

Project-Specific SEARs Request Scoping Report

106 & 120-122 Smith St And 3a Charlotte St, Wollongong

Submitted to Department of Planning, Housing and Infrastructure'
on behalf of Urban Property Group



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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Attachment	Author
A. Survey Plan	SDG Pty Ltd
B. Architectural Drawings	Cox Architecture
C. Design Verification Statement	Cox Architecture
D. Due Diligence Heritage Advice (including LALC Consultaiton)	Regal Heritage
E. Biodiversity Development Assessment Report (BDAR) Waiver Request	Keystone Ecological

1.0 Introduction

This Scoping Report has been prepared by Ethos Urban to support a request by Urban Property Group (the Proponent) for **Project-Specific** SEARs for a proposed shop-top housing development comprising affordable housing, commercial/ retail premises (the Proposal) at 120-122 Smith Street, Wollongong (the site).

Development for in-fill affordable housing with a capital investment value (CIV) of more than \$30 million for development on the subject site is declared to be State Significant Development (SSD) under Schedule 1, Clause 26A of State Environmental Planning Policy (Planning Systems) 2021 (SEPP Planning Systems). Additionally, the proposal meets the requirements of in-fill affordable housing as defined in Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

Specifically, Project-Specific SEARs are requested due to an Aboriginal Cultural Heritage Assessment Report (ACHAR) being a mandatory requirement under Industry Specific SEARs as discussed with the Department. However, as discussed with the Department during the scoping meeting on 21 February 2024, with the exception of the site specific circumstances relating to the requirement for an Aboriginal Cultural Heritage Assessment Report (ACHAR), the project would otherwise be considered under the program and intent of the streamlined assessment and SEARs pathway – as industry specific SEARs.

Aboriginal Heritage Advice has been undertaken by Regal Heritage (**Attachment D**) that outlines there is no potential for Aboriginal cultural material or historical archaeological relics on the site and as such does not warrant the preparation of an ACHAR to support the SSD application. Further discussion can be found at **Section 7.2**.

This Project-Specific SEARs request provides an overview of the Proposal, its objectives and benefits, its eligibility for State Significant Development assessment, identifies key environmental matters requiring assessment in the EIS and be read identifies matters that, in our opinion, do not require detailed assessment in the Environmental Impact Statement (EIS). This letter should in conjunction with the following attached documentation:

- Survey Plan (**Attachment A**);
- Architectural Drawings (**Attachment B**);
- Design Verification Statement (**Attachment C**);
- Due Diligence Heritage Advice (**Attachment D**); and
- Biodiversity Development Assessment Report (BDAR) Waiver Request (**Attachment E**)

1.1 Applicant Details

The Applicant’s details are presented in **Table 1** below.

Table 1 *Applicant Details*

Aspect	Detail
Proponent Name:	Urban Property Group
ABN:	80 055 722 444
Address:	Suite 110, Level 1, 180-186 Burwood Road, Burwood NSW 2134

1.2 Guide to the Faster Assessment Program for Affordable Housing (2023)

This Scoping Report has been prepared in accordance with the Department of Planning, Housing and Infrastructure’s (DPHI) *Guide to the Faster Assessment Program for Affordable Housing* (2023) and the list of scoping meeting requirements for Applicants. The table below addresses the extent to which these requirements have been met:

Table 2 *Faster Assessment Program for Affordable Housing Scoping Meeting Requirements*

Scoping Meeting Requirement	Addressed
Summary of development application This should be a short document showing the following:	Addressed in Scoping Report.

