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REVIEW OF ENVIRONMENTAL FACTORS

Proposed General Housing Development

at

75-77 Sheppard Street, Casino NSW 2470

November 2023





Acknowledgement of Country

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

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DOCUMENT SIGN-OFF

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1 Executive Summary

The subject site is located at 75-77 Sheppard Street, Casino, and is legally described as Lots 761 & 762 in Deposited Plan 1155484. The proposed multi dwelling housing development is described as follows:

The construction of 6 multi dwelling houses comprising 4 x 2 bedroom and 2 x 3 bedroom units, with associated landscaping and fencing, surface parking for 7 cars, and consolidation into a single lot.

The proposed activity is permitted on the site under the applicable local environmental planning instrument, the *Richmond Valley Local Environmental 2012* (RVLEP2012) and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 60 dwellings on the site and does not exceed 9 metres in height.

Demolition is not part of the proposed activity because the site is currently vacant.

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

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as Identified Requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration the *Good Design for Social Housing*, the *2023 NSW Land and Housing Corporation Design Requirements*, and the *Low Rise Housing Diversity Design Guide* published in July 2020;
- 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;
- 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; and
- Richmond Valley Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. Responses were received from Council dated 24 July 2023, 7 August 2023 and 9 August 2023. Comments on the response are provided in Section 6.1 of this REF. One submission was received from occupiers of nearby land. Comments on the submissions are provided in Section 6.2 of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on the environment and can proceed subject to the implementation of the Identified Requirements of determination contained in the ***Activity Determination***.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the construction of a multi dwelling housing development comprising 4 x 2 bedroom and 2 x 3 bedroom units, with associated landscaping and fencing, surface parking for 7 cars, and consolidation of the two lots into a single lot at 75-77 Sheppard 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 *Planning Ingenuity* on behalf of LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation* (EP&A Regulations) 2021.

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

2.1 Summary of Proposed Activity

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

Plans, Drawings & Supporting Document Details

The development is outlined in the following plans and drawings.

Title / Name:	Drawing No. / Document Ref	Revision / Issue	Date [dd/mm/yyyy]	Prepared by
Architectural Plans– Appendix A				
Coversheet	A01	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Site Analysis Plan	A02	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Site Plan	A03	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
General Arrangement Plan – Ground Level	A04	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
General Arrangement Plan – First Level	A05	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
General Arrangement Plan – Roof	A06	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Building Elevations	A07	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Building Sections	A08	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
External Colour Schedule	A09	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd

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.

Block Analysis Plan	A10	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Shadow Diagrams Mid-Winter	A11	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Views from Sun Diagrams	A12	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Street Perspective	A13	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Areas of Excavation and Fill	A14	Rev A	03/05/2023	Barry Rush and Associates Pty Ltd
Landscape Plans – Appendix B				
Landscape Plan	LA 1 of 2	C	08/05/2023	Greenland Design
Landscape Details and Specification	LA 2 of 2	C	08/05/2023	Greenland Design
Stormwater Plans – Appendix C				
Cover Sheet and Drawing Schedule	SYD23062-SW000	P2	04/05/2023	Erbas Building Services Engineers
Erosion and Sedimentation Control Plan	SYD23062-SW001	P2	04/05/2023	Erbas Building Services Engineers
Stormwater Service – Ground Floor Plan	SYD23062-SW101	P3	30/08/2023	Erbas Building Services Engineers
Stormwater Service – First Floor Plan	SYD23062-SW102	P2	04/05/2023	Erbas Building Services Engineers
Stormwater Services - Roof Plan	SYD23062-SW103	P2	04/05/2023	Erbas Building Services Engineers
Stormwater Services Detail – Sheet 01	SYD23062-SW201	P2	04/05/2023	Erbas Building Services Engineers
Stormwater Services Detail – Sheet 02	SYD23062-SW202	P2	04/05/2023	Erbas Building Services Engineers
Survey Plan – Appendix D				
Detail Survey	Sheet 1 of 1	-	01/05/2022	RPS Australia East Pty Ltd
Notification Plans – Appendix E				
BASIX Certification – Appendix K				
BASIX Certificate	Basix Certification no. 1378175M_02	-	19/06/2023	Building Sustainability Assessments
NatHERS Certificate – Appendix M				
NatHERS Certificate	Certificate No 0008644670		19/06/2023	Building Sustainability Assessments
Specialist Reports				
Arboricultural Impact Assessment – Appendix J	F419	B	27/04/2023	Creative Planning Solutions
BCA Compliance Assessment – Appendix H	P230063 (2)	-	5/05/2023	BCA vision
Geotechnical Investigation – Appendix O	31895/6740D-G	-	August 2022	STS Geotechnics Pty Ltd

Traffic Impact Assessment- Appendix R	-	-	April 2023	Fernway Engineering
Waste Minimisation & Management Plan – Appendix Q	-	-	18/04/2023	Barry Rush & Associates Pty Ltd

Design compliance and checklists – Appendix L

Architect's Certificate of Building Design Compliance, dated 13.06.2023

Landscape Design Certificate, dated 08.05.2023

Stormwater Design Certificate, dated 04.05.2023

Seniors Living Policy Urban Design Guidelines for infill development – Appendix N

Seniors Living Urban Design Guidelines checklist, prepared by Barry Rush & Associates Pty Ltd dated 07/06/2023

Section 10.7 Planning Certificates – Appendix F

Section 10.7(2)(5) Planning Certificate No PL2023/0880– No. 75 Sheppard Street, Casino, NSW, 2470, Lot 761 in DP 1155484 dated 09.06.2023

Section 10.7(2)(5) Planning Certificate No 2022/3863 – No. 77 Sheppard Street, Casino, NSW, 2470, Lot 762 in DP 1155484 dated 09.06.2023

Titles and Deposited Plans – Appendix P

Certificate of Title Folio 761/1155484, search date 3/6/2023

Certificate of Title Folio 762/1155484, search date 3/6/2023

Deposited Plan 1155484

Deposited Plan 776531

AHIMS – Appendix I

AHIMS Search Result, 75 Sheppard Street, Casino, date 03/05/2022

2.2 Removal of Trees

There are 3 trees located within the site, which are located along the eastern side boundary and a further 4 trees located on the adjoining eastern site that are within 5m of the site's boundaries. The proposal will retain and protect all of these trees. There is no tree removal proposed.

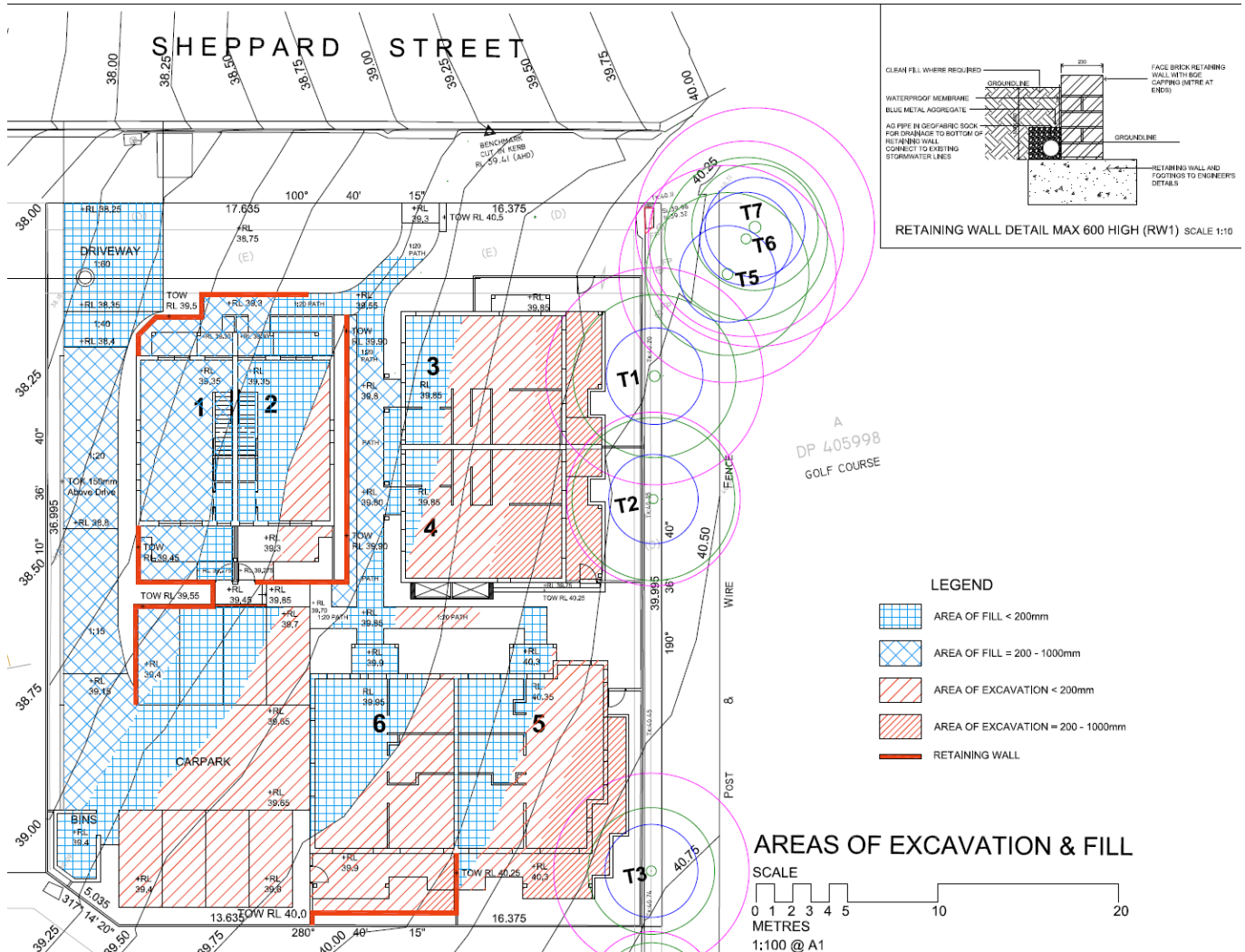
2.3 Proposed Dwellings

Of the 6 residential dwellings proposed, one (Dwelling 6) has been designed as an adaptable dwelling which is capable of being adapted to suit persons with a disability should the need arise in the future.

