

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building

at

12-16 Stuart Road, Warrawong NSW 2502

June 2025





Acknowledgement of Country

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

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REVIEW OF ENVIRONMENTAL FACTORS

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On February 1, 2024, Homes NSW, a division of the Department of Communities and Justice (DCJ) was formed. It has brought together the housing and homelessness services of DCJ with the NSW Land and Housing Corporation (LAHC), Aboriginal Housing Office (AHO) and key worker functions from across government under one roof.

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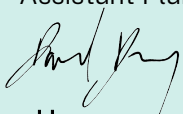


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DOCUMENT CONTROL REGISTER

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by LAHC.

No	Date	Version	Change since last version	Pages
1	19.05.2025	v1	First draft	60
2	02.06.2025	v2	Minor edits	60
4	06.06.2025	V4	LAHC final edits	various


DOCUMENT SIGN-OFF

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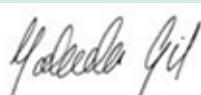
Having authorised the issuing of this Review of Environmental Factors:

- I have declared any possible conflict of interest (real, potential or perceived) to the Executive Director of Portfolio Development, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
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1 Executive Summary

The subject site is located at 12-16 Stuart Road, Warrawong, and is legally described as Lots 10, 11 and 12 in Deposited Plan 35004. The proposed residential flat building development is described as follows:

Demolition of existing dwellings and structures, removal of trees, and the construction of a two-storey residential flat building comprising 8 x 1-bedroom and 8 x 2-bedroom units, with associated landscaping and fencing, surface parking for 8 cars, and consolidation into a single lot.

The proposed development is permissible with consent under *Wollongong Local Environmental Plan 2009* (WLEP 2009) 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:

- the development is permitted with development consent on the land under another environmental planning instrument, and
- all buildings will have a height not exceeding the greater of 11m, or the maximum permissible building height for the land, and
- all buildings will have a floor space ratio not exceeding the greater of 0.65:1, or the maximum permissible floor space ratio for the land, and
- the development will not result in more than 75 dwellings on a single site, and
- the development is located on land in an accessible area and results in the following number of parking spaces —
 - for each dwelling containing 1 bedroom — at least 0.4 parking spaces,
 - for each dwelling containing 2 bedrooms — at least 0.5 parking spaces.

Demolition has been considered as part of the proposed activity and can also be carried out without consent as:

- demolition is permitted on the land under another environmental planning instrument; and
- the building or structure to be demolished is on land that —
 - is non-heritage land, and
 - is not identified in an environmental planning instrument as being in a heritage conservation area,

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

The REF demonstrates the following:

- From an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required.
- Based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment.
- The proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required.

- The site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Wollongong City Council.
- A BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets.
- There are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.
- Wollongong City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 28 March 2025. Comments on the response are provided in Section 7.1 of this REF. One submission was received from an occupier of adjoining land. Comments on the submission are provided in Section 7.2 of this REF.
- The development adequately considers the Good Design for Social Housing, published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and the NSW Land and Housing Corporation Design Requirements, published by the Land and Housing Corporation in February 2023.

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 Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of existing dwellings and structures, removal of trees, and the construction of a residential flat building comprising 8 x 1-bedroom and 8 x 2-bedroom units, with associated landscaping and fencing, surface parking for 8 cars, and consolidation of the 3 lots into a single lot at 12-16 Stuart Road, Warrawong.

The activity¹ will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The proposed development is a residential flat building for the purpose of providing affordable housing within the suburb of Warrawong.

This REF has been prepared by LAHC to satisfy 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:

- 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 *Wollongong Local Environmental Plan 2009* (WLEP 2009);

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.

- it was determined that residential flat buildings are 'permitted with consent' in the R2 zoning pursuant to the WLEP 2009, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a site inspection, 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;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the Activity.



Figure 2 Development site – 12 Stuart Road (Source – Google Maps, March 2021)



Figure 3 Development site – 14 Stuart Road (Source – Google Maps, March 2021)



Figure 4 Development site – 16 Stuart Road (Source – Google Maps, March 2021)

The property immediately to the north (10 Stuart Road) contains a single-storey brick with tile roof dwelling house (refer photograph at **Figure 5**). The property to the south (18 Stuart Road) similarly contains a single-storey brick dwelling house with tile roof (refer to photograph at **Figure 6**). There is a drainage easement located between the subject site and 18 Stuart Road.



Figure 5 Adjoining development – 10 Stuart Road (Source – Google Maps, March 2021)



Figure 6 Adjoining development – 18 Stuart Road (Source – Google Maps, March 2021)

3.2 Site Description

The site has a total area of 1,985m², a frontage to Stuart Road of 52.38m, side (northeast) boundary of 37.99m, side (southwest) boundary of 37.16m and a rear (northwest) boundary of 52.38m (refer to the submitted Survey Plan in **Appendix D**).

The site falls from the southwest corner down toward the northeast corner on Stuart Road approximately 3m. An easement for stormwater drainage is not required.

Council records indicate that the land is located within a Flood Affected - Uncategorised Flood Risk precinct, as per the Section 10.7 Planning Certificates. A Flood Study (**Appendix T**), conducted by Greenview Consulting, concluded that the site is subject to very shallow inundation during the 1% Annual Exceedance Probability (AEP) flood event, and that the site is best classified as a medium flood risk.

There are 9 trees located in and immediately around the site, 7 of these trees are located within the subject allotments and 2 are located within adjoining properties in proximity to the side and rear boundaries of the site.

Water, sewer, electricity, gas and telecommunications facilities are available to the site (refer to the submitted Survey Plan for the location of available services at **Appendix D**). Water, sewer, electricity, gas and telecommunication facilities are located along the road alignment of Stuart Road.

There are no encumbrances indicated on the Titles, Section 10.7 Certificates or the Detail and Level Survey Plan.

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single and double storey detached dwelling houses of brick construction with tiled and metal roofs (refer to photographs at **Figure 7** and **Figure 8**).



Figure 7 Single storey brick houses at 5 & 7 Lee Street (north of the site) (Source – Google Maps, March 2021)



Figure 8 Single storey brick houses at 25 & 27 Stuart Road (southwest of the site) (Source – Google Map, March 2021)

The site is highly accessible, benefiting from excellent connectivity to public transport and essential amenities. The nearest bus stops are located on First Ave South at Cowper St (Stop ID 250221) and First Ave South opposite Stuart Road (Stop ID 250226), just 135m and 120m northeast of the site, respectively. These stops are serviced by loop routes 34 and 43, providing connections throughout the Wollongong region, including Warrawong, Berkeley, Dapto, Shellharbour City Centre, Port Kembla, and Wollongong Hospital. Additional bus stops are available on Northcliffe Drive (260m south) and Cowper Street (300m northeast), served by bus nos. 34, 37, 43, 51, 53, & 57. These localities include train stations, shopping centres and local centres. The site meets the requirements for an “accessible area” as defined by the Housing SEPP.

The site is conveniently located near Warrawong’s main commercial strip along King Street and Cowper Street, just 300m east, where Warrawong Plaza offers supermarkets, medical centres, restaurants, and community facilities. Healthcare access is further supported by Port Kembla Hospital, only 390m northwest of the site. Additionally, the area provides access to open spaces along the edge of Lake Illawarra, including Kully Bay Park, playgrounds, and sportsgrounds, enhancing recreational opportunities.

4 Project Description

The proposed activity can be described as follows.

4.1 Demolition

The proposed activity includes demolition of 3 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to **Appendix A**).

4.2 Removal of Trees

A total of 9 trees are located in and immediately around the site and the proposal includes the removal of 6 of these trees. Trees external to the site within adjoining properties will be retained and protected.

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

More appropriate tree plantings will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in **Appendix B**).

4.3 Proposed Dwellings

The proposed residential flat building contains a total of 16 units, consisting of 8 x 1-bedroom units and 8 x 2-bedroom units. All units have been designed to Liveable Housing Australia, Silver Level.

The proposed residential flat building represents a contemporary, high-quality design. The use of face brick for external walls and metal roofing is consistent with the existing and developing character of the Warrawong suburb. 8 of the 16 proposed units will address the street (Units 1, 6, 7 and 8 on the ground floor and Units 9, 14, 15 & 16 on the first floor) with living areas and living area windows, as well as balconies, facing the street for passive surveillance.

Minor cut and fill is proposed to provide a level building platform. This level of cut and fill is within Council's DCP standards. Small retaining walls are proposed to assist with the stability of the southwest side and northwest rear boundaries as shown on the Landscape Plan (refer to **Appendix B**).

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 8 surface car parking spaces will be provided on the site, including one accessible space.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the street drainage pit on the site frontage. 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. The fence along southern side boundary tapers down at the front to 1.2m high to provide clear line of sight for vehicles exiting the site. The

fence along the northern side boundary also tapers down to 1.2m high to maintain consistency with the existing neighbouring fencing. A combination of masonry and slatted aluminium batten fences will be provided at the front of the development orientated to Stuart Road.

Figures 9 - 13 include extracts from the architectural plans illustrating the proposed development.