Scoping Meeting Requirement	Addressed
<ul style="list-style-type: none"> • what the development seeks to achieve • high-level compliance with SEPPs and local environmental planning instruments • if design excellence requirements apply to the development, in line with the environmental planning instrument • if a community housing provider has been identified • suitability of the site for the proposed development: <ul style="list-style-type: none"> - strategic alignment - permissibility - capacity to accommodate height and FSR bonuses • the impacts of bonuses on the site and surrounding area. 	
Survey plan A registered surveyor with the NSW Board of Surveying and Spatial Information must prepare the survey plan. The plan should not be more than 12 months old at the time of meeting.	Provided in Attachment A .
Architectural drawings The drawings must include the following: <ul style="list-style-type: none"> • site plan, elevations and sections • boundary dimensions and site area • show new work, easements, right-of-way and existing structures • fully dimensioned setbacks to front, side and rear boundaries • any significant cut or fill proposed within and outside of building envelope • significant trees the development proposes to remove • location of pedestrian and vehicle access points • where manoeuvrability is likely to be an issue, driveways and parking areas must indicate turning circles to the Australian standard - for more information, please see the RTA Guide to Traffic Generating Development • buildings on adjoining sites including the location of windows (with top and bottom sill heights relative levels to Australian Height Datum) • a ground floor plan indicating entry, services, parking, delivery access and communal open space • typical floor plans indicating location of core, vertical transport, arrangement, communal open spaces, and number of apartments • elevations indicating overall height comparison with and without the bonus, streetscape context illustrating height and typology of existing and future adjacent buildings. 	Provided in Attachment B .
Apartment Design Guide A brief review against the non-discretionary standards in Chapter 2 of the Housing SEPP and the Apartment Design Guide with a focus on: <ul style="list-style-type: none"> • site area • landscaping and deep soil zones • solar access • parking • building separation. 	Addressed in Scoping Report and Attachment C .
Shadow diagrams Shadow diagrams must show the effect, in plan form, of any existing shadows and any additional shadows cast by the development, comparing maximum building height to maximum building height + bonus. This is particularly relevant for the development's overshadowing effect on: <ul style="list-style-type: none"> • public open space • any surrounding private open space • residential properties windows • communal and private yard spaces • clothes drying areas • any solar hot water or similar systems. 	Provided in Attachment B .

This Report introduces the proponent and the Proposal, outlines the key issues to be considered in the Proposal's design, assessment and operation, provides the Proposal's strategic and statutory context and proposes an approach to community consultation.

Upon receipt of the SEARs, the information contained in this report will form the basis of a comprehensive EIS prepared in accordance with the requirements of Part 4 of the EP&A Act, Part 8 Division 2 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and the *State Significant Development Guidelines* (2021).

1.3 Overview of Proposed Development

The proposal will generally be undertaken in accordance with the architectural drawings prepared by COX Architecture at **Attachment A**. Specifically, the proposal will seek approval for:

- Construction of a new mixed use development comprising four buildings and incorporating the following:
 - 145 apartments over eight residential storeys;
 - Three retail/commercial tenancies on the ground floor;
 - Residential lobbies;
 - Communal open space;
 - Two levels of car and motorcycle parking dedicated to residents and commercial tenants; and
- Associated landscaping and public domain works.

1.4 Community Housing Provider

As required under Section 21 of the Housing SEPP, the affordable housing component of the proposed development will be managed by a registered community housing provider for a minimum of 15 years from the date of the relevant occupation certificate.

1.5 Site Overview

The site is situated at 120-122 Smith Street, Wollongong, within the Wollongong City Council Local Government Area (LGA). The site forms part of the Wollongong City Centre Precinct, as identified in the Wollongong Local Environmental Plan 2009 (WLEP). It is near existing services, being approximately 500m north-west of Wollongong Central Shopping Centre and approximately 800m north of the Wollongong Railway Station. The site also has ample access to public open space being approximately 200m southeast of Beaton Park and approximately 1.1km from the beachfront.

The site is legally described as follows and as identified in **Figure 1**:

- Lot 2411 DP 1097900;
- Lot 253 DP 787299; and
- Part Lot 211 DP 1011740



Figure 1 Site Area and Context

Source: Nearmap, Ethos Urban

1.6 Site Context

The site is located within the Wollongong City Centre and is surrounded by a variety of development. Specifically, the surrounding context includes the following:

North: The site is bounded by Throsby Drive. Beyond this, the area is characterised by large format retail and industrial development. The Beaton Park Leisure Centre and Sports Complex is located to the northwest of the site.

East: Directly east of the site is the Collegians RSL Club. The Princes Highway is also located to the east of the site. Further east is a variety of residential developments, generally being 3-4 storey apartment complexes.

South: Smith Street is located directly south of the site. Further south, the area is currently undergoing substantial revitalisation from predominately light industrial land uses to a mix of commercial, industrial, public domain, and high-density residential development.

West: A rail corridor, servicing the South Coast Trainline, is located directly west of the site. Beyond this, the area generally comprises low density residential dwellings.

