

13 January 2025

Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Architecture
Urban Design
Planning
Interior Architecture

91 Byamee Street, Dapto
Request for Industry-Specific Secretary's Environmental Assessment Requirements

Dear Kiersten,

This letter has been prepared by Architectus Australia Pty Ltd (Architectus) on behalf of The Illawarra Community Housing Trust Limited (Housing Trust), for the Department of Planning, Housing and Infrastructure (DPHI) to request industry specific Secretary's Environmental Assessment Requirements (SEARs) for housing, to enable the submission of a State Significant Development Application (SSDA) for the proposed in-fill affordable housing development at 91A Byamee Street, Dapto (the site).

Architectus Sydney
Level 18, 25 Martin Place
Sydney NSW 2000 Australia
T +61 2 8252 8400
sydney@architectus.com.au
www.architectus.com.au

The proposal includes the staged redevelopment of the site, comprising civil works, construction of roads, construction of two (2) Residential Flat Buildings (RFBs), multi dwelling housing (townhouses) and open space.

Adelaide
Auckland
Brisbane
Christchurch
Melbourne
Perth
Sydney

The proposal will provide a minimum 20% affordable rental housing at the site and has an Estimated Development Cost (EDC) exceeding \$30m.

1. About Housing Trust

Housing Trust is a nationally registered Tier 1 Community Housing Provider (CHP) and social enterprise. Based in Wollongong, Housing Trust have been providing safe, secure, affordable rental housing to the Illawarra community since 1983.

Housing Trust was established by, and operate within the Wollongong City, Shellharbour City and Kiama Local Government Areas (LGAs), in recognition of the need for affordable housing within the region.

Housing Trust enjoy strong relationships with each LGA and are committed to further strengthening these partnerships to improve the economic development, health and wellbeing of the community.

Housing Trust is underpinned by the following four (4) key philosophies:

"Vision: What we seek for the world – A decent home for everyone;

Values: Our values underpin everything we do – Respect, Integrity, Support, Collaboration;

Purpose: What we do, for whom and why – We provide homes, build communities, create opportunities and enrich lives; and

Outcomes: For our customers and our community."

The above philosophies are supported by the proposed development, which will enable the delivery of modern, high quality, affordable and market housing to the community of Dapto and surrounds.

Architectus Australia Pty Ltd
ABN 90 131 245 684

Nominated Architect
CEO
Ray Brown
NSWARB 6359

2. The Site

The site comprises the former Dapto Public School, located at 91A Byamee Street, Dapto. The site is legally described as Lots 1 to 12, Section 62, DP 3773 and Lot 101 DP1111861. The former school ceased operation at the site in 2003.

The site has a total area of 19,425m² (1.94 hectares) and is currently vacant, however with some existing areas of hardstand and vegetation across the site.

The site has a primary frontage to, with vehicular access from Byamee Street to the north east, with secondary access obtained from Mombarra Street to the north west. An unnamed service lane also extends along a portion of the property boundary to the eastern corner of the site.

The site is zoned R3 – Medium Density Residential pursuant to the Wollongong Local Environmental Plan 2009 (LEP). The site is not identified as, nor located within proximity to, any local or state heritage item. The site is not located within, nor within proximity to, any Heritage Conservation Area (HCA).

An overview of the site and local context is provided at **Figures 1 and 2** below. As detailed at **Figure 3**, the site is located within 800m walking distance of Dapto railway station, located to the west.

The site is identified as a Transport Oriented Development (TOD) Site under Chapter 5 of State Environmental Planning Policy (Housing) 2021 (Housing SEPP).



Figure 1 The Site
Source: NSW Sixmaps



Figure 2 Site and immediate context
Source: Nearmap



Figure 3 Walking distance to Dapto station (approximately 710m)
Source: Nearmap

3. Development Consent History

The site holds extant concept development consent under DA-2016/1811 for:

“Concept plan for site and road layout, 6 envelopes for residential flat buildings ranging from 3 to 4 storeys (Buildings A, B, C, D, E & F), and 2 envelopes for multi dwelling housing with a two storey street wall and overall building height up to 9 metres (Buildings G & H), and 17,348 square metres of gross floor area within those building envelopes (0.893:1 Site FSR)”.

