

# REVIEW OF ENVIRONMENTAL FACTORS

Dual Occupancy & Multi Dwelling Housing Development

at

10 Lagoon Street & 75-77 Murray Street, Moruya, NSW 2537

June 2024





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REVIEW OF ENVIRONMENTAL FACTORS

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1	23.05.2024	v1	Not applicable – initial version	
2	May 2024	2	Manager's Review	various
2	May 2024	3	Director's Review	various

**DOCUMENT SIGN-OFF****REF prepared by:**

Having prepared the Review of Environmental Factors:

- I have declared any possible conflict of interests (real, potential, or perceived) to the a/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the a/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

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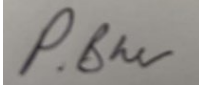
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A rectangular box containing a handwritten signature in dark ink. The signature appears to be 'P. Baker' written in a cursive, slightly slanted style.

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# 1 Executive Summary

The subject site is located at 10 Lagoon Street and 75-77 Murray Street, Moruya, and is legally described as Lot 12 in DP 552854 and Lots 1 and 2 in DP 501837.

The proposed social housing development is described as follows:

Removal of trees, and the construction of a multi-dwelling housing development comprising 6 x 1-bedroom dwellings and 10 x 2-bedroom dwellings; a dual occupancy development comprising 2 x 3-bedroom dwellings; associated landscaping and fencing; parking for 20 cars and subdivision into 2 lots.

In August 2022, a previous proposal for the site was publicly exhibited. Since that time the proposal has been reviewed and numerous changes were made. These changes included:

- reducing the number of dwellings by 2 and the number of car parking spaces in the development by 2;
- reverting the spaces formerly occupied by dwellings and car parking to deep soil zones;
- increasing the amount of private open space area allocated to some dwellings in the development;
- reducing the width of the lower section of the driveway and replacement with soft landscaping; and
- retaining a tree of high significance<sup>1</sup>.

The proposed activity, as amended, is the subject of this REF.

The proposed activity can be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as the development is permitted with development consent on the land under the Eurobodalla Local Environmental Plan 2012; it does not exceed either 11m in height or a floor space ratio of 0.65:1, proposes less than 75 dwellings and provides the required amount of parking for development on land that is not in an accessible 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 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 Eurobodalla Shire Council;

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<sup>1</sup> Since the independent assessment was undertaken, the high significance tree located within the front setback area to Murray Street was re-assessed by the project Arborist as being in decline and not worthy of retention.

- 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;
- Eurobodalla Shire Council and occupiers of adjoining land were originally notified of the proposed activity under the provisions of Housing SEPP in August 2022. Following an independent assessment, the proposal was significantly amended. The activity was re-notified in March 2024. A response to re-notification of the activity was received from Council dated 12 April 2024. Comments on the response are provided in Section 7.1 of this REF. One submission was received from occupiers of adjoining land. Comments on the submission are provided in Section 7.2 of this REF; and
- 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 REF under Part 5 of the EP&A Act is for an activity involving the removal of trees, and the construction of a multi-dwelling housing development comprising 6 x 1-bedroom dwellings and 10 x 2-bedroom dwellings; a dual occupancy development comprising 2 x 3-bedroom dwellings; associated landscaping and fencing, parking for 20 cars and subdivision into 2 lots at 10 Lagoon Street and 75-77 Murray Street, Moruya.

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

This REF has been prepared by LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the EP&A Regulation.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of the EP&A Act and EP&A Regulation, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

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

### 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.

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## 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 *Eurobodalla Local Environmental Plan 2012* (LEP 2012);
- it was determined that dual occupancy and multi dwelling housing development are ‘permitted with consent’ in the R2 zoning pursuant to the LEP 2012, and can be carried out ‘without consent’ under the provisions of Housing SEPP 2021;
- a site inspection and 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.

## 3 Existing Site & Locality

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### 3.1 Existing Site and Immediately Adjoining Development

The site is located in the Eurobodalla local government area (LGA) and comprises 3 residential allotments. A location plan is provided at **Figure 1**.

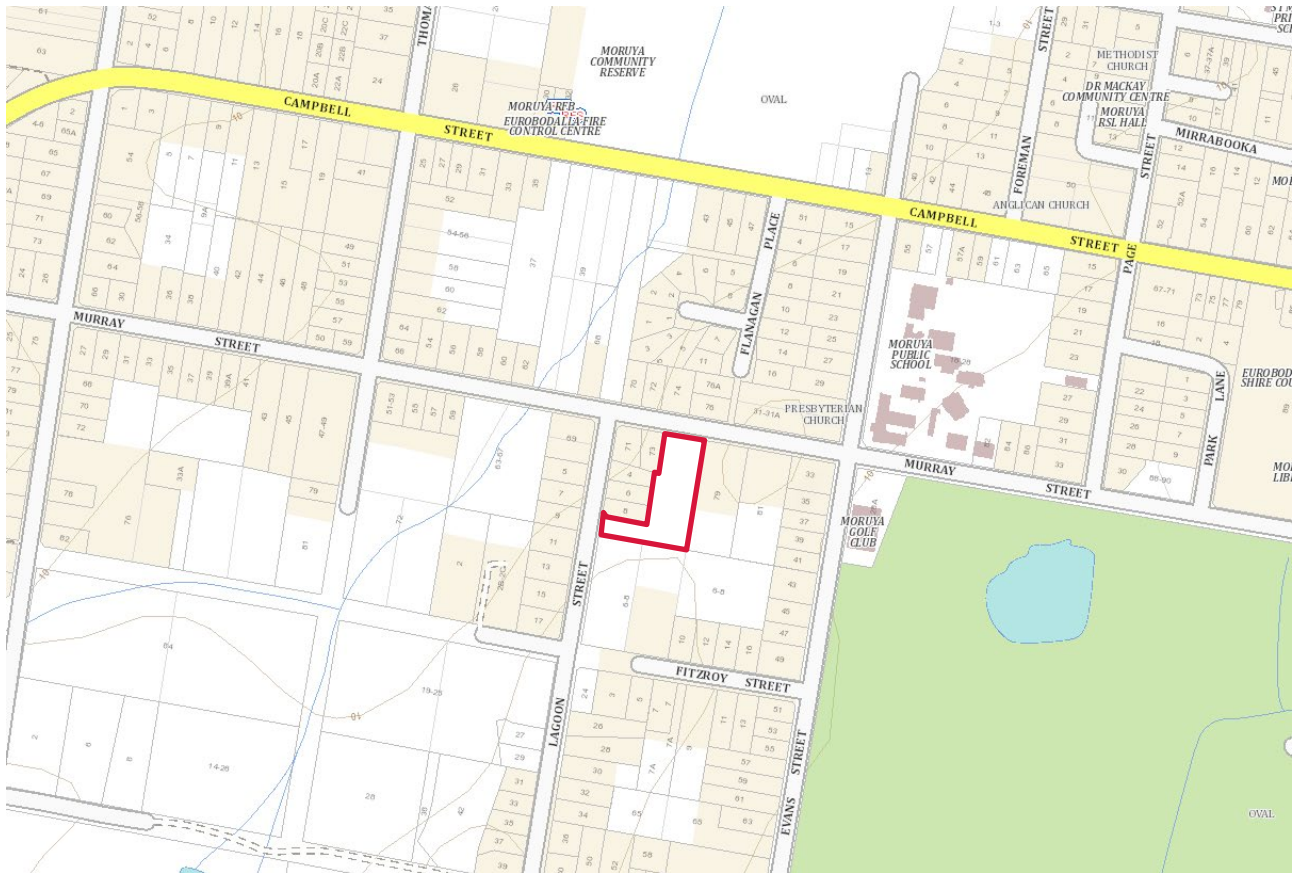


Figure 1 Location Plan (Source: SIX Maps)

All lots within the development site are currently vacant (refer to photographs at **Figure 2 & Figure 3**).



Figure 2 Development site – 75 & 77 Murray Street (Source: LAHC – May 2024)



Figure 3 Development site – 10 Lagoon Street (Source – Google Street View – May 2023)

The property immediately to the east of the site on Murray Street (79 Murray Street), contains a single storey brick dwelling with tile roof (refer to **Figure 4**, below).

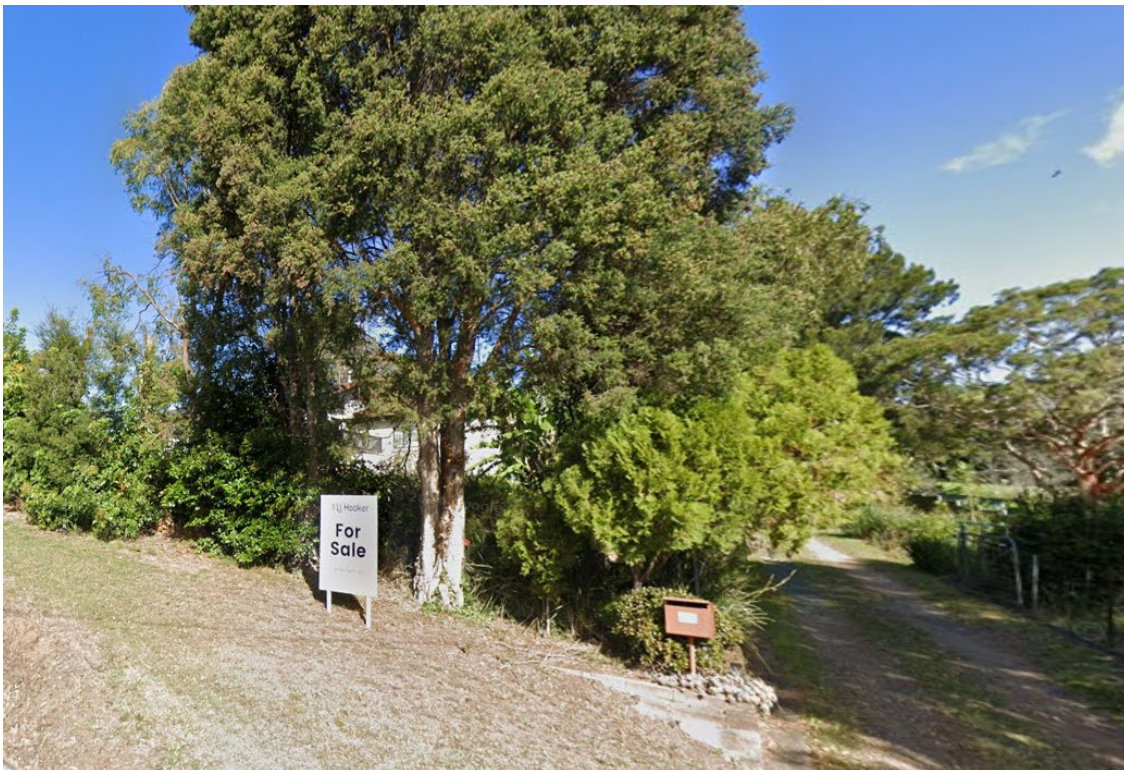


Figure 4 Adjoining development – 79 Murray Street (Source – Google Street View – May 2023)

The property immediately to the west of the site, 73 Murray Street, contains a single storey fibro dwelling with brick sub-floor and metal roof (refer image at **Figure 5**, below).