The proposed housing represents a contemporary, high-quality design. The use of face brick, hardwood planks and Colorbond metal roofing is consistent with the existing and developing character of the Casino locality. Of

the 6 proposed dwellings, 3 will address the street (Dwellings 1, 2 and 3) with living areas and living area windows facing the street for passive surveillance.

Minor cut and fill is proposed to provide a level building platform. This level of cut and fill is within Council's DCP standards. Retaining walls are incorporated into the external walls and footings of the dwellings except where indicated by red lines in **Figure 1** where retaining walls will be installed as shown in the Design Detail inset.



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 at the site frontage and at least 80% of impervious ground surfaces will be graded to direct runoff towards lawn or garden areas.

A new 1.8m high Colorbond fence is proposed along the side and rear boundaries. A combination of powder coated metal fencing will be provided at the front of the development orientated to Sheppard Street.

Figures 2 - 5 include extracts from the architectural plans illustrating the proposed development.

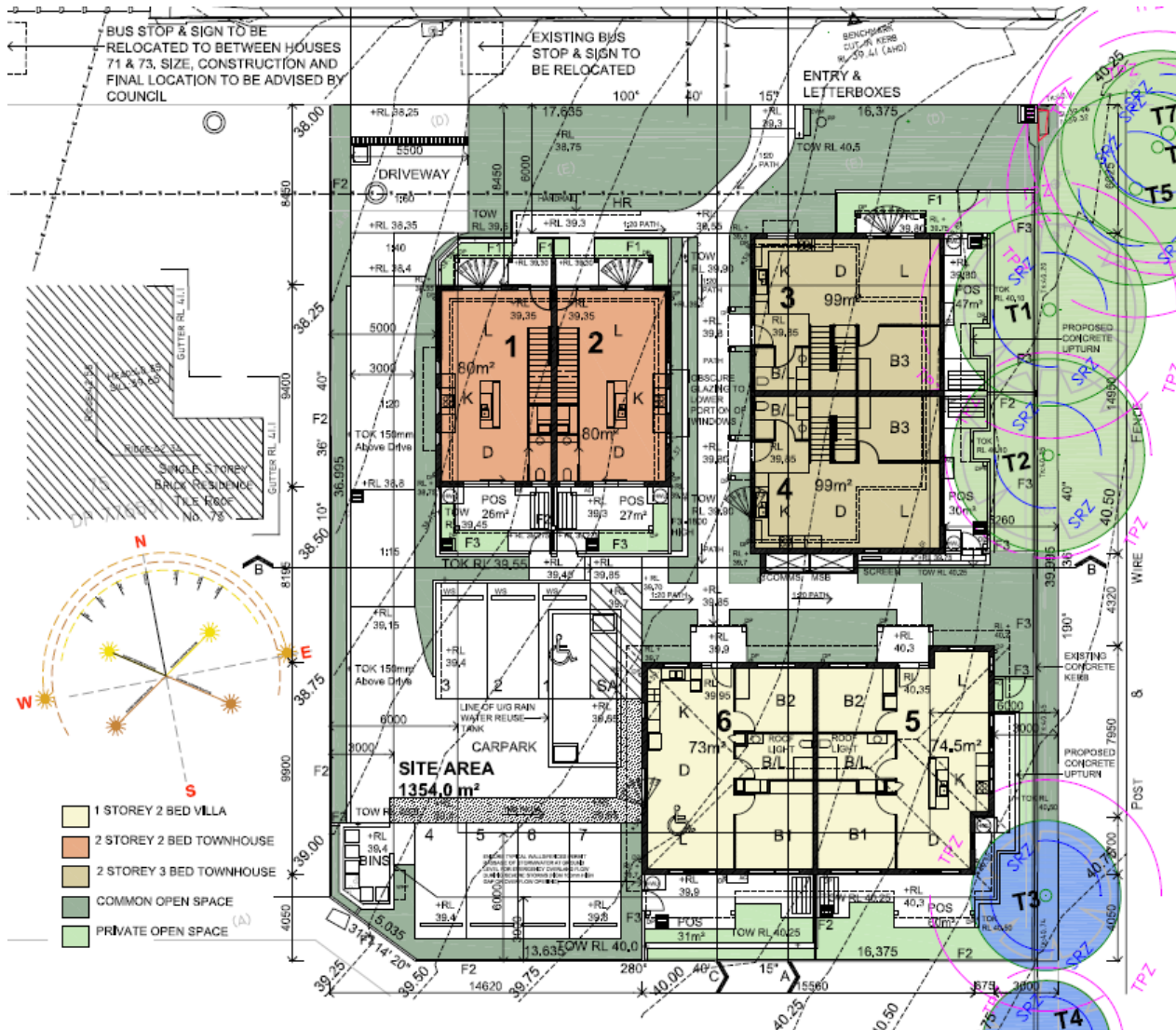


Figure 2 Extract from Architectural Plans – Site Plan (Source: Barry Rush and Associates, dated 03/05/2023)

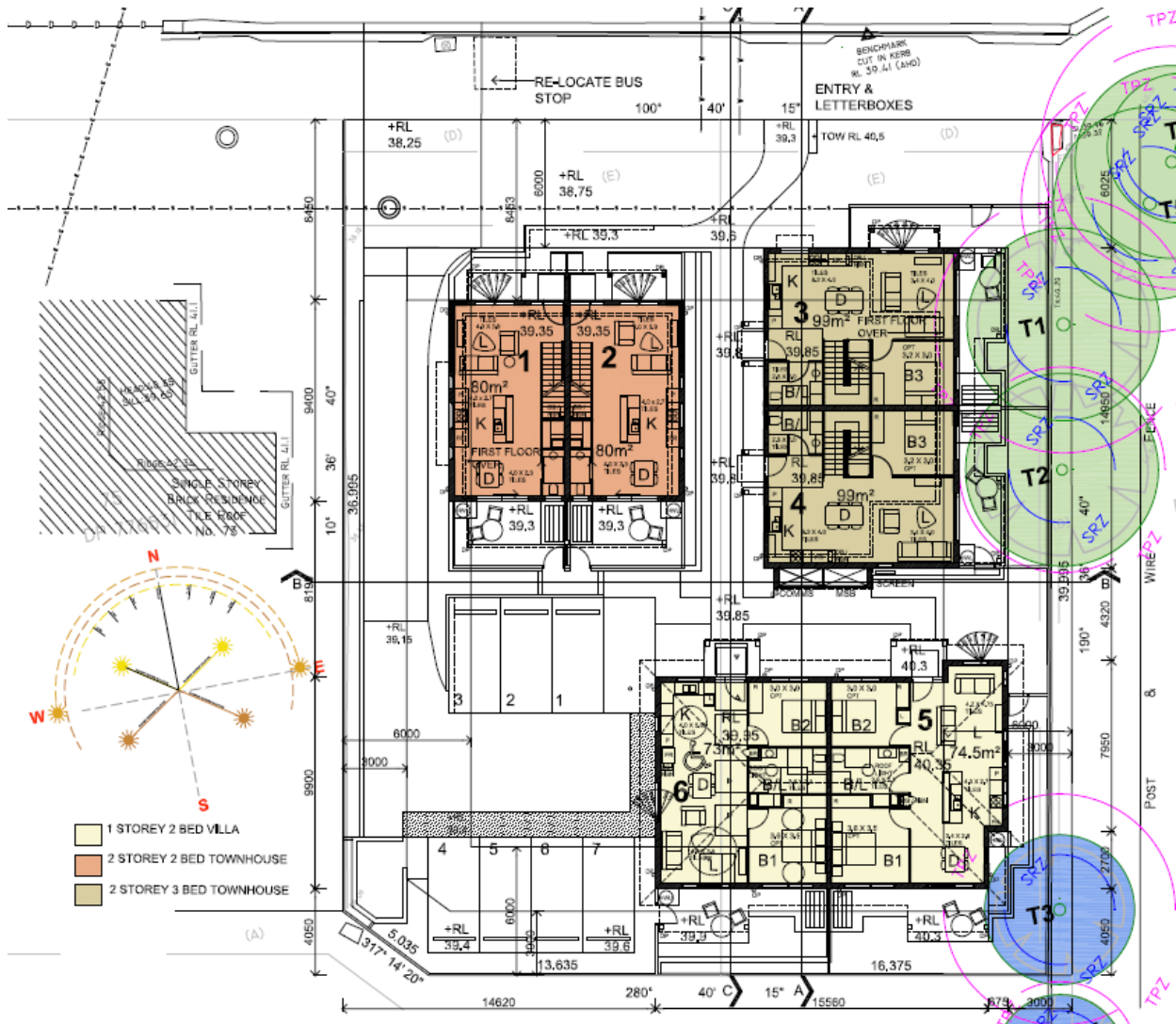


Figure 3 Extract from Architectural Plans – General Arrangement Plan – Ground Level (Source: Barry Rush and Associates, dated 03/05/2023)