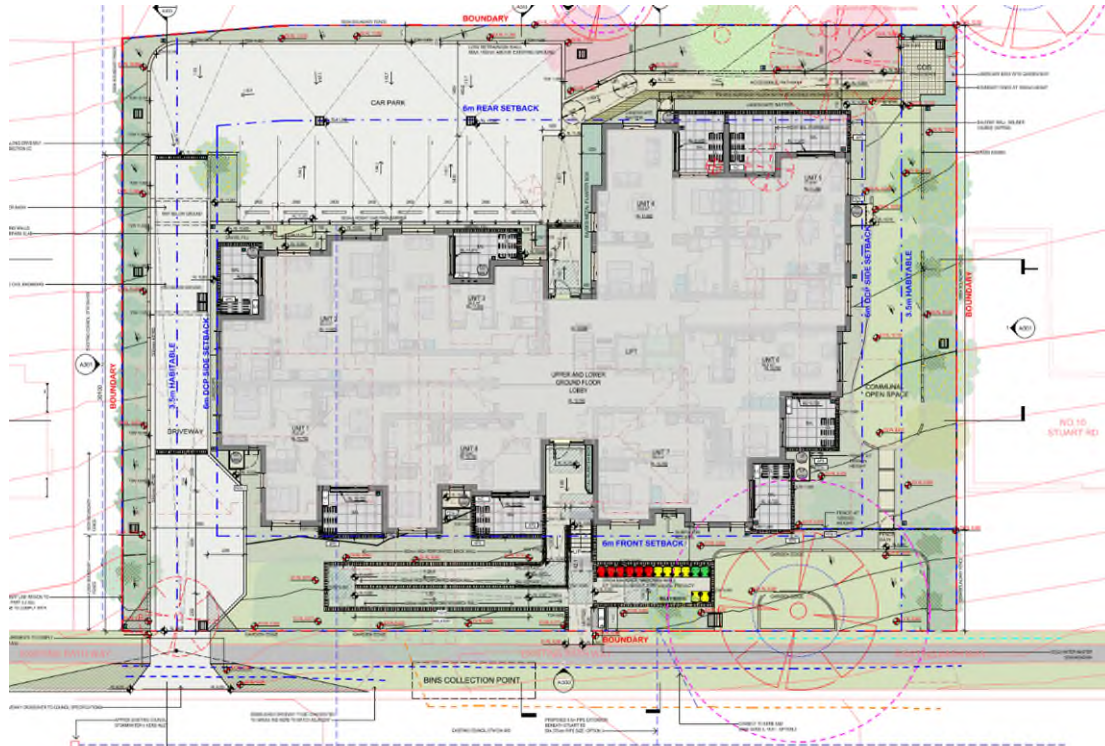


Figure 9 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, SARM Architects, dated 16/05/2025)

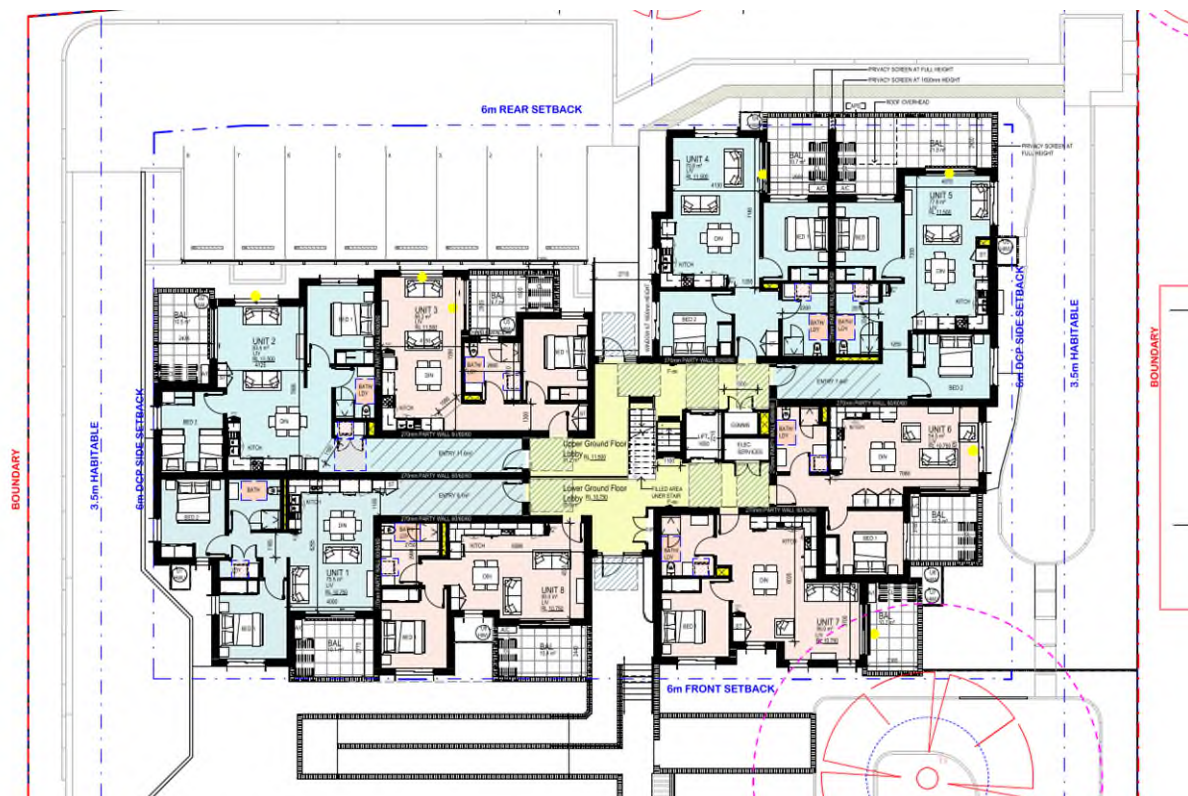


Figure 10 Extract from Architectural Plans – Ground Floor (Source: Architectural Plans, SARM Architects, dated 16/05/2025)

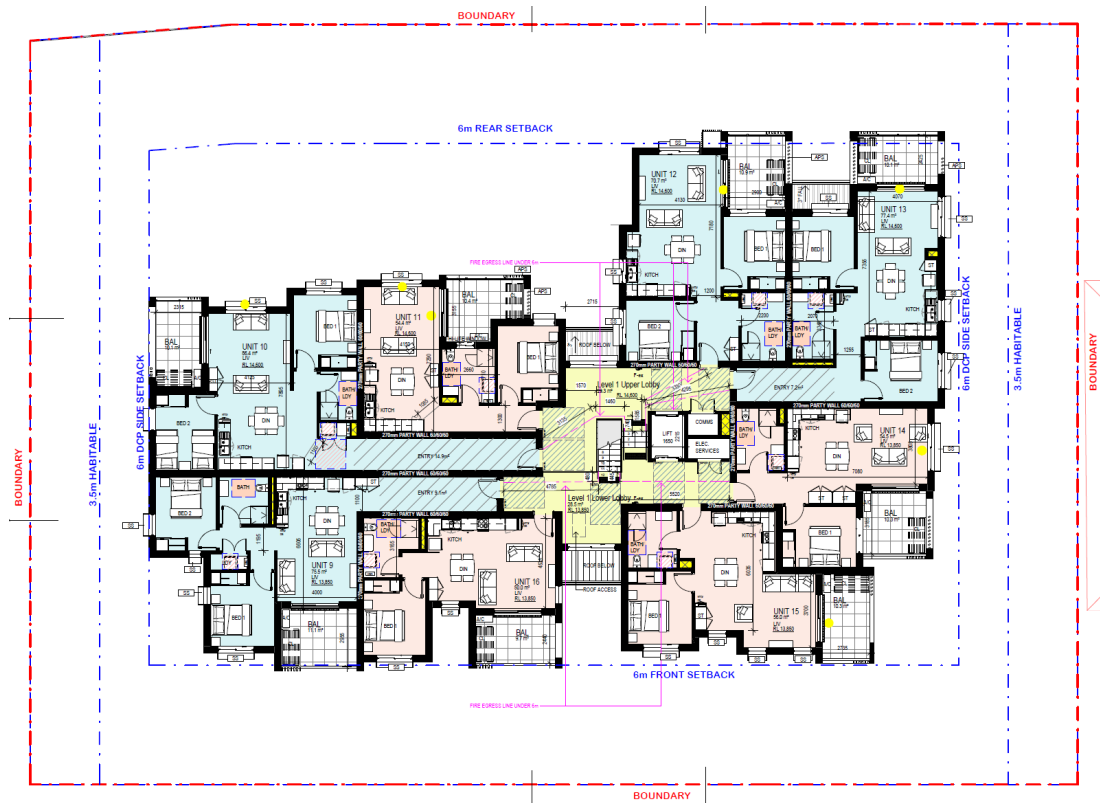


Figure 11 Extract from Architectural Plans – First Level (Source: Architectural Plans, SARM Architects, dated 16/05/2025)

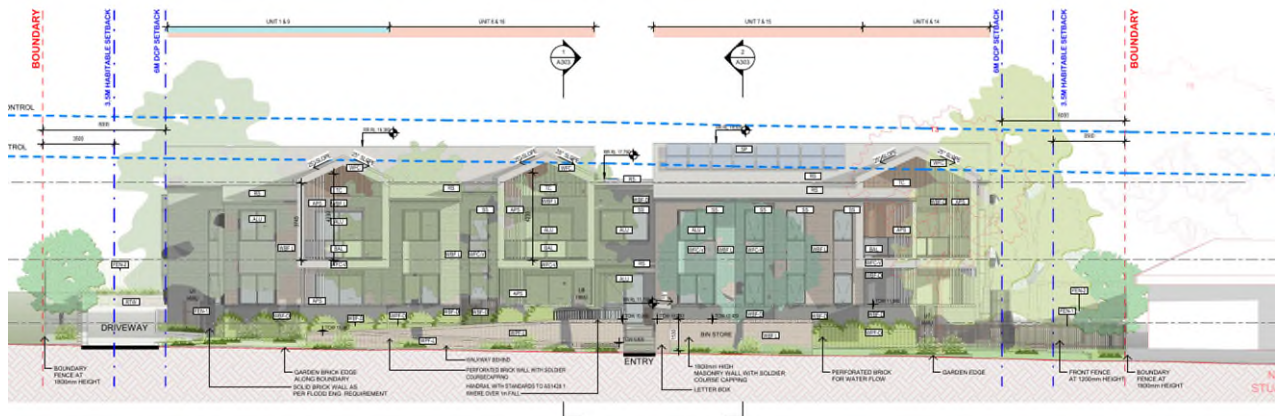


Figure 12 Extract from Architectural Plans – Stuart Road Elevation (Source: Architectural Plans, SARM Architects, dated 16/05/2025)



Figure 13 Photomontage of the proposed development (Source: Photomontage, SARM Architects, dated 16.05.2025)