Figure 5: Adjoining development – 73 Murray Street (Source: Google Street View – May 2023)

The property immediately to the north of the site, 8 Lagoon Street, contains a single storey weatherboard dwelling with brick sub-floor and tiled roof (refer image at **Figure 6**, below).



Figure 6 Adjoining development – 8 Lagoon Street (Source – Google Maps Street View – May 2023)

The property to the south on Lagoon Street (6-8 Fitzroy Street) contains a brick with tiled roof single dwelling (**Figure 7**).



Figure 7: Adjoining development – 6-8 Fitzroy Street (Source: Google Street View – May 2023)

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## 3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos PL1658/24, PL1659/24 and PL1660/24 dated 28 February 2024 are provided in *Appendix F*.

The site is legally described as lots 1 and 2 in DP501837 and Lot 12 in DP 552854 and commonly known as 75-77 Murray Street and 10 Lagoon Street, Moruya. The site is currently vacant and has a combined area of 4,582.6m<sup>2</sup>. The Murray Street frontage measures 36.58m and the Lagoon Street frontage measures 20.32m. The remainder of the site's boundary lengths comprise:

- a southern boundary of 80.47m;
- an eastern side boundary of 100.48m;
- a staggered internal western boundary of 84.145m; and
- a northern internal side boundary measuring 36.575m and splay measuring 5.205m.

Refer to the submitted Detail & Contour Survey in *Appendix D* for further details.

The site slopes down from the southeast (rear) corner to both street frontages at a relatively uniform gradient of approximately 10.6%. An easement will be required at the southern side boundary of proposed Lot B to direct upstream overland flow from adjoining properties to the south into Council's drainage infrastructure in Lagoon Street.

Water, electricity, sewer and telephone facilities are available to the site with the potential for separate connections (refer to the submitted Detail & Contour Survey for the location of available services at *Appendix D*).

There are no encumbrances on title, Section 10.7 certificates or indicated on the submitted Detail & Contour Survey.

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### 3.3 Neighbouring Development and Locality

The site is located within an established residential area, where the predominant form of development is characterised by single storey detached dwelling houses of brick, fibro and weatherboard construction with tiled or metal roofs (refer to photographs at **Figures 8 and 9**). The topography in the locality is generally undulating with some relatively steep slopes in places. District views are available from properties located at relatively higher elevations.



Figure 8 Typical existing detached dwelling development at 74 Murray Street (opposite the site) (Source – Google Street View – May 2023)



Figure 9 Typical existing detached dwelling development at 13 Lagoon Street (south of the site) (Source – Google Street View – May 2023)

There are two bus stops located along Vulcan Street to the east-north-east of the site at approximately 760m walking distance. These stops are serviced by Priors Scenic Express route 860 which connects to Batemans Bay and localities between including other local centres. These stops are also serviced by V/Line routes 700-1 and MCS which provides services to areas including Nowra, and Batemans Bay. It is noted that these bus services do not operate at the required frequency for the site to be considered accessible for the purposes of car parking provision under the Housing SEPP.

## 4 Project Description

The proposed activity can be described as follows.

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### 4.1 Demolition

Demolition is not proposed as part of this activity. A LAHC Layout Plan dated 1962 shows that 10 Lagoon Street was vacant at that time and a detached dwelling was located on 75 Murray Street and on 77 Murray Street. The dwellings and associated structures located on 75 and 77 Murray Street have now been demolished pursuant to the following Complying Development Certificates:

- CDC9004/23 dated 27/10/2022 – 75 Murray Street, Moruya
  - CDC9005/23 dated 27/10/2022 – 77 Murray Street, Moruya
- 

### 4.2 Removal of Trees

The Arboricultural Impact Assessment (**Appendix J**) details an assessment of existing trees on the site.

Of the trees identified on the Survey, the Arboricultural Impact Assessment report assessed 13 trees on and adjoining the site. Trees labelled 'A', 'B' and 'C' in the Arboricultural Impact Assessment report are excluded from assessment as they do not conform to the description of a prescribed tree under the Eurobodalla Shire Council DCP.

Of the 13 trees assessed, 8 are proposed to be removed.

Tree removal within the site boundaries is recommended primarily to accommodate the proposed development (refer to submitted Arboricultural Impact Assessment report).

More appropriate tree plantings, including trees capable of reaching a mature height of 15m, will be provided as part of the proposed landscaping plan to compensate for the loss of trees removed (refer to submitted Landscape Plan in **Appendix B**).

---

### 4.3 Proposed Dwellings

Of the 18 residential dwellings, 3 have been designed as adaptable units which are capable of being adapted to suit persons with a disability should the need arise in the future.

The proposed housing represents a contemporary, high-quality design. The use of face brick, fibre cement and weatherboard for external walls and metal roofing is consistent with the existing and developing character of the Moruya locality.

Four of the 18 proposed units address Murray Street (Units 1, 2, 3 and 4) and 2 address Lagoon Street (Units 17 and 18). Living areas with glazed doors and private open space will address Murray Street for passive surveillance. Bedrooms with glazed sliding doors and balconies will address Lagoon Street for passive surveillance.

To further improve amenity, Identified Requirement (No. 61) is recommended such that each dwelling is provided with a Photovoltaic energy system and an Air Conditioning Unit.

The site has a consistent slope and cross fall of approximately 10.6% gradient. To provide relatively level building platforms for accessibility, the site requires cut and fill and retaining walls as shown in the following extract from the Cut & Fill & Retaining Wall Plan (**Appendix A**):

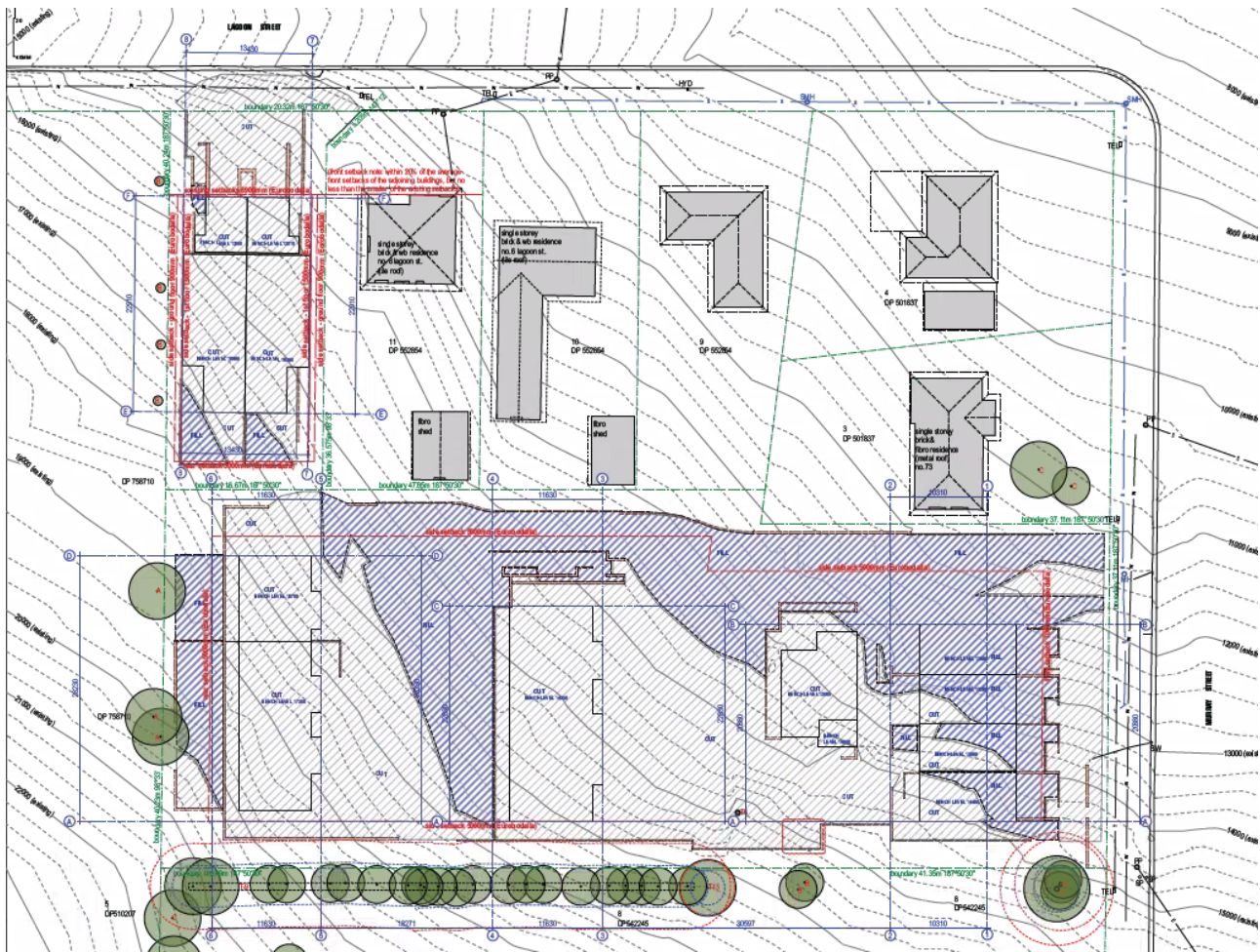


Figure 10: Extract from the Cut & Fill & Retaining Wall plan showing retaining walls (brown) and areas of proposed cut (grey hatching) and fill (blue hatching) (Source: Kennedy Associates)

Within the multi-dwelling housing development footprint, cut ranges in depth by approximately:

- 0.2m to 0.5m in the location of units 1 to 4
- 0.65m (in the location of unit 7) to approximately 3.5-4m (in the location of unit 5)
- 0.3m (in the location of unit 13) to 2.7m (in the location of unit 11).

Retaining walls are proposed at the eastern, southern, and western boundaries, ranging in height from:

- 0.2m at the north-eastern corner of the mid-block car park to 3.68m adjacent to unit 5
- 1.45m at the south-eastern corner of the rear car park to 3m adjacent unit 11
- 1.5m at the southern extent western edge of the driveway access handle.

The retaining walls have been inset from all boundaries to ensure that the site retains existing ground level adjacent to neighbouring properties.

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

A total of 20 surface car parking spaces are provided on site, 3 of which are accessible.

Within proposed Lot B, stormwater will be directed to a gully pit located at the front of the site and subsequently directed to Council's drainage infrastructure within Lagoon Street. Stormwater from the driveway will be directed to a gully grate connected to Council's infrastructure. Roof water will be collected via downpipes and stored in separate rainwater tanks. Upstream overland flow from lots adjoining the southern boundaries of the site will be directed to Council's infrastructure in Lagoon Street via a swale drain located at the southern boundary of proposed Lot B. Identified requirement (No. 65) is recommended requiring an easement for the drainage of stormwater to be created alongside the full length of the southern side boundary of Lot B.

