

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building Development

at

34-36 Light Street and 42 Walker Street, Casino, NSW 2470

June 2024





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

Published by Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

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DOCUMENT CONTROL REGISTER

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

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3	June 2024	Internal review – a/Manager (LH)	All

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REF prepared and peer reviewed by:

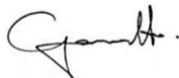
Having prepared the Review of Environmental Factors:

- 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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Signature:



Date: 17 May 2024

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Having reviewed the Review of Environmental Factors:

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- I do not consider I have any personal interests that would affect my professional judgement.
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I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Name: Lara Huckstepp

Designation: a/Manager, Planning and Assessment, Housing Portfolio, Homes NSW

Signature:



Date: 16 June 2024

REF authorised for issue by:

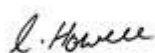
Having authorised the issuing of this Review of Environmental Factors:

- I have declared any possible conflict of interest (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.
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Designation: a/Director Portfolio Services, Housing Portfolio, Homes NSW

Signature:



Date: 18 July 2024

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1 Executive Summary

The subject site is located at 34-36 Light Street and 42 Walker Street Casino, and is legally described as Lots C, D and E in Deposited Plan 35927. The proposed development is described as follows:

Construction of a two-storey, 14-unit residential flat building comprising of 6 x 1 bedroom and 8 x 2 bedroom units, with associated landscaping, fencing, at grade car parking for 11 vehicles and consolidation of the existing 3 lots into 1 lot.

The proposed activity is permitted on the site under the applicable local environmental planning instrument the *Richmond Valley Local Environmental Plan 2012* (RVLEP 2012). Therefore, the proposed development 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 the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), as it does not result in more than 75 dwellings on the site and does not exceed 11 metres in height.

Demolition has not been considered as part of the proposed activity. Demolition will be approved via a Complying Development Certificate (CDC).

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

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as Identified Requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into consideration the *Good Design for Social Housing* and *NSW Land and Housing Corporation Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Richmond Valley Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets; and
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.

Richmond Valley Council, as well as owners and occupiers of adjoining land were notified of the proposed activity on 13 March 2024 under the provisions of the Housing SEPP. A response was received from Council dated 12 April 2024. A summary of the response from Richmond Valley Council is provided in **Section 7.1** of this REF (and in full at **Appendix G**). Due to an administrative error, not all owners and occupiers of adjoining land were notified of the development. LAHC renotified owners and occupiers of adjoining land via a letter dated 30 April 2024, with the final date for submissions being 24 May 2024. Three submissions were received from occupiers of adjoining land. Comments on the submissions are provided in **Section 7.2** of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in **Section 8**, 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 contained in the **Activity Determination**.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the construction of a two-storey, 14-unit residential flat building comprising of 6 x 1 bedroom and 8 x 2 bedroom units, with associated landscaping, fencing, at grade car parking for 11 vehicles and consolidation of the existing 3 lots into 1 lot at 34-36 Light Street and 42 Walker Street, Casino.

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

This REF has been prepared by LAHC to satisfy the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning & Assessment Regulation* (EP&A Regulations) 2021.

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

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

2.2 Assessment Methodology

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

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

- Section 10.7 Planning Certificates (**Appendix F**) were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Richmond Valley Local Environmental Plan 2012 (RVLEP 2012)*;
- it was determined that residential flat buildings are both ‘permitted with consent’ in the R1 General Residential zoning pursuant to the RVLEP 2012, and can be carried out ‘without consent’ under the provisions of Housing SEPP 2021;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the NSW Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- a site visit was undertaken by the NSW Land and Housing Corporation planning staff on 26 September 2022;
- 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

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Richmond Valley local government area (LGA) and comprises 3 residential allotments (refer to **Title Searches Appendix P**). A location plan is provided at **Figure 1**. The site is currently occupied by 3 single storey fibro clad dwellings with metal sheet roofing (refer to **Survey Plan Appendix D** at **Figure 2** and site photographs at **Figure 3, 4, 5 & 6**).

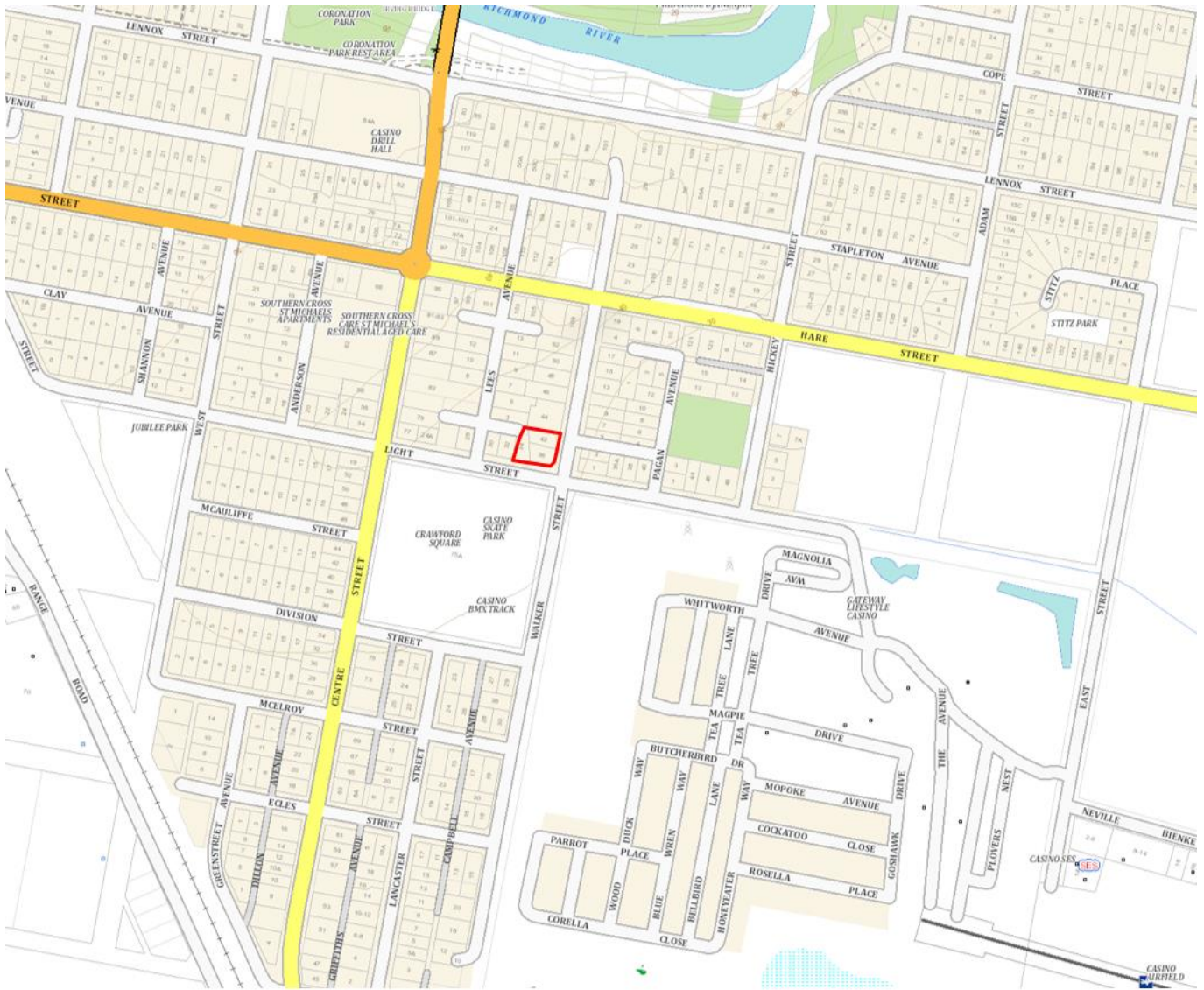


Figure 1 Location Plan (Source: SIX Maps)