4.4 Supporting information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural plans – Appendix A				
Cover Page	A000	H	16.05.2025	SARM Architects
Context Block Analysis	A001	H	16.05.2025	SARM Architects
Site Analysis	A100	H	16.05.2025	SARM Architects
Demolition Plan	A101	H	16.05.2025	SARM Architects
Cut and Fill Plan	A103	H	16.05.2025	SARM Architects
Sediment Erosion & Control Plan	A104	H	16.05.2025	SARM Architects
Area Calculations	A105	H	16.05.2025	SARM Architects
Natural Ventilation Plans	A106	H	16.05.2025	SARM Architects
Site Plan	A200	H	16.05.2025	SARM Architects
Ground Floor Plan	A201	H	16.05.2025	SARM Architects
First Floor Plan	A202	H	16.05.2025	SARM Architects
Roof Plan	A203	H	16.05.2025	SARM Architects
Elevations East & West	A300	H	16.05.2025	SARM Architects
Elevations North & South	A301	H	16.05.2025	SARM Architects
Material & Finish Schedule	A302	H	16.05.2025	SARM Architects
Sections – Sheet 1	A303	H	16.05.2025	SARM Architects
Sections – Sheet 2	A304	H	16.05.2025	SARM Architects
View from Sun Study	A401	H	16.05.2025	SARM Architects
Shadow Diagrams	A402	H	16.05.2025	SARM Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Aerial Perspectives	A502	H	16.05.2025	SARM Architects
Landscape Plan – Appendix B				
Landscape Title, Existing Trees	L01	E	16.05.2025	Lindy Lean Landscape Architects
Landscape Site Plan	L02	E	16.05.2025	Lindy Lean Landscape Architects
Landscape Planting Concept	L03	E	16.05.2025	Lindy Lean Landscape Architects
Landscape Planting Plan	L04	E	16.05.2025	Lindy Lean Landscape Architects
Landscape Details	L05	E	16.05.2025	Lindy Lean Landscape Architects
Civil Development Plans – Appendix C				
Notes & Legends	C01	6	21.05.2025	Greenview Consulting
Ground Floor Drainage Plan	C02	6	21.05.2025	Greenview Consulting
Site Stormwater Details Sheet 1	C03	4	21.05.2025	Greenview Consulting
Site Stormwater Details Sheet 2	C04	3	21.05.2025	Greenview Consulting
Survey Plans – Appendix D				
Detail & Level Survey Sheet 1	56005	1	21.04.2022	Norton Survey Partners
Detail & Level Survey Sheet 2	56005	1	21.04.2022	Norton Survey Partners
Detail & Level Survey Sheet 3	56005	1	21.04.2022	Norton Survey Partners
Detail & Level Survey Sheet 4	56005	1	21.04.2022	Norton Survey Partners
Notification Plans – Appendix E				
Cover Page	NP01	2	10.01.2025	SARM Architects
Site & Landscape Plan	NP02	2	10.01.2025	SARM Architects
Development Data	NP03	2	10.01.2025	SARM Architects
Elevations	NP04	2	10.01.2025	SARM Architects
Schedule of Finishes	NP05	2	10.01.2025	SARM Architects
Shadow Diagrams	NP06	2	10.01.2025	SARM Architects
Notification letters & submissions - Appendix H				
Neighbour letters	-	-		
Access Report – Appendix I				
Access Report	CA230031-W-DA-C	DA-C	23.02.2025	Accessed
Arboricultural Impact Assessment and Tree Management Plan – Appendix K				
Arboricultural Impact Assessment and Tree Management Plan	-	4	20.02.2025	Horticultural Management Services
BASIX – Appendix L				
BASIX Certificate	1784860M	-	25.02.2025	Greenview Consulting
NatHERS Certificate – Appendix M				
Nationwide House Energy Rating Scheme – Class 2 Summary	0011746560	-	24.02.2025	-
National Construction Code Report – Appendix N				
NCC 2022 Compliance Report	-	-	25.02.2025	Buildcert
Geotechnical Investigation Assessment - Appendix P				
Geotechnical Investigation & Acid Sulfate Soils (ASS) Assessment	22/1316	-	April 2022	STS Geotechnics
Traffic and Parking Impact Assessment - Appendix Q				

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Traffic and Parking Impact Assessment	N244186A	1A	March 2025	Motion Traffic Engineers
Waste Management Plan – Appendix R				
Waste Management Plan	-	-	16.05.2025	SARM Architects
Flood Report – Appendix T				
Flood Study	230473	B	13.02.2025	Greenview Consulting
Flood study addendum letter	230473	Rev#1	27.05.2025	Greenview Consulting

Section 10.7 Planning Certificates – Appendix F

Lot 10 DP 35004, Cert-2025/1342, dated 04.03.2025 - Wollongong City Council

Lot 11 DP 35004, Cert-2025/1343, dated 04.03.2025 - Wollongong City Council

Lot 11 DP 35004, Cert-2025/1344, dated 04.03.2025 -Wollongong City Council

Aboriginal Heritage Information System – Appendix J

AHIMS Web Services search result - 06.03.2025.

Design Compliance and Checklists – Appendix O

Architect's Certificate of Building Design Compliance - 16.05.2025

Certificate of Stormwater Compliance - 21.05.2025

Certificate of Landscape Design Compliance - 16.05.2025

Design Statement: Architectural - 25.02.2025

Titles and Deposited Plans – Appendix G

Title Search, Folio: 10/35004, Search date 25.05.2021, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 11/35004, Search date 25.05.2021, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 12/35004, Search date 07.04.2021, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 35004, Search date 25.05.2021

5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Wollongong Local Environmental Plan 2009* (WLEP 2009). The proposed development is defined as ‘residential flat building’ under the provisions of WLEP 2009 and is permissible with consent in the R2 zone.



Figure 14 Land zoning map (Source: NSW Planning Portal Spatial Viewer)

Residential flat buildings are permitted in the R2 zone under WLEP 2009 and therefore are permitted on the subject land with consent under the provisions of the Housing SEPP pursuant to section 42.

The relevant objective of the R2 zone, as set out in WLEP 2009 is:

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

The proposed development provides housing that meets the identified needs of the community and will be compatible within the surrounding locality. The proposed activity satisfies the relevant objective of the R2 low density residential zone.

Chapter 2, Part 2, Division 6 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 Division. **Table 5** in subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of the SEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider environmental impact [Section 5.5]

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

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

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

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

6.2 Biodiversity Conservation Act 2016 (BC Act)

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

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity 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.

6.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity. The provisions of the *Contaminated Land Management Act 1997* are addressed in Section 6.6 with *State Environmental Planning Policy (Resilience and Hazards) 2021*.

6.4 Environmental Planning and Assessment Regulation 2021

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

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

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

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines.
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;	Yes	x	x	
(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;	N/A			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	N/A			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment;	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;	N/A			
(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]	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.2		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8.	x	x	

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

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

The proposed residential flat building development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts, during construction, will be offset by positive social outcomes in the long-term social benefits of providing affordable housing that meets the needs of the community. The applicable Regional Plan, Local Strategic Planning Statement (LSPS), Housing Strategy and Community Strategic Plan (CSP) are considered below at Section 6.4.2 of this report.

6.4.2 Strategic Planning Framework

Illawarra Shoalhaven Regional Plan 2041

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

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

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

The proposed activity is consistent with the above themes and actions, given it will allow for the construction of a 2-storey residential flat building containing 16 units in a well located and established residential area.

Wollongong Local Strategic Planning Statement 2020

The *Wollongong Local Strategic Planning Statement 2020* (LSPS), which came into effect in June 2020, sets out a 20-year land use planning vision for Wollongong City Council that balances the need for housing and economic activities while protecting and enhancing local character, heritage, public places, and spaces. It links State and local strategic plans with Wollongong City Council's planning controls to guide development.

The LSPS identifies 6 priorities or 'themes' for the LGA, focused on productivity, liveability, sustainability and infrastructure.

Notably, the priorities of LSPS theme 'Housing for all' include the following:

- *The number of smaller dwellings (studio, 1 bedroom) will increase as a percentage to respond to smaller household sizes.*
- *Residential outcomes in key centres and around key transport nodes will be investigated to increase the supply of housing.*
- *The number of social housing dwellings will increase to maintain the supply of 8% of dwellings being available for social housing tenants.*

The proposed development is consistent with the above theme and its priorities, as it will increase the provision of inclusive and affordable housing in the LGA and further support community needs.

Wollongong Housing Strategy 2023

The Wollongong Housing Strategy was endorsed by Council in 2023. It addresses housing supply and demand, as well as examining various sectors including homelessness, social housing, affordable housing, and accessible or supportive housing.

The proposed development is aligned with the following strategies:

CW1: Enable housing of the appropriate type in appropriate locations, with suitable landform, access to public transport, town centres and supporting infrastructure that is planned, costed and programmed within an achievable timeline.

L10: Warrawong – increase development potential around the town centre.

Our Wollongong Our Future 2032 Community Strategic Plan

The *Our Wollongong Our Future 2032 Community Strategic Plan* sets directions for Wollongong City Council derived from an extensive community engagement process. It translates the desires of the community into objectives and outcomes, with measures to recognise progress over time. It identifies strategies and their detailed actions that will achieve those outcomes, along with the role of Wollongong City Council and key partners.

The community vision is supported by 6 goals, and strategies to achieve these goals. The proposed development is aligned particularly with Goal 5 – “We have a healthy community in a liveable city”, and Strategy 5.8 – “Housing choice in the Wollongong Local Government Area is improved, considering population growth, community needs and affordability”. The proposal will contribute to the provision of new affordable housing within the LGA and provide high levels of access to services and facilities in the Warrawong town centre.

6.4.3 Activities in catchments [Section 171A]

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

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Low- and Mid-Rise Housing Policy

The site is zoned R2 Low density residential and is situated within a 400m walking distance from Warrawong town centre, according to the Low- and Mid-Rise Policy Indicative map. This places the site within the low and mid-rise housing inner area. While Section 179 under Chapter 6 Low and Mid-rise housing of the Housing

SEPP permits 9.5m height of building with an FSR of 0.8:1, Section 42 under Chapter 2 Affordable housing of the Housing SEPP allows for a height up to 11m which is particularly beneficial for mitigating flood risks on this site by raising the built form.

The current built form offers high-quality amenities, including larger private open space areas and improved connectivity within the site. The proposed development contributes to both the existing and emerging character of Warrawong under the new Low- and Mid-Rise Housing Policy.

6.5.2 Development without Consent

Development for affordable housing

Chapter 2, Part 2, Division 6 of the Housing SEPP permits LAHC to carry out certain development 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 Housing SEPP.

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

Provision	Compliance
42 Development to which division applies	
(1) – This Division applies to residential development if -	
(a) the development is permitted with development consent on the land under Chapter 5, Chapter 6 or another environmental planning instrument, and	The development is permissible with consent in the R2 Low Density Residential zone under the WLEP 2009.
(b) all buildings will have a height not exceeding the greater of – (i) 11m, or (ii) the maximum permissible building height for the development on the land, and	The maximum proposed building height is 9.9m.
(c) all buildings will have a floor space ratio not exceeding the greater of – (i) 0.65:1, or (ii) the maximum permissible floor space ratio for the development on the land, and	The proposed floor space ratio is 0.61:1.
(d) the development will not result in more than 75 dwellings on a single site, and	The development is for 16 dwellings.
(e) for development on land in an accessible area – the development will result in the following number of parking spaces – (i) for each dwelling containing 1 bedroom – at least 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and	The site is located in an accessible area, as defined in the Housing SEPP. The required number of parking spaces is as follows: 8 (1-BR) x 0.4 spaces = 3.2 spaces 8 (2 BR) x 0.5 spaces = 4 spaces TOTAL = 7.2 (8) spaces The proposed development includes an at-grade carpark which contains 8 car spaces.
(f) for development on land that is not in an accessible area – the development will result in the following number of parking spaces –	Not applicable.