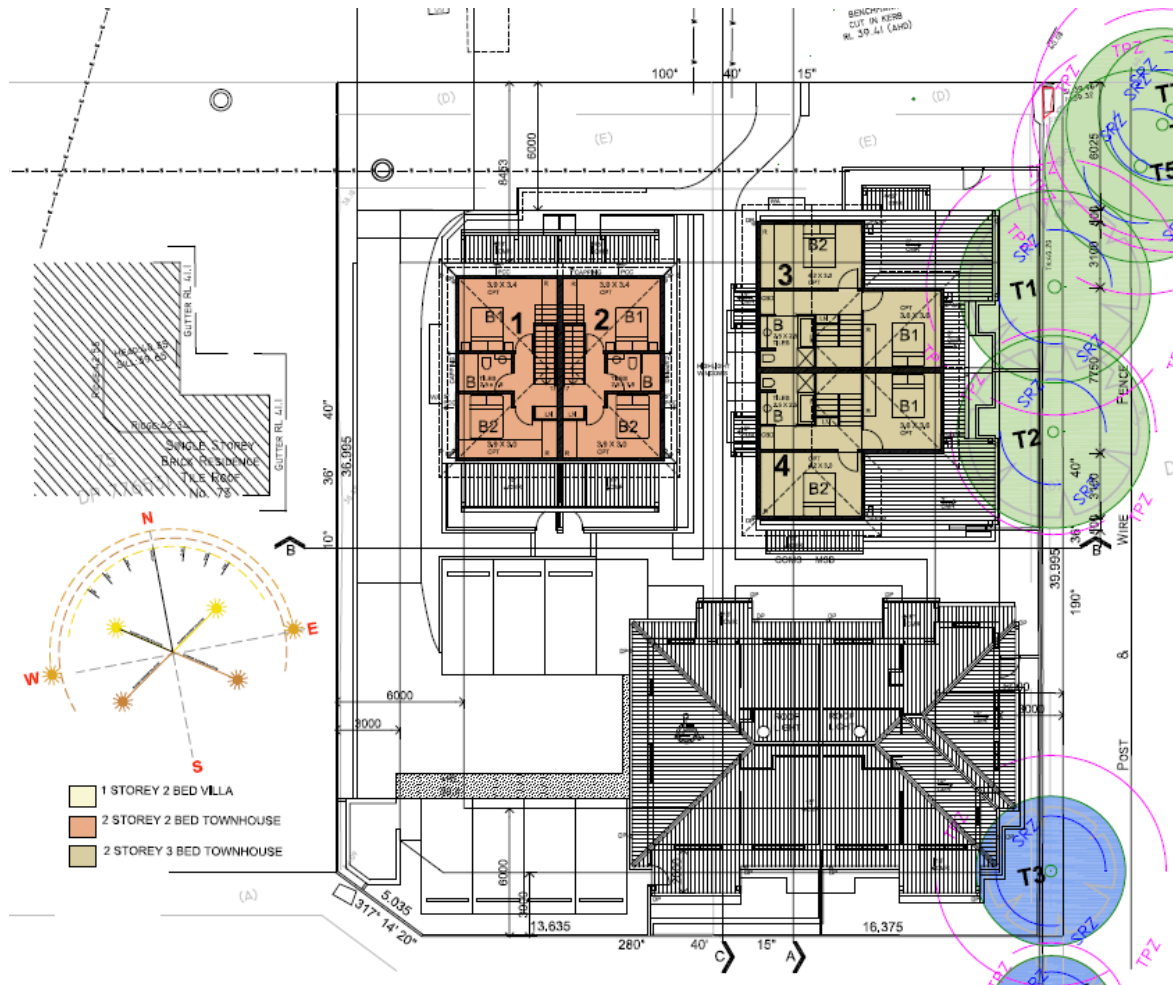


Figure 4 Extract from Architectural Plans – General Arrangement Plan – First Level (Source: Barry Rush and Associates, dated 03/05/2023)



Figure 5 Extract from Architectural Plans – Sheppard Street Streetscape Perspective (Source: Barry Rush and Associates, dated 03/05/2023)

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 two adjoining residential allotments. A location plan is provided at **Figure 6**.

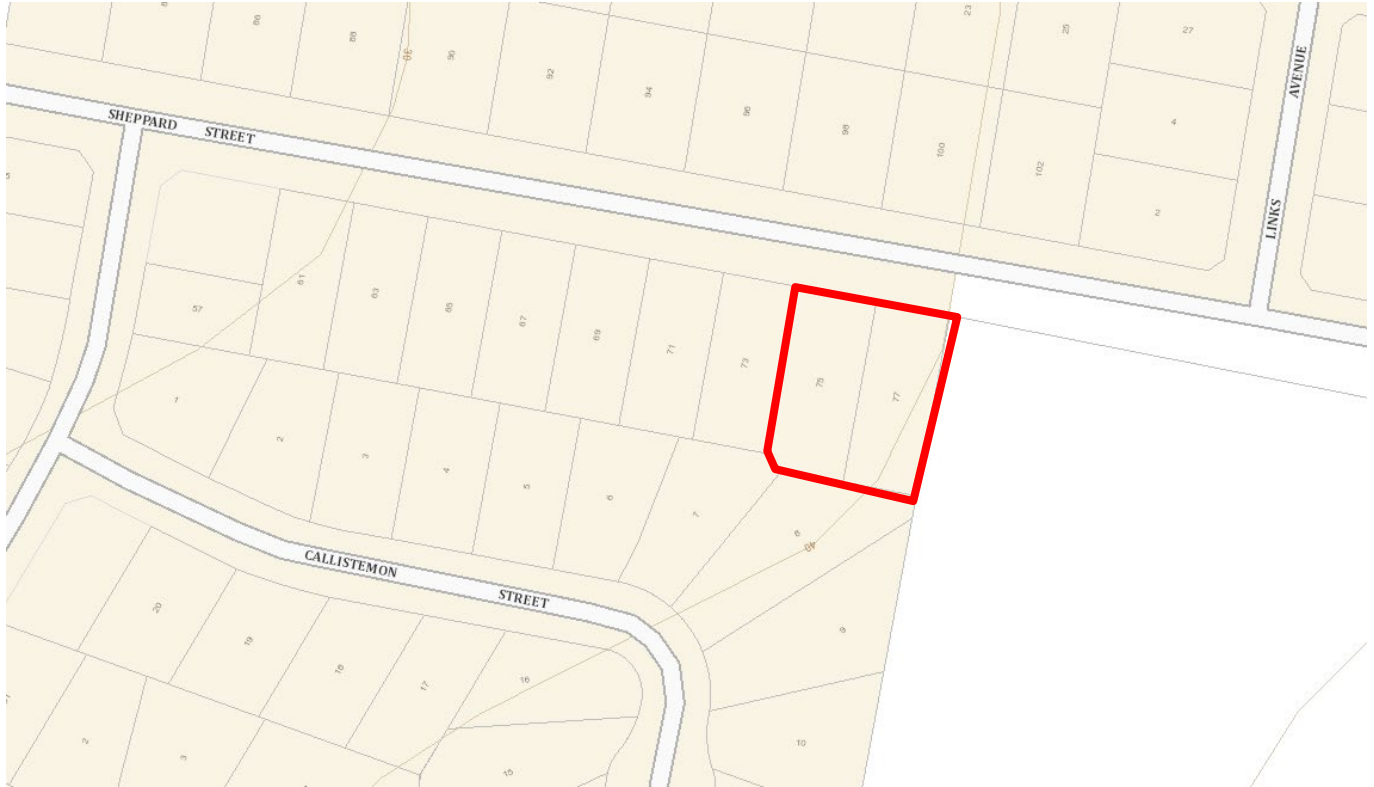


Figure 6 Location Plan (Source: NSW Spatial Viewer)

The survey plan prepared by RPS Australia East Pty Ltd dated 1 May 2022 indicates there are 3 easements affecting the site as shown in **Figure 7**. Easement labelled (A) is an easement for drainage 2m wide which is adjacent to the southwest corner of the site but does not overlap with the site. Easement labelled (D) is an easement for drainage 1.5m wide and runs the full length of the eastern side boundary and the full length of the front northern boundary. Easement labelled (E) is an easement for sewer infrastructure and is 5m wide and runs the full length of the northern front boundary of the site.

The site is currently vacant with trees located along the eastern boundary of the site (refer to photographs at **Figures 8, 9 and 10**). It is evident from the aerial photo in **Figure 10** that the site is used for unauthorised vehicle access between Sheppard Street and Callistemon Street.