New 1.8m high metal fencing is proposed along the side and rear boundaries, reducing to 1.2m forward of the building line. Slatted metal fencing 1.2m high will be provided at the front of the development fronting Murray Street.

**Figures 11 - 15** include extracts from the architectural plans illustrating the proposed development:

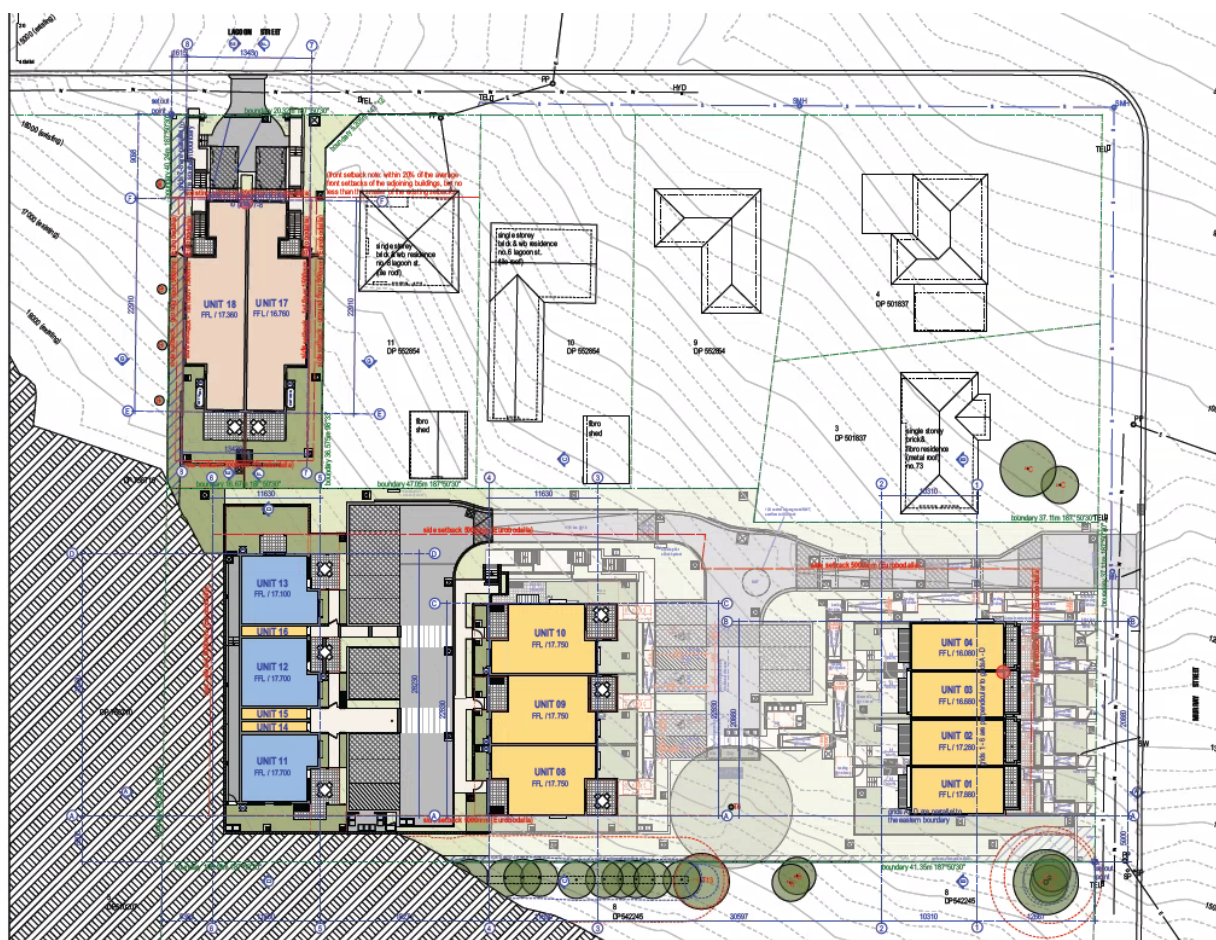


Figure 11 Extract from Architectural Plans – Site Plan Level 01 (Source: Architectural Plans, Kennedy Assoc. dated 16/02/2024)

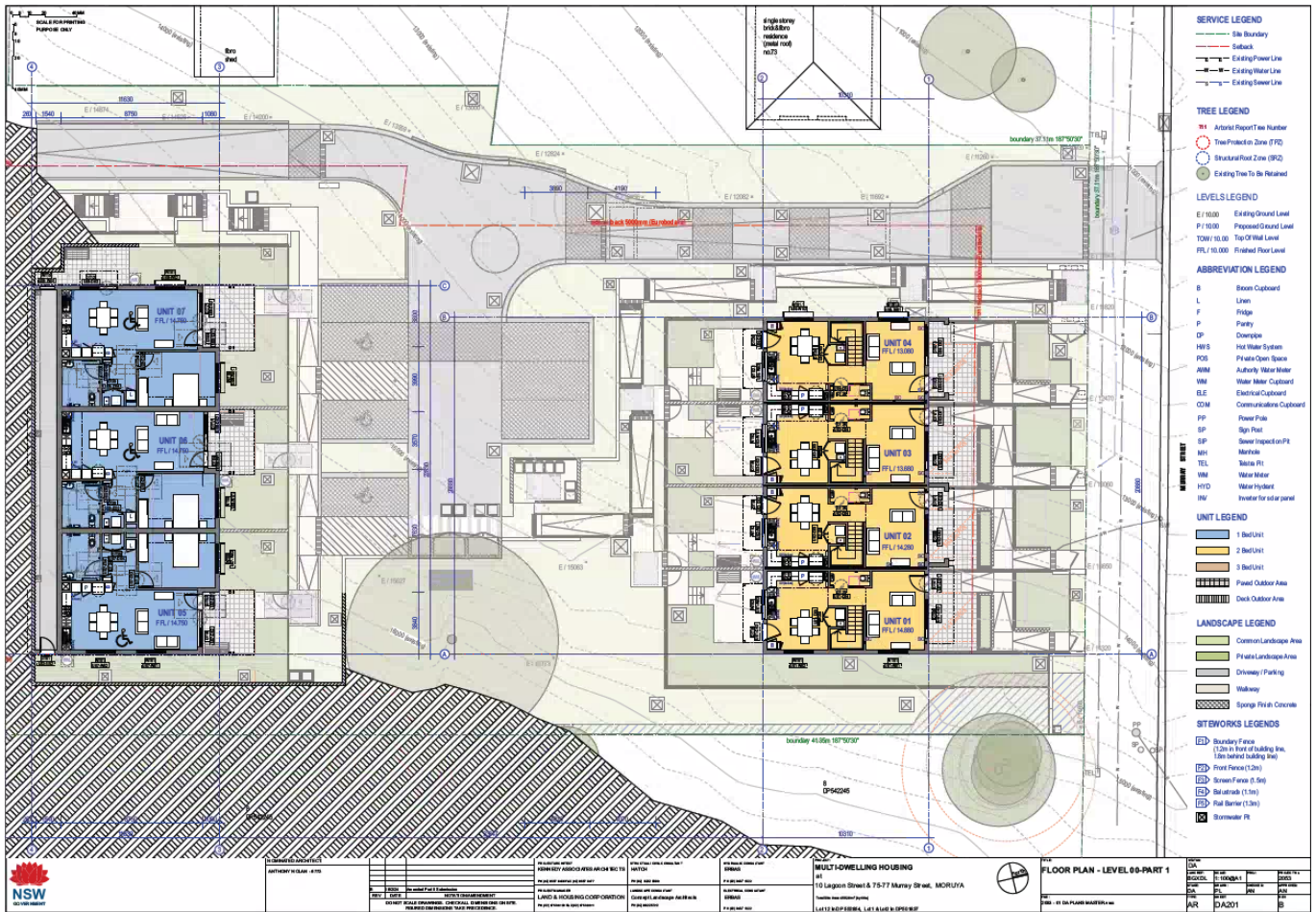


Figure 12 Extract from Architectural Plans – Floor Plan – Ground Level (Source: Architectural Plans, Kennedy Associates, dated 16/02/2024)



Figure 13 Extract from Architectural Plans – Murray Street Streetscape Perspective (Source: Architectural Plans, Kennedy Assoc. dated 16/02/2024)



Figure 14 Extract from Architectural Plans – Lagoon Street Streetscape Perspective (Source: Architectural Plans, Kennedy Assoc., dated 16/02/2024)

## 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:
<b>Architectural Plans – Appendix A</b>				
Cover Page	DA000	B	16.02.2024	Kennedy Associates Architects
Block Analysis Plan	DA001	B	16.02.2024	Kennedy Associates Architects
Lot Consolidation & Subdivision - Existing	DA002	B	16.02.2024	Kennedy Associates Architects
Lot Consolidation & Subdivision - Proposed	DA003	B	16.02.2024	Kennedy Associates Architects
Site Analysis Plan	DA101	B	16.02.2024	Kennedy Associates Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Cut & Fill & Retaining Wall Plan	DA103	B	16.02.2024	Kennedy Associates Architects
Site Plan – Level 00	DA104	B	16.02.2024	
Site Plan – Level 01	DA105	B	16.02.2024	
Site Plan – Level 02	DA106	B	16.02.2024	
Site Plan – Roof Level	DA107	B	16.02.2024	
Site Works Plan – Level 00-Part 1	DA111	B	16.02.2024	
Site Works Plan – Level 00-Part 2	DA112	B	16.02.2024	
Site Works Plan – Level 01-Part 1	DA113	B	16.02.2024	
Site Works Plan – Level 01-Part 2	DA114	B	16.02.2024	
Site Works Plan – Level 02	DA115	B	16.02.2024	
Floor Plan – Level 00-Part 1	DA201	B	16.02.2024	
Floor Plan – Level 00-Part 2	DA202	B	16.02.2024	
Floor Plan – Level 01-Part 1	DA203	B	16.02.2024	
Floor Plan – Level 01-Part 2	DA204	B	16.02.2024	
Floor Plan – Level 01-Part 3	DA205	B	16.02.2024	
Floor Plan – Level 02	DA206	B	16.02.2024	
Roof Plan – Part 1	DA207	B	16.02.2024	
Roof Plan – Part 2	DA208	B	16.02.2024	
Roof Plan – Part 3	DA209	B	16.02.2024	
Clerestory Plan – U18	DA210	B	16.02.2024	
Development Data Table 1	DA301	B	16.02.2024	
Development Data Table 2	DA302	B	16.02.2024	
Solar Access Study-1	DA311	B	16.02.2024	
Solar Access Study-2	DA312	B	16.02.2024	
Solar Access Study-3	DA313	B	16.02.2024	
Shadow Diagrams – Winter Solstice-1	DA314	B	16.02.2024	
Shadow Diagrams – Winter Solstice -2	DA315	B	16.02.2024	
Elevation 01	DA401	B	12.02.2024	
Elevation 02	DA402	B	12.02.2024	
Elevation 03	DA403	B	12.02.2024	
Elevation 04	DA404	B	12.02.2024	
Elevation 05	DA405	B	12.02.2024	
Elevation 06	DA406	B	12.02.2024	
Elevation 07	DA407	B	12.02.2024	
Section 01	DA501	B	12.02.2024	
Section 02	DA502	B	12.02.2024	
Section 03	DA503	B	12.02.2024	
Section 04	DA504	B	12.02.2024	
3D View	DA601	B	16.02.2024	
Appendix B – Landscape Plans				