Provision	Compliance
<ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom – at least 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 1 parking space (iii) for each dwelling containing at least 3 bedrooms – at least 1.5 parking space, and 	
(2) This division also 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 that – <ul style="list-style-type: none"> (i) is non-heritage land, and (ii) is not identified in an environmental planning instrument as being in a heritage conservation area, 	The subject site is non-heritage and is not within a heritage conservation area; therefore, demolition can be undertaken as development without consent.
(b) the subdivision of land and subdivision works.	Not applicable. The proposal does not include subdivision of land.
(3) This division does not apply to- <ul style="list-style-type: none"> (a) development to which Chapter 2, Part 2, 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) <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 – <ul style="list-style-type: none"> (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. 	Sections 2.15 and 2.17 of the Transport and Infrastructure SEPP are not applicable to the site or development.
43 Development permitted without consent	
(1) Development specified in Section 42(1) may be carried out without consent if the development is carried out by or on behalf of – <ul style="list-style-type: none"> (a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or (b) another relevant authority. (2) Development specified in section 42(2) may be carried out without consent if the development is carried out	(a) Not Applicable. (b) LAHC is a relevant authority.
43A Notification before carrying out development	
(1) Before carrying out development under this Division, the relevant authority must do the following-	
(a) request that the council nominate persons who must, in the council’s opinion, be notified of the development,	Advice was sought from Wollongong City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 20 September 2024. Council provided a response on 30 September 2024 confirming owner details of properties included in the scope of notification. Council did not request additional properties to be included in the scope of notification.

Provision	Compliance
	Further, LAHC requested the Council to verify owners' information on 10 February 2025 to which Council responded with confirming owners' details on 12 February 2025.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) any persons nominated by the council under paragraph (a), and (iii) the occupiers of adjoining land, and	A letter notifying Wollongong City Council was notified of the proposed development activity via Planning Portal on 07 March 2025. Letters notifying owners and occupiers of adjoining land of the proposed development activity were sent by LAHC on 12 March 2025.
(c) take into account the responses to the notice that are received within 21 days after the notice is given	Council responded to LAHC's notification by letter dated 28 March 2024. Comments on the response are provided in Section 7.1 of this REF. One submission was received from adjoining occupiers. Comments on the submission are provided in Section 7.2 of this REF.
(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 carried out.	Noted.
43B Landcom must notify Secretary of Department of Communities and Justice	
Before carrying out development to which this division applies, Landcom must- (a) give written notice of the intention to carry out the development to the Secretary of the Department of Communities and Justice, including the measures proposed to ensure the dwellings resulting from the residential development will be - (i) used for affordable housing, and (ii) managed by a registered community housing provider, and (b) take into account the responses to the notice that are received within 21 days after the notice is given.	Not applicable to LAHC.
43C Consideration of design of residential apartment development	
Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following – (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9. (b) the Apartment Design Guide	The proposed development is not 3 or more storeys and as such is not defined as a 'residential apartment development' for the purpose of this clause. Schedule 9 and the Apartment Design Guide are not applicable in this instance.
44 Considerations before carrying out development	
(1) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the <i>AHO Design Guidelines NSW</i> , published by the Aboriginal Housing Office in January 2020.	Not Applicable to LAHC.
(2) Before carrying out development to which this division applies, the Land and Housing Corporation must consider –	

Provision	Compliance
(a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and (b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	(a) Refer to subsection 6.5.3 which demonstrates that the <i>Good Design for Social Housing</i> has been considered. (b) Refer to subsection 6.5.4 which demonstrate that the <i>NSW LAHC Design Requirements</i> have been considered.
(3) Before carrying out development to which this division applies, Landcom must consider the <i>Landcom Affordable Housing Design Guideline</i> , published by Landcom, in partnership with the Government Architect NSW, in November 2023.	Not Applicable to LAHC.
44A Exempt development	
(1) Development for the purposes of landscaping and gardening carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to residential development to which this division applies is exempt development.	Noted.
(2) Development for the purposes of repairs and maintenance work and non-structural renovations and building alterations carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to housing is exempt development.	Noted.
(3) Subsection (2) does not apply to development involving the use of external combustible cladding within the meaning of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .	Noted.

6.5.3 Good Design for Social Housing

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

Section 44(2)(a) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed residential development under Chapter 2, Part 2, Division 6 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Each goal is individually addressed below, and detailed responses are provided by the architect in the Design Verification Statement in **Appendix S**.

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe.

All units have been designed to achieve Liveable Housing Australia, Silver Level. As such, the development has the ability to cater to diverse age groups and degrees of mobility.

The development incorporates passive and active sustainable design by achieving solar access of at least 2 hours during midwinter to 75% of units. It also incorporates the use of durable and low maintenance materials and appropriately sized units to reduce running costs.

The proposal achieves a high NatHERS rating with an average of 9 stars, which exceeds the minimum targets set by LAHC. An 8kW photovoltaic system has been incorporated to offset energy use in the development. PV solar panels are positioned on the southeast and northwest facing roof elevations to maximise solar gains.

Each unit is provided with a balcony as private open space as well as communal open spaces consisting of an accessible paved area and grass lawns surrounded by attractive gardens. High quality landscaping across the site will enhance the amenity for residents, and the aforementioned communal open spaces 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 proposed development is situated in a locality which is characterised by predominantly low-medium scale development, with single-storey dwellings constructed of brick with tile roofing. The form and materiality of the proposed development have been selected to 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, making it indistinguishable from private housing.

The proposed development is secured with landscape boundary planting and fencing to delineate between public and private realms and creates a sense of safety for tenants. The pedestrian entry, central foyer and communal spaces create opportunities for social interaction among residents in a safe environment and provides for a safe transition from public to private spaces.

The mixed unit sizing caters to the needs of a diverse range of tenants.

Value

The development exceeds sustainability targets with an average NatHERS rating of 9 stars across the building. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, and good solar access. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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

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

Collaboration

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

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

6.5.4 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to all

new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.

Section 44(2)(b) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Chapter 2, Part 2, Division 6 of the Housing SEPP.

An assessment of the proposed development against the LAHC Design Requirements has been undertaken and deemed to achieve compliance, refer to the Certificate of Compliance from the Architect in **Appendix O**. Further detail will be incorporated in the construction documentation.

6.6 Other State Environmental Planning Policies

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

Table 6 Compliance with other applicable State and Environmental Planning Policies

SEPP (Sustainable Buildings) 2022

A BASIX Certificate, and associated NatHERS Certificates, have been obtained for the development proposal (refer to **Appendices L and M**). The Certificates confirm that the development complies with the minimum requirements for water, energy and thermal performance.

SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and childcare facilities and major infrastructure corridors.

2.11 Impact of rail noise or vibration on non-rail development – Not applicable, the site is not located in proximity to a railway corridor.

2.119 Development with a frontage to a classified road – Not applicable as the site does not have a frontage to any State or Regional Classified Roads

2.120 Impact of road noise or vibration on non-road development – Not applicable, as the development is not on land in or adjacent to a road that has an annual average daily traffic volume of more than 20,000.

2.122 Traffic-generating development – Not applicable, as the development is not of a type specified in Column 1 of Schedule 3, in that the development does not propose access to a classified road; is not within 90m of connection to a classified road; and does not propose 300 or more dwellings.

SEPP (Biodiversity and Conservation) 2021

This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.

Chapter 2 – Vegetation in non-rural areas, 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 6 trees from the site (refer to the Arboricultural Impact Assessment and Tree Management Plan at **Appendix K**). Tree removal is recommended primarily to accommodate the proposed development, especially where encroachment will have an adverse impact on roots and crown for viability and stability of the individual species recommended for removal.

Notwithstanding, section 6 of the 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.

An assessment of all trees proposed for removal has been undertaken within sections 4.2 and 8.9 of this REF.

Chapters 3 & 4 – Koala habitat protection 2020 and 2021, are not applicable as the land is not within a prescribed zone, or equivalent land use – section 3.3 and section 4.4.

Chapter 5 – River Murray Lands is not applicable, the land is not shown on the map and is not located in the riverine land of the River Murray, pursuant to section 5.3.

Chapter 6 – Water catchments. The site is not located within a regulated Catchment. Therefore, further assessment under Division 2 of part 6.2 of the Biodiversity and Conservation SEPP do not apply to the activity.

SEPP (Resilience and Hazards) 2021

The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

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 Warrawong. The s10.7 Planning Certificates do not identify the site as potentially contaminated (refer to **Appendix F**). 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 the table below:

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

i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM Act or a site regulated by the EPA under the CLM Act.
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Given the above it is unlikely that the site is contaminated. However, a recommended **Identified Requirement No. 17** requires implementation of management measures in the unlikely event of discovering contamination prior to or during construction works.

6.7 Wollongong Local Environmental Plan 2009 (WLEP 2009)

Compliance with the relevant provisions / development standards set out in the WLEP 2009 is demonstrated in **Table 7** below.

Table 7 Wollongong Local Environmental Plan 2009

Relevant Provisions / Development Standards for Residential Flat Building			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The site has a maximum building height of 9m.	Does not comply. Maximum building height (measured in accordance with the LEP definition) is 9.9m, which exceeds the LEP maximum. Notwithstanding, the Housing SEPP permits a building height of 11m. Further, the development is 2 storeys and is compatible with the scale of existing residential development in Warrawong as well as future development anticipated for the area.
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 0.5:1.	Does not comply. The proposed Floor Space Ratio is 0.61:1, which exceeds the LEP maximum. Notwithstanding, the Housing SEPP permits a Floor Space Ratio of 0.65:1.
5.21	Flood Planning	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development – (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in	Complies. S10.7 Certificate obtained for the subject site indicate that it is unknown if the land, or part of it, is between the flood planning area and probable maximum area and thus subject to flood related controls. The Certificate further confirms that, the site is located within a flood affected – Uncategorised Flood risk precinct.