2.0 Suitability of the Site

2.1 Strategic Alignment

The proposed redevelopment of underutilised vacant land to deliver affordable housing will contribute to alleviating the housing affordability crisis in NSW, which is a common goal and objective across several State and Federal government initiative, including the following:

- National Housing Accord 2022
- NSW State and Premier's Priorities
- Illawarra Shoalhaven Regional Plan 2041
- Housing 2041
- Wollongong Local Strategic Planning Statement 2020
- Wollongong Housing Strategy
- Future Transport
- Better Placed
- Greener Places
- NSW Connecting with Country Framework

Critically, the proposal aligns with the overall aims and objectives of the Illawarra Shoalhaven Regional Plan by providing additional activation and vitality to the already evolving Wollongong precinct, while also aligning with the State Government's transport-oriented development principles

2.2 SSD qualification

Section 26A of the Planning Systems SEPP states as follows:

(1) Development to which State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies if—

(a) the part of the development that is residential development has a capital investment value of—

(i) for development on land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City in the Six Cities Region—more than \$75 million, or

(ii) for development on other land—more than \$30 million, and

(b) the development does not involve development prohibited under an environmental planning instrument applying to the land. (emphasis added)

Pursuant to Section 26A(1)(a)(ii) above, the proposed development is classified as SSD.

Additionally, the proposal meets the requirements of in-fill affordable housing as defined in Chapter 2, Part 2, Division 1 of the Housing SEPP.

The proposed development will have a CIV exceeding \$30 million with more than 10% of floor space dedicated for the purpose of infill affordable housing, and therefore, the development will be classified as state significant.

2.3 Permissibility

The site is zoned E3 Productivity Support under the Wollongong Local Environmental Plan 2009. Whilst the proposed land use is not permitted in the land use table for the E3 zone, shop top housing is permissible pursuant to Schedule 1 of the LEP as an additional permitted use in the following terms:

(1) This clause applies to certain land in Zone E3 Productivity Support identified as "34" on the Additional Permitted Uses Map.

(2) Development for the purposes of shop top housing is permitted with development consent.