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Cover Page	LA00	A	16.02.2024	TaylorBrammer
Landscape Plan	LA01	A	16.02.2024	TaylorBrammer
Planting Plan and Schedule	LA02	A	16.02.2024	TaylorBrammer
Landscape Details	LD01	A	16.02.2024	TaylorBrammer

### Appendix C – Civils Plans

Cover Sheet	C000	A	16.02.2024	Xavier Knight
General Arrangement	C100	A	16.02.2024	Xavier Knight
Stormwater Management Plan – Level 00 Part 01	C101	A	16.02.2024	Xavier Knight
Stormwater Management Plan – Level 00 Part 02	C102	A	16.02.2024	Xavier Knight
Stormwater Management Plan – Level 01 Part 01	C103	A	16.02.2024	Xavier Knight
Stormwater Management Plan – Level 01 Part 02	C104	A	16.02.2024	Xavier Knight
Stormwater Management Plan – Level 02	C105	A	16.02.2024	Xavier Knight
Music Results and Catchment Area Breakdown	C150	A	16.02.2024	Xavier Knight
Drainage Long Sections	C160	A	16.02.2024	Xavier Knight
Upstream Catchment	C170	A	16.02.2024	Xavier Knight
Stormwater Drainage Details – Sheet 1	C200	A	16.02.2024	Xavier Knight
Stormwater Drainage Details – Sheet 2	C201	A	16.02.2024	Xavier Knight
Soil and Water Management Plan	C300	A	16.02.2024	Xavier Knight
Soil and Water Management Details	C350	A	16.02.2024	Xavier Knight

### Survey Plans – Appendix D

Location Plan	Sheet 1 of 6	2	14.12.2021	TSS Total Surveying Solutions
Detail and Contour Survey	Sheet 2 of 6	2	14.12.2021	TSS Total Surveying Solutions
Detail and Contour Survey	Sheet 3 of 6	2	14.12.2021	TSS Total Surveying Solutions
Detail and Contour Survey	Sheet 4 of 6	2	14.12.2021	TSS Total Surveying Solutions
Detail and Contour Survey	Sheet 5 of 6	2	14.12.2021	TSS Total Surveying Solutions
Elevations	Sheet 6 of 6	2	14.12.2021	TSS Total Surveying Solutions

### Notification Plans – Appendix E

Notification – Cover Page	N01	B	16.02.2024	Kennedy Associates Architects
Notification – Street View	N02	B	16.02.2024	Kennedy Associates Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Notification – Site/ Landscape Plan	N03	B	16.02.2024	Kennedy Associates Architects
Notification – Development Data	N04	B	16.02.2024	Kennedy Associates Architects
Elevations 01	N05	B	16.02.2024	Kennedy Associates Architects
Elevations 02	N06	B	16.02.2024	Kennedy Associates Architects
Elevations 03	N07	B	16.02.2024	Kennedy Associates Architects
Schedule of Finishes	N08	B	16.02.2024	Kennedy Associates Architects
Notification – Shadow Diagrams	N09	B	16.02.2024	Kennedy Associates Architects
<b>Access Report – Appendix H</b>				
Part 5 Application Access Report	23380	A	16.02.2024	Vista Access Architects
<b>AHIMS Web Search – Appendix I</b>				
AHIMS search (75 Murray St with 50m buffer)	-	-	9.04.2024	AHIMS Web Services
AHIMS search (10 Lagoon St with 50m buffer)	-	-	9.04.2024	AHIMS Web Services
<b>Arborist's Report – Appendix J</b>				
Arboricultural Impact Assessment Report	D4313	-	02.2024	Allied Tree Consultancy
<b>BASIX – Appendix K</b>				
BASIX Certificate – 10 Lagoon St	1299043M_02	-	16.02.2024	Greenworld Architectural Drafting
BASIX Certificate – 75-77 Murray St	1299028M_05	-	16.02.2024	Greenworld Architectural Drafting
<b>BCA report – Appendix L</b>				
BCA Compliance Assessment (1-4 & 17-18)	P210021	5	26.02.2024	BCA Vision
BCA Compliance Assessment (5-16)	P210080(5)	5	26.02.2024	BCA Vision
<b>NatHERS Certificate – Appendix N</b>				
Nationwide House Energy Rating Scheme – 10 Lagoon St	0007660340	-	16.02.2024	Greenworld Architectural Drafting
Nationwide House Energy Rating Scheme – 75-77 Murray St	0007117560	-	16.02.2024	Greenworld Architectural Drafting
<b>Geotechnical Investigation Assessment - Appendix O</b>				
Residential Site Investigation Report	34884-GR01_A	A	9.11.2020	Barnson Pty Ltd

**Waste Management Plan – Appendix Q**

<b>Waste &amp; Construction Management Plan</b>	2053	-	16.02.2024	Kennedy Associates Architects
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**Traffic and Parking Impact Assessment - Appendix R**

<b>Traffic and Parking Impact Assessment</b>	20NL205-T6	6	25.02.2024	Loka Consulting Engineers
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**Section 10.7 Planning Certificates – Appendix F**

Lot 12 DP 552854, Cert no. PL1660/24, dated 28.02.2024 – Eurobodalla Shire Council

Lot 2 DP 501837, Cert no. PL1659/24, dated 28.02.2024 – Eurobodalla Shire Council

Lot 1 DP 501837, Cert no. PL1658/24, dated 28.02.2024 – Eurobodalla Shire Council

**Notification & consultation – Appendix H****Design compliance and checklists – Appendix M**

Architect's Certificate of Building Design Compliance – 24.05.2024

Certificate of Landscape Documentation Compliance – 16.02.2024 .

Certificate of Stormwater Documentation Compliance – 16.02.2024

**Titles and Deposited Plans – Appendix P**

Title Search, Folio: 1/501837, Search date 27.02.2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 2/501837, Search date 27.02.2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 12/552854, Search date 27.02.2024, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 501837, Search Date 07.08.2020

Deposited Plan 552854, Search Date 07.08.2020

## 5 Zoning and Permissibility

The site is zoned R2 Low Density Residential (R2) under *Eurobodalla Local Environmental Plan 2012* (ELEP 2012). The proposed development is defined as ‘multi dwelling housing’ and ‘dual occupancies’ under the provisions of the ELEP 2012.

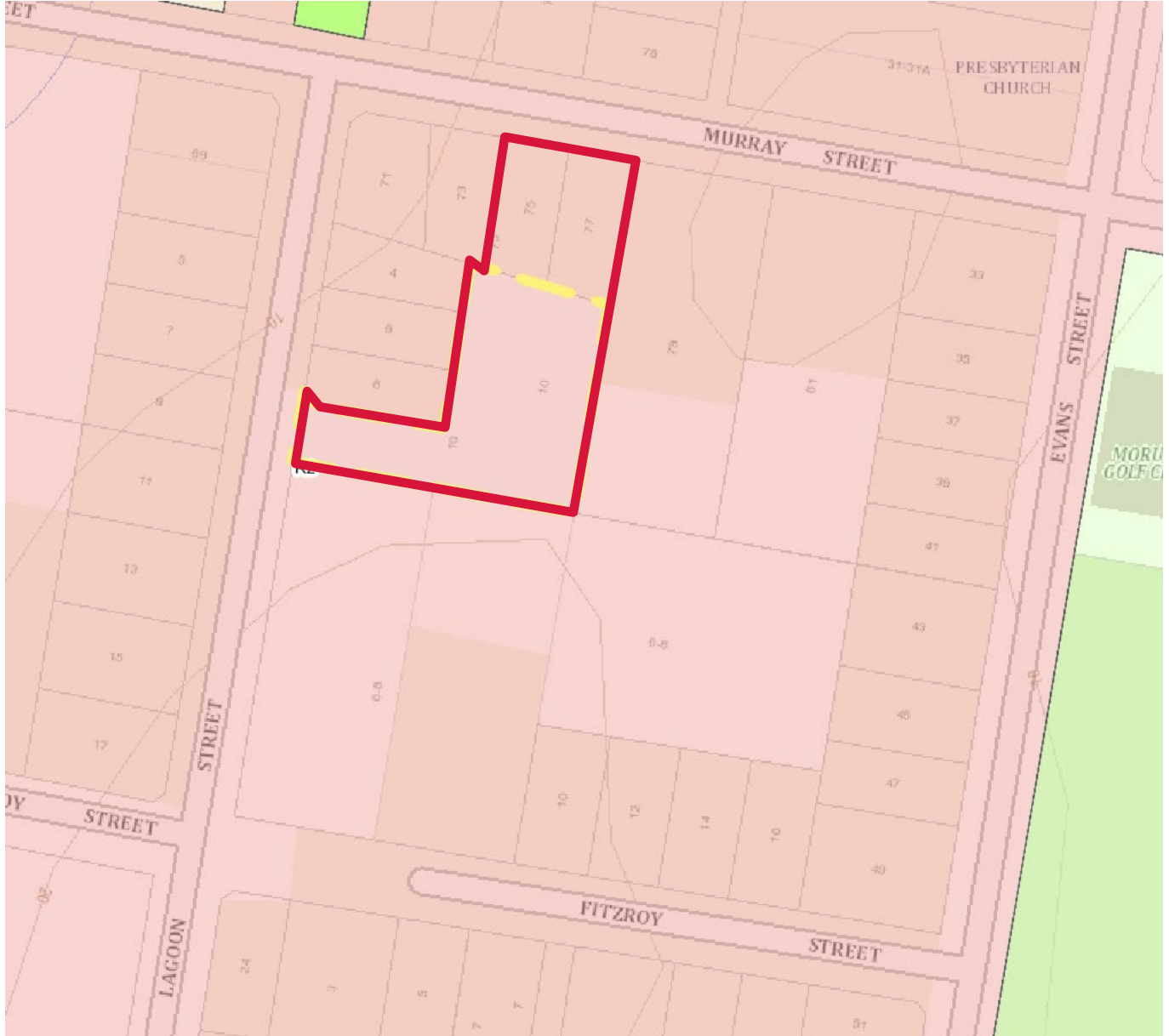


Figure 15 Land zoning map (Source: NSW Planning Portal Spatial Viewer)

Multi Dwelling housing and dual occupancies are permitted in the R2 zone under ELEP 2012 and therefore, are permitted on the subject land with consent under the provisions of the HSEPP, pursuant to section 42.

Multi-dwelling housing means—3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Proposed lot A contains 3 buildings containing a combined total of 16 dwellings, each with individual access gained at ground level.

Dual occupancy (attached) means *2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling*.

Proposed Lot B contains 2 attached dwellings.