Relevant Provisions / Development Standards for Residential Flat Building

		<p>detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.</p>	<p>The Flood Assessment Report (Appendix T) classified the site as Medium Flood Risk and as subject to very shallow inundation during 1% AEP flood events. It concludes that the proposed development meets or exceeds the requirements of Wollongong Development Control Plan 2009 (WDCP 2009) for a medium risk residential development. The detailed assessment of DCP controls such as building components and structural soundness, flood effects, car parking and evacuation is provided in Section 6.8 of the REF.</p>
7.5	Acid Sulfate Soils	<p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the <i>Acid Sulfate Soils Manual</i> and has been provided to the consent authority.</p> <p>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if –</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the <i>Acid Sulfate Soils Manual</i> indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p>	<p>Complies.</p> <p>The site is identified as being in a Class 5 area with respect to acid sulfate soils.</p> <p>The Geotechnical Report (Appendix P) details the analysis conducted regarding the presence of such soils and notes that no groundwater was observed in the boreholes during the site drilling, and the proposed construction will not intercept any ASS nor cause lowering of any groundwater. As such, it concludes that the proposal will not require the preparation of an acid sulfate soils management plan.</p> <p>Identified Requirement No.76 is included to ensure all works are carried out in accordance with the geotechnical recommendations contained in the report dated April 2022 by STS geotechnics Pty Ltd and excavation works are inspected and certified by the geotechnical consultant.</p>
7.6	Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters –</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p>	<p>Complies.</p> <p>A Geotechnical Investigation (Appendix P) was undertaken, and the results have informed the design of the development.</p> <p>The proposed activity includes areas of cut and fill per flooding</p>

Relevant Provisions / Development Standards for Residential Flat Building

		<p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material or the destination of any excavated material,</p> <p>(f) the likelihood of disturbing Aboriginal objects or other relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>requirements, as detailed in the Architectural Drawings in Appendix A. A maximum excavation depth of 0.6m is proposed near the southwest boundary of the site.</p> <p>The proposed development has been designed to ensure minimal disruption and detrimental effect on existing drainage patterns and soil stability in the locality. The extent of the proposed cut and fill is contained largely within the building footprint and will not impact on the amenity of adjoining properties.</p> <p>It will have minimal adverse impact on the future use or redevelopment of the land, with the works creating the building platform necessary for facilitating residential use of the land.</p> <p>All excavated material will be used onsite as fill or for landscaping purposes as per the Waste Management Plan (Appendix R).</p> <p>Identified Requirement No. 46 is recommended to cover the potential disturbance of any relics found on the site during demolition and construction.</p> <p>The hydraulics consultant has certified that site drainage has been designed in accordance with Council's requirements (refer Certificate of Stormwater Compliance in Appendix O). The proposed stormwater management system will ensure water quality is maintained. Further, erosion and sedimentation measures will be implemented during works to ensure that there are no adverse impacts on any watercourse, drinking water catchment or environmentally sensitive areas.</p>
7.14	Minimum site width	(2) Development consent must not be granted for development for the purposes of a residential flat building unless the site area on which the	<p>Complies.</p> <p>The proposed site has a width of 52.38m which complies with the minimum 24m requirement.</p>

Relevant Provisions / Development Standards for Residential Flat Building

		development is to be carried out has a dimension of at least 24 metres	
7.25	Development on certain land in Warrawong	This clause applies to land identified as "12" on the Key Sites Map	NA This land is not identified within the key sites maps and hence this clause does not apply to the proposed activity.

6.8 Wollongong Development Control Plan 2009

Wollongong Development Control Plan 2009 (WDCP 2009) contains specific development controls for residential flat buildings which are addressed in **Table 8** below.

The general controls for all development set out in WDCP 2009 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 8 Wollongong Development Control Plan 2009

Clause	Requirement	Proposed	Complies
Chapter B01 Residential Development - Part 6 Residential Flat Buildings			
6.3 Front Setbacks	For residential flat buildings, the following setback requirements apply from the front property boundary to the front façade of the building: (a) The same distance as one or other of the adjoining buildings, provided the difference between the setbacks of the two adjoining dwellings is less than 2.0m. (b) The average of the setbacks of the two adjoining buildings, if the difference between the setbacks of the buildings is greater than 2.0m. (c) A minimum front setback of 6m applies to residential apartment buildings where calculations of a) or b) result in a front setback of less than 6m.	The setback of the adjoining buildings on Stuart Road are approximately 7.5m. The proposed residential flat building provides a 6m front setback and therefore does not comply with this control. Notwithstanding, the proposed 6m front setback is considered to be contextually appropriate, allowing for landscaping and allowing the building to be appropriately integrated into the streetscape. There are no material impacts on adjoining properties resulting from the non-compliance. Furthermore, given that part (c) allows for a 6m front setback in some circumstances, it is likely that over time, 6m front setbacks will become characteristic of the locality.	No (acceptable on merit)
	Balconies, front courtyard fences and other building extrusions may be setback up to 900mm closer than the required front or secondary setback.	The balconies and front courtyard fences protrude no more than 900mm beyond the setbacks.	Yes
6.4 Side and Rear Setbacks / Building Separation	For residential flat buildings up to 4 storeys (12 metres) in height, the following minimum side and rear setbacks shall be provided:	The proposed residential flat building provides mostly 6m setbacks on the rear and both side elevations. However, a minor encroachment occurs on the rear	No (acceptable on merit)

Clause	Requirement	Proposed	Complies
	<ul style="list-style-type: none"> 6m where a habitable room/balcony on development site. 3.5m where a non-habitable room/blank wall. 	elevation of the building, where balconies provide a 5.5m setback. On balance, this encroachment is minimal in extent and the building has been carefully designed to mitigate any potential amenity impacts. Specifically, privacy screens have been incorporated into the balcony design to minimise overlooking and assist with maintaining visual privacy for adjoining properties. Therefore, the variation is considered acceptable in this instance.	
6.5 Built Form	All residential flat buildings must be designed by a qualified designer in accordance with <i>SEPP No. 65 – Design Quality of Residential Apartment Development</i> . A Design Verification Statement must accompany the Development Application.	SEPP No. 65, now consolidated into the Housing SEPP, does not apply as the proposal is 2 storeys in height. Notwithstanding, a Design Statement is provided specifying that the development has been designed to achieve compliance with the Design Quality Principles under Schedule 9 of the Housing SEPP, LAHC Design Requirements, and the Good Design for Social Housing guidelines (refer to Appendix S).	Yes
	The design, height and siting of the development must respond to its context, being both the natural and built features of an area.	The proposed development is contextual within its surroundings and with the existing housing typology of the Warrawong locality.	Yes
	The appearance of new development must be in harmony with the buildings around it and the character of the street. New development must contain or respond to the essential elements that make up the character of the surrounding urban environment. This character is created by elements such as building height, setbacks, architectural style, window treatment and placement, materials and landscaping.	The proposal is 2-storeys in height and, despite its characterisation as an RFB, visually presents similarly to contemporary two-storey duplexes in the vicinity. The scale and form are consistent with these other dwelling houses. The neutral and earth tones of the proposed materials and finishes are also consistent with the design of these houses.	Yes
6.6 Visual Privacy	New buildings should be sited and oriented to maximise visual privacy between buildings through compliance with minimum front, side and rear setback / building separation requirements.	The proposed development has been designed to maximise visual privacy for occupants and neighbours with large setback distances of at least 5.5m to the side and rear boundaries. Balconies with orientation to side and rear boundaries are outfitted with aluminium battens to minimise	Yes

Clause	Requirement	Proposed	Complies
		<p>privacy impacts on adjoining neighbouring properties.</p> <p>The southern side setback benefits from an additional setback to the neighbouring property, separated by a drainage easement wherein privacy is adequately addressed through the increased separation.</p>	
6.11 Landscaping Requirements	A minimum of 30% of the total site area must be provided as landscaped area.	604.6m ² , or 30.4% of the site area, is provided as landscaped area, exceeding the minimum requirement of 30%.	Yes
	The required landscaped area must include a minimum 1.5-metre-wide landscaping bed, which is provided along the side and rear boundaries of the site.	<p>Landscape beds with a minimum width of 1.5m are provided along the majority of the length of the side and rear boundaries.</p> <p>Due to LAHC's requirement for at-grade car parking, a portion of the landscape bed along the northwest corner of the site does not meet the minimum width requirement. However, given the provision of landscaping exceeds the minimum requirement of 30%, this variation is considered acceptable.</p>	No-acceptable on merit
6.12 Deep Soil Zone	A minimum of half of the landscaped area (i.e. 15% of the site) must be provided as a deep soil zone, where the deep soil zone is not located at the rear of the site. The deep soil zone may be located in any position on the site, other than forward of the building line, subject to this area having a minimum dimension of 6m. Alternatively, the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m. The area of deep soil planting must be contiguous.	<p>319.5m², or 16% of the site area, is provided as deep soil zone, exceeding the minimum requirement of 15%.</p> <p>The deep soil areas along the front and side boundaries have a minimum width of 6m and provide areas of communal open space and the planting of mature trees for shade and amenity.</p> <p>Due to LAHC's requirement for at-grade car parking, the scheme does not comply with the minimum 6m width required for rear deep soil zones. However, given the provision of deep soil exceeds the minimum requirement of 15% and is offset in other deep soil zones onsite, this variation is considered to be acceptable.</p>	<p>Yes</p> <p>However, does not provide 6m width. Acceptable on merit.</p>
6.13 Communal Open Space	Developments with more than 10 dwellings must incorporate communal open space. The minimum size of this open space is to	The proposal provides 143m ² of communal open space where a minimum of 80m ² is required.	Yes

Clause	Requirement	Proposed	Complies
	be calculated at 5m ² per dwelling. Any area to be included in the communal open space calculations must have a minimum dimension of 5 metres.	The communal open space is thoughtfully positioned in the northern corner of the site, extending along the northeastern setback. It features a paved seating area that provides a comfortable spot for relaxation and social interaction. Designed for inclusivity, the space connects seamlessly to the main lobby through an accessible pathway, ensuring easy movement for all users.	
	Where a minimum of 15% of the site is provided as a deep soil zone, combined use of part of the deep soil zone as communal open space may occur. The combined communal open space/deep soil area may be grassed but must contain significant shade trees. A maximum of 1/3 of the required communal open space area may be combined with the deep soil zone.	The communal open space is combined with the deep soil areas along the northeast boundary of the site. While the combination exceeds 1/3 of the communal space area, this will not impact on the ability of the development to provide an adequate amount of shade trees and as such is considered to be acceptable.	No. Acceptable on merit.
	The communal open space area must receive at least 3 hours of direct sunlight between 9am and 3pm on June 21.	The COS is located towards the northern corner of the site to maximise sunlight, including at least 3 hours between 9am and 3pm on June 21.	Yes
6.14 Private Open Space	Private open space must be provided for each dwelling within a residential apartment building in the form of a balcony, courtyard, terrace and/or roof garden.	Each unit within the proposed development is provided with a balcony. Balconies are provided to meet the LAHC Design Requirements, which require a minimum area of 8m ² for 1-bedroom units and 10m ² for 2-bedroom units, and a minimum depth of 2m.	Yes
6.15 Adaptable and Universally Designed Housing	Within a residential apartment building, 10% of all dwellings (or at least one dwelling) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with AS 4299-1995, which includes “pre-adaptation” design details to ensure visit ability is achieved.	No adaptable dwellings are provided in this proposal as the site is within flood prone land. This strategic decision seeks to protect vulnerable social housing tenants. Notwithstanding, all units are designed to meet Livable Housing Australia, Silver Level, enhancing comfort, accessibility, and sustainability. Importantly, individuals with accessibility requirements can be accommodated by LAHC within other more appropriate dwellings	No. Acceptable on merit