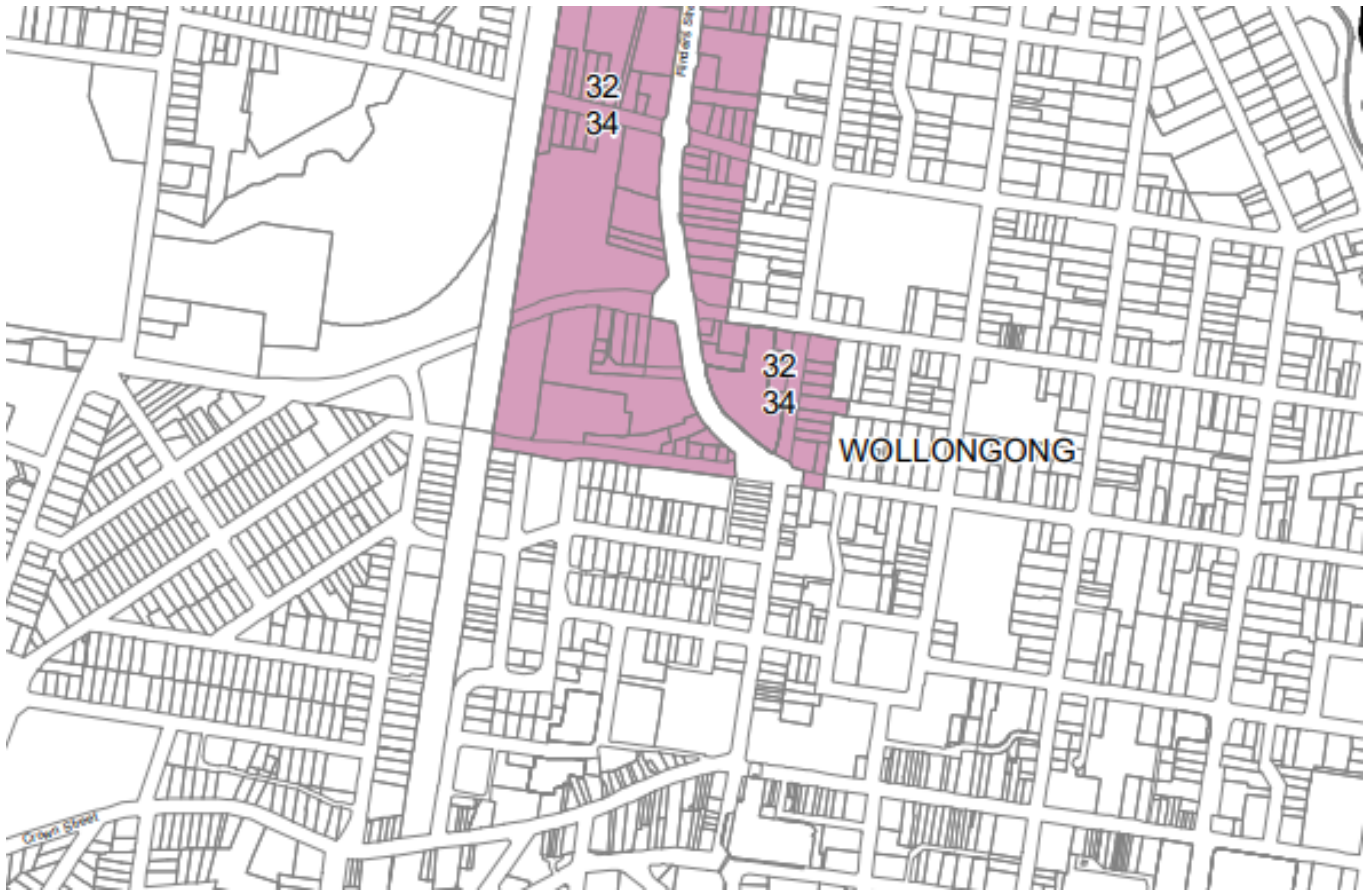


Figure 2 *Additional Permitted Uses Map*

Source: WLEP 2009

2.4 Capacity to accommodate height and FSR bonus

The proposed gross floor area is 14,408m² which results in a total proposed FSR of 2.6:1 for the development.

The proposed development will result in an overall maximum building height of 31.2m.

As the proposed development will provide 15% of the floor space as affordable housing, it will be eligible for a height and FSR bonus of 30% in accordance with proposed amendments to Part 2 Division 1 of the Housing SEPP

3.0 Strategic Context

This section sets out the key strategic issues that are relevant to the project justification and evaluation.

3.1 Strategic Alignment

Key considerations of the proposed development in the context of the broader strategic planning framework are listed below.

Table 3 Strategic Alignment Table

Strategic Context
NSW Housing Strategy: Housing 2041

The Strategy supports the provision new housing stock in NSW and In-Fill Affordable Housing is identified as a housing typology to support the diversity and affordability of the rental market. This helps to meet two of the four key pillars of the NSW housing system (refer to **Figure 2**).



Figure 3 NSW Housing Strategy Key Pillars

Source: Housing 2041, NSW Government

National Housing Accord 2022

The Federal Government announced the National Housing Accord in October 2022, which committed to delivering 1 million houses in well-located areas in 5 years starting from the year 2024.

The Accord lays the groundwork to improving affordability by addressing Australia’s housing supply challenges and enabling the delivery of more social and affordable housing. The Housing Accord includes:

- an initial, aspirational national target of delivering a total of one million new, well located homes over 5 years from 2024, and
- immediate and longer-term actions for all parties to support the delivery of more affordable homes.

The proposed development is aligned with the National Housing Accord as it seeks to deliver a significant amount of additional housing in a modern and contemporary living style, in a strategic location.

Illawarra Shoalhaven Regional Plan 2041

The Illawarra Shoalhaven Regional Plan 2041 establishes the strategic framework for the Illawarra and Shoalhaven region, which includes Wollongong. It sets strategic objectives that relate to key areas such as housing, sustainability, transport and the economy. These objectives seek to guide development within the region.

The proposal assists to satisfy key objectives under the Illawarra Shoalhaven Regional Plan. Specifically, the proposal seeks to provide much need supply of housing compared to a compliant scheme, including potentially diverse and affordable types. This supply is optimally located within walking distance to public transport including the Wollongong and North Wollongong Train Stations, in addition to services, amenities and recreation facilities located within the surrounds.

Strategic Context

As well, the proposed development will provide opportunities for new and publicly accessible connections to be provided through the site for pedestrians and cyclists. These connections improve the permeability of the locality and provide for better linkages between the Wollongong CBD and beachfront to the communities located north of Thorsby Drive. In addition, they better connect the locality to important areas of open space located on the northern side of Thorsby Drive, including Beaton Park.