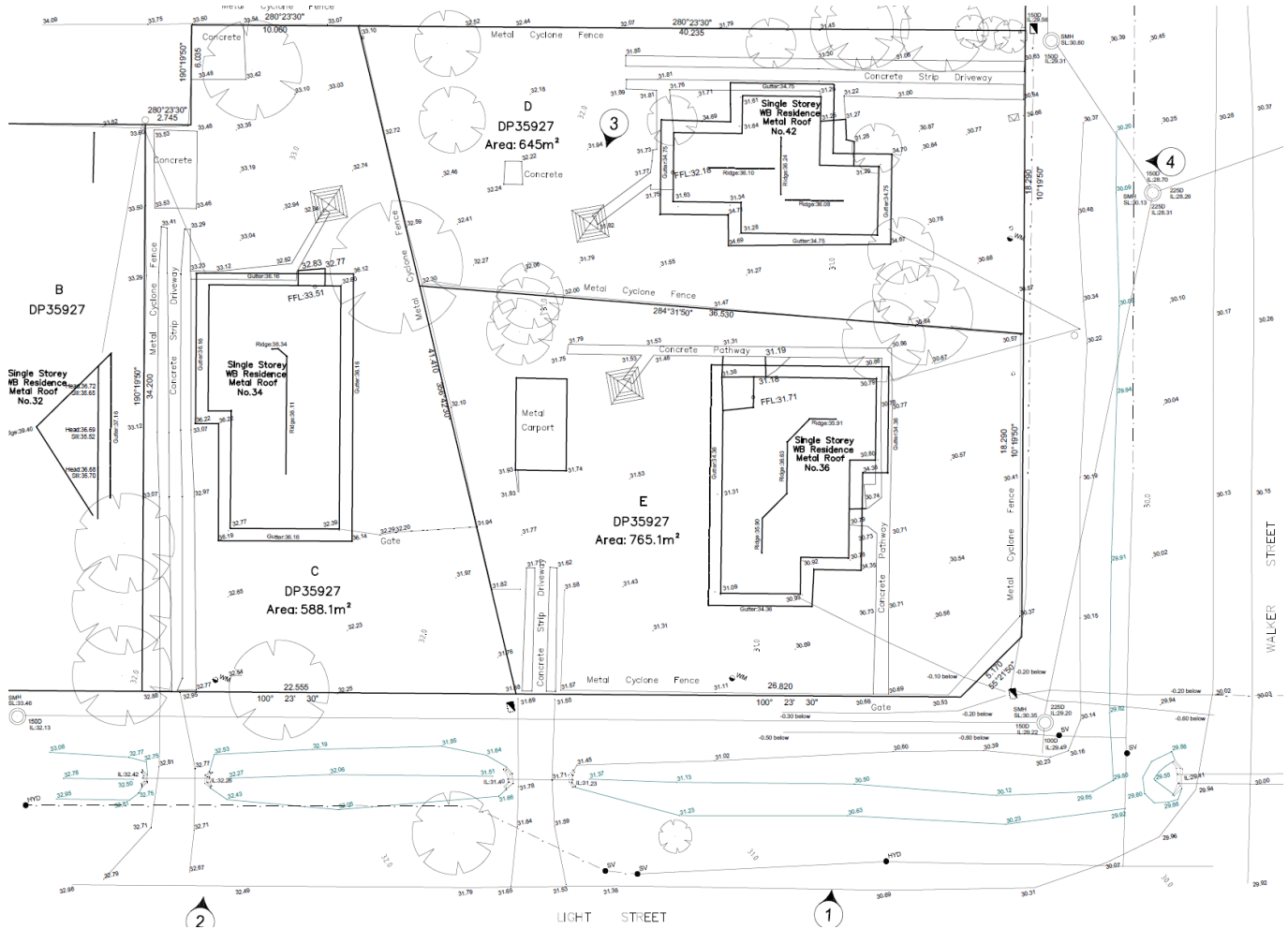


Figure 2 Extract from Survey Plan (Source: RPS AAP Consulting Pty Ltd dated 6/9/2023)



Figure 3 Development site – white clad dwelling at 34 Light Street, Casino (Source – LAHC Planner 26 September 2022)



Figure 4 Development site – yellow clad dwelling at 36 Light Street, Casino (Source – LAHC Planner 26 September 2022)



Figure 5 Development site – 36 Light Street, Casino as viewed from the intersection of Light Street and Walker Street (Source – LAHC Planner 26 September 2022)



Figure 6 Development site – green clad dwelling at 42 Walker Street, Casino (Source – LAHC Planner 26 September 2022)

The properties immediately to the west, (being 30 Light Street and 32 Light Street) are occupied by single storey (yellow and green) clad dwellings with metal sheet roofing – photographed at **Figure 7**. The property immediately to the north, being 44 Walker Street is a large lot occupied by a part 1 and part 2 storey brick dwelling house with tiled roofing – photographed at **Figure 8**. The north-western site corner adjoins the property at No.3 Lees Street and also an un-named laneway accessed off Lees Street. Those dwellings opposite the site on the eastern side of Walker Street, being 1 Walker Street and 3 Walker Street are occupied by 1 to 2 storey brick dwelling houses with tiled roofing – photographed at **Figure 9**. Off the southern side of Light Street is a large parkland comprised of open grassland, Casino Skate Park, Casino BMX Club, outdoor gym facilities and Crawford Square Regional Playground – photographed in street view and aerial at **Figure 10**.



Figure 7 Adjoining property – 30 and 32 Light Street, Casino (Source – LAHC Planner 26 September 2022)



Figure 8 Adjoining property – 44 Walker Street, Casino (Source – LAHC Planner 26 September 2022)



Figure 9 Neighbouring property – 1 and 3 Walker Street, Casino (Source – Google Streetview – April 2023)



Figure 10 View of parkland as viewed from Light Street and aerial photo of parkland (Source – Google Streetview – January 2024 and Near Map – June 2024)

3.2 Site Description

The site is a corner allotment with a total area of 2,110.29m². It has a 49.377m frontage to Light Street, 36.576m frontage to Walker Street and western side boundary depth of 34.2m and northern side boundary depth of 50.292m (refer to Site Analysis Plan in **Appendix A**). Copies of the Section 10.7(2) & (5) Planning Certificates dated 6 February 2024 are provided in **Appendix F**.

The site falls from the north-west corner down toward the south-east corner approximately 3.25m. The title searches dated 15 February 2024 (**Appendix P**) do not identify any easements or covenants affecting the site. The site is not within a flood planning area and is not subject to flood related development controls.

There are 26 trees scattered (T1-T26) within or around the site which have been considered in the Arboricultural Impact Assessment Report (**Appendix J**) as follows:

- 2 trees (T1 and T4) located on Light Street verge;
- 17 trees (T2, T3, T5, T6, T7, T8, T13, T14, T15, T16, T17, T18, T19, T20, T21, T25 and T26) wholly located within the subject site;
- 4 trees (T9, T10, T11 and T12) straddling the boundary of the subject site and the adjoining northern property at 44 Walker Street; and
- 3 trees (T22, T23 and T24) located wholly on the adjoining western property at 32 Light Street.

Traffic and Access

Vehicular access is currently provided to each dwelling via a crossover from Walker Street for 42 Walker Street and from Light Street for 34 and 36 Light Street.

Services

Water, sewer, electricity, and telephone facilities are available to the site.

Encumbrances

There are no encumbrances on the Certificate of Title (refer to **Appendix P**), Section 10.7 certificates (refer to **Appendix F**) or indicated on the Detail and Level Survey Plan (**Appendix D**).

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single and two-storey dwelling houses with a mix of brick or fibro clad construction and tiled or metal roofs - refer to **Figure 8 – 9**). Off the southern side of Light Street is a large parkland comprised of open grassland, Casino Skate Park, Casino BMX Club, outdoor gym facilities and Crawford Square Regional Playground – photographed in street view and aerial at **Figure 10**.

The closest bus stops are located west on Centre Street (approximately 210m from the subject site) and south at the intersection of Hickey Street and Light Street (approximately 370m from the subject site). These bus stops/routes are ID247049 and ID247056. Neither stop is serviced at the frequency required to satisfy the definition of “accessible area” within the Housing SEPP. Therefore, the site is not within an accessible area.

4 Project Description

The proposed activity can be described as follows:

Construction of a two-storey, 14-unit residential flat building comprising of 6 x 1 bedroom and 8 x 2 bedroom units, with associated landscaping, fencing, at grade car parking for 11 vehicles and consolidation of the existing 3 lots into 1 lot.

Access to the site is provided via a common driveway located adjacent to the northern boundary which leads to the car parking area that is located centrally at the site.

4.1 Demolition

The proposed activity does not include demolition of the 3 single storey detached dwelling houses and associated structures. Demolition is to be approved via a Complying Development Certificate.

4.2 Removal of Trees

There are 26 trees scattered within or around the site which have been considered in the Arborist Report (**Appendix J**). 2 trees (T1 and T4) located on Light street verge; 17 trees (T2, T3, T5, T6, T7, T8, T13, T14, T15, T16, T17, T18, T19, T20, T21, T25 and T26) wholly located within the subject site; 4 trees (T9, T10, T11 and T12) straddling the boundary of the subject site and the adjoining northern property at 44 Walker Street; and 3 trees (T22, T23 and T24) located wholly on the adjoining western property at 32 Light Street.

The following 21 trees are proposed to be removed. Reasons for their removal are detailed below:

- Tree No. 2 – categorised as having low retention value and located within the footprint of Units 3 and 10.
- Tree No. 3 and 5 – categorised as having very low retention value and located within the footprint of stair lobby 2.
- Tree No. 6 – categorised as having very low retention value and in poor health condition.
- Trees 7, 8 and 9 – categorised as having very low retention value and in poor health condition.
- Tree No. 11,12 and 13 – categorised as having very low retention value and a weed species.
- Tree No. 14 and 15 - categorised as having low retention value and located within footprint of bin storage and car parking area.
- Tree No. 16 and 17 - categorised as having low retention value and located within footprint of car parking area
- Tree No. 18 - categorised as having low retention value and located within footprint of car parking area and concrete pathway.
- Tree No. 19 - categorised as having very low retention value and located within footprint of car parking area.
- Tree No. 20 - categorised as having moderate retention value and located within footprint Units 3 and 10.
- Tree No. 21 - categorised as having moderate retention value and located within footprint of Units 2 and 9.

- Tree No. 23 (neighbouring tree) - categorised as having very low retention value and assessed as dead.
- Tree No. 24 (neighbouring tree) - categorised as having very low retention value and assessed as dead.

Five trees are recommended for retention, being; T25 (mango tree) and T26 (avocado tree) on the subject site, T1 and T4 (tuckeroo trees) at the Light Street verge, and T22 (cypress pine) located on the western adjoining property of 32 Light Street. All other trees identified in the Arboricultural Impact Assessment Report are recommended for removal.

It is noted that the Arboricultural Impact Assessment Report (**Appendix J**) recommends the removal of T23 and T24 (cypress pine) which are located outside of the subject site and on the property of 32 Light Street, as they are dead. The Arborist report identifies a minor tree protection zone encroachment of 3% from stormwater pipe installation for retained tree T22 (cypress pine). It can therefore be inferred from this assessment that, a similar level of encroachment into tree protection zone will occur for T23 and T24 (cypress pine) given their location in relation to T22. Although assessed as dead, Identified Requirement No. 43 is recommended to ensure the retention and protection of T23 and T24 as they are not located within the subject site.

New tree plantings, including trees capable of reaching mature heights of 5m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in **Appendix B**).

4.3 Proposed Dwellings

The proposed 14-unit residential flat building is comprised of 6 x 1 bedroom and 8 x 2 bedroom units. Unit 5 and Unit 7 located at the ground floor are nominated as adaptable dwellings.