A previous request for SEARs was made to DPHI to enact the above approval, with SEARs issued on 11 March 2024 (SSD-68374982). However, this scheme is no longer being pursued.

Although this consent remains valid, the proposal does not seek to rely on this existing concept approval and instead comprises a new, separate and standalone development.

Pursuant to Section 4.24(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the applicant intends to surrender the extant development consent under DA-2016/1811 prior to determination of the proposed development.

4. The Proposed Development

Overview

The proposal seeks detailed approval for the staged redevelopment construction of the site, comprising:

- Construction of roads.
- Construction of two (2) x RFBs (Buildings C and D), totalling 162 dwellings.
- Construction of multi dwelling housing/townhouses (Buildings E and F), totalling 16 dwellings.
- Construction of a new area of open space.
- Subdivision of the site.
- Delivery of a pedestrian through site link, between Moombara Street and the proposed open space.
- Associated civil works, public domain works and landscaping.

Affordable Housing Tenure Mix

The proposal will provide a minimum 20% affordable rental housing at the site, with the following indicative tenure mix:

- A minimum of 20% will be provided as affordable rental housing, retained by Housing Trust and rented in accordance with the NSW Affordable Housing Ministerial Guidelines.
- It is forecast that a further 30% will be retained by Housing Trust, to be rented at a 25% discount to market consistent with Housing Australia guidelines.
- At the time of writing, it is anticipated that the remaining 50% will be provided as market dwellings. However, should Housing Trust be successful in attracting government grants, social housing will also be provided.

The minimum 20% affordable rental housing is proposed in accordance with the planning framework as follows:

- A minimum of 2% will be provided in accordance with Chapter 5, Section 156 of the Housing SEPP, being affordable housing in perpetuity required under TOD provisions.
- A minimum of 18% will be provided as affordable housing for a minimum of 15 years pursuant to Chapter 2 of the Housing SEPP.

Staging and Subdivision

Whilst staging is yet to be confirmed, due to the road layout and resulting developable area, it is anticipated the development may be delivered in three phases, including the townhouses (Buildings E & F), Building C and building D.

Construction staging and subdivision is currently being resolved by the project team and will be further detailed in the EIS. It is further anticipated that all dwellings will be strata subdivided on completion.

Staging and subdivision matters will be detailed in the EIS, including resulting Gross Floor Area (GFA) and Floor Space Ratio (FSR) per lot/stage.

Buildings A and B Not Included

Supporting architectural plans refer to Buildings A and B, located to the north western corner of the site. These buildings are not sought under the proposed development, and it is anticipated these will be undertaken by others in the future (and will be subject to a separate DA). However, indicative envelopes have been shown to demonstrate these buildings can be reasonably developed separately.

An extract of the proposed site plan is provided below with a copy of the architectural plans prepared by SJB at **Attachment A**.