Future Transport 2056

The Future Transport Strategy sets out a 40-year vision, directions and outcomes framework for customer mobility in NSW and will guide transport investment over the longer term. The refreshed Future Transport Strategy takes into account events such as the COVID-19 pandemic, drought, bushfires, floods, alongside population growth and global megatrends. It includes a new focus on the six cities region, striving to revitalise and connect communities, encourage thriving local neighbourhoods, and built on economic success.

The proposal is consistent with the Strategy by delivering increased residential accommodation within a highly accessible location within the Wollongong Corridor, which has excellent access to transport, jobs, education and health services. The proposal does not prevent the objectives of the Strategy from being achieved.

Wollongong Local Strategic Planning Statement 2020

The Wollongong Local Strategic Planning Statement (LSPS) establishes a 20-year vision for land use to guide future growth within the Wollongong LGA. It also aims to align within the vision and objectives set under the Illawarra Shoalhaven Regional Plan 2041 and Wollongong Community Strategic Plan. The LSPS identifies the site within the Wollongong City Centre and marks it as a key location for higher density housing taller residential flat buildings.

The proposal will support the LSPS due to the site's strategic location being proximate to the Wollongong CBD provides it as a suitable location for taller, high-density development. The siting and massing of the development seeks to capitalise on this opportunity by provided taller buildings in appropriate locations around the site.

Draft Housing and Affordable Housing Options Paper

The Draft Housing and Affordable Housing Options Paper analyses the housing needs of the Wollongong LGA. It outlines key issues and planning priorities with respect to housing and provides recommendations to address them. It will ultimately inform the development of a new Housing Strategy for the Wollongong LGA.

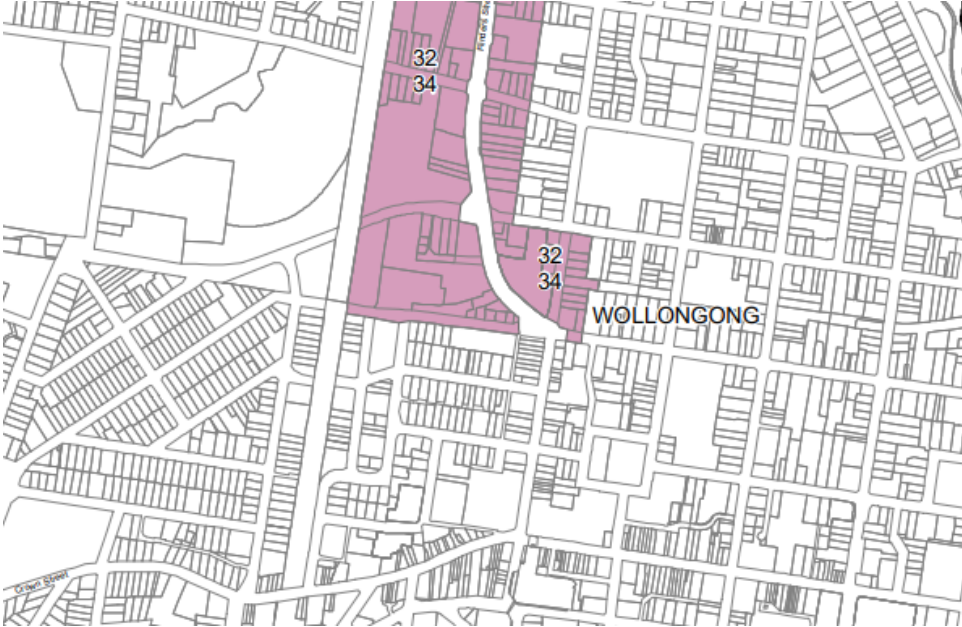
The proposal supports key planning priorities and recommendations under the Draft Housing and Affordable Housing Options Paper as follows:

- The proposal as presented allows for increased levels of density on the site than what we would be permitted under current planning controls, whilst maintaining high levels of residential amenity and design. This facilitates additional 1- or 2-bedrooms dwellings to be provided on the site in direct respond decreasing household size trends within the LGA.
- The siting, massing and design of the proposal facilitates the provision of additional apartments, which enables greater opportunity for adaptable housing types to be provided within the scheme. Further, the additional yield facilitated by the design enables the potential provision of affordable housing options.

4.0 Statutory Context

This section provides an overview of the Proposal’s key statutory requirements which will be considered in the EIS.