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

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To encourage residential development that is consistent with the character of the neighbourhood*

The resulting development will be generally consistent with the character of the neighbourhood as the development is permissible with consent and complies with the applicable development standards set out for the R2 zone. The proposal also contributes to the provision of affordable housing to meet the identified housing needs of the community.

Section 42 and 43 of the Housing SEPP permits residential development that may be carried out 'with consent' in a LEP to be carried out by LAHC as 'development without consent' subject to the provisions set out under clause 42. **Table 5** in subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of Section 42 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&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

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

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

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<b>Sub-section 3</b> 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.

## 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 4** 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 apply.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021

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

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	NA			
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	

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]
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.2		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 housing development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 6.4.2 of this report.

## 6.4.2 Strategic Planning Framework

### Community Strategic Plan – Our Eurobodalla to 2042

The Community Strategic Plan – Our Eurobodalla to 2042 (CSP) was published by Council in February 2022. The CSP sets out a 20 year plan that outlines a strategic vision for the community derived from an extensive community engagement process. The strategic vision is supported by 5 goals focused on sustainability, diversity and inclusion, place making, infrastructure networks and progressive leadership, for Council to facilitate via strategic actions in partnership with the community, government agencies and business.

The proposed development for 18 affordable housing units is not in conflict with the CSP as it will contribute to the diversity of new affordable housing options within the LGA.

### Eurobodalla Local Strategic Planning Statement 2020 – 2040

The Eurobodalla Local Strategic Planning Statement 2020 – 2040 (LSPS) which came into effect on 25 August 2020, sets out a 20-year land use planning vision for the Eurobodalla LGA.

The LSPS identifies 13 Planning Priorities for the LGA centred on place, environment, connection and business. Notably, Planning Priority 1 seeks to encourage greater housing diversity and affordability.

The proposed development is consistent with Planning Priority 1 as it contributes to the provision of affordable housing.

### 6.4.3 Activities in catchments [Section 171A]

The site is not located within a regulated catchment.

## 6.5 State Environmental Planning Policy (Housing) 2021

### 6.5.1 Development without Consent

Chapter 2, Part 2, Division 6 of the HSEPP permits LAHC to carry out certain development as ‘development without consent’ subject to the provisions set out under that section. Error! Reference source not found. below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

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

Provision	Compliance
<b>42 Development to which division applies</b>	
(1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Development for the purposes of multi dwelling housing and dual occupancy is permissible under the ELEP 2012.
(b) all buildings will have a height not exceeding the greater of – (i) 11m, or (ii) the maximum permissible building height for the land, and	Complies. Maximum building heights of 8.4m and 6.8m proposed.  The maximum permissible height for the land under the ELEP 2012 is 8.5m.
(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 land, and	Complies. 0.31:1 [75-77 Murray St] 0.35:1 [10 Lagoon St]  No FSR for the land is specified under the ELEP 2012.
(d) the development will not result in more than 75	Complies.

Provision	Compliance
dwelling on a single site, and	18 dwellings proposed.
(e) for development on land in an accessible area – the development will result in the following parking spaces – <ul style="list-style-type: none"> <li>(i) for each dwelling containing 1 bedroom – at least 0.4 parking spaces</li> <li>(ii) for each dwelling containing 2 bedrooms – at least 0.5 parking spaces</li> <li>(iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and</li> </ul>	NA
(f) for development on land that is not in an accessible area – the development will result in the following parking spaces – <ul style="list-style-type: none"> <li>(i) for each dwelling containing 1 bedroom – at least 0.5 parking spaces</li> <li>(ii) for each dwelling containing 2 bedrooms – at least 1 parking space</li> <li>(iii) for each dwelling containing at least 3 bedrooms – at least 1.5 parking space, and</li> </ul>	<p>The development is not located in an accessible area and requires:</p> <p>6 x 1-bedroom dwellings = 6 x 0.5 = 3 parking spaces</p> <p>10 x 2-bedroom dwellings = 10 x 1.0 = 10 parking spaces</p> <p>2 x 3-bedroom dwellings = 2 x 1.5 = 3 parking spaces</p> <p>Total parking spaces required = 16</p> <p>Parking spaces proposed = 20</p>
(2) This division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – <ul style="list-style-type: none"> <li>(i) that is non-heritage land, and</li> <li>(ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,</li> </ul>	Demolition is not proposed as part of this activity.
(b) the subdivision of land and subdivision works. <b>Note</b> – Section 32 prohibits the subdivision of a boarding house.	Consolidation of the site into two lots is proposed.
(3) This Division does not apply to – <ul style="list-style-type: none"> <li>(a) development to which Chapter 2, Part 2, Division 5 applies, or</li> <li>(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.</li> </ul>	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"> <li>(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and</li> <li>(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.</li> </ul>	Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport & Infrastructure SEPP) do not apply.
(5) In this section- <b>Former section</b> 75P means the Act, section 75P, as in force immediately before its repeal by the	Noted.

Provision	Compliance
Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. <b>non-heritage land</b> means land that – <ul style="list-style-type: none"> <li>(a) does not contain a heritage item, and</li> <li>(b) is not the subject of an interim heritage order under the Heritage Act 1977, and</li> <li>(c) is not listed on the State Heritage Register under the Heritage Act 1977.</li> </ul>	
<b>43 Residential development permitted without consent</b>	
Development for the purposes of residential development to which this division applies may be carried out without consent if the development is carried out by or on behalf of – <ul style="list-style-type: none"> <li>(a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or</li> <li>(b) another relevant authority.</li> </ul>	Not Applicable  LAHC is a relevant authority
<b>43A Notification before carrying out development</b>	
(1) Before carrying out development under this Division, the relevant authority must-	
(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and	Advice was sought from Eurobodalla Shire Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 30 January 2024. Council provided a response on 1 February 2024 confirming owner details of properties included in the scope of notification. Council requested 2 additional properties to be included in the scope of notification and these are identified by blue stars on the notification map at figure 16 of this REF.
(b) give written notice of the intention to carry out the development to – <ul style="list-style-type: none"> <li>(i) the council, and</li> <li>(ii) the person or persons nominated by the council, and</li> <li>(iii) the occupiers of adjoining land, and</li> </ul>	A letter notifying Eurobodalla Shire Council of the proposed development activity was sent by LAHC on 7 March 2024. Letters notifying owners and occupiers of adjoining land and other properties requested by Council of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC's notification by letter dated 12 April 2024. Comments on the response are provided in <b>Section 7.1</b> of this REF. One submission was received from adjoining occupiers. Comments on the submission are provided at <b>Section 7.2</b> of this REF.
<b>44 Considerations before carrying out development</b>	
(1) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the AHO Design Guidelines NSW, 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	

Provision	Compliance
consider – (a) Good Design for Social Housing, published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and (b) the NSW Land and Housing Corporation Design Requirements, published by the Land and Housing Corporation in February 2023.	(a) Refer to <b>subsection 6.5.2</b> which demonstrates that the <i>Good Design for Social Housing</i> has been considered.  (b) Refer to <b>subsection 6.5.3</b> which demonstrates 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 Landcom Affordable Housing Design Guideline, published by Landcom, in partnership with the Government Architect NSW, in November 2023.	Not Applicable to LAHC.

## 6.5.2 Good Design for Social Housing

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

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

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

### Wellbeing

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

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a high NatHERS rating with an average of 7.5 stars which exceeds the minimum targets set by LAHC. To further improve amenity, identified requirement (No 61) is recommended requiring a photovoltaic energy system and air conditioning unit for each dwelling.

Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species at ground floor level. High quality landscaping across the site will enhance the amenity for residents.

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

### Belonging

The form and materiality of the proposed development have been selected to respond to the general style and character of the local area and will make a high-quality contribution to the streetscape. The use of predominantly exposed brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time.

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

The mixed unit sizing and the provision of 3 adaptable units caters to the needs of a diverse range of tenants including seniors or people with a disability.

### Value

The development exceeds sustainability targets, with an average NatHERS rating of 7.5 stars. The scheme incorporates sustainable features including insulation, clothes lines, native plantings and good solar access and cross-ventilation.

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

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

### Collaboration

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

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

## 6.5.3 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.

Clause 43(1)(f)(ii) 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 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 Certificate of Compliance from the Architect in *Appendix M*. 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 and Environmental Planning Policies (SEPPs).

Table 6 Compliance with other applicable State and Environmental Planning Policies

### SEPP (Sustainable Buildings) 2022

A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to *Appendix K*). However, an identified requirement (No. 62) is recommended requiring the Certificate to be updated due to the requirement to provide a photovoltaic energy system and air conditioning unit for each dwelling.

### SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP (TI 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 child care facilities and major infrastructure corridors.

The site is not located in close proximity to a State Classified Road, adjacent/ near a rail corridor or electricity infrastructure and as such, the provisions of the TI SEPP do not apply.

#### 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.

#### Clause 2.6(1) Clearing that requires permit or approval

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 8 trees within the site (refer to Arboricultural Impact Assessment Report at **Appendix J**).

Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another 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 the proposed tree removal has been undertaken within section 8.8 of this REF.

The site is not located within a regulated Catchment.

#### SEPP (Resilience and Hazards) 2021

The Resilience and Hazards 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 Moruya. The s10.7 Planning Certificates (**Appendix E**) do not identify the site as potentially contaminated. Notwithstanding, the *draft Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in table 7 below:

**Table 7: Draft Contaminated Land Planning Guidelines Initial Evaluation**

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that 75-77 Murray Street have been used for residential purposes and 10 Lagoon Street vacant since the early 1960's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	The site is currently vacant.
(d) Has the subject land ever been regulated through licensing or other mechanisms in	No	LAHC records indicate that the land has not been

relation to any potentially contaminating activity listed in Table 1 in Appendix 1?		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 which did not indicate the presence of potentially contaminating activities.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the early 1960's.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during 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.

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 contamination prior or during construction works.

## 6.7 Eurobodalla Local Environmental Plan 2012 (ELEP 2012)

Compliance with the relevant provisions / development standards set out in the ELEP 2012 is demonstrated in Error! Reference source not found. below.

Table 8 Eurobodalla Local Environmental Plan 2012

Relevant Provisions / Development Standards for Multi Dwelling Housing and Dual Occupancy			
Clause	Provision / Development Standard	Required	Provided
4.1	Minimum subdivision lot size	550m <sup>2</sup>	Complies – 677m <sup>2</sup> proposed.
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 (9.5 metres)	Maximum building heights (measured in accordance with the LEP definition) are 8.4m and 6.8m.
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 is not mapped as containing a maximum floor space ratio on the Floor Space Ratio Map.	Proposed FSRs of 0.31:1 and 0.35:1

## 6.8 Eurobodalla Residential Zones Development Control Plan

*Eurobodalla Residential Zones Development Control Plan* (EDCP) contains specific development controls for multi dwelling housing which are addressed in Error! Reference source not found. below.

