detached dwelling and associated structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection did not indicate that the site may have been used for any potentially contaminating activities. A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
(g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the late 1940's for the purposes of wartime housing.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
(i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's notified sites indicate that the land is not adjacent to a notified site under section 60 of the CLM act or a site regulated by the EPA under the CLM Act.

Mitigation Measures

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

Acid Sulfate Soils

An Acid Sulfate Soils assessment was undertaken within the Geotechnical Investigation and Acid Sulfate Soil Assessment prepared by STS GeoEnvironmental (refer to **Appendix P**).

The following was outlined during the Acid Sulfate Soils assessment:

- The NLEP 2012 indicates the site is in an area classified as Class 5. Reference to the Wallsend (923S23) ASS Risk Map indicates the property is within an area of 'no known occurrence'. The Risk Map describes

effects of works in the area as follows: *'Land management activities not likely to be affected by acid sulfate soil materials'*.

- The site does not meet the criteria for the presence of ASS, the TPA and TPS concentrations recorded are assessed to be due to some other cause than the presence of PASS.
- Since there is minimal proposed bulk excavation together with absence of PASS and the fact that dewatering will not be required, an Acid Sulfate Soils Management Plan will not be required.

Mitigation Measures

No mitigation measures are required.

Salinity

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

Mitigation Measures

No mitigation measures are required.

7.11 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater will be collected via a series of stormwater pits and gutters on the site connected and to an underground detention tank at the rear of the site, which discharges to Council's existing stormwater pipe at the northern boundary of 14 Peters Avenue.

To formalise stormwater disposal for the site, easements to drain water 1.5m wide (12 Peters Ave) and 3m wide (14 Peters Ave) have been created over the existing pipe in favour of City of Newcastle Council. Refer to the Detail Survey Plan for the location of the easements.

Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

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

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

Mitigation Measures

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

7.12 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

7.13 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours of 7am to 5pm Monday to Saturday, consistent with the requirements for complying development across NSW.

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. Buildings to be designed and constructed to achieve internal noise level design targets.

Mitigation Measures

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

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

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

7.14 Air Quality

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

Mitigation Measures

Appropriate standard Identified Requirements (Nos. 60, 63 & 64) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

7.15 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 transported to an approved building waste collection facility;
- 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, tile and concrete to be transported to building recycling facility;
- 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 sent to second hand suppliers;
- plasterboard shall be sent to building recycling facility; 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 LAHC contractor 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 LAHC contractor for collection by Council's waste services.

Mitigation Measures

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

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

7.16 Resource Use & Availability

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

The recycling and reuse of materials during 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.

Mitigation Measures

No mitigation measures are required.

7.17 Community / Social Effects

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

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

Mitigation Measures

No mitigation measures are required.

7.18 Economic Impact

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

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

Mitigation Measures

No mitigation measures are required.

7.19 Cumulative Impact Assessment

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

- the proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

Mitigation Measures

No mitigation measures are required.

8 Conclusion

8.1 Summary of Key Issues Raised in Assessment

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

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Sections 171 and 171A of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, NLEP 2012, and the design principles and better practices set out in the relevant guidelines.

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

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

8.2 Recommendation

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

9 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – CIVILS PLANS

APPENDIX D – SURVEY PLANS

APPENDIX E – NOTIFICATION PLANS AND SCOPE OF NOTIFICATION

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION LETTERS AND SUBMISSIONS

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS SEARCH

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – BCA REPORT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NatHERS CERTIFICATE

APPENDIX O – SENIORS LIVING POLICY CHECKLIST

APPENDIX P – GEOTECHNICAL INVESTIGATIONS

APPENDIX Q – TITLE SEARCH AND DPs

APPENDIX R – WASTE MANAGEMENT PLAN

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APPENDIX A – ARCHITECTURAL PLANS

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