Table 4 Key Statutory Requirements

Statutory Context	
Wollongong Local Environmental Plan 2009 (WLEP)	
Land Use Zone	<p>The site is zoned E3 Productivity Support under the <i>Wollongong Local Environmental Plan 2009</i>. Whilst the proposed land use is not permitted in the land use table for the E3 zone, shop top housing is permissible pursuant to Schedule 1 of the LEP as an additional permitted use in the following terms:</p> <p>(1) <i>This clause applies to certain land in Zone E3 Productivity Support identified as “34” on the Additional Permitted Uses Map.</i></p> <p>(2) <i>Development for the purposes of shop top housing is permitted with development consent.</i></p> 
<p>Figure 4 Additional Permitted Uses Map</p> <p>Source: WLEP 2009</p>	
Design Excellence	<p>Clause 7.18 of the WLEP 2009 requires that a development on land within the Wollongong City Centre must exhibit design excellence. Notwithstanding this, a review by a design review panel (DRP) is only required if the proposed development will exceed 35m in height. The proposed design will not trigger this requirement and therefore a DRP review is not anticipated.</p>
Key mandatory Considerations under Environmental Planning Instruments	
<i>State Environmental Planning Policy (Housing) 2021</i>	<p>Part 2 Division 1 of the Housing SEPP applies to development for the purpose of in-fill affordable housing. A complete assessment of the proposal’s consistency with the relevant provision of the Housing SEPP will be provided in the EIS for the proposed development.</p>
<i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i>	<p>The proposal is consistent with the nine design principles listed in SEPP 65. A design verification statement and a complete assessment of compliance against the relevant provisions of SEPP 65 and the Apartment Design Guide (ADG) will be provided with the EIS.</p>
<i>Wollongong Local Environmental Plan 2009.</i>	<p>The proposal is consistent with the objectives and development standards of WLEP 2009. A complete assessment of these standards will be provided to accompany the EIS for the proposed development, including the following considerations:</p>

Statutory Context

- Clause 2.1 & 2.3 – Land Use Zone & Zone Objectives
 - Clause 4.3 – Height of Buildings
 - Clause 4.4A – Floor Space Ratio – Wollongong City Centre
 - Clause 5.10 – Heritage Conservation
 - Clause 5.21 – Flood Planning
 - Clause 7.5 – Acid Sulphate Soils
 - Clause 7.18 – Design Excellence in Wollongong City Centre and at Key Sites
 - Part 8 Local Provisions – Wollongong City Centre
-

5.0 Engagement

5.1 Overview

This section describes the proposed community engagement strategy to be undertaken during the preparation of the EIS. The Proponent's approach to community engagement is informed by DPHI's *Undertaking Engagement Guidelines for State Significant Development (2021)*. This includes adopting the following community participation objectives provided in the Guideline.

"Engagement is to be:

- *open and inclusive,*
- *easy to access,*
- *relevant,*
- *timely, and*
- *meaningful."*

5.2 Proposed Community Engagement During EIS Preparation

5.2.1 Identified Key Stakeholders

The Proponent proposes to engage with the following stakeholders:

- Relevant local, State or Commonwealth Government authorities including but not limited to:
 - The relevant DPHI assessment team;
 - Wollongong City Council;
 - Transport for NSW;
 - Sydney Water;
- First Nations stakeholders; and
- The local community.

5.2.2 Proposed Community Consultation Actions

Engagement will and has been undertaken to inform the preparation of the EIS and on an ongoing basis throughout the life of the project, and details of how issues raised have been responded to will be documented in the Consultation Outcomes Report, which will accompany the EIS.

The Proponent will continue to engage with community stakeholders following the determination of the DA to provide information and seek feedback on the design process and project delivery phases. The Outcomes Report will also include details of strategies to monitor, review and adapt engagement methodologies over the course of the project. This engagement will be complementary to and independent of Department-led consultation during their assessment of the DA.

The engagement techniques adopted during the preparation of the EIS may include letterbox drops, agency and stakeholder briefings and the maintenance of a project email and phone number.

6.0 Proposed Assessment of Impacts

6.1 Matters Requiring Further Assessment

This section provides an overview of the key matters that will require further assessment in the EIS and the proposed approach to assessing each of these matters. The purpose of considering these factors at this stage is to inform the preparation of the SEARs which will guide the preparation of the detailed EIS. This section will also consider the impact of the bonuses on the site and surrounding area.