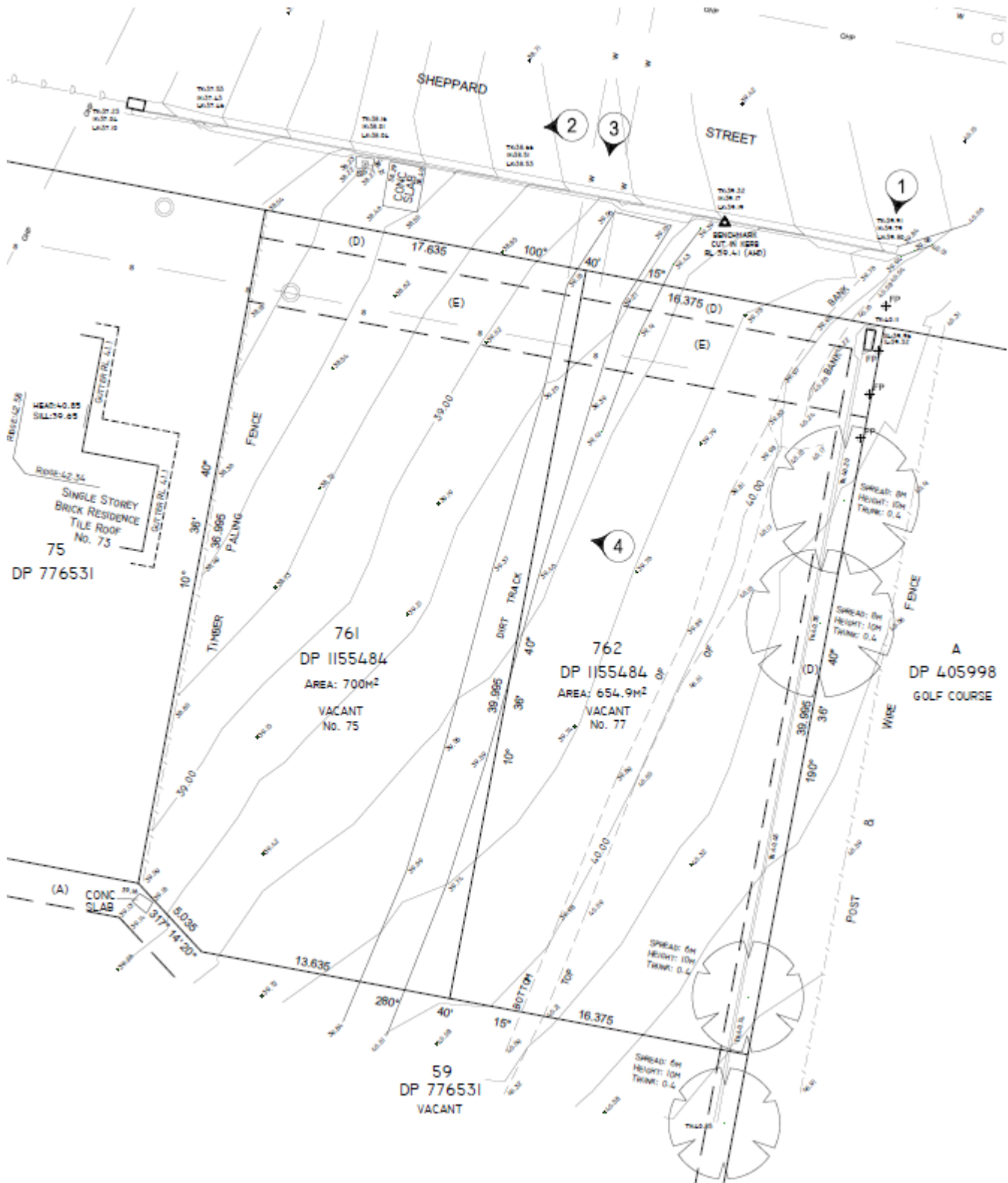


Figure 7: Extract from Plan of Survey (Source: RPS Australia East Pty Ltd dated 1 May 2022)



Figure 8 Development site – Nos. 75-77 Sheppard Street as viewed from Sheppard Street (Source: LAHC Planner September 2022).



Figure 9 Development site – Nos. 75-77 Sheppard Street as viewed from Nos.7-9 Callistemon Street (Source: LAHC Planner September 2022).

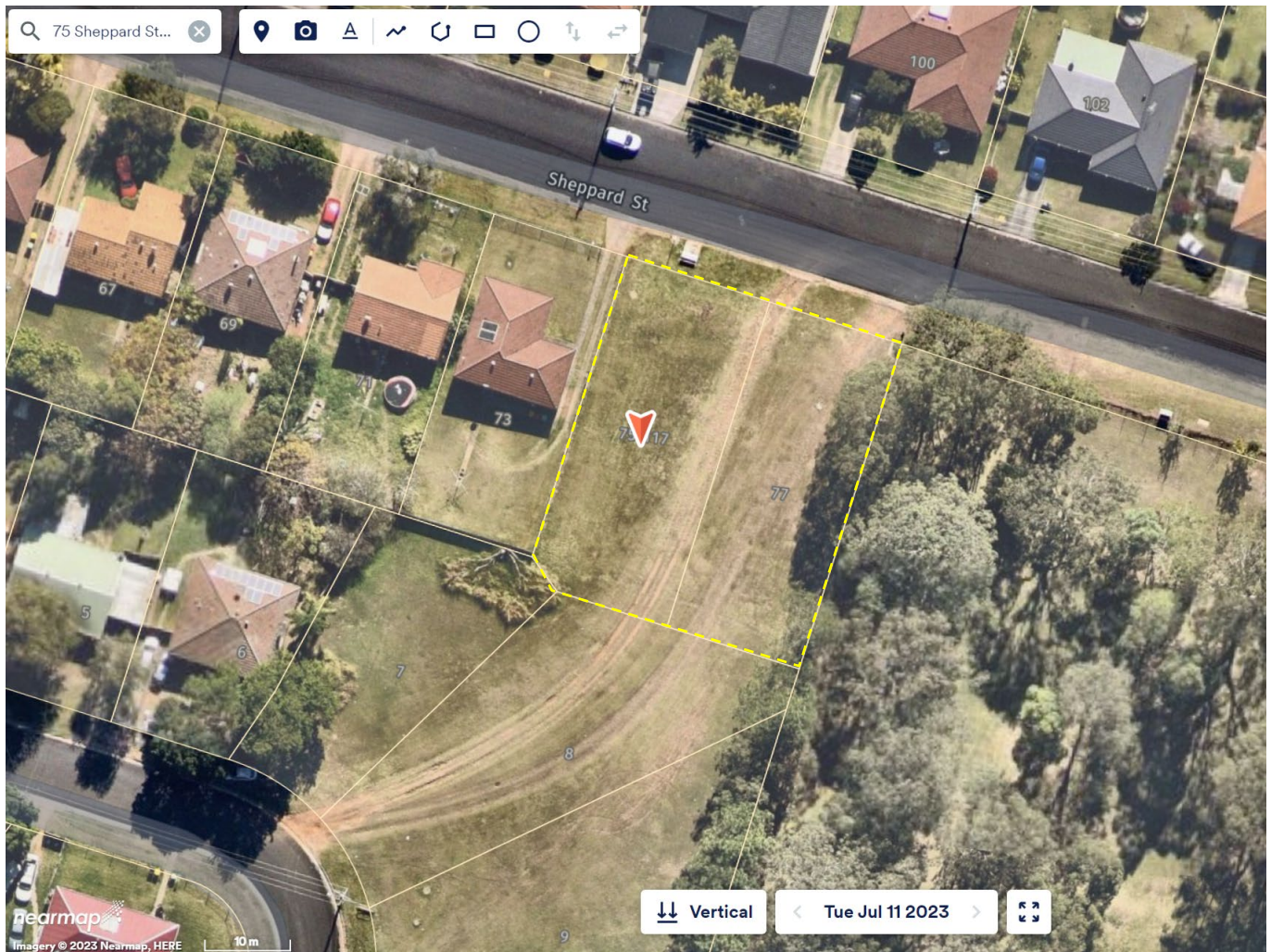


Figure 10: Aerial photo of the site and surrounds with the site outlined dashed yellow (Source: Nearmap aerial photo dated 11 July 2023)

The adjoining property immediately to the west (73 Sheppard Street) contains a single-storey brick dwelling with tile roof (refer to photograph in **Figure 11**).

To the east is Casino Golf Course (refer to photograph in **Figure 12**).



Figure 11: Adjoining development – 73 Sheppard Street viewed from subject site (Source: LAHC Planner September 2022).



Figure 12: Adjoining development – Casino Golf Course viewed from Sheppard Street (Source: LAHC Planner September 2022).

The southern adjoining site (7-9 Callistemon Street) is currently vacant land, however, is subject to a recent approval for affordable housing comprising of multi-dwelling housing. Development Consent DA2021/0226 applies to 7-9 Callistemon Street and was granted on 27 April 2021. The consent is for 'Construction of a multi-dwelling housing development as affordable housing comprising 9 x 2 bedroom single storey dwellings and associated works including earthworks, infrastructure, servicing, car parking and landscaping'. DA2021/0226 requires the provision of a new 1.8m high Colourbond fence to the common boundary.

A site plan of the approved neighbouring development is included in **Figure 13** and shows drainage and sewer infrastructure are to be connected to the existing interallotment easements. An extract of the floor plan of the approved dwellings closest to the common boundary is included in **Figure 14**. It shows new single dwellings will be set back 3m to bedrooms and 6m to living rooms from the common boundary. **Figure 15** shows the elevation which will be orientated towards the common boundary. **Figure 16** shows the eastern elevation of the nearest dwellings to the common boundary and shows how there will be fill beneath the proposed dwellings returning to the existing ground level at the common boundary. The neighbouring dwellings approved with DA2021/0226 will not overshadow or overlook 75-77 Sheppard Street and the layout of the proposed development will not be negatively impacted by DA2021/0226.