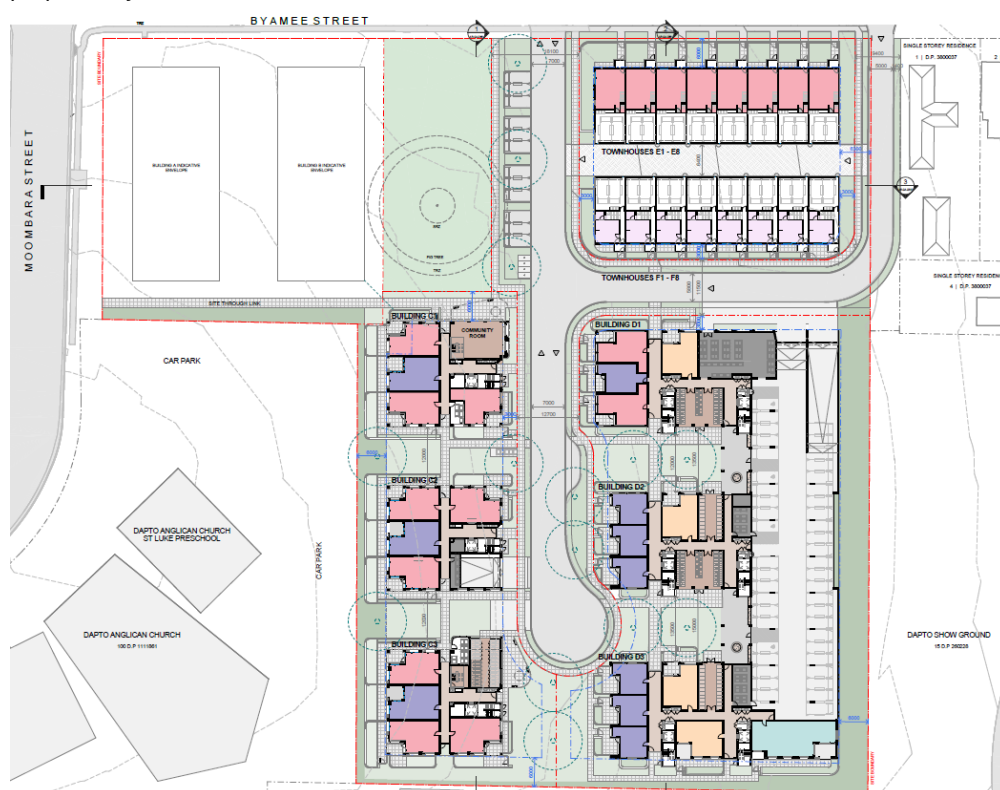


Figure 4 Extract of proposed site plan.
Source: SJB



Figure 5 Extract of proposed section

Source: SJB

5. Planning Framework

State Environmental Planning Policy (Housing) 2021

The proposed development utilises both in-fill affordable housing provisions and TOD provisions contained in Chapters 2 and 5 of Housing SEPP respectively.

Table 1 below provides an assessment of the proposal against Section 15C of the Housing SEPP, being development to which Chapter 2 (Affordable Housing) applies.

Table 1. Review against Section 15C of the Housing SEPP

Clause	Requirement	Comment	Complies
1	<i>This division applies to development that includes residential development if—</i>	The proposal includes residential development.	Yes
1(a)	<i>the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</i>	RFBs and multi dwelling housing are permitted within the R3 Zone under the LEP 2009, however requires development consent.	Yes
1(b)	<i>the affordable housing component is at least 10%, and</i>	The proposal seeks to provide a minimum 20% affordable housing at the site.	Yes
1(c)	<i>all or part of the development is carried out—</i>	The site is located in the Wollongong LGA, within the Six Cities Region.	Yes
1(c)(i)	<i>for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area— in an accessible area, or</i>	The site is within 800m walking distance of Dapto railway station, as well as regular bus services located	

1(c)(ii)	for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	along Byamee Street and the Princes Highway. Refer Figure 3.	
2	Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.	Section 156 of the Housing SEPP requires a minimum 2% affordable housing provision for development which seeks to utilise TOD provisions. The proposal seeks to provide a minimum 20% affordable housing at the site as outlined at Section 4 of this letter.	Yes
3	In this section—relevant zone means the following— (a) Zone E1 Local Centre, (b) Zone MU1 Mixed Use, (c) Zone B1 Neighbourhood Centre, (d) Zone B2 Local Centre, (e) Zone B4 Mixed Use.	This item is acknowledged.	-

Section 152 of the Housing SEPP identifies land to which TOD provisions apply, including within the Wollongong LGA. The site is subject to TOD provisions for Dapto, introduced in July 2024, as identified on the TOD Sites Map as shown in red at **Figure 6** below.