The proposed housing represents a contemporary, high quality design. The use of face brick for external walls and metal roofing is sympathetic to the developing character of the area.

Cut of up to 700mm and fill of up to 900mm is proposed to accommodate the proposed dwellings and the pedestrian accessways to the three lobby areas – refer to the Cut & Fill Plan in **Appendix A**.

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 ground floor unit will be provided with its own enclosed private open space area. All these spaces are directly accessible from the living areas. The proposed first floor units will be provided with a balcony each directly accessible from the living areas.

Reverse cycle air conditioning will be provided to the living areas of each dwelling to assist with climate control, as well as photovoltaic systems to offset energy costs.

A total of 11 surface car parking spaces will be provided on the site, including two accessible spaces (numbered 3 and 4).

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the street drainage pit on the site frontage. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

A new 1.8m high metal fence is proposed along the northern and western side boundaries. A combination of face brick with slatted aluminium fencing is proposed at the Light Street and Walker Street frontages to delineate the public verse private areas.

Figures 11 – 16 are extracts from the architectural plans illustrating the proposed development.



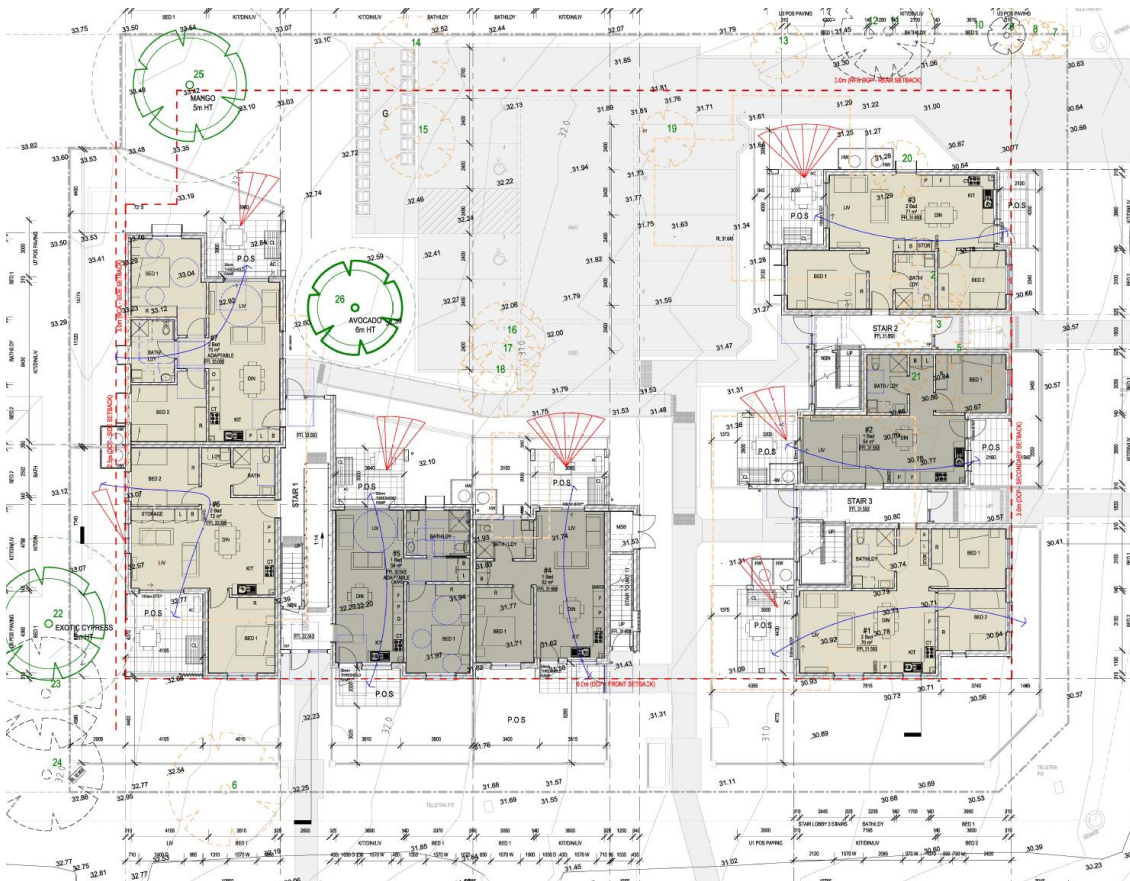


Figure 12 Extract from Architectural Plans - Ground Level (Source: Architectural Plans, Brewster Murray, dated 12/01/2024)

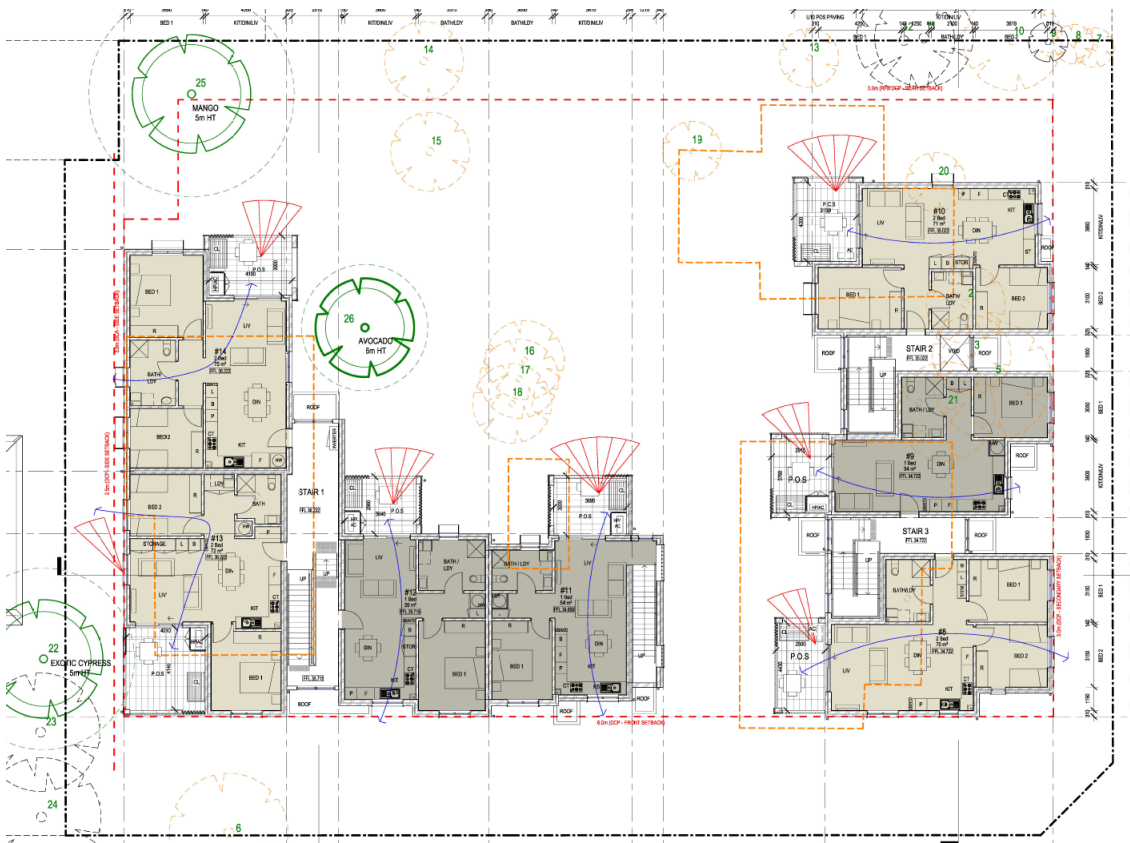


Figure 13 Extract from Architectural Plans – First Level (Source: Architectural Plans, Brewster Murray, dated 24/11/2023)



Figure 14 Extract from Architectural Plans – Southern Elevations (Source: Architectural Plans, Brewster Murray, dated 12/01/2024)



Figure 15 Extract from Architectural Plans – Northern Elevations (Source: Architectural Plans, Brewster Murray, dated 12/01/2024)



Figure 16 Extract from Architectural Plans –Light Street Perspective (Source: Architectural Plans, Brewster Murray, dated 12/01/2024)

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:
Architectural Plans – Appendix A				
Cover Sheet	DA00	H	12/01/2024	Brewster Murray

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Block Analysis	DA01	F	24/11/2023	Brewster Murray
Site Analysis	DA02	F	24/11/2023	Brewster Murray
Site Plan	DA04	J	12/01/2024	Brewster Murray
Ground Floor Plan	DA05	J	12/01/2024	Brewster Murray
First Floor Plan	DA06	H	24/11/2023	Brewster Murray
Roof Plan	DA07	G	24/11/2023	Brewster Murray
Elevations 1	DA08	H	12/01/2024	Brewster Murray
Elevations 2	DA09	H	12/01/2024	Brewster Murray
Elevations 3	DA10	H	12/01/2024	Brewster Murray
Sections 1	DA11	H	12/01/2024	Brewster Murray
Sections 2 and Retaining Walls	DA12	G	12/01/2024	Brewster Murray
Cut and Fill Plan	DA13	H	12/01/2024	Brewster Murray
Shadow Diagrams	DA14	H	12/01/2024	Brewster Murray
View from Sun	DA15	H	12/01/2024	Brewster Murray
Materials and Finishes	DA16	F	24/11/2023	Brewster Murray
Landscape Plan – Appendix B				
Landscape Plan	File 2753 Sheet 1 of 2	D	19/01/2024	Greenland Design
Landscape Details and Specification	File 2753 Sheet 2 of 2	D	19/01/2024	Greenland Design
Civil Plans – Appendix C				
Notes and Legends	Job.230192 Sheet C01	9	30/01/2024	Greenview Consulting
Ground Floor Drainage	Job.230192 Sheet C02	10	30/01/2024	Greenview Consulting
WSUD Site Area Break Up	Job.230192 Sheet C03	5	30/01/2024	Greenview Consulting
Site Stormwater Details Sheet 1	Job.230192 Sheet C04	9	30/01/2024	Greenview Consulting
Site Stormwater Details Sheet 2	Job.230192 Sheet C05	5	30/01/2024	Greenview Consulting
Notes and Legend	Job.230192 Sheet ESM1	5	30/01/2024	Greenview Consulting
Environmental Site Management Plan	Job.230192 Sheet ESM2	5	30/01/2024	Greenview Consulting
Survey Plan – Appendix D				
Detail Survey	Ref.151687	2	06/09/2023	RPS AAP Consulting
Notification Plans – Appendix E				
Notification Cover Sheet	Sheet N01	C	12/01/2024	Brewster Murray
Notification Site Plan / Landscape Plan	Sheet N02	C	12/01/2024	Brewster Murray
Notification Elevations and Development Data	Sheet N03	C	12/01/2024	Brewster Murray
Notification Elevations	Sheet N04	C	12/01/2024	Brewster Murray
Notification Schedule of Finishes	Sheet N05	C	12/01/2024	Brewster Murray
Notification Shadow Diagrams	Sheet N06	C	12/01/2024	Brewster Murray
Specialist Reports				
Appendix H – Accessibility Assessment Report	22074.4-Access	4	23 January 2024	Nest Consulting Group
Appendix J – Arboricultural Impact Assessment Report	-	-	20 January 2024	Arbor Ecological