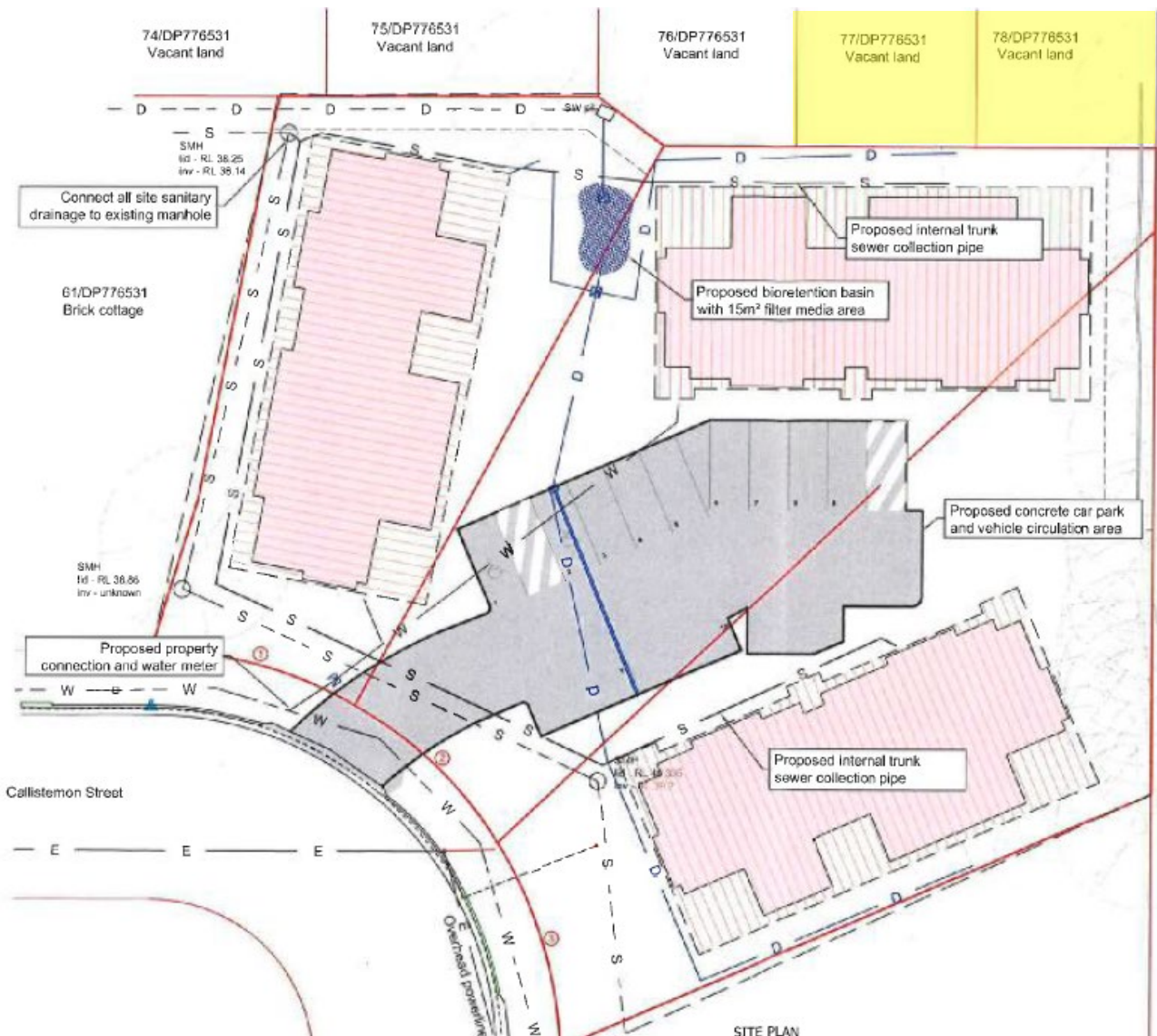


Figure 13: Approved Site plan from DA2021/0226 (75-77 Sheppard Street shaded yellow) (source: DA2021/0226).

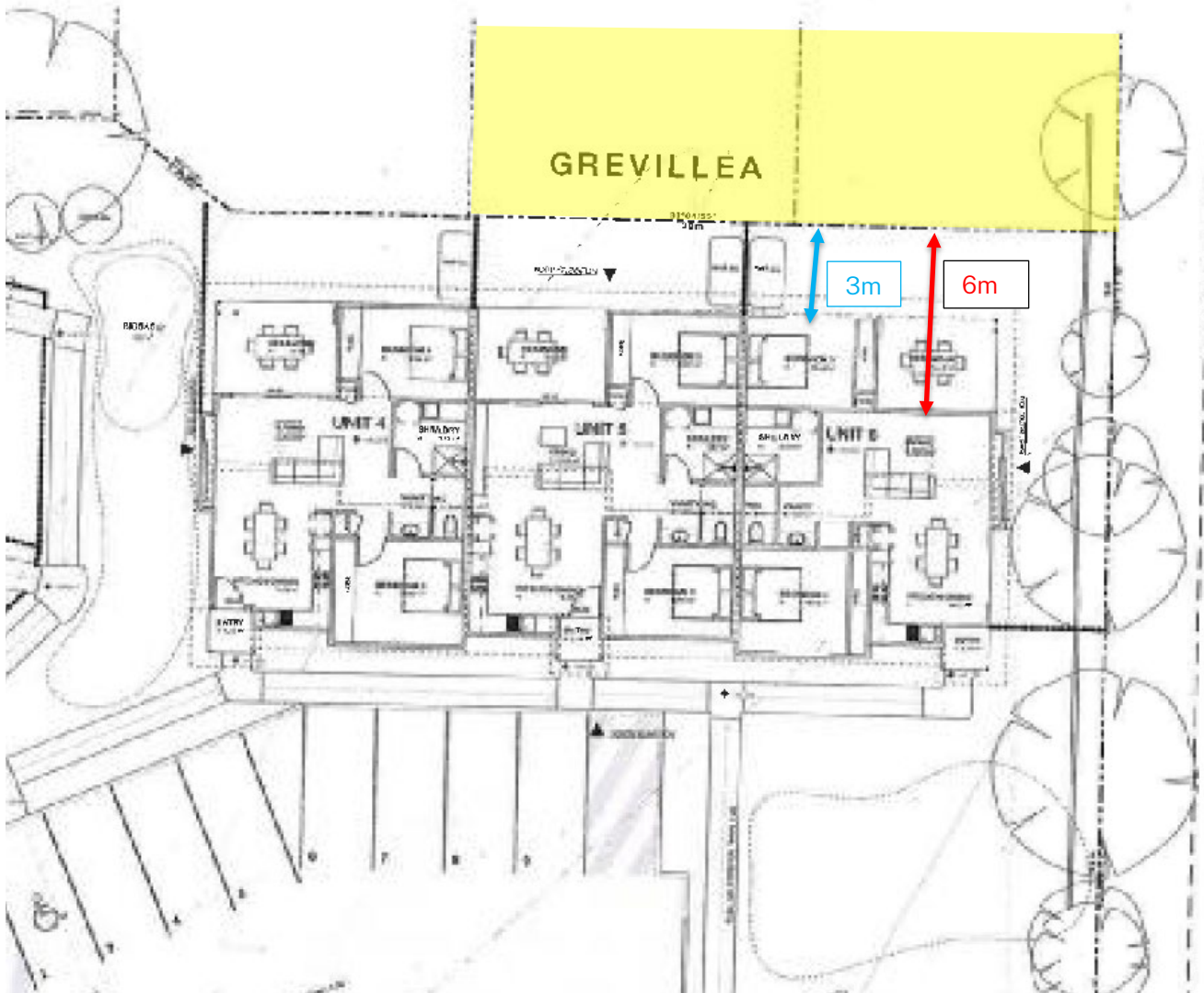


Figure 14: Extract of approved floor plan for single storey dwellings closest to the shared boundary (75-77 Sheppard Street shaded yellow) (source: DA2021/0226).

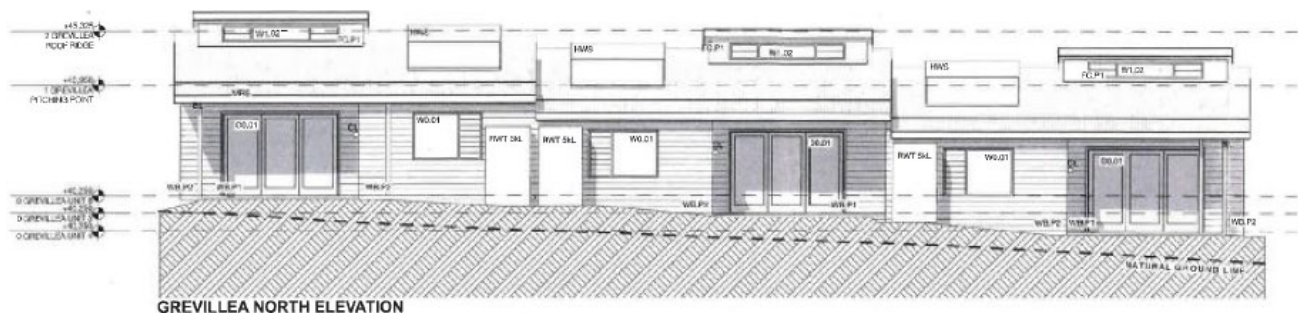


Figure 15: North elevation of DA2021/0226 which will be oriented towards 75-77 Sheppard Street (source: DA2021/0226).

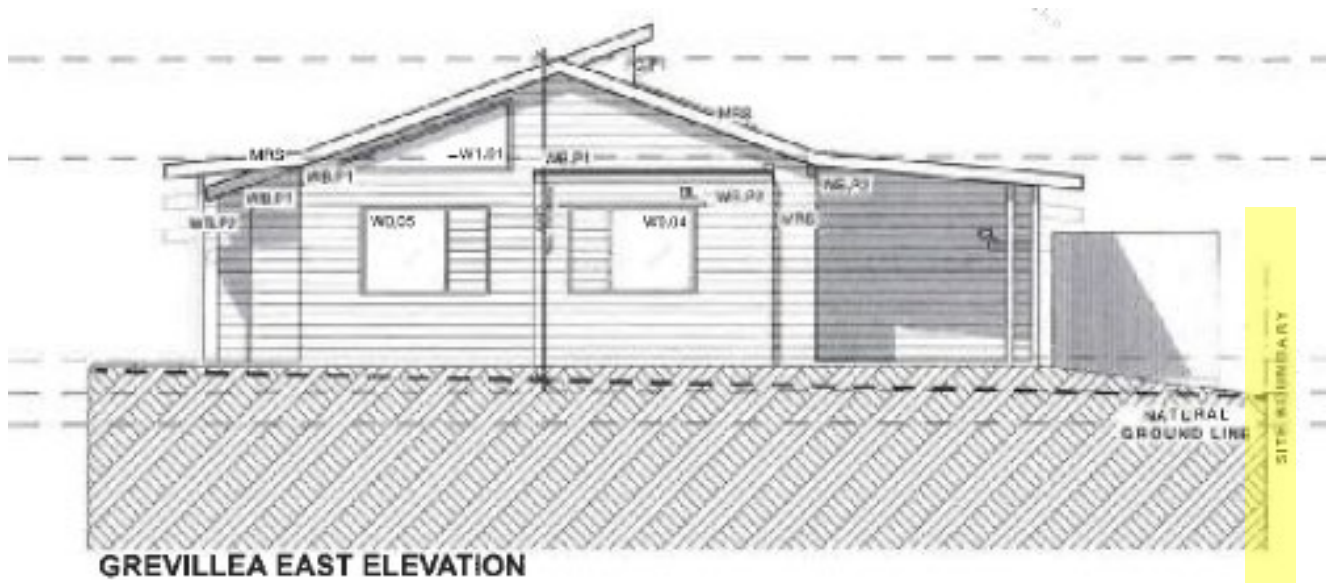


Figure 16: East elevation showing proposed change in finished ground levels that are returned to existing ground levels at the boundary (common boundary highlighted yellow) (source: DA2021/0226).