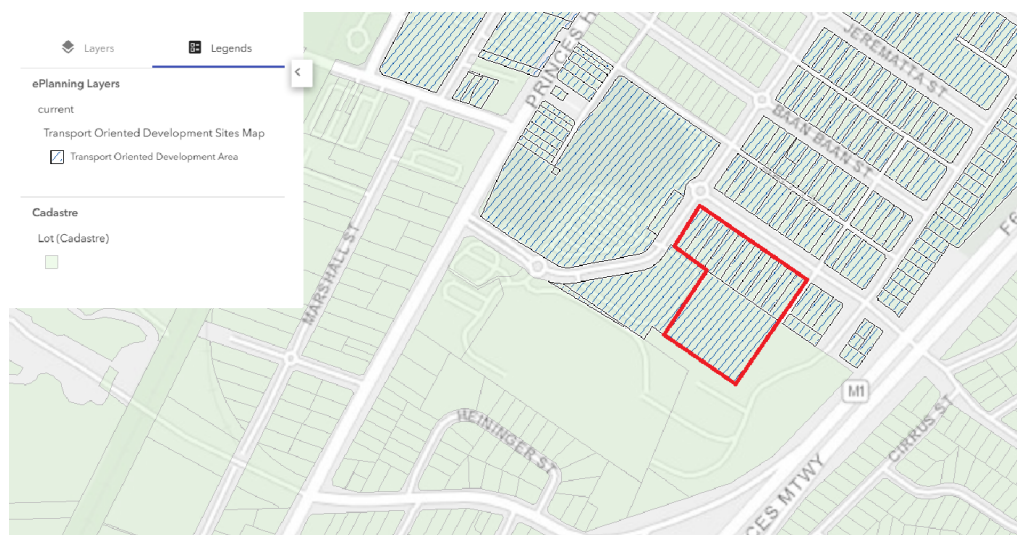


Figure 6 Extract of Housing SEPP TOD Development Sites Digital Mapping

Source: NSW Planning Portal

As detailed at **Table 1** and **Figure 6**, both Chapter 2, Part 2 (in-fill affordable housing) and Chapter 5 (TOD) of the Housing SEPP apply to the proposed development, which seeks to utilise additional height and FSR controls under Sections 16, 18 and 155 as detailed at **Table 2** below.

Table 2. Height and FSR Overview

	Height		GFA/FSR
	Metres	Storeys	
Wollongong LEP 2009 Control	11m	3 (equivalent)	1.2:1
Housing SEPP Cl.155 (TOD RFB)	22m (RFBs)	6 (equivalent)	2.5:1 (RFBs)
Cl.16/18 Housing SEPP Bonus (+30%)	28.6m (RFBs)	8 (equivalent)	3.25:1 (RFBs)
Proposed Development	8.3-25.2m	2-7 variable	17,830 GFA 1.09:1 FSR
Building C (RFB)	18.6m	4-7 variable	4,844m ² GFA
Building D (RFB)	25.2m	4-5 variable	10,330m ² GFA
Building E (townhouses)	11.5m	3	1,124m ² GFA
Building F (townhouses)	8.3m	2	1,532m ² GFA
Total site area: 19,425m ²			
Area subject to proposed development: 16,388m ²			

State Environmental Planning Policy (Planning Systems) 2021

Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) identifies development that State Significant Development (SSD). Schedule 1(26A)(1) of the Planning Systems SEPP relates to In-fill affordable housing and provides:

“(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

Note—

The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.

(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.”

On the basis Chapter 2, Part 2, Division 1 of the Housing SEPP applies to the proposed development, which is not within areas nominated at 1(a)(i) above, and is anticipated to have an EDC exceeding \$30m, the proposal is considered to trigger SSD.

6. Eligibility for Industry Specific SEARs

Development that is declared SSD under Schedule 1, Section 2 of the Planning Systems SEPP is eligible for industry-specific SEARs, with the exception of 'nominated' SSD, as defined under Clause 175(6) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) which includes:

- Designated development;
- Development that is wholly or partially prohibited;
- Development seeking concept approval.

The proposal is not designated development, is wholly permissible at the site and does not seek concept approval and is therefore not nominated SSD.

Accordingly, the proposal is considered eligible for industry-specific SEARs for housing.

7. Conclusion

As detailed within this letter, the proposal is declared SSD pursuant to Schedule 1(26A) of the Planning Systems SEPP, and on the basis it is not nominated under Clause 175 of the EP&A Regulation, is eligible for industry-specific SEARs for housing.

I trust information within this letter is sufficient to issue the requested SEARs. Should you require anything further, please do not hesitate to contact me at jonathan.archibald@architectus.com.au.

Regards,



Jonathan Archibald
Associate, Planning