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

Table 9 Eurobodalla Residential Zones Development Control Plan

### Compliance with setback controls for multi dwelling housing and dual occupancy

Clause	Requirement	Proposed
5. Setback	<b>Proposed Lot A:</b> Boundary setbacks for lots <5000m <sup>2</sup> and > 2500m <sup>2</sup>	
	<b>Front:</b> 7m	9.6m – complies.
	<b>Side:</b> 5m	5m (east) – complies 6.5m (west) – complies
	<b>Rear:</b> 5m	5m – complies.
	<b>Proposed Lot B:</b>	
	<b>Front:</b> For infill development other than neighbourhood shops, buildings and all other structures must be setback from the road frontage to within 20% of the average front setbacks of the adjoining buildings, but no less than the smaller of the existing setbacks.	Average setback = 8.9m  Proposed = 9.6m (1.2% variation) – complies.
	<b>Side:</b>	
	- For the first floor, or for a single storey building, 900mm (including a minimum of 600mm to the eaves or gutters, whichever is the closest);	1.6m (both sides). Complies.
	- For any part of the building higher than 4.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest);	1.6m (both sides). Complies.
	- For any part of the building higher than 7.5m, 1.5m (including a minimum of 1.2m to the eaves or gutters, whichever is the closest) where it adjoins land zoned R3	N/A. The proposed building height is 6.8m.

## Compliance with setback controls for multi dwelling housing and dual occupancy

	<p>Medium Density Residential or a Business Zone and 2m (including a minimum of 1.7m to the eaves or gutters, whichever is the closest) elsewhere;</p> <p><b>Rear:</b> 3m</p>	5.3m. Complies.
<b>7.2 Earthworks/ excavation</b>	<p><u>Objective:</u></p> <p>To retain the natural slope of the land, and ensure that the bulk and scale of new development is responsive to site topography.</p> <p>P1 Development is designed to ensure that excavation and earthworks are kept to the minimum required for the development without an unreasonable adverse visual impact on the site.</p> <p>A1 Beyond the external walls of the building, the maximum cut is to be 1m and the maximum fill is to be 1m.</p>	<p>The proposal will alter the natural slope of the land in order to:</p> <ul style="list-style-type: none"> <li>- achieve accessible grades for people with a disability, and</li> <li>- reduce the overall bulk and scale of the built form.</li> </ul> <p>The extent of cut and fill proposed is detailed in section 4.3 of this REF.</p> <p>The retaining walls proposed within the front setback area of the proposed dual occupancy development are limited to 1.2m in height at the highest point alongside the southern side boundary.</p> <p>In relation to the multi-dwelling housing component of the development, retaining walls exceeding 1m height that are visible within the development are located at the eastern end of the mid-block and rear car parking areas; and along the western edge of the driveway access handle.</p> <p>The landscape plan proposes a variety of plantings to soften the visual impact of these retaining walls.</p> <p>Given that the cut and fill proposed results in the provision of a number of accessible dwellings and that the retaining walls are internal to the development and softened by landscaping treatments, the variation to the DCP control is considered acceptable.</p>

# 7 Notification, Consultation and Consideration of Responses

## 7.1 Council Notification

In accordance with section 43A of the Housing SEPP, Eurobodalla Shire Council was notified of the development by letter dated 7 March 2024 (refer to **Appendix G**). The notification response period formally closed on 4 April 2024 and Council responded to the notification by letter dated 12 April 2024, which has been extracted in Error! Reference source not found. 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**.

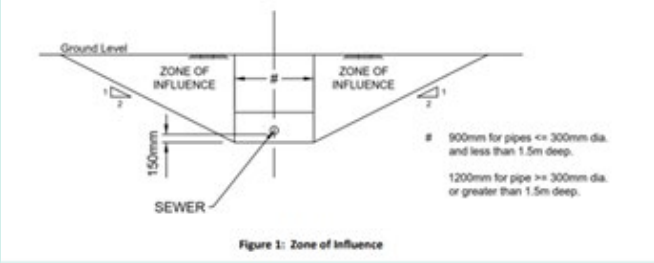
Table 10 Issues raised in Council submission.

Issues raised	Response
<p><b>Community Consultation</b></p> <p>It is fundamental that the above proposal has extensive community engagement as a priority which aligns with Council’s undertaking when dealing with development applications as set out in the Community Engagement Strategy. Council stipulates the proposal in the nominated area of Moruya will be a considerable impact on the neighbouring properties.</p>	<p>Notification has been completed in accordance with statutory requirements set out in Clause 43A of the Housing SEPP. Refer to table 5 of this REF. Further, Council confirmed the scope of the proposed notification on 1 February 2024 and provided owners details.</p>
<p>Advice previously provided in regard to infrastructure remains. It is noted the development will need to extend Council’s stormwater network from the corner of Murray/Lagoon Street.</p>	<p>Council’s comments are noted, however, the proposal was significantly amended since the activity was first notified that included significant amendments to the civils plans.</p> <p>Accordingly, LAHC wrote to Council to confirm that Council’s feedback related to the plan set as notified.</p> <p>Council provided a response on 16 May 2024 and these are addressed under the heading ‘Council response 16 May 2024’ in this table.</p>
<p><b>Car parking</b></p> <ul style="list-style-type: none"><li>Plans indicate insufficient manoeuvrability for vehicles when entering and exiting car parking spaces. No swept paths have been shown on the plan set.</li><li>Carparking numbers for each unit appears inadequate for the number of units proposed. Council’s Parking and Access Code requires 2 spaces per dwelling.</li><li>Council is concerned over the likelihood of cars spilling onto the road network.</li></ul>	<p>Turning circles for the development are included in the Traffic Management Report in <b>Appendix R</b>. The turning circles indicate that the car parking areas comply with the relevant Australian Standard and that cars are able to enter and leave the multi dwelling housing site in a forward direction.</p> <p>Car parking is provided in accordance with the requirements of the Housing SEPP for a site that is not in an accessible area.</p> <p>The Traffic Management Report indicates that there are no unacceptable impacts on the capacity of the local road network as a result of the activity.</p>

Issues raised	Response
<p><b>Development Controls</b></p> <ul style="list-style-type: none"> <li>Council's development control plan requires Private Open Space for dwellings to be located behind the building. It is noted most units nominate private recreation in the front aspect.</li> <li>No elevations have been provided for units 5-7 and 8-10. East and West orientations have only been provided.</li> <li>It is noted Council's development control plan requires proposals with 4 units or more to achieve 25% of units to be adaptable and comply with Australian Standard AS4299 – Adaptable Housing.</li> </ul>	<p>The LAHC Design Requirements require 70% of dwellings in a development to receive at least 2 hours sunlight to their living and private open space areas. As such, the private open space areas for units 1-4 are oriented north to maximise solar access whilst facilitating casual surveillance.</p> <p>The north and south elevations for units 5-7 and 8-10 are shown on Drawing number DA401 Revision B and DA403 Revision B, respectively. A copy of the drawings were forwarded to Council for their consideration. No further comment was received.</p> <p>Due to the topography of the site, it was not practicable to provide more than 3 adaptable dwellings (15%).</p>
<p><b>Waste Management</b></p> <ul style="list-style-type: none"> <li>Waste enclosure/storage area proposed on site appear to be inadequate in size. Proposal will need to ensure that all bins are adequately stored, and path of travel considered.</li> </ul>	<p>The number of general and waste recycling bins has been calculated in accordance with the ESC Site Waste Minimisation and Management Code, which requires:</p> <ul style="list-style-type: none"> <li>80L per week per unit for general waste</li> <li>40L per week per unit for recyclable waste</li> <li>Green waste – not specified</li> </ul> <p><b>Proposed Lot A:</b> The waste can be accommodated in 240L bins. Accordingly:</p> <p><math>(80 \times 18)/240 = 6 \times 240L \text{ bins}</math>  <math>(40 \times 18)/240 = 3 \times 240L \text{ bins}</math></p> <p>A total of 12 x 240L general and recycling waste bins are provided equally within the 2 common bin storage areas.</p> <p>It is noted that the ESC Site Waste Minimisation and Management Code does not specify quantities of green waste.</p> <p>LAHC contractors will maintain the landscaped areas on site and remove any green waste which will significantly reduce the number of green bins required for the development. Based on other LAHC developments, one green bin per common enclosure is considered adequate to address the green waste requirements of the development.</p> <p><b>Proposed Lot B:</b> As noted in the submitted Waste Management Plan,</p>

Issues raised	Response
	<p>each dwelling is provided with:</p> <p>1 x 240L general waste bin 1 x 240L recycling bin 1 x 240L green waste bin.</p> <p>The provision of bins for Lot B meets Council's waste requirements.</p> <p>Bins for units 1 to 7 are able to be taken to the kerb via an accessible path of travel; whilst the bins for units 9 to 16 are to be taken to the kerb by LAHC contractor via B85 vehicle.</p> <p>Bins for Units 18 and 19 can be taken to the kerb by the residents via each driveway, which have suitable gradients of 1:20.</p>
<ul style="list-style-type: none"> <li>Should the development opt for Council's kerbside collection, it is noted that the verge on Murray Street may not be adequate for the number of units. As advised previously, sizing of bins with bin sharing can be considered.</li> <li>Alternatively, private collection on site is an option, and servicing trucks must be considered with vehicle manoeuvrability.</li> </ul>	<p>As noted in the Waste Management Plan, the number of bins proposed can be accommodated at the kerbside, with suitable gaps between bins in accordance with Council's Site Waste Minimisation and Management Code.</p> <p>LAHC contractors will take the bins to the kerb either by foot or via a B85 vehicle.</p>
<p><b>Tree Protection</b></p> <ul style="list-style-type: none"> <li>It is noted the proposal is encroaching a Tree Protection Zone. Assessment will need to be in accordance with Australian Standard AS4970-2009 – Protection of trees on development sites.</li> </ul>	<p>An Arboricultural Impact Assessment report (<b>Appendix J</b>) prepared by a suitably qualified Arborist is provided in support of the activity, which provides an assessment of the impacts of the development on existing trees in accordance with the relevant Australian Standards. Identified Requirement 33 requires that works on site are carried out in accordance with the recommendations of the arborist report.</p>
<p><b>Council response 16 May 2024</b></p>	
<p>We have not completed a detailed assessment of this development for compliance purposes (refer previous responses). Instead I have focussed on the works within Council's road reserve, for which you will need to submit a Section 138 application and Section 68 application to Council via the planning portal.</p>	<p>Noted. Council's previous responses are addressed under the heading 'Council's Previous Responses', below.</p> <p><u>Section 138 of the Roads Act 1993:</u> Clause 5 of Schedule 2 of the savings, transitional and other provisions of the <i>Roads Act 1993</i> provides that a Public Authority, such as the Land &amp; Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road. All proposed works within the public road and footway</p>