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Appendix K – Basix Certificate	1405110M_02	-	29 January 2024	-
Appendix L – BCA Report	P230134(2)	2	21 January 2024	BCA Vision
Appendix N – NatHERs Certificate	00092003240 (summary sheet)	-	29 January 2024	-
Appendix O – Geotechnical Investigation	Report no.22/3057 Project no.31896/6471D-G	-	September 2022	STS Geotechnics Pty Ltd
Appendix Q – Waste Management Plan	Project no.22-6412	2	January 2024	Brewster Murray
Appendix R – Traffic Impact Assessment	GT22053	1	19 January 2024	Genesis Traffic
Appendix S – Services Location Report	Project no.SMS-34179	-	31 August 2023	Subsurface Mapping Solutions
Appendix T – Aircraft Noise Impact Assessment	23-2880-R1	-	July 2023	Reverb Acoustics

Additional Detail of the following Appendixes

Section 10.7 Planning Certificates – Appendix F

- Lot C DP 35927, Certificate No.PL2024/0453, dated 6 February 2024 - Richmond Valley Council
- Lot D DP 35927, Certificate No.PL2024/0452, dated 6 February 2024 - Richmond Valley Council
- Lot E DP 35927, Certificate No.PL2024/0451, dated 6 February 2024 - Richmond Valley Council

Notification Letters – Appendix G

- Inclusive of Richmond Valley Council response dated 12 April 2024.

Design Compliance and Checklists - Appendix M

- Architect Design Compliance Certificate – prepared by *Brewster Murray* dated 29/01/2024.
- Landscape Design Compliance Certificate – prepared by *Greenland Design* dated 19/01/2024.
- Stormwater Design Compliance Certificate – prepared by *Greenview Consulting* dated 30/01/2024.

Titles and Deposited Plans – Appendix P

- Title Search, Folio: C/35927, Search date 15/2/2024, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: D/35927, Search date 15/2/2024, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: E/35927, Search date 15/2/2024, First Schedule: New South Wales Land and Housing Corporation

AHIMS Web Search – Appendix I

- AHIMS Web Search, search date 14/2/2024.

5 Zoning and Permissibility

The site is zoned R1 General Residential under *Richmond Valley Local Environmental Plan 2012* (RVLEP 2012). The proposed development is defined as a 'residential flat building' under the provisions of RVLEP 2012 and is permissible in the R1 zone. An extract of the land zoning map is included in **Figure 17**.

Residential Flat Buildings are permitted with consent in the R1 zone under RVLEP 2012 and therefore, is 'permitted without consent' pursuant to Section 42 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

The relevant objectives for development in the R1 zone, as set out in RVLEP 2012 are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that housing densities are generally concentrated in locations accessible to public transport, employment, services and facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

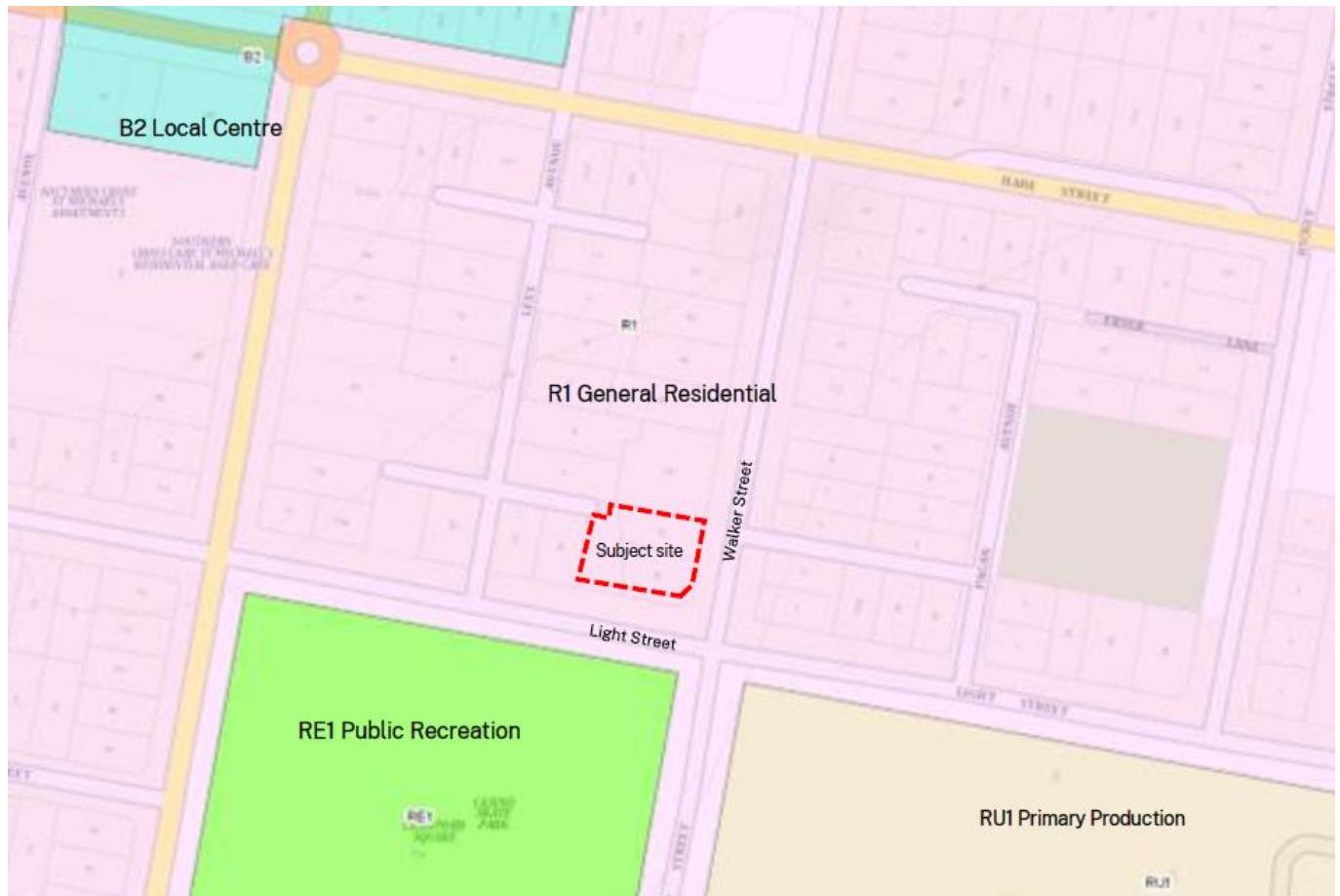


Figure 17 Land zoning map (Source: RVLEP 2012)

The proposed development provides housing that meets the identified needs of the community and will be consistent with the objectives of the zone.

Section 42 of the Housing SEPP permits residential development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **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 1979 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 1979 or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

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

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

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

6.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act 1979, 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 2016, 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 not be a key threatening process and the land is not part of, or in the vicinity of, any declared area of outstanding biodiversity value.

6.3 Other Acts

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

6.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act 1979, the factors in **Table 3** and **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3 Environmental Planning and Assessment Regulation 2021 (Section 171)

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021.

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

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

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.2		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8.		x	

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 managed by construction methods that include environmental protection measure for noise, dust, soil erosion and sediment control, traffic management and site safety, protection of trees and standards for connection of utilities and services. Construction will also have positive economic impacts with the generation of employment. There will be long term positive social outcomes through the provision of affordable housing that meets the needs of the community. The activity is consistent with the goals and targets of 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

Richmond Valley Council Local Strategic Planning Statement: Beyond 20-20 Vision

The Richmond Valley Strategic Plan was endorsed by Richmond Valley Council in May 2020. It is a 20-year plan that identifies 8 Planning Priorities for the LGA, focused around the environment, community and economy. The activity is consistent with the following Planning Priorities of the Local Strategic Planning Statement:

Planning Priority 1 – Have well planned and designed space to grow

Planning Priority 2 – Align development, growth, and infrastructure

Planning Priority 4 – Look after our environment

Planning Priority 5 – Create resilient communities

The activity is consistent with the abovementioned priorities because it:

- provides infill housing which is well designed and will accommodate new households;
- provides new housing on serviced urban land;
- implements construction management methods to protect the environment; and
- accommodates households who require affordable housing and provides a secure form of accommodation for households vulnerable to housing stress.

The proposed development contributes to the objectives of the Richmond Valley Council “Local Strategic Planning Statement: Beyond 20-20 Vision” and will increase the provision of affordable housing in the region.