Clause	Requirement	Proposed	Complies
		and locations that are part of its housing portfolio.	
	Within a residential apartment building incorporating more than six (6) dwellings, 10% of all dwellings (or at least 1 dwelling) must be designed to achieve the Silver Standards of the Liveable Housing Design Guideline.	All 16 units within the proposed development are designed to achieve Liveable Housing Australia, Silver Level.	Yes
6.17 Apartment Size and Layout Mix for Larger Residential Flat Building Developments	A mix of apartment sizes and layouts is required for larger residential apartment buildings involving ten (10) or more dwellings.	A mix of 1- and 2-bedroom units of varying floor sizes and layouts are provided within the proposed development.	Yes
	For residential apartment buildings having ten (10) or more dwellings, a minimum of 10% of the apartments must be one bedroom and/or studio apartments to provide for housing choice.	7 units, or 43.75% of all units, are provided as 1-bedroom apartments. This is guided by local demand data, highlighting the need for one-bedroom units within the social housing cohort.	Yes
	Provide the following minimum floor to ceiling heights for residential flat buildings: (a) 2.7m minimum for all habitable rooms on all floors. (b) 2.25 to 2.4m minimum for non-habitable rooms on all floors.	Minimum ceiling height of 2.7m is provided for all habitable rooms on all floors. Minimum ceiling height of 2.4m is provided for non-habitable rooms on all floors.	Yes
6.18 Solar Access	The living rooms and POS of at least 70% of apartments should receive a minimum of 3 hours of direct sunlight between 9am and 3pm.	61% of provided dwellings receive at least 3 hours of direct sunlight between 9am and 3pm at midwinter. Whilst this doesn't meet the DCP control, it should be noted that the Housing SEPP prevails wherein 2 hours of solar access is required. The proposed development achieves at least 2 hours of direct sunlight at midwinter to 75% of apartments, complying with the Housing SEPP and LAHC Design Requirements.	No (acceptable on merit)
	At least 50% of the POS of adjoining residential properties must receive at least 3 hours of sunlight between 9am and 3pm on June 21.	Adjoining residential properties at 18 and 10 Stuart Road will receive at least 3 hours of sunlight to at least 50% of their POS between 9am and 3pm on June 21 as shown in the shadow diagram.	Yes
6.19 Natural Ventilation	A minimum of 60% of all residential apartments shall be naturally cross ventilated.	75% of provided units are naturally cross ventilated, exceeding the minimum of 60%.	Yes
Chapter D01 – Character Statements			
3.41 Warrawong	Existing Character Warrawong residential area is characterised by low to medium density	The proposal responds to the existing character of Warrawong by providing a scale of building that is	Yes

Clause	Requirement	Proposed	Complies
	housing and comprises predominantly of older single storey and two storey brick and weatherboard detached dwelling-houses with some medium density housing, including townhouses and walk up residential flat buildings.	compatible with existing two-storey dwelling houses and medium density housing. The materiality of the proposal similarly reflects that of existing residential developments, particularly in the use of neutral and earth tone masonry and metal sheet roofing.	
	<p>Desired Future Character</p> <p>Warrawong is likely to experience an increase in redevelopment activity in the form of larger two storey dwellings as well as some medium density housing, particularly for properties with views towards Lake Illawarra. The upgrading of older housing stock is also likely to occur, given that Warrawong is a relatively affordable suburb and is well located in terms of access to retail and business services.</p> <p>A range of dwelling styles and external finishes are acceptable for this suburb with moderately pitched hipped roof forms being preferred. Additionally, any new medium density housing should be of face brickwork or a mix of rendered brickwork and face brick and a pitched hipped roof form.</p> <p>Mixed use and medium density residential developments will be encouraged within and surrounding the retail and business centre.</p>	<p>The proposed development replaces older housing stock with a modern, well-designed two-storey residential flat building, featuring a pitched roof and light-coloured face brick. Located near the Warrawong Retail Centre, the site is medium density, with an RFB-style built form that aligns with the desired future character envisioned for Warrawong.</p> <p>Additionally, being within 400 m of the Warrawong Town Centre, the site is eligible for uplift potential under the Low- and Mid-Rise Housing Policy. These planning reforms anticipate significant changes in local character, encouraging a mix of housing options—including townhouses, terraces, and apartments—to support the area's continued growth.</p>	Yes

Chapter E02 – Crime Prevention Through Environmental Design

3.2 Natural Surveillance and Sightlines	-	The proposal has been designed to minimise blind and sharp corners on pathways, stairs and corridors. Pathways are provided with gradual changes of grade. The windows of activity rooms overlook communal spaces, pedestrian areas, car parking and the street to maximise passive surveillance.	Yes
3.4 Building Design	-	Entrance to the building is clearly defined, secure, well-lit and oriented to the street. Entrapment spots or places for intruders to loiter are minimised at entrances. Blank walls are avoided on all elevations.	Yes

Clause	Requirement	Proposed	Complies
3.5 Landscaping	-	Planting has been selected as to not screen doorways, entrances and windows. Shrubbery and low-level planting are provided for footpaths. Standard Identified Requirement No. 18 is included to ensure street trees are planted in consultation with the Council.	Yes

Chapter E03 – Car Parking, Access, Servicing/Loading Facilities and Traffic Management

7.1 Car Parking, Motorcycle, Bicycle Requirements	-	The proposal provides 8 parking spaces in accordance with the Housing SEPP.	N/A
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Chapter E07 – Waste Management

5.5 Residential Flat Buildings	A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the Development Application for a proposed residential flat building.	A Waste Management Plan has been provided, prepared according to Council's SWMMP template in Chapter E07.	Yes
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Chapter E13 – Floodplain management

5 Flood Studies	Flood studies must be prepared by a suitably qualified engineer. The flood study must be prepared in accordance with the relevant sections of this Chapter. The 20% AEP, 1% AEP and PMF flood events must be modelled to assess the flooding impact of a proposed development to property, infrastructure and the environment	Greenview Consulting has prepared a flood study. Please refer to Appendix T .	Yes
6.3 Flood Risk Precincts	<u>Medium Flood Risk Precinct</u> - In this precinct there would be a significant likelihood of flood damage and/or danger to life, but these damages or danger to life can be minimised by the application of appropriate development controls. The Medium FRP includes: i) Includes land below the 1% AEP level plus 0.5 m that is not within the High FRP area inundated in a 1% AEP plus freeboard and not classified as High FRP.	The flood study carried out by Greenview Consulting dated February 2025 (Appendix T) identified that the site is subject to low hydraulic hazard during 1% AEP event and is thus best classified as Medium flood risk. The report further confirms that the proposed development complies with controls specified in Chapter 13 Floodplain Management of Wollongong DCP 2009 which is detailed in this table below.	Yes
6.4.2 Performance Criteria	a) The proposed development should not result in any increased risk to life; b) Development should not detrimentally increase the potential flood affectation on other development or properties either individually or in combination with the	(a)The Flood study report at Appendix T confirms that the development does not cause increased risk to life. (b)The proposed design has been deliberately designed to convey flow (with elevated ground floor) and, as	Yes

Clause	Requirement	Proposed	Complies
	<p>cumulative impact of development that is likely to occur in the same floodplain;</p> <p>c) Development should not result in impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (e.g. by unsympathetic house-raising) or by being incompatible with the streetscape or character of the locality;</p> <p>d) The proposal must not have an adverse impact upon the ecological value of the waterway corridors, and where possible, should provide for their enhancement. Proposed development must be consistent with ESD principles; and Wollongong Development Control Plan 2009 – in force 25/3/2019</p> <p>e) The geomorphic stability of a waterway corridor does not impose additional risk to human life or property</p>	<p>such, the offsite impacts on adjacent private lots are less than the allowed +20mm.</p> <p>(c) The proposed elevated ground floor does not impose any additional overshadowing impacts as shown in shadow diagram at Appendix A given that the development complies with the maximum building height control.</p> <p>(d) The proposed development is designed to convey flow with elevated ground floor without impacting the adjoining private lots. Greenview Consulting in their flood risk assessment report confirm that the proposed development complies with Wollongong DCP 2009.</p> <p>(e) The Flood Study Report confirms the site is not located near a defined waterway.</p>	
<p>Appendix C</p> <p>Prescriptive standards–</p> <p>Specific Flood plains</p> <p>Schedule 10 – All other floodplains –</p>	<p>Medium flood risk</p> <p><u>Floor level –</u></p> <ul style="list-style-type: none"> Habitable floor levels to be equal to or greater than the 100-year flood level plus freeboard. Garage and all other non-habitable internal floor levels to be no lower than the 1% AEP flood level minus 300mm or 300mm above finished adjacent ground (whichever is the greater) <p><u>Building components–</u></p> <p>All structures to have flood compatible building components below or at the 1% AEP flood level plus freeboard.</p> <p><u>Structural soundness –</u></p> <p>Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100-year flood plus freeboard, or a PMF plus freeboard if required to satisfy evacuation criteria.</p>	<p>The flood study report (Appendix T) categorises this site to be medium flood risk.</p> <ul style="list-style-type: none"> The proposed development has 11.5m FFL at the rear part of the building and 10.75m at the front part of the building which complies with 500mm freeboard above 1% AEP flood level. The proposed carparking is entirely in H1 hazard in the 1% AEP event and therefore satisfies the requirement. <p>The Flood Study Report recommends that all structures will have flood compatible materials below relevant FPL.</p> <p>A structural engineer will be required to certify at the detailed design stage that the proposed structures can withstand flood forces such as hydrostatic loading, debris impact and uplift.</p> <p>Identified Requirement No. 75 is included to ensure recommendations provided in the flood report are</p>	Yes

Clause	Requirement	Proposed	Complies
	<p><u>Flood affectation –</u></p> <ul style="list-style-type: none"> Engineers report required to certify that the development will not increase flood affectation elsewhere, includes medium and high-density residential proposals. The impact of the development on flooding elsewhere to be considered, includes low density residential. <p><u>Evacuation –</u></p> <ul style="list-style-type: none"> Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF level, or a minimum of 20m² of the dwelling to be above the PMF level. The development is to be consistent with any relevant flood evacuation strategy or similar plan. 	<p>implemented and a report from qualified structural engineer certifying that the building can withstand the flood forces is provided prior to occupation of the development.</p> <p>The flood report at Appendix T demonstrates that, under the proposed conditions there are no significant offsite conveyance impacts and there is no loss of flood storage.</p> <p>The flood report at Appendix T confirms that, all proposed ground floor levels are above PMF levels: thus, specific evacuation is not required, as all occupants may wait safely within any level during a large storm event.</p>	

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43A of the Housing SEPP, Wollongong City Council was notified of the proposed development via the NSW Planning Portal on 7 March 2025 (refer to **Appendix H**). The notification response period formally closed on 28 March 2025 and Council responded to the notification by letter dated 28 March 2025 which has been summarised in **Table 9** below. A response is provided in relation to the matters raised in Council’s letter and where appropriate, these matters have been addressed in the identified requirements in the **Activity Determination**.