There is a bus stop immediately adjacent to the northwest corner of the site. It is serviced by Bus Route 672 which is a local service that connects to Route 673 that includes stops in the Casino commercial centre. The bus service operates Monday to Friday.

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (**PL2023/0880**) dated 9 June 2023 are provided in **Appendix F**.

The site has a total area of 1,354.9m², a frontage to Sheppard Street of 34.01m, rear (southern) boundary of 35.045m, side (eastern) boundary of 39.995m and a western (side) boundary of 36.995m (refer to the submitted Detail and Level Survey Plan in **Appendix D**).

The site falls gently from the southeast corner of the site down towards the north-western corner by approximately 2.5m.

The Section 10.7 Planning Certificates for the lots indicate the site is not within a flood planning area and is not subject to flood related development controls. The site is not affected by bushfire risk, landslip, or coastal hazards. The site is not subject to biodiversity certification and is not subject to a Property Vegetation Plan. The site is not within the Coastal Management Area or Coastal Use Area as mapped in State Environmental Planning Policy (Resilience and Hazards) 2021.

There are 3 trees located within the site close to the eastern side boundary labelled T1, T2 and T3 in the Arborists Report (**Appendix J**). There are 4 trees within 5m of the eastern side boundary labelled T4 to T7 in the Arborists Report. All trees will be retained and protected with the development.

Water, sewer, electricity, and telephone facilities are available to the site (refer to Survey Plan **Appendix D**). Water, electricity and telephone services are located along the road alignment of Sheppard Street. Sewer is located along the front boundary of the site within the easement for sewer infrastructure labelled (E) Easements relevant to the site are indicated on the Plan of Survey prepared by RPS Australia East Pty Ltd dated 1 May 2022 (**Appendix D**). Easement labelled (A) is an easement for drainage 2m wide which is adjacent to the southwest corner of the site but does not overlap with the site. Easement labelled (D) is an easement for drainage 1.5m wide and runs the full length of the eastern side boundary and the full length of the front

boundary. Easement labelled (E) is an easement for sewer infrastructure and is 5m wide and inset from the front boundary running the full width of the site. Richmond Valley Council is the sewer authority and the easement labelled (E) is in favour of the Council.

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of brick construction with tiled roofs.

There is a bus stop located adjacent to the northwest corner of the site and a bus stop is located on Hotham Street approximately 600m walking distance south west of the site. The bus stops are serviced by routes 672 and 673, which connects Casino to North Casino via the hospital.

The site is within walking distance to private and public recreation areas. Immediately east of the site is Casino Golf Course and clubhouse. 200m west of the site is Elsmer Jones Public Park. 130m south of the site is Casino High School.

Approximately 3km to the south of the site is the town centre of Casino, which provides for the day to day needs of residents. There are also a number of community-based land uses including primary schools, child care centres, medical centres, community buildings and churches.

4 Zoning and Permissibility

The site is within Zone R1 General Residential under *Richmond Valley Local Environmental Plan 2012* (RVLEP 2012). The proposed development is defined as 'multi dwelling housing' under the provisions of RVLEP 2012 and is permissible with consent in the R1 zone. An extract of the land zoning map is included in **Figure 13**.

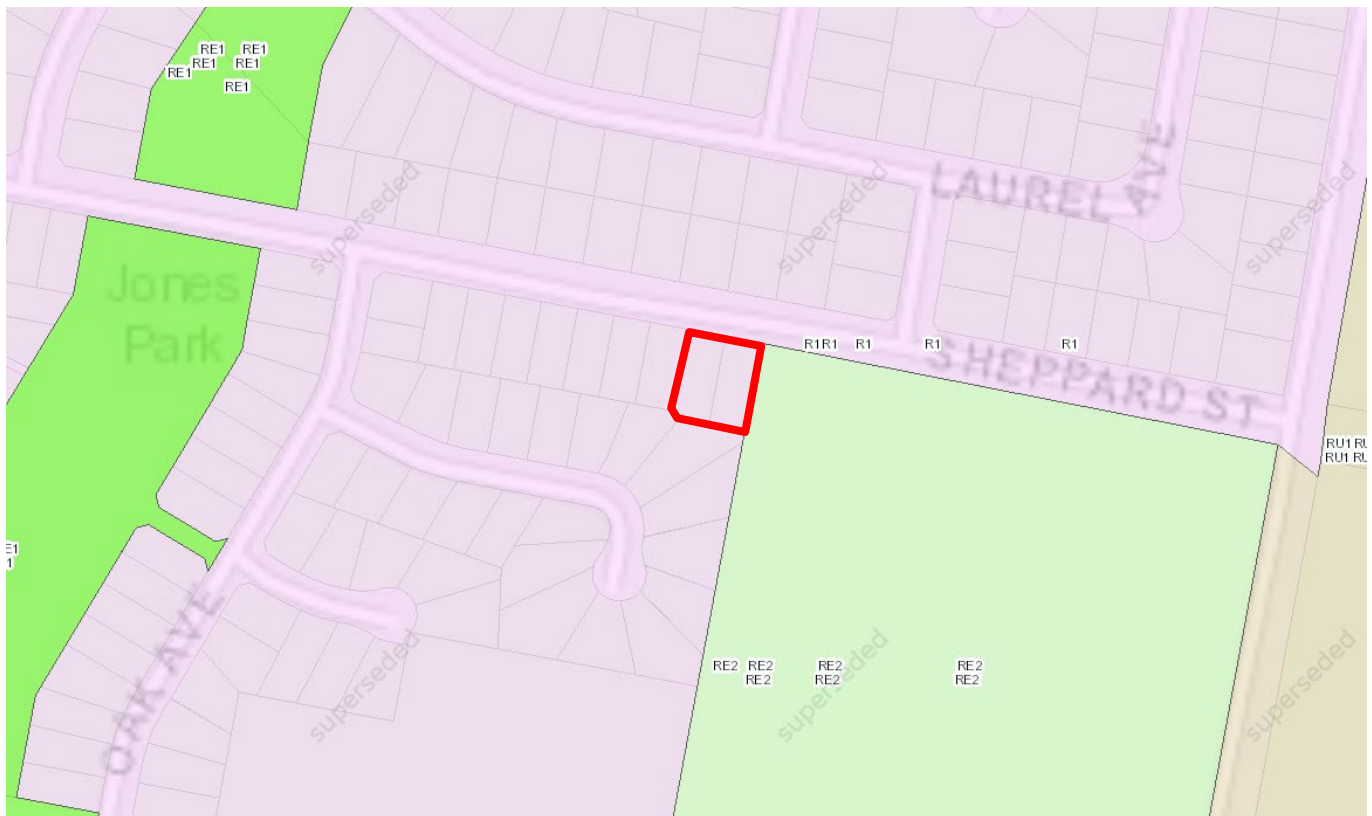


Figure 17 Extract of zoning map from Richmond Valley LEP 2012 (site outlined in red). (Source: NSW Planning portal accessed 19 September 2023)

Multi dwelling housing is permitted with consent in Zone R1 zone under RVLEP2012 and therefore, is permitted without consent under the provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) pursuant to Section 42.

The objectives for development in Zone R1, 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.*

The proposed development is consistent with the above objectives because it:

- will provide new affordable housing that meets the identified needs of the community;
- will provide a density and type of housing that will add to the variety of housing in the locality;
- will not preclude other land uses that will meet the day to day needs of residents;
- increases housing density on a site within walking distance to bus transport that links to the town centre;
- will not be a source of land use conflict.

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 clause.

Table 3 in subsection 5.2.1 of this REF demonstrates compliance with the relevant provisions of Section 42 of the SEPP.

5 Planning and Design Framework

5.1 State Legislation

5.1.1 Environmental Planning and Assessment Act 1979

Duty to consider environmental impact [Section 5.5]

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

Table 1 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 1 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
<p><i>Sub-section 3</i></p> <p>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.</p>	<p>No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).</p>

5.1.2 Biodiversity Conservation Act 2016 (BC Act)

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

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity will not 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 the 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.

5.1.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity.

5.1.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 2** 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 2 Compliance with Section 171 of the EPA Regulations 2021

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.	<p>No specific guidelines</p> <p>This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.</p>
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.	<p>Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EP&A Regulation 2021.</p>

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;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in subsection 5.4.2 below		x	
(r) other relevant environmental factors.	Yes – discussed in Section 7		x	

Note 1: A significant impact triggers the preparation of 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 detrimental impacts on the environment. The short-term impacts, during construction, will be managed by construction methods that include environmental protection measures 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 and improvements to the biodiversity values and microclimatic qualities of the site with new landscaping. There are positive long term economic impacts resulting from the efficient use of services urban

zoned land for medium density housing on a site in close proximity to a variety of established land uses for education, recreation and commercial purposes. The activity is consistent with the goals and targets of the Richmond Valley Local Strategic Planning Statement (LSPS) and Community Strategic Plan as considered below at Section 5.1.5 of this report.

5.1.5 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 environmental, 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 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. Of the 10 specific objectives to the CSP, the objective most relevant to the activity is Objective #5 Live Sustainably in a changing climate". The proposed 6 dwellings meet the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and will be water efficient and designed to optimise natural light and thermal comfort with reduced reliance on energy for heating and cooling. The dwellings will make a positive long-term contribution to energy and water efficient lifestyles for future occupants.

5.1.6 State Environmental Planning Policy (Housing) 2021

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 3 below demonstrates compliance with the relevant provisions of Section 42 of the HSEPP.

Table 3 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 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	The development is permissible with consent within Zone R1 under the RVLEP 2012.
(b) all buildings will have a height of not more than 9m, and	The maximum proposed building height is 7.8m.
(c) the development will result in 60 dwellings or less on a single site, and	The development is for 6 dwellings.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	Not applicable.
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	N/A 4 x 2 bedrooms = 4 parking spaces required. 2 x 3 bedrooms = 3 parking spaces required. The proposal provides 7 parking spaces.
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	No demolition is proposed.
(b) the subdivision of land and subdivision works. Note – Section 32 prohibits the subdivision of a boarding house.	Subdivision is not proposed.
(3) This Division does not apply to – (a) development to which this Part, 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.	Not applicable.
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	Noted.