Issues raised	Response
	<p>shall be designed and constructed to Council's standards and specifications and a copy of the detailed plans submitted to Council prior to work commencing. The developer shall arrange for necessary inspections by Council whilst the work is in progress or after completion of the works.</p> <p><u>Section 68 of the <i>Local Government Act 1993</i>:</u> Pursuant to S.69 of the <i>Local Government Act 1993</i>, S.68 does not require the Crown to obtain the approval of a Council to do anything that is incidental to the erection or demolition of a building. However, However, in relation to plumbing and drainage work under s.6.28 (previously S109R) of the EP&amp;A Act, LAHC must comply with the State's building laws which includes Volume 3 of the National Construction Code which applies to plumbing and drainage.</p>
<p>For those applications, please provide amended plans addressing the following matters:</p> <p><b><u>Stormwater Works in Murray Street:</u></b></p> <ul style="list-style-type: none"> <li>Have the existing services (water, sewer, telcos, etc), been located on site by potholing? This will be required. Refer attached screenshot. It appears the location proposed for stormwater will likely clash with water services and possibly be too close to sewer.</li> <li>The proposal includes "CONCRETE ENCASED Ø375mm RCP CLASS 4". I'm unclear why you would propose to concrete encase a reinforced concrete pipe. Perhaps the intention was to concrete encase the sewer main? Concrete encasement of proposed stormwater is not supported. And sewer concrete encasement must adhere to our Build in the Vicinity of Sewer Mains Code. Preference would be to demonstrate adequate clearances have been achieved (WSA), and therefore no encasement would be required. But you need accurate services location to demonstrate.</li> <li>Show all service crossings on the stormwater long sections accurately (services located on site).</li> </ul> <p><b><u>Sewer</u></b></p> <ul style="list-style-type: none"> <li>Provide detailed design plans for sewerage including extension of the existing main on Lagoon Street by approximately 18m. Terminate with a new Manhole and stub with end cap for future extension.</li> <li>Designs prepared by a suitably qualified structural engineer for special footing adjacent to Council's</li> </ul>	<p>Identified Requirement (No. 68) is recommended to address Council's requirements in relation to stormwater works in Murray Street.</p> <p>Identified Requirement (No. 69) is recommended to address Council's requirements in relation to sewer works.</p>

Issues raised	Response
<p>sewer main. The design is to be consistent with Council's Build in the Vicinity of Sewer Mains Code (particularly Figure 1 below). Attached is a sewer diagram and the relevant manhole levels for the required engineer's footing design, adjacent to Council's sewer line.</p>  <p>Figure 1: Zone of Influence</p> <p><b>Water</b></p> <ul style="list-style-type: none"> <li>There is an existing 100mm main running along Lagoon Street, this is available for water connection.</li> <li>There are existing water meters to Lot 75 &amp; 77 off a 50mm main on Murray Street. Connection to this main would not be available for this higher density development, and upgrade of the main would be required at the developer's expense if a connection in Murray Street is required.</li> <li>Submission to Council of certification and a layout plan for the service by a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose reels.</li> </ul> <p>Note: All fire hose reels must be supplied through the metered supply.</p> <p>Council will provide a quote to construct the water service complete with meter with prepayment required before works being scheduled.</p> <p>The meter is to be located so as to be accessible to Council's Water Meter Reader at all times.</p> <p>Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.</p> <p>Note: A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.</p> <p>A standard meter connection is where the water main is located on the same side of the street as the property, the</p>	<p>Noted.</p> <p>Standard Identified Requirement (No 26) is recommended requiring the plans to be submitted to Eurobodalla Shire Council to determine their requirements; and identified requirement (No. 70) is further recommend to address Council's requirements in relation to water connections and metering.</p>

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Issues raised	Response
<ul style="list-style-type: none"> <li>Traffic Control Plans prepared by a suitably qualified consultant, certified by the Roads and Maritime Service (RMS), in work site traffic control plan preparation. Show control of vehicle and pedestrian traffic, location of plant and equipment temporary fencing, etc.</li> </ul>	

#### Council's Previous Responses

(Note: Council's responses below relate to the proposal prior to the amended proposal subject of this REF)

<b>Stormwater</b>	
Pre-development flows to match post-development flows and no concentration of stormwater runoff onto neighbouring properties.	Civil Design Plan Set by Hydraulic Consultants C200 Revision A dated 16.02.2024 indicates post-development discharge to be less than pre-development discharge.
Basic catchment analysis required for infrastructure design and network capacity	In response to Council's feedback, the consultant engineer prepared a DRAINS model, which indicates that network capacity is not exceeded.
Two points of discharge is ok given the site falls in two directions. Can more of the site (e.g. south of Units 10-12, and some roof water from that building) be directed to the street drainage on Lagoon Street instead of Murray Street to minimise potential kerb outlets? Spilt OSD into two if achievable.	One new kerb inlet pit is proposed at the Murray Street frontage to discharge stormwater for units 1 to 16. Units 17 and 18, and some upstream overland flow from the adjoining sites to the south, are proposed to discharge to Council's existing kerb inlet pit in Lagoon Street. OSD is provided for proposed Lot A whilst OSD is not required for proposed Lot B.
Connection to be extended to the existing piped stormwater network	<p>Proposed Lot A is to discharge to Council's existing stormwater infrastructure (KIP P3) located on the eastern side of Lagoon Street, near the intersection with Murray Street</p> <p>Proposed Lot B will discharge to Council's existing KIP at the front of the site in Lagoon Street.</p>

## 7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43A(1)(a) of the Housing SEPP, Eurobodalla Shire 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 30 January 2024. Council provided an email response on 1 February 2024 advising that the notification map is consistent with Council's Community Participation Plan and acceptable to Council. **Figure 16** illustrates the properties in which the occupiers and landowners were notified of the development.

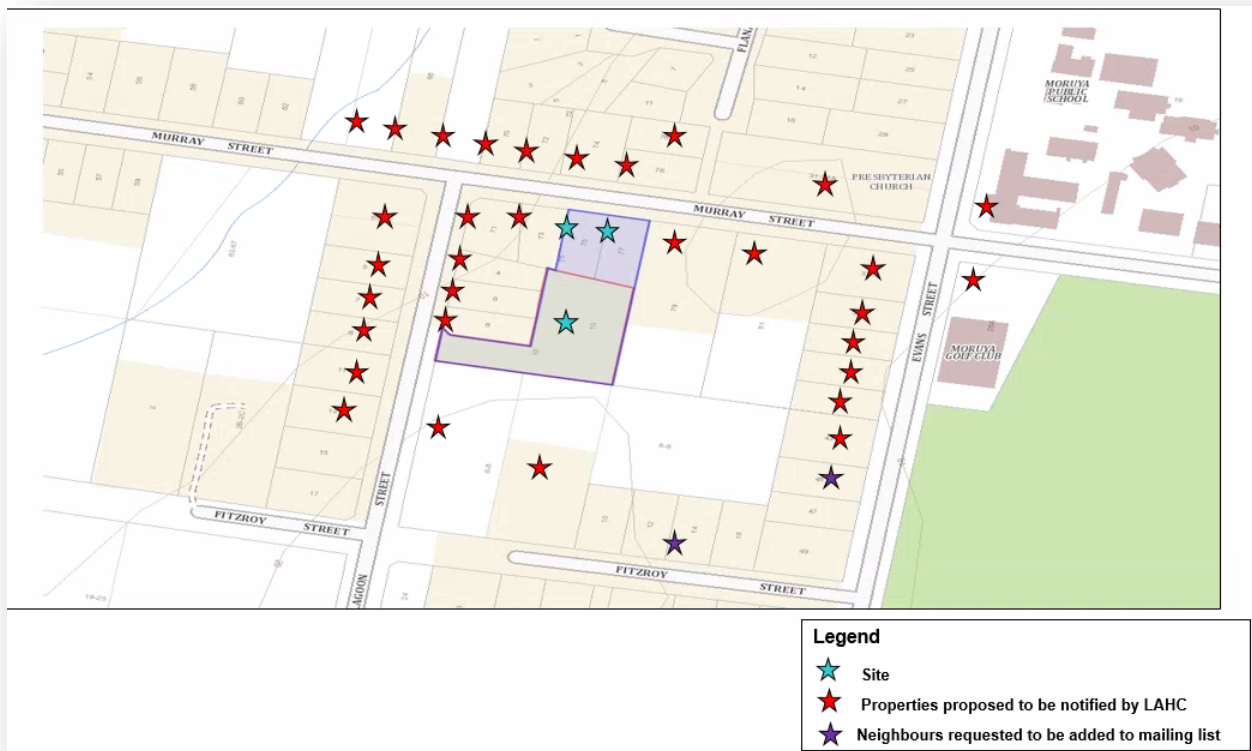


Figure 16 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 43A(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 7 March 2024. Copies of the notification letters are provided at **Appendix G**.

The notification response period formally closed on 4 April 2024. One submission was received which is discussed in table 11, below.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
<b>Anti-social behaviour</b>	The majority of tenants are good neighbours and law-abiding people. Nevertheless, Homes NSW has in place a policy for dealing with disruptive tenants. More information about the policy can be found at <a href="http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy">http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy</a> . In addition, DCJ has a dedicated 24 hour hotline, 1800 422 322, where local residents can report any tenancy related matters.
<b>Development will negatively impact property value</b>	There is no evidence to suggest the development would adversely affect property values.

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## 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

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 6.5.1 of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

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### 8.1 Neighbourhood Character

The site is located within an established residential area predominantly characterized by single storey detached dwellings on large lots.

The 2-storey design, siting, layout and landscape setting of the proposed development generally aligns with the types of future development envisaged by the planning controls for the locality which allow multi-dwelling housing and dual occupancy development to a height of 8.5m.

Whilst permissible within the zone and envisaged by the planning controls the proposed development is a different typology to the surrounding and nearby development. Generous setbacks, the retention of a large tree and proposed landscaped works will assist the development to fit comfortably within its neighbourhood.

#### Mitigation Measures

No mitigation measures are required.

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### 8.2 Bulk and Density

Both the dual occupancy and the multi-dwelling housing development comply with the applicable setbacks under the DCP. The Murray Street façade is broken into 4 smaller elements to integrate into the scale of neighboring dwellings, whilst the dual occupancy development adopts the appearance of a 2-storey detached style residential dwelling in a landscaped setting, to integrate into the existing surrounding development.

The dual occupancy development and multi-dwelling housing development propose floor space ratios of 0.35:1 and 0.31:1, respectively, which are significantly below the FSR of 0.5:1 typically applied to R2 Low Density Residential zones. The development also proposes maximum building heights of 8.4m (proposed Lot A) and 6.8m (proposed Lot B), which are generally consistent with the height controls typically applied to low-density residential areas and comply with the maximum building height under the Eurobodalla LEP 2012. The combination of low FSRs and 2-storey built form provide a bulk and density which integrates with existing development in the locality.

Overall, 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 required.

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## 8.3 Visual Impact

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

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

New landscaping proposed within the front setback areas of the development will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street.

### Mitigation Measures

No mitigation measures are required.