6.2 Traffic, Parking and Access

The EIS will consider the relationship between the Proposal and surrounding transport infrastructure, including:

- Public transport options in and around the Wollongong City Centre.
- The local street networks.
- Current and planned car parking provision.

The EIS will be informed by a Transport Impact Assessment, which will consider the Proposal in respect to traffic generation, parking provision, site access, loading/servicing requirements, construction traffic and public transport impacts.

6.3 Environmental Amenity

6.3.1 Visual Impact and Overshadowing

The building envelope will be permissible on the site and will be designed to consider:

- Visual impacts on heritage items, streets and key surrounding open spaces.
- Wind impacts and pedestrian comfort; and
- Overshadowing impacts on adjacent properties and places.
- The following technical studies will be prepared to accompany the EIS:
 - Shadow Diagrams;
 - Visual Impact Assessment; and
 - Pedestrian Wind Comfort Assessment.

6.3.2 Noise & Vibration

The EIS for the proposed development will be accompanied by a Noise and Vibration Assessment to identify surrounding sensitive receivers, establish the relevant statutory acoustic criteria and recommend in-principle treatment and design requirements for the development to comply with the relevant criteria.

6.4 Design Quality and residential amenity

The proposed development will be designed in accordance with design excellence principles of Clause 7.18 of the LEP to consider matters such as building height, floor space, building separation, setbacks, street wall heights, and solar access.

6.5 Hazards and Risks

6.5.1 Flooding

The site is identified as flood prone land. As such, a flood impact assessment will be provided to accompany the EIS for the development in accordance with the requirements of Clause 5.21 of the LEP.

6.5.2 Geotechnical

A detailed geotechnical report will be prepared to assess the site's subsurface conditions and determine the site's suitability for the proposed development. The report will detail any engineering measures required to construct the Proposal.

6.5.3 Land Contamination

The Detailed Site Investigation and Remediation Action Plan will be prepared in accordance with the Managing Land Contamination Planning Guidelines to inform and accompany this DA and any future DAs applying to the site.

6.5.4 Waste

An Operational Waste Management Plan will be submitted with the EIS to assess the waste streams to be generated during construction and operation and identify measures to manage this waste.

6.6 Biodiversity

Section 7.9 of the Biodiversity Conservation Act 2016 requires that an EIS submitted with an SSD application be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. The site is largely cleared of vegetation except for several scattered trees and shrubs.

A BDAR Waiver Application has been prepared by Keystone Ecological included at Attachment ## that has determined the proposal will not impose any significant impacts on biodiversity values due to the highly modified nature of the site arising from a long history of profound disturbance, the absence of habitats for significant species of flora and fauna, and the urbanised nature of the surrounding lands.

An BDAR waiver will be prepared for submission to DPHI.

6.7 Social and Economic

A Social Impact Assessment (SIA) will be submitted with the EIS. The report will address the expected social and economic impacts of the project, including any mitigation measures as necessary. The SIA will have regard to the Social Impact Assessment Guideline for State Significant Development (2021).

6.8 Environmentally Sustainable Development

An Environmentally Sustainable Development (ESD) framework will be prepared for the Proposal and establish the ESD objectives (including relevant ratings) for the Project.

6.9 Infrastructure and Servicing

Consultation will be undertaken with all relevant service providers in relation to any required capacity augmentation of existing services to the site. An Infrastructure and Services Management Plan will be provided with the EIS.

7.0 Requirement Exclusions

The Proponent requests that two exclusions be applied to the Proposal with regard to lodgement requirements:

7.1 State Design Review Panel (SDRP)

Whilst the industry-specific SEARs for In-Fill Affordable Housing require that an applicable project must undergo a review from the SDRP, the *Wait Time Reduction Scheme* implemented by the Government Architect specifies that the SDRP CIV threshold for residential developments is \$100 million, which this project does not trigger.

Furthermore, the proposed design has already been the subject of several design review panel meetings with Wollongong City Council pursuant to Clause 7.18 of Wollongong LEP 2009 which specifies that:

(5) Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development—

(a) development in respect of a building that is, or will be, greater than 35 metres in height,

(b) development having a capital value of more than \$1,000,000 on a key site,

(c) development for which the applicant has chosen to have such a review.

As a result, the proposed scheme has been developed in response to local design review panel meetings which have already taken place. DHHI can therefore be assured that the proposed scheme will exhibit design excellence and further review from the SDRP would be an unnecessary use of DPHI time and resources.