Provision	Compliance
(5) <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 -	Consultation with other authorities other than Richmond Valley Council was not required for this activity.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
(6) In this section- 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. Residential development has the same meaning as in the Housing Act 2001, section 8.	Noted.
43 Requirements for carrying out residential development -	
(1) Before carrying out development under this Division, the Land and Housing Corporation must-	
(a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development, and	LAHC wrote to Richmond Valley Council on 23 January 2023 seeking confirmation of the extent of notification and if any other government authorities are required to be notified. On 8 February 2023, Richmond Valley Council provided details of those persons that are to be notified. On 22 June 2023, LAHC wrote to Richmond Valley Council to reconfirm the extent of notification given the time that had passed since the previous advice. Richmond Valley Council provided an amended list of persons to be notified in an email dated 10 July 2023.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Richmond Valley Council of the proposed development activity was sent by LAHC on 11 July 2023. Letters notifying landowners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date. The closing date for submissions was 4 August 2023.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC’s notification by emails dated 21 July, 24 July, 7 August, and 9 August 2023. Comments from Council and evaluative responses are provided in Section 6.1 of this REF. One submission dated 31 July 2023 was received from occupiers of a nearby dwelling. Issues raised in the submission and evaluative comments on the submission are provided in Section 6.2 of this REF

Provision	Compliance
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in Appendix N and subsection 5.1.7 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 5.1.7 of this report. In these cases, suitable alternatives are proposed which are necessary due to project-specific design responses.
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to Section 5.1.8 and 5.1.9 and the Architect's Statement and Certificate of Building Design Compliance dated 13 June 2023 in Appendix L which indicate that the design requirements have been considered and the design is compliant.
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	Not applicable.
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

5.1.7 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the design of the activity against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix N**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 4**.

Table 4 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	Driveways and paths are concrete to meet LAHC maintenance and durability requirements. Impervious surfaces are minimised.
3.06 Setback upper levels behind the front building façade?	Upper levels of Dwellings 1 and 2 are not setback further than the front building façade of the ground floor. However, the ground floor level is separated from the first floor level with an awning that provides weather protection to the front door and adds visual interest and articulation to the front façade. The first-floor level of Dwelling 3 is partly set back from the ground floor level. A mix of materials and finishes add further interest to the façade. The front facade is compatible with the streetscape.

3.07 Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses?	It is not common practice within the streetscape to locate second storeys within the roof space. This requirement is therefore not applicable to the development.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	Driveways and paths are concrete to meet LAHC maintenance and durability requirements. Parking is not allocated to individual units with the exception of the accessible parking space being allocated to the adaptable Dwelling 6.
3.28 Limit driveway widths on narrow sites to single carriage with passing points?	Only 7 car spaces are required, and traffic can safely travel in either direction along the short section of single width driveway. The driveway crossing allows for two cars to pass. The driveway width is appropriate for the low frequency of trip generation anticipated from the small scale development.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	Driveway gates to common parking areas are not consistent with the LAHC Design Requirements for maintenance reasons and are not necessary to visually screen the driveway in the streetscape.
4.03 Set upper storeys back behind the side or rear building line	Upper floors of Dwellings 3 and 4 are partly set back from the ground floor façade along the eastern side setback. The rear Dwellings 5 and 6 are single storey and do not have upper floors.
4.05 Incorporate second stories within the roof space and provide dormer windows?	Second storeys within roof spaces are not a characteristic in the locality. The proposed second storey complies with height and setback requirements and does not give rise to any adverse streetscape or amenity impacts.
4.14 Locate private open space in front setbacks where possible to minimise negative impacts on neighbours?	All dwellings have their private open space allocated suitably for each unit. The private open space areas for Dwellings 1 and 2 are behind the dwellings and are well separated from the single residential neighbour to the west. Private open space areas for Dwellings 3, 4 and 5 are adjacent to the golf course property to the east. The private open space for Dwelling 6 will have no negative impacts to neighbouring properties.
4.16 Design dwellings around internal courtyards?	The development proposes only 6 dwellings, and a communal courtyard is not necessary. There are common internal pathways that allow for incidental social interactions and the site is within walking distance of a variety of public parks for active recreation. Dwellings are appropriately designed with lines of sight to common paths and parking areas.
5.12 Considering single rather than double width driveways	The proposed driveway narrows to a single width through the site and the driveway crossing is a double width to allow vehicles to pass.
5.29 Provide private open space areas that use pervious pavers where private open space is predominantly hard surfaced to allow for water percolation and reduced run-off?	Private open space areas are a combination of durable solid pavement and landscaped areas.

5.30 Provide communal open space that is clearly and easily accessible to all residents and easy to maintain and includes shared facilities, such as seating and barbeques to permit resident interaction?

The development proposes only 6 dwellings, and a communal courtyard is not necessary. There are common internal pathways that allow for incidental social interactions and the site is within walking distance of a variety of public parks for active recreation.

5.1.8 Good Design for Social Housing

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 5** below. Refer to SLUDG Checklist in *Appendix N*.

Table 5 Good Design for Social Housing – Relevant Goals & Principles

Goals	Principles	Comment - Discussion on how the design responds to the principles:
<i>Wellbeing</i>	<ul style="list-style-type: none"> • Healthy environments • Good for tenants • Quality homes 	<p>Safe access is provided from the car park and from the front boundary to entries of each dwelling.</p> <p>The dwellings have been designed to ensure residents have privacy and feel safe with clear separation between common space and private space through fencing and landscaping.</p> <p>Dwellings are compliant with BASIX requirements (<i>Appendix H</i>).</p> <p>The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape.</p> <p>The design optimises natural light to indoor and outdoor spaces.</p> <p>The design and materials are durable and low maintenance.</p>
<i>Belonging</i>	<ul style="list-style-type: none"> • Mixed tenure • Good shared and public spaces • Contribute to local character 	<p>All dwellings have easily identified front entrances from common pathways.</p> <p>The development is a mix of single and 2 storey dwellings and 2 and 3 bedrooms.</p> <p>Dwellings 1, 2 and 3 address the street. The development is generally small in scale which minimises the resident density.</p> <p>Attractively designed landscaping along street frontage and canopy trees are retained and planted throughout the site.</p> <p>The building design and landscaping is compatible with the surrounding residential neighbourhood.</p>
<i>Value</i>	<ul style="list-style-type: none"> • Whole of lifecycle approach • Sustainability and resilience • Make every dollar count 	<p>Low maintenance landscape species.</p> <p>Durable building materials.</p> <p>The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas.</p> <p>An underground rainwater tank is provided for the development to assist with sustainability and on-site water retention.</p> <p>Development meets BASIX requirements for building sustainability and low operational costs and reduced demand on resources.</p>
<i>Collaboration</i>	<ul style="list-style-type: none"> • A good partner • Sustainability and resilience • Make every dollar count 	<p>The proposal is of a scale and character that is compatible with the surrounding low density residential development.</p> <p>Collaboration and consultation with key stakeholders was incorporated at critical design milestones.</p> <p>The dwellings achieve BASIX requirements for water and thermal efficiency.</p> <p>Landscaping uses low maintenance planting.</p> <p>Internal layout and siting of buildings and ancillary features is efficient use of space.</p> <p>The development of the site is an efficient use of serviced urban-zoned land.</p>

5.1.9 Land and Housing Corporation Design Requirements

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

5.1.10 Other State Environmental Planning Policies

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

Table 6 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Sustainable Buildings) 2022.	As of 1 October 2023, the SEPP (Building Sustainability Index: BASIX) 2004 was repealed and replaced by the SEPP (Sustainable Buildings) 2022. Certificate has been obtained for the development proposal, as required under Chapter 2 and Schedule 1 the Sustainable Buildings SEPP (refer to Appendix K).
SEPP (Transport and Infrastructure) 2021	The site is not located in close proximity to a State Classified Road nor is it defined as traffic generating development.
SEPP (Biodiversity and Conservation) 2021	There is no tree removal proposed (refer to Arboricultural Impact Assessment Report at Appendix J). Trees will be retained and protected in accordance with the Arborist's recommendations.
SEPP (Resilience and Hazards) 2021	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. The s.10.7 Planning Certificates have not identified the site as potentially contaminated (refer to Appendix F). The Geotechnical Investigation (Appendix O) did not identify uncontrolled fill on the site. Furthermore, a review of historical aerial images has identified that the site has been vacant since pre 2008 and that there are no historical land use identified which are expected to have contribute to potential contamination at the site. A standard recommended Identified Requirement requires implementation of management measures in the event of contamination during construction works.

5.2 Local Planning Controls

5.2.1 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 / Development Standards for Multi Dwelling Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres)	Maximum building height (measured in accordance with the LEP definition) is 7.8 metres.
6.2	Essential Services	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 – (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access	The development can be connected to: - potable water - electricity - sewerage infrastructure - stormwater drainage, and - has driveway access to Sheppard Street.

5.2.2 Richmond Valley Development Control Plan 2021

Richmond Valley Development Control Plan 2021 (RVDCP 2021) contains specific development controls for multi dwelling housing 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 section of this REF that address compliance with the provision of the Housing SEPP because the provisions of the Housing SEPP prevail over the DCP.