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## 8.4 Privacy

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

- Unit 1's eastern elevation contains highlight windows at ground level and a window to the stair at the upper level which given the separation distance to the eastern boundary minimise opportunity for overlooking.
- Units 8 and 11 are provided with highlight windows or screening to mitigate impacts.
- The landscape plan shows proposed plantings of trees and shrubs along the eastern boundary between 6, 8 and 15m which will assist with privacy.
- Proposed 1.8m Colorbond fencing will mitigate unacceptable overlooking from ground level units into properties to the south.
- The windows and balconies to Units 4, 10 and 16 are adequately setback from the western boundary to provide adequate visual separation and reduce the impacts of any potential for overlooking.
- The entry steps located at the northern elevation of Unit 19 are provided with a privacy screen to prevent overlooking from the entry landing at the top of the stairs.
- The private open space area at the rear of Unit 17 is sited close to existing natural ground level. Accordingly, the proposed 1.8m high fence at the northern boundary of proposed Lot B is considered adequate to prevent opportunity for overlooking of the neighbouring dwelling, 8 Lagoon Street.
- The southern elevation of Unit 18 is sited a considerable distance from the adjoining dwelling located within Fitzroy Street and would not result in any unreasonable privacy impacts.

### Mitigation Measures

No mitigation measures are required.

## 8.5 Solar Access

The Solar Access Study-3 (**Appendix A**) indicates that 100% of dwellings in the development receive at least 3 hours direct solar access to their living and POS areas on June 21, meeting the LAHC Design Requirements for solar access.

### Mitigation Measures

No mitigation measures required.

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## 8.6 Overshadowing

As shown on the Shadow Diagrams (**Appendix A**), the orientation of the site and significant setbacks allows for the proposed development to provide adequate daylight access to the living and private open space areas of neighbouring properties.

### Mitigation Measures

No mitigation measures are required.

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## 8.7 Traffic & Parking

On-site car parking meets the parking requirements set out in the Housing SEPP for developments located in a non-accessible area and carried out by LAHC. A total of 20 surface car parking spaces for residents, including 3 accessible spaces, will be available on site to serve the proposed development. Unrestricted street parking is available on Lagoon Street and Murray Street directly adjacent to the site to accommodate any overflow parking demand generated by the proposed development.

The Traffic Management Report (**Appendix R**) indicates that the projected net increase in traffic as a consequence of the proposed development is acceptable and the projected maximum increase of 8 vehicle per hour trips during peak hour can be accommodated within the capacity of the existing local street network.

The Traffic Management Report confirms the on-site manoeuvring, dimensions and grades of parking spaces and driveway areas are compliant with Australian Standards.

### Mitigation Measures

The Traffic Management Report (**Appendix R**) recommends the following be included in the design to ensure traffic safety within the site:

- Convex mirrors at the junction of the parking aisle to ensure there is sufficient sight distance.
- Give-way signs & line-marking at the junction of the one-way ramp to ensure safe vehicular circulation.

Identified Requirement No 67 includes these recommendations.

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## 8.8 Flora and Fauna

An Arboricultural Impact Assessment Report details the assessment of existing trees on the site. The report also considers trees in close proximity to the site boundaries. All trees on neighbouring properties will be retained. There are no Council street trees located within either street frontage.

Of the 13 trees on site assessed as not exempt from the requirement to obtain a permit or consent for their removal, 8 are proposed to be removed.

It is noted that Tree 1, previously identified as a tree of high significance was recently re-assessed as part of this amended activity, and was found to be in decline and as such is not considered worthy of retention. Tree T6, a high significance tree, is retained due to the reduction of 2 units and associated hardstand areas.

Tree removal within the site boundaries is recommended primarily to accommodate the proposed development (refer to submitted Arboricultural Impact Assessment in **Appendix J**). Trees to be removed do not have significant aesthetic, cultural, habitat or biodiversity value.

More appropriate tree plantings, including trees capable of reaching a mature height of 15m, will be provided as part of the proposed landscaping plan to compensate for the loss of trees removed (refer to submitted Landscape Plan in **Appendix B**).

There will be no significant impact on native fauna as a result of the proposed development. Compensatory planting will enhance the quality and long term viability of vegetation on the site and increase biodiversity.

### **Mitigation Measures**

Standard Identified Requirements (Nos 20 and 33) are recommended requiring tree removal and protection to be carried out in accordance with the recommendations contained in the Arboricultural Impact Assessment report.

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

No heritage items or heritage conservation areas are identified in Eurobodalla Shire Council's Section 10.7(2) & (5) Planning Certificates located on or in the immediate vicinity of the site.

### Aboriginal Heritage

Aboriginal Heritage Information Management System (AHIMS) searches, dated 9 April 2024 (**Appendix I**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement for an unexpected finds protocol 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 Eurobodalla Shire 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 Requirements (No. 43 and 44) has been applied should any cultural heritage relics or items of Aboriginal cultural significance be discovered on the site during excavation / construction.

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## **8.10 Soils / Contamination / Acid Sulfate Soils / Salinity**

### Geotechnical

A Geotechnical Investigation Report, prepared by Barnson Pty Ltd observed that:

- The site contains a 0.2-0.4m thick layer of topsoil consisting of loam.
- Alluvial soils are present within the sub-soil comprising slightly moist sand and clays, overlying igneous rock of high strength.
- The allowable bearing capacity at depths up to 0.5m is 100kPa and 100-350kPa at depths ranging from 0.5m to 3m.
- The site is subject to seasonal surface movement and has large existing trees, both of which are to be considered in foundation design.

### **Mitigation Measures**

Identified requirement (No. 1) requires the activity to be carried out substantially in accordance with the recommendations contained in the Geotechnical Investigation.

### Soil and Erosion

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

### **Mitigation Measures**

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

### Contamination

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 construction works.

### Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by Acid Sulfate Soils.

### **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.

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

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements.

Within proposed Lot A stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank beneath the common driveway and drained to the street drainage within Murray Street and connecting to the drainage infrastructure in Lagoon Street. Roof water will

be collected from downpipes and directed to an underground rainwater tank for recycling, with overflow connected to the underground detention tank. Upstream overland flow will also be collected via swale drains at the eastern boundary of proposed Lot A, and directed to Council's street infrastructure via a gully pit and pipes located within the site at the Murray Street frontage.

Within proposed Lot B, stormwater will be directed to 2 gully pits located at the front of the site and subsequently directed to Council's drainage infrastructure within Lagoon Street. Stormwater from the driveway will be directed to a gully grate connected to Council's infrastructure. Roof water will be collected via downpipes and stored in separate rainwater tanks. Upstream overland flow from lots adjoining the southern boundaries of the site is directed to Council's infrastructure in Lagoon Street via a swale drain located at the southern boundaries of proposed Lot B. Identified requirement (No. 65) is recommended requiring easements for the drainage of stormwater to be created alongside the full length of the southern side boundary of proposed Lot B.

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

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, 39-40 and 60) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

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## **8.12 Bushfire Prone Land**

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

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.13 Noise and Vibration**

#### During Construction

During construction typical noise levels associated with building works will be generated within the hours consistent with the requirements for Complying Development throughout NSW, being 7am to 5pm Monday to Saturday with no work on Sundays or public holidays.

#### During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. As noted at sections 6.5.4 and 6.5.5, Air Conditioning Units (ACUs) are to be provided for each dwelling. Accordingly, identified requirement (No 63) is recommended in relation to criteria to be met in regard to their location and operation in accordance with the *Protection of the Environment Operations (Noise Control) Regulations 2017*.

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

### Mitigation Measures

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, 46 & 48) have been applied to ensure compliance with the above mitigation measures.

Identified requirement (No 63) is recommended in relation to criteria to be met in regard to the location of the ACUs; and their operation in accordance with the *Protection of the Environment Operations (Noise Control) Regulations 2017*.

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## 8.14 Air Quality

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

### Mitigation Measures

Appropriate standard identified requirements (Nos. 52 & 53) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 8.15 Waste Minimisation

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

### During Construction

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

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

### During Occupation

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

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

waste services. For further details about the management of waste during occupation, refer to the response to Council's submission at section 7.1 of this REF.

#### **Mitigation Measures**

Standard Identified Requirement (No. 54) is recommended to ensure construction waste is appropriately managed and disposed of.

A standard Identified Requirement (No. 34) is recommended to require the preparation of a final waste management plan for the construction and occupation phases of the development.

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## **8.16 Resource Use & Availability**

The proposed activity will not result in any discernible 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 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.

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## **8.17 Community / Social Effects**

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

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Eurobodalla Shire Council 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.

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## **8.18 Economic Impact**

The proposed development is likely to contribute to a range of economic benefits in the Eurobodalla Shire Council local government area and surrounding areas 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.

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## 8.19 Cumulative Impact Assessment

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

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

**Mitigation Measures**

No mitigation measures are required.

## 9 Conclusion

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### 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 that there are no key issues that have been identified that require further assessment.

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

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

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

The proposed development will enable LAHC to meet the increasing demand for 1, 2 and 3-bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

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### 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

- 10.1.1 APPENDIX A – ARCHITECTURAL PLANS
- 10.1.2 APPENDIX B – LANDSCAPE PLAN
- 10.1.3 APPENDIX C – CIVIL & STRUCTURAL PLANS
- 10.1.4 APPENDIX D – SURVEY PLAN
- 10.1.5 APPENDIX E – NOTIFICATION PLANS
- 10.1.6 APPENDIX F – SECTION 10.7 CERTIFICATES
- 10.1.7 APPENDIX G – NOTIFICATION & CONSULTATION
- 10.1.8 APPENDIX H – ACCESS REPORT
- 10.1.9 APPENDIX I – AHIMS SEARCH
- 10.1.10 APPENDIX J – ARBORIST REPORT
- 10.1.11 APPENDIX K – BASIX CERTIFICATE
- 10.1.12 APPENDIX L – BCA REPORT
- 10.1.13 APPENDIX M – DESIGN COMPLIANCE CERTIFICATES
- 10.1.14 APPENDIX N – NatHERS CERTIFICATE
- 10.1.15 APPENDIX O – GEOTECHNICAL INVESTIGATION
- 10.1.16 APPENDIX P – TITLE SEARCH AND DP
- 10.1.17 APPENDIX Q – WASTE MANAGEMENT PLAN
- 10.1.18 APPENDIX R – TRAFFIC MANAGEMENT REPORT

## APPENDIX A – ARCHITECTURAL PLANS

## APPENDIX B – LANDSCAPE PLANS

## APPENDIX C – CIVIL PLANS

## APPENDIX D – SURVEY PLAN

## APPENDIX E – NOTIFICATION PLANS

## APPENDIX F – S.10.7 PLANNING CERTIFICATE

## APPENDIX G – NOTIFICATION & CONSULTATION

## APPENDIX H – ACCESS REPORT

## APPENDIX I – AHIMS

## APPENDIX J – ARBORIST REPORT

## APPENDIX K – BASIX CERTIFICATE

## APPENDIX L – BCA REPORT

## APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

## APPENDIX N – NatHERS CERTIFICATES

## APPENDIX O – GEOTECHNICAL INVESTIGATION

## APPENDIX P – TITLE SEARCH AND DP

## APPENDIX Q – WASTE MANAGEMENT PLAN

## APPENDIX R – TRAFFIC IMPACT ASSESSMENT