Richmond Valley 2040 Community Strategic Plan

The Richmond Valley Community Strategic Plan (CSP) is a 20-year plan that outlines 4 broad inter-related themes that are derived from an extensive community engagement process, which identified priorities for the community's future. Under the 4 themes are key directions and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business. These 4 key strategic directions are supported by key goals that will guide the Richmond Valley area in the next 20 years. The themes are focused on; strengthening our role in the region, creating great places to live, protecting our unique environment and delivery for our community. The proposed development for 14 units is not in conflict with the Richmond Valley Community Strategic Plan and will provide new affordable housing within the LGA. Of the 12 specific objectives to the CSP, the objective most relevant to the activity is Objective #5 Live Sustainably in a changing climate". Specifically, the proposed development will meet the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022 and will be water efficient and designed to optimise natural light and thermal comfort with reduced reliance on energy for heating and cooling. The proposed development will make a positive long-term contribution to energy and water efficient lifestyles for future occupants.

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

Section 42 of the Housing SEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 5** below demonstrates compliance with the relevant provisions of Section 42 and 43 of the HSEPP.

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

Provision	Compliance
42 Development to which division applies	
(1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Complies – Residential Flat Buildings are permitted in the R1 zone under the RVLEP 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 – the maximum HOB is 8.3m.
(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 – the FSR is 0.5:1 (GFA of 1,045m ²).
(d) the development will not result in more than 75 dwellings on a single site, and	Complies – 14 units are proposed.
(e) for development on land in an accessible area – the development will result in the following parking spaces –	N/A – refer to (f) below.

Provision	Compliance
<ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom – at least 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and 	
<p>(f) for development on land that is not in an accessible area – the development will result in the following parking spaces –</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom – at least 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 1 parking space (iii) for each dwelling containing at least 3 bedrooms – at least 1.5 parking space, and 	<p>Complies</p> <p>6 x 1 beds, requires 3 spaces.</p> <p>8 x 2 beds, requires 8 spaces.</p> <p>Total of 11 spaces are proposed.</p>
<p>(2) This division applies to the following development if the development is permitted on the land under another environmental planning instrument –</p>	
<p>(a) the demolition of buildings and associated structures if the building or structure is on land –</p> <ul style="list-style-type: none"> (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area, 	Complies – no demolition is proposed.
<p>(b) the subdivision of land and subdivision works.</p> <p>Note – Section 32 prohibits the subdivision of a boarding house.</p>	N/A – no subdivision works proposed.
<p>(3) This Division does not apply to –</p> <ul style="list-style-type: none"> (a) development to which Chapter 2, Part 2, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4. 	N/A
<p>(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 –</p> <ul style="list-style-type: none"> (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority. 	Noted.
<p>(5) In this section-</p> <p>Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011.</p> <p>non-heritage land means land that –</p> <ul style="list-style-type: none"> (a) does not contain a heritage item, and (b) is not the subject of an interim heritage order under the Heritage Act 1977, and (c) is not listed on the State Heritage Register under the Heritage Act 1977. 	Noted.
43 Residential development permitted without consent	
<p>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 –</p>	<p>(a) Not Applicable</p>

Provision	Compliance
<p>(a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or</p> <p>(b) another relevant authority.</p>	<p>(b) LAHC is a relevant authority</p>
43A Notification before carrying out development	
<p>(1) Before carrying out development under this Division, the relevant authority must-</p> <p>(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and</p>	<p>Advice was sought from Richmond Valley Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 16 February 2024.</p> <p>Council provided a response on 19 February 2024 confirming owner details of properties included in the scope of notification.</p>
<p>(b) give written notice of the intention to carry out the development to –</p> <p>(i) the council, and</p> <p>(ii) the person or persons nominated by the council, and</p> <p>(iii) the occupiers of adjoining land, and</p>	<p>A letter notifying Richmond Valley Council of the proposed development activity was sent by LAHC on 13 March 2024. Letters notifying owners and occupiers of adjoining land of the proposed development activity were sent by LAHC on 13 March 2024.</p> <p>Due to a processing error made by LAHC in the notification letters dated 13 March 2024, not all adjoining owners and occupiers were notified. LAHC renotified the proposed development via letter dated 30 April 2024 to all adjoining owners and occupiers as agreed by Richmond Valley Council.</p>
<p>(c) take into account the responses to the notice that are received within 21 days after the notice is given, and</p>	<p>Richmond Valley Council responded to LAHC's notification by email dated 12 April 2024. Comments on the response is provided in Section 7.1 of this REF. Three submissions were received from adjoining neighbours. Comments on the submissions are provided in Section Error! Reference source not found..2 of this REF.</p>
43B Landcom must notify Secretary of Department of Communities and Justice	
<p>Before carrying out development to which this division applies, Landcom must –</p> <p>(a) give written notice of the intention to carry out the development to the Secretary of the Department of Communities and Justice, including the measures proposed to ensure the dwellings resulting from the residential development will be –</p> <p>(i) used for affordable housing, and</p> <p>(ii) managed by a registered community housing provider, and</p> <p>(c) take into account the responses to the notice that are received within 21 days after the notice is given.</p>	<p>N/A</p>

Provision	Compliance
43C Consideration of design of residential apartment development	
Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following – (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide.	N/A
44 Considerations before carrying out development	
(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.	N/A
(2) Before carrying out development to which this division applies, the Land and Housing Corporation must 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 subsection 6.5.2 which demonstrates that the <i>Good Design for Social Housing</i> has been considered. (b) Refer to subsection 6.5.3 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.	N/A
44A Exempt development	
(1) Development for the purposes of landscaping and gardening carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to residential development to which this division applies is exempt development.	N/A
(2) Development for the purposes of repairs and maintenance work and non-structural renovations and building alterations carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to housing is exempt development.	N/A
(3) Subsection (2) does not apply to development involving the use of external combustible cladding within the meaning of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	N/A

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 44(2)(ai) 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. Refer to Certificate of Compliance from the Architect in **Appendix M**.

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe. Each unit is provided with an area of private open space that accommodates either a paved area for outdoor dining and attractive gardens planted with low maintenance species at ground floor level, or a well-designed balcony at first floor level. High quality landscaping across the site will enhance the amenity for residents. Further, the proposal is within walking distance to open space and recreation areas, including Queen Elizabeth Park and Casino Skate Park.

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 ratings between 6.1 and up to 10, which exceeds the minimum targets set by LAHC (**Appendix N**). A photovoltaic system has been incorporated to the western building to offset energy use in the development. Further, air conditioning will be provided to the living room of each unit with photovoltaic systems provided to offset energy costs.

Belonging

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

The development has been designed to reduce bulk and scale through breaking up the 2-storey building masses into two buildings and employs articulation at the street frontage.

The pedestrian entries to common lobbies 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 incorporation of lighting, visual surveillance and fencing assist in the provision of a good sense of security for residents.

Value

The development meets sustainability targets, with the development achieving NatHERS ratings between 6.1 to 10 stars. The scheme will incorporate sustainable features including insulation, glazing, clothes lines, native plantings, ceiling fans, water efficient fittings, abundant natural light and natural cross ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

The building materials, construction methods 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 Richmond Valley Council.

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

COMPLIANCE WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES
<p>SEPP (Sustainable Buildings) 2022</p> <p>A Basix Certificate has been obtained for the development proposal, as required under Chapter 2 and Schedule 1 the Sustainable Buildings SEPP (refer to Appendix K).</p>
<p>SEPP (Transport and Infrastructure) 2021</p> <p>The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications, and electrical networks), educational establishments and childcare facilities and major infrastructure corridors.</p> <p>The site is not located in proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply. Further, the proposal is not required to be notified to public authorities other than Council in accordance with Section 2.15 and 2.17 of the TISEPP, as referred to under Section 43 of the Housing SEPP.</p> <p>The provisions of the SEPP therefore do not apply.</p>
<p>SEPP (Biodiversity and Conservation) 2021</p> <p>This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p>The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 21 trees located on the site as identified in the Arborist Report (Appendix J) and Architectural Plans (Appendix A).</p> <p>Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without any other consent or a licence, permission, approval, or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p>An assessment of the proposed tree removal is contained within section 8.6 of this REF below.</p> <p>The site is not located within a regulated catchment.</p>

COMPLIANCE WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

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. The site is not located in the coastal zone nor is it hazardous or offensive development.

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 Casino. Given the long-term land use of the site for residential purposes, it is unlikely that the subject land is affected by contamination.

The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to **Appendix F**).

The Geotechnical Investigation (**Appendix O**) did not detect the presence of contaminants or uncontrolled fill.

Notwithstanding, the *draft Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in the below and do not indicate that any additional investigation is necessary.

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	Historical aerial images identify that each of the 3 lots have been used continuously for residential purposes and occupied by the existing dwelling houses since pre-1958. Identified Requirements in the Activity Determination include protocols to follow should unexpected contamination be found on site during the construction stages.
(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	All of the lots contain a single storey dwelling house and associated ancillary structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection was undertaken by LAHC on 26 September 2022 and there was no indication that the site is or has been used by contaminating land activities.

COMPLIANCE WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

		A standard Identified Requirement No. 17 has been recommended to cover the unlikely possibility of discovering site contamination during construction.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is of a residential nature and no adjoining lots contain historical or current uses which are likely to contribute to contaminated lands.
(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 unlikely possibility of discovering site contamination during construction.
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.

6.7 Local Planning Controls

6.7.1 Richmond Valley Local Environmental Plan 2012 (RVLEP 2012)

Compliance with the relevant provisions / development standards set out in the RVLEP 2012 is demonstrated in **Table 7** below.

Table 7 Richmond Valley Local Environmental Plan 2012

Relevant Provisions			
Clause	Provision / Development Standard	Required	Comment
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres)	Maximum height of building is 8.3m.
6.2	Essential Services	<p>Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required —</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p>	<p>The development can be connected to:</p> <ul style="list-style-type: none"> - potable water - electricity - sewerage infrastructure - stormwater drainage, and - driveway access to Walker Street.