Table 9 Issues raised in Council submission

Issues raised	Response
<p>Environment</p> <p>a) The land is mapped by Council as affected by Class 4 and Class 5 acid sulfate soils.</p> <p>b) It is recommended that the following documents are prepared and implemented:</p> <ul style="list-style-type: none"> - A Demolition Work Plan - A Hazardous Building Materials Assessment - A Site Waste Minimisation and Management Plan - An Erosion and Sediment Control Plan 	<p>The land is mapped as Class 5 Acid Sulphate Soil as per Acid Sulphate Soils map under Wollongong LEP 2009.</p> <p>The Geotechnical Report (Appendix P) details the analysis conducted regarding the presence of such soils and notes that no groundwater was observed in the boreholes during the site drilling, and the proposed construction will not intercept any ASS nor cause lowering of any groundwater. As such, the report concludes that the proposal will not require the preparation of an acid sulfate soils management plan.</p> <p>An identified requirement No. 27 is recommended that requires demolition works plan to be prepared in accordance with AS 2601 and shall be submitted to the Land & Housing Corporation. The Work Plan shall outline the identification of any hazardous materials (including surfaces coated with lead paint), method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. Further, an Identified Requirement No.52 ensures any hazardous or intractable wastes, including all asbestos laden waste arising from demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW.</p> <p>A preliminary Site waste minimisation and management plan per Council's template is provided at Appendix R and an Identified requirement No. 37 is included that requires a final Waste Management Plan to be submitted to NSW Land and Housing Corporation prior to the commencement of demolition / construction.</p> <p>An erosion and sediment control plan is provided in the Appendix A and an Identified Requirement No. 13 is included to ensure all soil erosion and sediment control measures are put in place prior to commencement of demolition and construction and also maintained during the entire period of the works until all the disturbed areas are restored.</p>

Issues raised	Response
<p>Geotechnical</p> <p>a) There is no known slope instability in this general area. Council recommends:</p> <ul style="list-style-type: none"> - All work is carried out in accordance with the geotechnical recommendations contained in the report dated April 2022 by STS Geotechnics Pty Ltd and any subsequent geotechnical report required to address unanticipated conditions encountered during construction. - Foundation systems are designed for Class P soils with all footings to be founded within the underlying stiff to very stiff natural clay as recommended by the geotechnical consultant. - All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings. 	<p>Noted.</p> <p>The Geotechnical Report dated April 2022 prepared by SYS Geotechnics Pty Ltd (Appendix P) provides recommendations about foundation systems and excavation methods.</p> <p>Identified Requirement No.76 is included to ensure all works are carried out in accordance with the geotechnical recommendations contained in the report and excavation works are inspected and certified by the geotechnical consultant.</p>
<p>Landscape</p> <p>a) Tree protection measures must be in place during demolition and construction.</p> <p>b) The development must be carried out in accordance with AS 4970-2009 Protection of trees on development sites and any approved arborist's report. Adequate soil grades should be maintained and all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p>c) Street tree planting is recommended.</p>	<p>The Arboricultural Impact Assessment and Tree Management Plan report dated February 2025 provides tree protection measures and an Identified Requirement No. 36 is included to ensure that these recommendations are implemented.</p> <p>A standard Identified Requirement No. 18 is included requiring street tree plantation in consultation with the Council.</p>
<p>Planning</p> <p>a) Residential development is permitted on the land in accordance with Wollongong Local Environmental Plan 2009, zone R2 Low Density Residential.</p> <p>b) Car parking has been provided at a SEPP (Housing) 2021 'accessible area' rate; however, it is unclear whether the land is located within in an 'accessible area'.</p> <p>c) SEPP (Housing) 2021 defines 'accessible area' as land within 400m of a bus stop with hourly services. The 'Traffic and Parking Impact Assessment dated March 2025 by Motion Engineers refers to one bus stop only, and this is described as being approximately 450m from the site.</p> <p>d) If the land is not located within an accessible area, car parking at the rates specified in SEPP (Housing) 2021 section 42(1)(f) must be provided</p>	<p>Noted.</p> <p>The proposed development is located within 400m walking distance from the nearest bus stops located on First Ave South at Cowper St (Stop ID 250221) and First Ave South opposite Stuart Road (Stop ID 250226), just 135m and 120m northeast of the site, respectively. These stops are serviced by loop routes 34 and 43, providing connections throughout the Wollongong region, including Warrawong, Berkeley, Dapto, Shellharbour City Centre, Port Kembla, and Wollongong Hospital. These services run at a frequency to categorise the site as an "Accessible area", and accessible car parking rates have been applied.</p> <p>The Traffic Impact Assessment Report has been updated to include this information (refer to Appendix Q).</p>

Issues raised	Response
<p>Stormwater and flooding</p> <p>a) The land is mapped by Council as being flood affected.</p> <p>b) Drainage, flooding and stormwater management should be designed by a qualified engineer and comply with Council’s Wollongong Development Control Plan 2009 Chapters E13 and E14.</p>	<p>Noted.</p> <p>A Flood study report at Appendix T is prepared and the development complies with controls provided in Chapter E13 of the Wollongong DCP 2009.</p>
<p>Traffic</p> <p>a) It is recommended that two parking spaces are provided for visitor parking.</p> <p>b) Resident parking must be provided as required by SEPP (Housing) 2021 section 42.</p> <p>c) The development should provide a minimum driveway width of 5.5 metres for the first 6 metres from the property boundary to allow vehicle passing. AS2890.1 requires a passing bay at the driveway entrance in case drivers arrive and depart at the same time. A passing bay would prevent drivers from waiting over the pedestrian footpath area or the roadway to allow another vehicle to exit the site. Vehicles waiting on the carriageway would result in a safety issue.</p>	<p>The proposal has been designed to comply with the car parking requirements outlined in Division 6 of the Housing SEPP 2021. The development meets the necessary parking provisions for residents, and according to the Traffic Impact Assessment Report, there is ample on-street parking available to accommodate visitor needs.</p> <p>The proposal has been amended to incorporate a passing bay within the front setback for vehicles exiting the site. This will reduce queuing of cars and improve pedestrian safety on Stuart Road. (refer to Appendix A).</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 20 September 2024. Council provided an email response on 30 September 2024 confirming that owners’ details and the notification map are consistent with Council’s Community Participation Plan and acceptable to Council. Council was asked to re-confirm notification details in an email on 10 February 2025 to which Council responded with on 12 February 2025. Notification was undertaken in accordance with these details. **Figure 15** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 15 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 43A(1)(b) of Housing SEPP, owners and occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 12 March 2025. A sample of the notification letter is provided at **Appendix H**.

The notification response period formally closed on 04 April 2025 and one submission was received as discussed in **Table 10** below.

Table 10 Issues raised by adjoining owners/neighbours

Issues raised	LAHC Response
Submission 1 <ul style="list-style-type: none">The table on Sheet NP03 lists unit 6 as 2 bedroom where it is actually 1 bedroom.	Noted. The plan has been updated to correct this misdescription.

7.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(4) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

8 Review of Environmental Factors

A review of environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

8.1 Neighbourhood Character

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

The site is located within the established residential suburb of Warr Awong. The locality generally consists of one and two-storey detached dwellings within the immediate visual catchment of the site, with two and three-storey multi-unit flat buildings around the wider vicinity located towards the town centre. Most of these residential developments are constructed of brick with terracotta tiled or metal pitched roofing.

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

Mitigation Measures

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

8.2 Bulk and Density

The proposed development is of a bulk and scale that is sympathetic to the surrounding development in Warrawong, and consistent with the envisioned future character of the locality.

The proposed two-storey development generally complies with the required 6m setbacks, with the exception of a minor balcony encroachment of 5.5m on the rear elevation. This encroachment is minimal and has been addressed through the use of privacy screening to mitigate any potential impacts on neighbouring properties. The building design incorporates a variety of façade articulation features, external finishes, and materials to reduce its visual bulk. The development achieves a floor space ratio of 0.61:1 and a maximum building height of 9.9m, which provides an appropriate response to the aforementioned desired future character of the locality with medium density housing development within proximity of the Warrawong retail and business centre.

Despite being classified as a residential flat building, the overall built form is closer to that of terrace housing or of manor houses and is therefore considered to be consistent with the desire to provide medium density housing in Warrawong.

The reasonable floor space ratio, in conjunction with generous setbacks and landscaped deep soil areas, ensures that the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density, which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

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

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

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

Mitigation Measures

No mitigation measures required.

8.4 Visual Impact

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

The proposed development will make a positive contribution to the residential streetscape through construction of a contemporary two-storey residential flat building that responds 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.

Landscaping proposed within the front setback of the development will incorporate a retained mature eucalyptus tree of 13m in height, as well as new native tree plantings of various sizes and species, including 1x Eucalyptus robusta (Swamp Mahogany), 2x Cupaniopsis anacardioides (Tuckeroo) and 1x Banksia serrata. Further tree and shrub planting along the side and rear boundaries of the site will add to the long-term visual amenity of surrounding properties and improve the appearance of the site from the street.

Mitigation Measures

No mitigation measures required.

8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered placement of windows and screening, site landscaping, and setbacks so as to avoid direct overlooking of neighbouring properties. In particular:

- A 6m setback is generally maintained on all elevations of the building at both levels, ensuring adequate visual separation from adjoining properties. A minor encroachment of POS/Balcony is proposed on the rear elevation, providing 5.5m. This encroachment is minimal and has been addressed through the use of privacy screening to mitigate any potential impacts on neighbouring properties.