7.2 Aboriginal Cultural Heritage Assessment Report (ACHAR)

The unique circumstances of the site warrant a dispensation to the requirement to prepare an ACHAR report for the reasons set out below and incorporated in the Aboriginal Cultural Heritage Due Diligence Advice (**Appendix ##**), which includes correspondence from the Local Aboriginal Land Council that no further consultation is required.

By way of background, a series of extensive environmental investigations and remedial works have been undertaken in 2020-2021 for the land as a result of the site's industrial history.

- The history of the site is such that it has been the subject of significant ground disturbance and remediation works by Jemena. Between 1883-1977, the western portion of the site (120 Smith Street) operated as a coal gasification plant which has resulted in contamination to the land. As a result, extensive environmental investigations have been completed to identify the nature and extent of contamination. Remediation works were then undertaken by Jemena to mitigate these legacy contamination impacts by removing contaminated soil and buried infrastructure.
- More recently, the site was subject to remediation works in 2020-2021 to allow the land to be suitable for future mixed-use development. The remediation work included:
 - Removal of former gasworks infrastructure
 - Excavation and treatment of encountered groundwater during excavation works (i.e. removal of perched and shallow groundwater within the excavation extent).
 - Re-instatement of excavations and cover to a geotechnical standard that is expected to result in significantly lower permeability than the uncontrolled fill currently present on site.
 - Site grading, cover with 0.5 m of fill and a primer seal.
- We have received heritage advice from Regal Heritage which considers the above and has undertaken an extensive review, determining that:
 - A search of the statutory heritage registers indicates that there are no known Aboriginal objects, heritage items or places within the immediate vicinity of the Project site.
 - Based on the review of the AHIMS database and the site inspection there is no potential for Aboriginal objects to remain on site due to the extensive disturbance to the landscape as a result of the remediation works undertaken across the site by Jemena in 2020 to 2021.
 - Based on this information, if commissioned as part of the Secretary's Environmental Assessment Requirements (SEARs) the preparation of an Aboriginal Cultural Heritage Assessment is unlikely to identify any additional Aboriginal objects or cultural heritage values that would require further investigation,

management or mitigation by the Proponent. It is recommended that this assessment does not form part of the environmental assessment required for the proposed Environmental Impact Assessment (EIA).

- Given the highly disturbed nature of the Project site, the proposed development works have limited potential to impact on Aboriginal object or cultural heritage values and can proceed with caution through the implementation of an expected finds protocol during the construction phase of the Project.
- Furthermore, we have received (through Regal Heritage) a response from the Illawarra Local Aboriginal Land Council (ILALC) noting the above findings, with the ILALC not requiring or requesting any further consultation.

As outlined in **Section 1.0**, Project-Specific SEARs are requested due to an Aboriginal Cultural Heritage Assessment Report (ACHAR) being a mandatory requirement under Industry Specific SEARs. As such, we request that the following not be required to be submitted with the EIS:

- Aboriginal Cultural Heritage Assessment Report; as well as a
- Statement of Heritage Impact; and
- Historical Archaeological Assessment.

Based on detailed investigations, consultation and the unique circumstances of the site, it is recommended that the wording of the project specific SEARs are as follows:

- identify, describe and assess impacts on the Aboriginal cultural heritage values that exist across the development site.
- provide evidence and details of consultation with the Local Aboriginal Land Council.

8.0 Conclusion

This Scoping Report has been prepared to request **Project-Specific** SEARs for a shop-top housing development at 120-122 Smith Street, Wollongong. The report has outlined preliminary information regarding the site and project, identified the relevant strategic and statutory context, summarised the results of early community engagement, identified the scale and nature of the impacts of the project, and outlined the proposed approach to assessment and community engagement.

As outlined in **Section 2.0**, the Proposal is declared State Significant Development under Schedule 1, Section 12 of State Environmental Planning Policy (Planning Systems) 2021. Project-Specific SEARs are specially requested due to an Aboriginal Cultural Heritage Assessment Report (ACHAR) being a mandatory requirement under Industry Specific SEARs. Aboriginal Heritage Advice has been undertaken by Regal Heritage, including correspondence from the LALC (**Attachment D**) that outlines there is no potential for Aboriginal cultural material or historical archaeological relics on the site and as such does not warrant the preparation of an ACHAR to support the SSD application.

We trust that the information detailed in this report is sufficient to enable the Secretary to issue SEARs for the preparation of an Environmental Impact Statement.