Relevant Provisions

- (d) stormwater drainage or on-site conservation,
- (e) suitable road access

6.7.2 Richmond Valley Development Control Plan 2021

Richmond Valley Development Control Plan 2021 (RVDCP 2021) contains specific development controls for residential flat buildings which are addressed in **Table 8** below.

The general controls for all development set out in RVDCP 2021 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 8 Compliance with Residential Flat Building controls under Richmond Valley Development Control Plan 2021

Part A-8.3 Residential Flat Buildings		
Clause	Requirement	Proposed
A-8.3.4 Setbacks to Streets	<p><u>Primary Road Frontages</u></p> <p>A minimum 6m from the front property boundary.</p> <p>Development above 3 storeys a minimum of 10m.</p> <p><u>Secondary Road Frontages</u></p> <p>Where the development is located on land having frontage to more than 1 road alignment whether those roads are formed or unformed or lanes, the following setback applies to any secondary or parallel road frontage for the lower two storeys:</p> <ul style="list-style-type: none"> (a) 3 metres if the residential flat building has a maximum height of two storeys. (b) 6 metres if the residential flat building has a height of 3 or more storeys. (c) for that part of any development above 3 storeys a minimum of 10 metres. 	<p>The proposed residential flat building is a corner allotment with frontages to Light Street (southern) and Walker Street (eastern).</p> <p>The residential flat building has been designed to achieve the 6m primary road setback to Light Street and the secondary road setback of 3m to Walker Street.</p> <p>The development is a maximum of 2-storeys in height only and therefore, the 10m setback for primary and secondary frontage is not applicable.</p>
A- 8.3.5 Side and Rear Setbacks	<p>The first and second storey of a development must be setback a minimum of the following:</p> <ul style="list-style-type: none"> (a) 2.5m to any side boundary, and (b) 3.0m to any rear boundary. 	<p>The proposed residential flat building is designed with generous side and rear setbacks.</p> <p>The western side boundary (adjoining with 32 Light Street) is proposed at 2.5m, with the majority of the façade being set back to 3m, complying with A-8.3.5.</p> <p>The northern rear setback (adjoining with 44 Walker Street and 3 Lees Street) is proposed at a setback varying between 7m and 9m, complying with A-8.3.5.</p>

Part A-8.3 Residential Flat Buildings

A-8.3.7 Minimum Lot Dimensions	<p>For residential flat buildings:</p> <p>Minimum Lot size 1,000m²</p> <p>Minimum lot width 20m</p>	<p>The subject site meets the minimum site area and width requirements.</p> <p>Site area 2,110.29m²</p> <p>Site frontage widths of 36.576m to 49.377m.</p>																
A-8.3.8 Floor Space Ratio	<p>The following maximum gross floor area applies for all development on the site in the M2 and H density zones:</p> <table><tr><td></td><td colspan="3">Floor Space Ratio</td></tr><tr><td>Area</td><td>2 storey</td><td>3 storey</td><td>>3 storey</td></tr><tr><td>M2</td><td>0:8:1</td><td>1:1</td><td>N/A</td></tr><tr><td>H</td><td>0:8:1</td><td>1:1</td><td>1:2:1</td></tr></table>		Floor Space Ratio			Area	2 storey	3 storey	>3 storey	M2	0:8:1	1:1	N/A	H	0:8:1	1:1	1:2:1	<p>Appendix F – Section 10.7 Planning Certificates identify that the site is within the M1 density area. Therefore there is no density control under A-8.3.9 that is applicable for the site. Notwithstanding this, compliance with the Housing SEPP FSR of 0.65:1 is achieved.</p>
	Floor Space Ratio																	
Area	2 storey	3 storey	>3 storey															
M2	0:8:1	1:1	N/A															
H	0:8:1	1:1	1:2:1															
A-8.3.9 Landscaped Area	<p>1. The minimum landscaped area in the M2 and H density zones is 20% of the site area.</p>	<p>This is not applicable for M1 zoned land. Notwithstanding this, a landscaped area of 796m² (37.7%).</p>																

7 Notification, Consultation and Consideration of Responses

The notification letter sent to Richmond Valley Council and a sample notification letter that was sent to adjoining owners and occupiers is provided at **Appendix G**.

7.1 Council Notification

In accordance with section 43 of the Housing SEPP, Richmond Valley Council was notified of the development by letter dated 13 March 2024 (refer to **Appendix G**). The notification response period formally closed on 5 April 2024. At the request of Richmond Valley Council, LAHC provided Council an additional week to prepare a response. Richmond Valley Council made a submission via email on 12 April 2024 (refer to **Appendix G**). The Council response is tabulated below at **Table 9**. A response is provided in relation to the matters raised in Council's letter and where appropriate, these matters have been addressed in the Identified Requirements in the Activity Determination.

Table 9 Issues raised in Council submission

Issues raised	Response
Engineering Department <ol style="list-style-type: none"> Requires Section 138 approval for any works in the road reserve i.e. driveway, footpaths & stormwater works. Requires Section 68 applications for internal drainage & connection of private to public infrastructure (Building section) along with the capping, removal and reconstruction of water & sewer servicing (Water/Sewer section) Requires Section 45 electrical notification if any new electricity works are proposed in the road reserve. 	<ol style="list-style-type: none"> Not applicable - A S.138 permit for the work in the road reserve is not required pursuant to Section 5 of the Roads Act 1993 which states that a "Section 138 does not require a public authority...to obtain a roads authority's consent to the exercise of the public authority's or network operator's functions" and pursuant to Section 7 of the Housing Act 2001 which states that the (Land and Housing...) "Corporation has the functions conferred on it by or under this or any other Act and may do such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise of its functions". Satisfied – Identified Requirement no.25 will be applied to ensure that Homes NSW will obtain the relevant approvals for internal water and sewer drainage infrastructure. Satisfied – Identified Requirements no.26 and no.28 will be applied to ensure that Homes NSW will obtain the relevant approvals for internal electrical services and connections.
Building Department <ol style="list-style-type: none"> Building will require a s68 plumbing permit. 	<ol style="list-style-type: none"> Satisfied – Identified Requirement no.25 will be applied to ensure that Homes NSW will obtain the relevant approvals for internal water and sewer drainage infrastructure.
Planning Department <ol style="list-style-type: none"> Parking – there is only 9 carparks and 2 disabled spaces (11 total) shown on the plans when the RVC DCP requires one per dwelling (14) and visitor parking @1 per 4 dwellings (4) = 18 total + disabled parking. The proposed parking is to be retained as parking for the life of the development and to be kept free of obstructions. 	<ol style="list-style-type: none"> Satisfied – the development complies with the minimum car parking rates stipulated for affordable housing pursuant to Section 42 (1) (f) of the Housing SEPP. This SEPP is the higher order instrument over the local DCP. NA – the activity does not seek approval for demolition of the existing buildings. Separate approvals, via complying development certificates, will be obtained to undertake these works.

Issues raised	Response
<p>2. <i>Site management plan is required showing all demolition and construction waste management procedures as the existing dwellings will have asbestos materials.</i></p>	
<p>Health & Environment Department</p> <p>1. <i>I have had a look at the buildings proposed for demolition, given the age of the buildings, it is likely that they have been painted in lead paint at some stage. The package does not include any type of contaminated land assessment. I would suggest the developers have the site assessed in accordance with the NSW EPA's Consultants reporting on contaminated land - Contaminated Land Guidelines</i></p>	<p>Satisfied – a review of aerial historical imagery reveals that the 3 lots have been occupied by the current dwelling houses since pre-1958. LAHC has at Section 6.6 of this REF considered the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority. Furthermore, Identified Requirement no.17 will be applied that requires if the site is identified as being potentially affected by soil contamination, the appropriate testing will be undertaken in accordance with the NSW EPAs requirements.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43A(1)(b) of the Housing SEPP, Richmond Valley Council, was requested to nominate any other persons who should, in the Council's opinion, be notified of the development. Under section 43A(1)(b) of Housing SEPP, owners of adjoining land and occupiers of adjoining properties as agreed by Council and identified in the below map, were notified of the proposed development activity. Notification was initially undertaken by letter dated 13 March 2024. Following the identification of an administrative error in this process, a second notification letter dated 30 April 2024 was sent. The final date for submissions to be submitted by adjoining owners and occupiers was 24 May 2024. One submission was received in relation to the first round of notification and 2 submissions were received in response to the second round. The issues raised in these submissions are discussed in

Table 10.