- Proposed 1.8m side and rear boundary fencing and 1.2m picket front boundary fencing, with associated boundary landscaping, will mitigate unacceptable overlooking into ground level units from the public domain and from ground level units into neighbouring properties.
- All balconies feature vertical aluminum battens for privacy screening and visual protection to and from neighbouring properties. Ground floor balconies feature solid masonry walls and upper-level balconies are provided with translucent glazed balustrades to further mitigate privacy impacts.
- The Council drainage easement located along the southern boundary provides an increased setback from the adjoining property, thereby enhancing visual separation and improving residential privacy.
- Where the balconies and windows of upper-level units 13 and 14 on the northern elevation face onto the adjoining property at 10 Stuart Rd, a series of 3x White Feather Honey myrtle trees up to 12m in height and 8m in spread are proposed as screen planting along this boundary to mitigate any overlooking impacts into the neighbouring site.
- 2x Red Maple trees and 1x Illawarra Flame trees up to 20-30m in height and spread will be planted along the rear boundary to mitigate privacy impacts on adjoining properties at 15 and 17 Lee Street from upper-level units 12 and 13.
- 13x Willow Bottlebrush trees up to 10m in height and 6m in spread will be planted along the southern boundary to mitigate privacy impacts on the adjoining property at 18 Stuart Road from upper-level units 9 and 10.
- Units 10 and 11 are provided increased setbacks of over 12m from the rear boundary.

Mitigation Measures

No mitigation measures required.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas and private open spaces in accordance with the LAHC Design Requirements 2023. The submitted Architectural Plans indicate that 12 of the 16 total units, or 75% of dwellings, will receive at least 2 hours direct solar access to the living and POS areas on June 21, which meets the requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas on June 21.

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

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

The shadow diagrams within the submitted Architectural Plans confirm that the development has been designed to minimise overshadowing of surrounding development. By way of the orientation of the site and street, and the incorporation of generous side and rear setbacks, the impact of shadowing generated by the proposed development is contained, at its maximum extent, to the adjoining property at 18 Stuart Road to the southwest.

At 9am, the development casts shadows over 18 Stuart Road, impacting the northeast side façade of the dwelling and the majority of the rear private open space. However, by 12pm, these shadows have cleared from

the Private Open Space and the dwelling at 18 Stuart Road and is mostly contained within the subject site itself and the drainage reserve located between the subject site and 18 Stuart Road. At 3pm, the shadows are cast to the southeast within the site and the road reserve, with little to no shadowing impact to any surrounding properties. Given the above, the property at 18 Stuart Road continues to receive over 3 hours of direct sunlight to its private open space and living spaces between 9am and 3pm at midwinter minimal. No other properties in the vicinity of the development will be impacted.

Overall, the shadow diagrams demonstrate that there will be no unacceptable overshadowing impacts by the proposed development to adjoining properties.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

A total of 8 surface car parking spaces for residents will be available on site to serve the proposed development. The provision of on-site car parking caters to the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Unrestricted street parking is available on Stuart Road to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Impact Assessment Report (**Appendix Q**), prepared by Motion Traffic Engineers, indicates that the development will generate a small number of additional trips in both AM and PM peak hours. However, it was determined that this increase will have a negligible impact on the surrounding intersections and road network capacity.

To enhance vehicle manoeuvring safety and minimise disruptions to local road traffic, a passing bay is proposed at the driveway entrance. This feature will facilitate safe manoeuvrability for vehicles within the development. The Traffic and Parking Assessment Report examined the adequacy of the proposed internal driveway, passing bay and parking arrangement. The assessment confirmed that the design, including the driveway design, car parking layout, associated aisle widths and vehicular sightlines are compliant with the relevant design standards in AS2890.1 and Council's DCP.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment and Tree Management Plan has been prepared for the site by Horticultural Management Services (**Appendix K**). The report considers 9 trees, 7 of which are located within the subject site while 2 are within neighbouring properties.

The report recommends the removal of 6 existing trees within the site that are located within the proposed development footprint and are in poor declining health or are listed as an exempt species that may be removed without further consideration. It also recommends retention of 1 existing tree within the site and 2 trees within neighbouring properties.

Appropriate replacement planting is proposed, as indicated on the landscape plan and details. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term.

There will be no significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

Mitigation Measures

Identified Requirement No. 36 has been applied and requires the implementation of the Landscape Plan, and the tree protection measures as recommended in the Arboricultural Impact Assessment and Tree Management Plan.

Identified Requirement No.18 is recommended to ensure suitable street trees planting is provided in consultation with the Wollongong City Council's Tree Department.

8.10 Heritage (European / Indigenous)

Wollongong Council's Section 10.7(2) & (5) Planning Certificates did not identify any heritage items located on, or in the vicinity of the site.

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search (**Appendix J**), dated 6 March 2025, did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

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

Mitigation Measures

A standard **Identified Requirement No. 46** has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation and Acid Sulfate Soils Assessment Report (**Appendix P**), prepared by STS Geotechnics, indicates the following:

- The subsurface conditions generally consist of topsoil overlying silty clays. The topsoil is present to depths of 0.3m to 0.4m. Soft, becoming stiff becoming very stiff with depth, silty clays underlie the topsoil to depths of drilling at 3.0m.
- No groundwater was observed in the boreholes during the site drilling, and as no basement levels are proposed, site development will not result in the lowering of the groundwater where nearby ASS may be present and will therefore not expose ASS to oxidation.
- The site is classified as a Problem Site (P) due to the presence of abnormal moisture conditions and low strength soils. Foundation design and construction consistent with this clarification shall be adopted as specified in the referenced standards in the report.

Mitigation Measures

Identified Requirement No. 76 is recommended to ensure the works are carried out in accordance with recommendations provided in the Geotechnical Investigation and Acid Sulfate Soils (Ass) Assessment report. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitable prepared for the placement of footings.

Contamination

As detailed above in section 6.6 of this REF the site is unlikely to be contaminated.

Mitigation Measures

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

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is identified as being within Class 5 Land on the Acid Sulfate Soil Map under the WLEP 2009.

Clause 7.5 of WLEP 2009 requires an Acid Sulfate Soil Management Plan for works on Class 5 Land that is within 500m of adjacent Class 1-4 Land below 5m AHD and by which the water table on adjacent Class 1-4 Land is likely to be lowered by 1m AHD.

A Geotechnical Site Investigation and Acid Sulfate Soil Assessment report, prepared by STS Geotechnics, assessed the significance of potential acid sulfate soils. Owing to the minimal proposed bulk excavation, together with the absence of potential acid sulfate soils, it was determined that an Acid Sulfate Management Plan is not required for the development.

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.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground on-site detention (OSD) tank located under the driveway draining to Council's drainage system within Stuart Road at the site frontage. Roof water from the development will be collected from downpipes and connected to a 10,000L underground rainwater tank, also located under the driveway, for recycling. Overflow from this tank is connected to the OSD tank. Water discharge from the OSD to the kerb will be filtered through a silt arrestor pit.

Flood prone land

The Section 10.7(2) & (5) Planning Certificates issued by Council for the subject site indicate that it is unknown as to whether all or part of the land is within the flood planning area and the property is located within a Flood affected – Uncategorised Flood risk precinct. A Flood Study Report (**Appendix T**), prepared by Greenview

Consulting, conducted a review of flooding at the subject site through undertaking hydrological modelling. Based on the results of this modelling, the report concluded that:

- The site is subject to very shallow inundation during the 1% Annual Exceedance Probability (AEP) flood event.
- The site is best classified as Medium Flood Risk.
- The development does not have any impact on the conveyance ability or capacity of the local floodplain or reduce flood storage volumes provided that the recommendations of the report are adhered to.
- The proposal meets the requirements of Chapter E13 – Floodplain Management under WDCP 2009.

The development is designed to ensure all habitable floors are 500mm above the 1% AEP level. All structures will have flood compatible materials below the relevant flood planning level. The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

Mitigation Measures

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

Identified Requirement No. 75 is recommended to require the appointment of a suitably qualified engineer verify the building's ability to withstand forces such as hydrostatic loading, debris impact, and uplift.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours 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.

The Architectural Plans (**Appendix A**) illustrate the provision of air conditioning for each individual unit. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an ongoing use Identified Requirement.

The building will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* with respect to noise transmission. The building will 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, 60 and 73** have been applied to ensure compliance with the above mitigation measures.

8.15 Air Quality

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

Mitigation Measures

Appropriate standard **Identified Requirements Nos. 64 and 65** have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

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

During Demolition

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

- concrete and bricks will be transported to an approved building waste collection or recycling 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 or recycling 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 or recycling 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:

- excavation material and garden organics to be reused on site as fill or landscaping;

- bricks, tile and concrete to be transported to an approved waste collection or recycling facility;
- timber to be sent to an approved waste collection or recycling facility;
- plasterboard shall be sent to an approved waste collection or recycling facility; and
- metal to be sent to an approved waste collection or recycling facility.

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 and organic bins in Council's standard waste storage bins, all to be located in the front open bin area and placed on the street kerb by LAHC contractor for collection by Council's waste services.

Mitigation Measures

Standard **Identified Requirement Nos. 34b, 50-56** are recommended to ensure construction/demolition waste is appropriately managed and disposed.

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

8.17 Resource Use and 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 additional mitigation measures are required.

8.18 Community / Social Effects

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

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

- provide more accessible housing on the site.

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Wollongong 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 tradespeople and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

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

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. 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, WLEP 2009, 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.

9.2 Recommendation

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

10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – CIVIL PLANS

APPENDIX D – SURVEY PLANS

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – CERTIFICATE OF TITLE & DEPOSITED PLAN

APPENDIX H – NOTIFICATION LETTERS & SUBMISSIONS

APPENDIX I – ACCESS REPORT

APPENDIX J – AHIMS SEARCH RESULT

APPENDIX K – ARBORIST REPORT

APPENDIX L – BASIX CERTIFICATE

APPENDIX M – NATHERS CERTIFICATE

APPENDIX N – NATIONAL CONSTRUCTION CODE REPORT

APPENDIX O – DESIGN COMPLIANCE CERTIFICATES

APPENDIX P – GEOTECHNICAL INVESTIGATIONS

APPENDIX Q – TRAFFIC IMPACT ASSESSMENT REPORT

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – DESIGN VERIFICATION STATEMENT

APPENDIX T - FLOOD REPORT