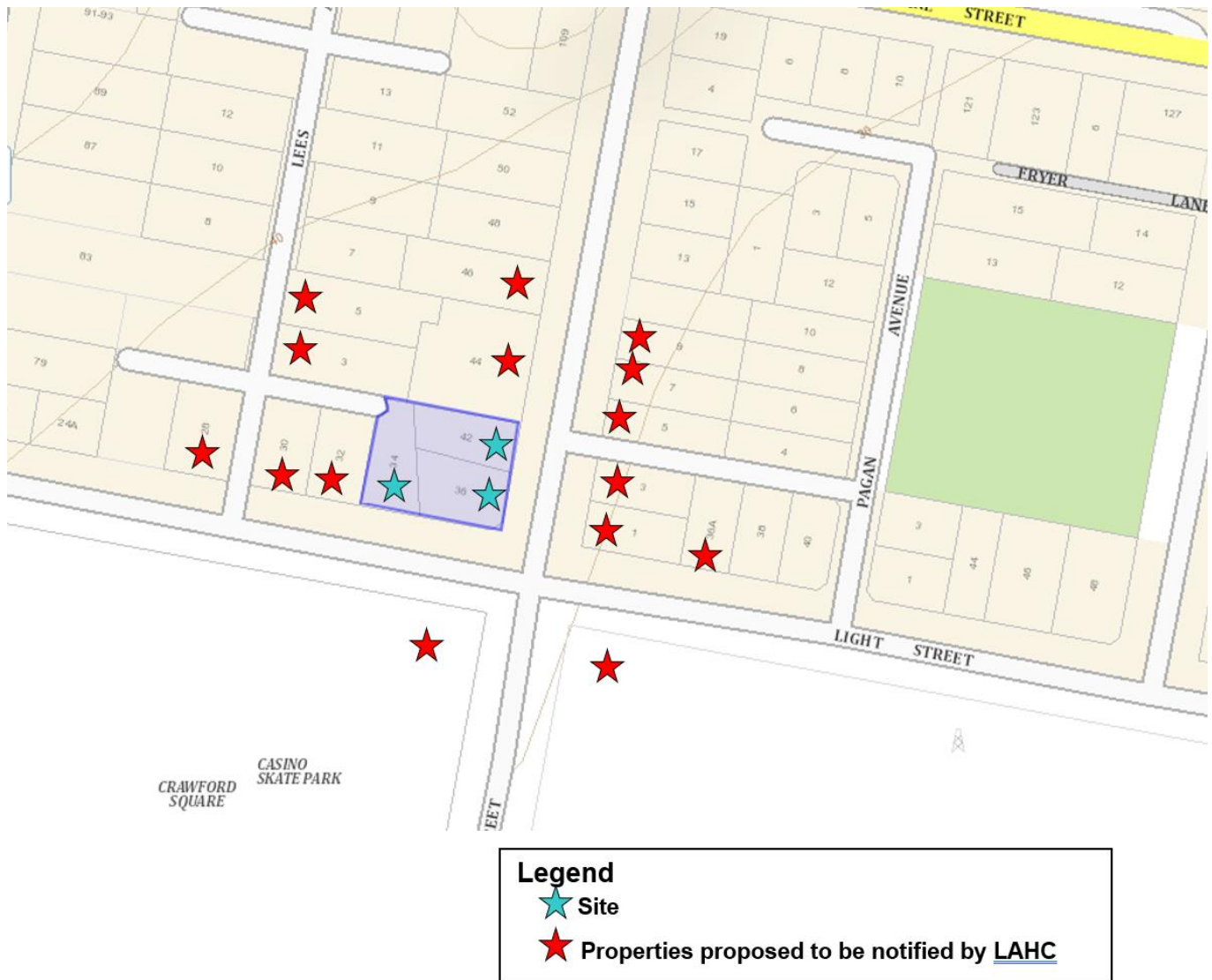


Figure 18 Map of Properties Notified of the Proposed Development (Source: LAHC)

Table 10 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Fencing 6' 6 Colourbond boundary fence to maintain privacy	A new 1.8m high metal fence is proposed along the northern and western side boundaries. A combination of face brick with slatted aluminium fencing is proposed at the Light Street and Walker Street frontages to delineate the public verse private areas.
Access One driveway access to units on Light Street, Walker Street is a high pedestrian road with many children playing along the street	A Traffic Impact Assessment prepared by Genesis Traffic for the proposed development, identifies the proposed 5.5m vehicle access unto Walker Street as appropriate and compliant with the relevant Australian Standards. Additionally, the report highlights that there is no apparent capacity constraint in the immediate surrounding road network during peak periods. It also identifies the traffic generation of the proposed development will not present any adverse traffic implications.

Issues raised	LAHC Response
Notification I was not notified at the beginning of the proposal.	Due to a processing error made by LAHC in the notification letters dated 13 March 2024, not all adjoining owners and occupiers were notified. LAHC renotified the proposed development via letter dated 30 April 2024 to all adjoining owners and occupiers as agreed by Richmond Valley Council and in accordance with the relevant requirements of the Housing SEPP.
Car parking There is insufficient car parking with 11 vehicles for 14 units. Where will other vehicles and visitors park?	Car parking provision complies with the relevant requirements of the Housing SEPP, which requires 11 on-site car parking spaces. Reduced rates for car parking for social housing developments is consistent with ABS data showing lower car ownership rates amongst persons living in public housing. For example ABS data for the Richmond Valley Local Government Area (LGA) indicates that 27.5% of social housing tenants do not own a car in comparison to 8.7% for private tenants.
Overlooking What will be installed to prevent overlooking of our back deck and rear garden?	The proposed rear decks will be set back between 7m (eastern building) and 9m (western building) from the rear, northern boundary. In addition, partial screening is proposed to each north-facing balcony to minimise overlooking. Identified Requirement no.66 is recommended to ensure the balcony balustrading to Unit 14 is angled and spaced to prevent overlooking, and further minimise any privacy impacts to northern neighbours. On balance, the proposed design is considered to provide a reasonable level of privacy to adjoining properties.
Plantings Will the plantings along the fence line of 3 Lees Avenue and 44 Walker Street be installed as mature plantings? Tall growing non-invasive plants along boundary fence	A high quality landscape plan is proposed to ensure the building is provided within a landscaped setting. Proposed trees will be planted at 75 litre pot sizes to ensure the trees will provide privacy and amenity for surrounding properties. Trees of mature height between 5m and 15m and native to the local area, are recommended as part of proposed landscaping, with some trees located along the northern and western corner of the site to further protect amenity of surrounding properties.
Crime Concerns with anti-social behaviour, crime and management of the social housing. How can people complain should residents affect our quiet neighbourhood?	The Homes NSW, Housing Services and/or Community Housing Providers appointed by LAHC manage the tenants who occupy the State's affordable housing developments. 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 http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocialbehaviour-management-policy . In addition, Homes NSW has a dedicated 24-hour hotline, 1800 422 322, where local residents can report any tenancy related matters.
Tenant allocation Who will determine who will be residing in the units?	Tenant allocation will be based on need within the Casino Allocation Zone.
Loss of property value	This is not a relevant planning consideration.
Notification documentation The artists impression on the front cover of notification documentation is a misrepresentation of what the development will actually look like, in particular the height.	The perspective plan is intended to assist neighbours in visualising what is proposed to be developed on the site. Scaled drawings were also provided as part of the neighbour notification.

Issues raised	LAHC Response
Waste There will be 42 wheelie bins required, and only half will be accommodated within the proposed bin store.	The bin store area has been designed to accommodate the estimated required number of bins in accordance with the EPA requirements.
Stormwater runoff How will the proposal ensure houses on the downstream side of Walker St do not receive any additional flows or get flooded in high intensity storm events, given the street has basically no stormwater infrastructure and there is 140% more impervious area proposed.	The development has been designed generally in accordance with Council's requirements, including providing rain water tanks and on-site detention, to assist with any impacts from overland flows impacting adjoining properties. Generous deep soil zones and landscaping is also proposed across the site.

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 Richmond Valley 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.

8.1 Neighbourhood Character

The site is located within an established residential area which is characterised by older style single and two-storey dwelling houses with a mix of brick or fibro clad construction and tiled or metal roofs - refer to **Figure 8 – 9**. The properties immediately to the west, being (30 Light Street and 32 Light Street) are occupied by single storey (yellow and green) clad dwellings with metal sheet roofing – photographed at **Figure 7**. The property immediately to the north, being 44 Walker Street is a large lot occupied by a part 1 and part 2 storey brick dwelling house with tiled roofing – photographed at **Figure 8**. Those dwellings opposite the site on the eastern side of Walker Street, being 1 Walker Street and 3 Walker Street are occupied by 1 to 2 storey brick dwelling houses with tiled roofing – photographed at **Figure 9**. On the southern side of Light Street is a large parkland comprised of open grassland, Casino Skate Park, Casino BMX Club, outdoor gym facilities and Crawford Square Regional Playground – photographed in street view and aerial at **Figure 10**.

The proposed development is a two-storey building that is designed with three separate cores to address each street frontage and provide articulation and sight lines between the built form. It is anticipated that the proposed development may act as a catalyst for more contemporary medium density development that aligns with the future growth of the region and the objectives of the R1 zone. The bulk and scale of the proposed development will be compatible with the desired future character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The one to two storey building design, siting, layout and landscape setting of the proposed development aligns with that of the anticipated infill housing development in the locality. Overall, the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding dwelling houses. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to the neighbourhood character.

Mitigation Measures

No mitigation measures are required.

8.2 Bulk and Density

The proposed development is an appropriate form of infill housing which is sought by the targets in the Richmond Valley Council strategic plan and is compliant with the planning controls for height, scale, setbacks to the front, side and rear boundaries and provides an extensive landscaped area. The proposal includes two buildings, broken into three building cores designed to address both street frontages. Vehicular access is provided from Walker Street with the driveway along the northern boundary. A pedestrian link to the parking area is provided at the Light Street frontage. The separation of building masses allows for substantial landscaping and planting of trees. In addition, the proposal will incorporate articulation at the facades and a mix of external finishes and materials to reduce the visual bulk.

The proposal incorporates a floor space ratio of 0.5:1, maximum height of 8.3m and landscaped area of 37%, which presents a compatible bulk and mass for the low-density area. The generous setbacks provided to the

frontages as well as the inter-allotment boundaries shared with adjoining neighbours provides for a well sited development that minimises impacts to neighbours and the streetscape. The proposal will suitably increase medium density housing which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development is compatible with the form of low to medium density development emerging in the surrounding locality. The street presentation is divided into two buildings separated with substantial landscaping, a common driveway and pedestrian link. The car parking area is located centrally within the site and will be predominantly obscured from street view. In conjunction with strong articulation and modulation along the front facades and high quality landscaping proposed within the street setback areas and throughout the site, the proposed development will make a positive contribution to the streetscape of Light Street and Walker Street. The built form has been designed to address the street frontages through incorporation of clearly identifiable pedestrian entrances to lobbies, and balconies and windows addressing the street for casual surveillance.

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

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

The proposed development will make a positive contribution to the residential streetscape through the construction of 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.

The proposed Landscape Plan incorporates new plantings on the site and within the surrounding street verge. Six new *Elaeocarpus Reticulatus* (Blueberry Ash) trees are proposed on site fronting Light Street and 5 new street trees are proposed around the Light Street and Walker Street frontages. The combination of on-site and street tree planting will assist in softening the visual impact of the two-storey built form when viewed from the street. The generous boundary setbacks and articulation in the built form will also assist in reducing the visual impact to adjoining neighbours.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

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

- A generous setback to the northern adjoining neighbours of 44 Walker Street and 3 Lees Street is designed. Unit 10 at the upper floor which fronts Walker Street has a 7m side setback to the northern side boundary. Unit 14 at the upper floor which is located at the north-western corner of the site is setback 10m from the northern side boundary. The generous setbacks are significantly greater than the minimum 2.5m side and 3m rear setbacks required under the Richmond Valley DCP. Providing increased separation from the northern neighbours at 44 Walker Street and 3 Lees Street assists in maintaining visual privacy.
- Ground floor POS areas are located as close to the existing natural ground levels as possible to avoid overlooking into neighbouring property.
- First floor level POS include louvered privacy screening to minimising sightlines and overlooking to neighbouring properties. To further minimise overlooking, it is recommended that the balustrading to Unit 14 is appropriately angled and spaced to reduce overlooking opportunities to 44 Walker Street and 3 Lees Street.
- Northern and western elevation windows at the first-floor level that face adjoining properties have a minimum sill height of 1.2m.

Mitigation Measures

Identified Requirement no.65 is recommended to ensure the balcony balustrading to Unit 14 is angled and spaced to prevent overlooking, and further minimise any privacy impacts to No. 44 Walker Street and 3 Lees Street.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties. The submitted architectural plans indicate that 71% of dwellings receive at least 3 hours direct solar access to the living and POS areas on June 21, which exceeds the minimum 70% of all dwellings achieving 2 hours of direct solar access to the living and POS areas. The proposed POS at the ground and upper floors have been designed to maximise solar access, with most enjoying a northern aspect where possible. This northern aspect will provide all units with improved solar access throughout the day. **Appendix A** ground and first floor plans include solar diagrams to illustrate the solar access received to the POS areas.

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

The site benefits from being a corner allotment with Light Street to the south and Walker Street to the east of the site. With this context, shadows cast from the proposed two-storey built form will mostly be contained to the street verge and road pavement. It is only during the morning 9am to 10am period where the western adjoining property at 32 Light Street will be overshadowed. **Appendix A** includes shadow diagrams which visually identify areas of adjoining land that will be overshadowed. From this assessment it is evident that there will be minimal overshadowing impacts, given that the northern façade of No.32 Light Street continues to receive mostly unobstructed solar access throughout the day.

The adjoining residential properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9am and 3pm at the mid-winter solstice.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

There are 11 surface car parking spaces proposed for residents, including 2 accessible spaces (numbered 3 and 4), within the proposed development. The provision of on-site car parking meets the parking requirements set out in the Housing SEPP for developments carried out by LAHC.

The Traffic Impact Assessment Report (**Appendix R**) identifies that:

- The existing 3 dwellings are expected to generate 3 vehicle trips per hour during peak periods,
- The RMS Guide to Traffic Generating Development provides a peak hour traffic generation rate of 0.4-0.5 vehicle trips per hour for medium density residential development,
- Using the rate within the RMS guide, the proposed 14 units would generate a total of 7 vehicle trips during peak hours,
- The increased traffic generation from the proposed development is calculated to be an additional 4 vehicle trips per hour during peak periods and that this increase would be imperceptible in the context of the existing road network.

The Traffic and Parking Assessment Report examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design is suitable based on an assessment of the projected vehicle movements and access arrangements.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

There are 26 trees scattered (T1-T26) within or around the site which have been considered in the Arboricultural Impact Assessment Report (**Appendix J**). Five trees are recommended for retention, being; T25 (mango tree) and T26 (avocado tree) on the subject site, T1 and T4 (tuckeroo trees) at the Light Street verge, and T22 (cypress pine) located on the western adjoining property of 32 Light Street. All other trees identified in the Arborist Report are recommended for removal.

It is noted that the Arboricultural Impact Assessment Report (**Appendix J**) recommends the removal of T23 and T24 (cypress pine) which are located outside of the subject site and on the property of 32 Light Street, as they are dead. The Arborist report identifies a minor tree protection zone encroachment of 3% from stormwater pipe installation for retained tree T22 (cypress pine). It can therefore be inferred from this assessment that, a similar level of encroachment into the tree protection zone will occur for T23 and T24 (cypress pine) given their location in relation to T22. Although assessed as dead, Identified Requirement No. 43 is recommended to ensure the retention and protection of T22. No owner's consent has been obtained from adjoining properties for the removal of these trees.

New tree plantings, including trees capable of reaching mature heights of 5m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees. A total of 11 trees are proposed to be planted on site plus an additional 5 trees in the street verges fronting Light Street and Walker Street, as well as a diverse mix of shrubs and ground covers (refer to submitted Landscape Plan in **Appendix B**).

Mitigation Measures

Identified Requirements no. 20 and 43 have been applied to ensure that tree removal and tree protection is undertaken in accordance with the approved landscaped plan, subject to trees on adjoining properties being retained.

8.10 Heritage (European / Indigenous)

No heritage items are identified in Richmond Valley Council's Section 10.7(2) & (5) Planning Certificates located on or in the vicinity of the site.

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 14 February 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 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 Richmond Valley 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

Identified Requirements nos. 45 and 46 have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

The Geotechnical Investigation Report (**Appendix O**), indicates the following:

- The subsurface conditions consist of topsoil overlying natural silty clays and silty clayey sands. Topsoil was encountered to depths of 0.1m to 0.2m. In the southern portion of the site, soft, becoming firm, then stiff becoming very stiff with depth, natural silty clays underlie the topsoils to the maximum depth of drilling, 3.0m. In the northern portion of the site, loose silty clayey sands underlie the topsoil to a depth of 0.4m. Soft to firm, becoming stiff, then very stiff with depth, natural silty clays underlie silty clayey sands to the maximum depth of drilling, 3.0m.
- Groundwater was not observed during drilling works.

Mitigation Measures

The development is to be carried out substantially in accordance with the approved plans and documents set out in the table to **Identified Requirement no.1**, including the Geotechnical Investigation report prepared by STS Geotechnics dated September 2022.

Soil Erosion and Sediment Control

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

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)

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, there is no identified Acid Sulfate Soil on this land identified under RVLEP 2012.

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. The Geotechnical Report (**Appendix O**) states the soils are not saline.

Mitigation Measures

No mitigation measures are required.

Contamination

The Section 10.7(2) & (5) Planning Certificates have not identified the site as being 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 6** above in this REF.

This evaluation indicates that the site is unlikely to be contaminated, however, an identified requirement is recommended to cover the possibility of finding contamination during works.

Mitigation Measures

Identified Requirement no.17 has been recommended to cover the possibility of discovering site contamination during construction works.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

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

Stormwater will be collected via a series of stormwater pits and pipes on the site connected to an underground rainwater storage tank and on-site detention tank to be connected to the stormwater system in the public road reserve. The discharge outlet at the south-east corner of the site has been designed to meet Council's specific requirements. Refer to Civil Stormwater Plans in **Appendix C** for details.

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 no.6, 7, 8, 9, 32, 33 have been recommended to ensure that stormwater drainage is managed and designed in accordance with legislative requirements.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During 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.

Air conditioning units are proposed to be provided. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an ongoing use identified requirement.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

The site is located approximately 1.7km north-west of Casino Airport and as such, an Aircraft Noise Impact Assessment has been prepared for the proposed development by Reverb Acoustics. The report identifies the site classification as “acceptable” in accordance with Australian Standards for aircraft noise levels and therefore, no special acoustic modifications are required.

Mitigation Measures

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

Air conditioning will be controlled by design and operational 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.

Identified Requirements no.2, 48, 50 and 63 have been applied to ensure compliance with the above mitigation measures.

8.15 Air Quality

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

Mitigation Measures

Identified Requirements no.54 and **55** have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the building contractor. The Waste Management Plan attached in **Appendix Q** details the waste collection during construction and during occupation.

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 and concrete to be transported to a building recycling facility;
- concrete and brick shall be reused for filling behind retaining walls on driveways;
- timber shall be sent to second hand suppliers;
- timber scrap shall be reused for chip for landscaping;
- plasterboard offcuts shall be sent to a building recycling facility;
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible; and
- packaging shall be recycled wherever possible.

During Occupation

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

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

Mitigation Measures

Identified Requirement no.44 requires a project specific waste management plan to be developed by the contractor prior to the commencement of work.

8.17 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. An updated BASIX certificate will be required due to the introduction of air

conditioning units to each of the dwellings and the provision of additional solar (photovoltaic energy generating) energy system to reduce associated running costs.

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

Identified Requirement No. 65 requires an updated BASIX Certificate and NatHERS Certificate and stamped plans to be provided at construction documentation stage detailing the inclusion of air conditioning and solar (photovoltaic energy generating) energy systems.

8.18 Community / Social Effects

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

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

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Richmond Valley local government 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.

8.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and 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 Section 171 of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, RVLEP 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 increase housing supply and meet the increasing demand for 1 and 2 bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

9.2 Recommendation

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

10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLANS

APPENDIX C – CIVIL PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION & CONSULTATION

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS SEARCH

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – BCA REPORT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NatHERS CERTIFICATE

APPENDIX O – GEOTECHNICAL REPORT

APPENDIX P – TITLES AND DP

APPENDIX Q – WASTE MANAGEMENT PLAN

APPENDIX R – TRAFFIC REPORT

APPENDIX S – SERVICES LOCATION REPORT

APPENDIX T – AIRCRAFT NOISE IMPACT ASSESSMENT