Table 8 Richmond Valley Development Control Plan 2021

Compliance with setback controls for multi-dwelling housing		
Multi-dwelling housing and Residential Flat Buildings		
Clause	Requirement	Proposed
A-8.2.2 Minimum Lot Size and Width Design Criteria	Minimum Lot size 1,000m ² Minimum lot width 20m	Site area 1,354.9m ² Site width 34.01m

Compliance with setback controls for multi-dwelling housing		
A-8.2.4 Setbacks to Streets	<u>Primary Road Frontages</u> 6m with garages and carports setback 1m from building line	The proposal is setback a minimum 6m from the street frontage.
A-8.2.5 Gross Floor Area	1. The following maximum gross floor area applies for all development on the site: (a) M1 Density Areas – 50% of lot area (b) M2 Density Areas– 80% of lot area (c) H1 High density Areas – 80% of lot area	A FSR of 0.37:1 or 37% is proposed.
A-8.2.7 Private Open Space	2-bedroom dwelling 16m ² and minimum 3m dimension 3+-bedroom dwelling 25m ² and minimum 3m dimension	All private open space areas exceed 25m ² and 3m dimension

5.2.3 Low Rise Housing Diversity Design Guide

The Richmond Valley DCP 2021 Part A-8.2 Multi-Dwelling Housing adopts the objectives and design criteria established for Multi Dwelling Housing contained in the Department of Planning, Industry and Environment's *Low Rise Housing Diversity Design Guide* for Development Applications (July 2020). The *Low Rise Housing Diversity Design Guide* was published in July 2020 and contains specific development controls for multi dwelling housing. Therefore, LAHC has considered the objectives and criteria within this guide and has been tabulated below at **Table 9**.

Table 9 Compliance with other applicable Low Rise Housing Diversity Design Guide

Compliance with setback controls for multi-dwelling housing		
Multi-dwelling Housing		
Objective	Requirement	Proposed
2.4A-3 Side boundary setbacks	10. Where the DCP does not contain side setback controls the side setback is 1.5m Development that is 10m behind the front building line and greater than 4.5m above ground level (existing) - $s = h - 3m$'s' is the minimum setback in metres 'h' is the height of the part of the building in meters. Dwellings 5 & 6: $S = (4.85 - 3m) = 1.85m$ minimum side setback.	The proposal will be setback at least 3m from the eastern side boundary and at least 5m from the western side boundary. Dwellings 5 and 6 are setback more than 3m from both side boundaries.
2.4A-4 Rear setbacks	11. Refer to the DCP for rear setbacks or envelope controls. 12. Where the DCP does not contain rear setback controls the rear setback is 6m.	N/A Development is setback 4.05m from the rear boundary.
2.4C Landscaped Area	15. Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is: • R1, R2, or RU5 zoned land - 30% 16. The minimum dimension of any area included in the landscaped area calculation is 1.5m	The LEP and DCP do not landscaped area controls or standards. The site has an area of 1,354m ² . 30% of this area equates to 406.2m ² . The proposed landscaped area is 434m ² , however, with consideration of

	17. At least 50% of the area forward of the building line is to be landscaped area	control 2.4C 16, areas that are less than 1.5m in width are excluded. After excluding the side, rear and internal planter areas that are less than 1.5m in width, there is the provision of 280m ² (20.6%). Front setback area of 210m ² , of which 140m ² is landscaped (66%).
2.4H Solar and Daylight Access	63. The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice (June 21). Note: Direct sunlight is achieved when 1m ² of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy 2 hours direct sunlight, 8 periods of 15 minutes will need to be achieved - however the periods do not need to be consecutive.	The living rooms of dwellings 1, 2 and 3 receive more than 2 hours of direct sunlight throughout the day in midwinter. The private open space and living room windows of dwellings 4 and 5 receive direct sunlight in midwinter prior to midday. The private open space of dwelling 6 receives at least 2 hours direct sunlight after 1pm midwinter. Complies.
2.4I – Natural Ventilation	69. Natural ventilation is available to each habitable room. 70. Each dwelling is to be naturally cross ventilated.	Every habitable room has an openable window for natural ventilation. Every dwelling can achieve natural cross ventilation.
2.4K Dwelling Size and Layout	72. Dwellings are required to have the following minimum internal floor areas: • 1 bed 65m ² • 2 bed 90m ² • 3+ bed 115m ²	2 bedroom dwellings min 73m ² . 3 bedroom dwellings min 99m ² .

2.4A Rear Setback:

The objective for 2.4 4A rear setbacks is:

“The development provides a rear boundary setback that provides opportunity to retain and protect or establish significant landscape trees in deep planting areas.”

Significant existing canopy trees will be retained along the eastern side boundary. The proposed setback of Dwellings 5 and 6 from the rear boundary will not prevent deep soil landscaping along the rear boundary. The Landscape Plan (**Appendix B**) indicates small canopy trees and shrubs will be planted along the rear boundary which will provide adequate screening and buffering to the adjoining residential lot. The rear setback is considered appropriate to the context and setting and will not undermine the objective. As shown in **Figure 14**, the adjoining development approved under DA2021/0226 includes 2 single storey dwellings adjacent to the subject site, with bedrooms setback 3m from the common boundary and living rooms set back 6m from the common boundary. The separation distance is suitable for screen planting in deep soil areas and a 1.8m metal boundary fencing which will maintain privacy between neighbouring single storey dwellings.

The objective for 2.4K-1 Dwelling Size and Layout is:

“The dwelling has a sufficient area to ensure the layout of rooms are functional, well organised and provide a high standard of amenity.”

The rooms meet the minimum dimensions of the Building Code of Australia as well as the minimum room areas and dimensions within the LAHC Design Requirements policy dated February 2023. The open plan living, kitchen and dining areas are an efficient layout. The floor plans adequately separate the bedroom and bathroom areas from the open plan living spaces. All rooms are functional, and the layout will provide a high standard of amenity for future occupants.

2.4C Landscaped Area:

The RVLEP 2012 and RVDCP 2021 do not contain development standards or controls regarding landscaped areas for the subject site. The RVDCP 2021 identifies that the provisions of the *Low Rise Housing Diversity Design Guide*, published in July 2020 are applicable within the LGA except as modified by the local DCP provisions. Therefore, LAHC has relied on the *Low Rise Housing Diversity Guide* for a landscaped area control. Whilst the DCP and *Low Rise Housing Diversity Guide* controls are for LAHC's consideration, LAHC is not required to strictly comply with either.

The *Low Rise Housing Diversity Guide* seeks for a 30% landscaped area for the R1, R2 and RU5 zones. Notably, the guide is clear that areas with a width of less than 1.5m are excluded for the purpose of calculating landscaped area. A landscaped area of 30% for the subject site equates to 406.2m². In the case of the proposed development, there is a landscaped area of 434m², however this is inclusive of areas that are less than 1.5m in width. After excluding those areas that are less than 1.5m in width, there is a total landscaped area of 280m² (20.6%).

Whilst the proposed development does not strictly comply with the landscaped area controls contained within the *Low Rise Housing Diversity Guide* due widths of less than 1.5m being excluded from the calculation, LAHC has designed the development to maximise landscaped areas within the front setback and between the clustering of buildings at the site. The detailed landscaped design and massing of the development is considerate to the existing and future character for the area, allows for suitable pervious areas to assist in managing stormwater and offers reasonable private open spaces areas for each unit with a combination of deep soil and paved areas.

6 Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to the local Council and to the adjoining occupiers are provided in **Appendix G**, together with copies of all responses received and a record of any verbal responses.

6.1 Council Notification

In accordance with section 43 of the Housing SEPP, Richmond Valley Council was notified of the development by letter dated 21 July 2023 (refer to **Appendix G**). The notification response period formally closed on 4 August 2023 and Council responded to the notification by emails dated 21 July, 24 July, 7 August and 9 August 2023. The issues raised in communications with Council have been extracted in **Table 10** below. A response is provided in relation to the matters raised in Council's comments and where appropriate, these matters have been addressed in the identified requirements (no.66 to 72) in the **Activity Determination**.

Table 10 Issues raised in Council submissions

Issues raised	Response
<u>Project Description</u>	
<i>Council commented in relation to the proposed demolition of two dwellings. Council Mapping and a site inspection confirms that the site is vacant.</i>	Noted. Project description has been updated.
<u>Engineering/ Stormwater</u>	
<i>All works in the road reserve of Sheppard Street require a Section 138 Roads Act approval issued by RVC prior to works in road reserve commencing</i>	This has been incorporated into Identified Requirement No. 67.
<i>The driveway must have tapers adjacent to kerb line in accordance with R-05 of the NRLG</i>	Identified Requirement No.69 had been added to the Activity Determination to ensure that the design of the driveway is updated to reflect this requirement.
<i>The internal stormwater works should connect into the existing IAD onsite where practicable for a range of reasons (below) and would only require minor changes on property to achieve (SWP1 could be constructed over existing IAD line downstream of GTD1)</i>	Stormwater Management Plans have been updated to reflect this change. Refer to Appendix C - SW101 Rev.P3 dated 30 August 2023

<p><i>Confirmation needed that the stormwater design results in the post development flow rate not exceeding the pre development flow rate</i></p>	<p>LAHCs consultant civil engineer has advised that as the site is currently vacant the post development flow will exceed the pre-development flow. To alleviate any adverse impacts from this, it is proposed to instal a 30m² rainwater tank. This approach is consistent with Council's policy to require a 5m³ tank for each new dwelling as 6 new dwellings are proposed.</p> <p>Based on Richmond Valley Council - Development Control Plan 2021 - Part A-1 Dwelling Houses in the R1 General Residential Zone, Table A1.13 requires at least 80% of proposed impermeable ground surface to be directed towards lawn or garden areas, to promote natural infiltration. This is also illustrated within the design.</p> <p>Stormwater quality and generation are intended by the design to be addressed by rainwater storage (30kL centralised storage) and by directing impervious ground surfaces towards landscaped areas as required.</p> <p>In addition to any BASIX requirements the RWT will be plumbed to the toilets, washing machines and landscaped areas of each unit to increase the likelihood of the RWT having capacity in a storm event. This is consistent with pre-lodgement advise provided by Council.</p>
<p><i>Confirmation needed on the Minor Storm modelled for the stormwater design, reference is made for a 20 year storm event & a 10 year 1hr storm event</i></p>	<p>LAHC stormwater consultant has advised that the modelling was complete based on the 10yr 1hr storm event. Richmond Valley Council did not raise any objection to this modelling design.</p>
<p><i>The kerb shown on the low side of the driveway should be extended to SWP1</i></p>	<p>This design amendment has been addressed in Identified Requirement No. 71.</p>

Landscaping (excluding ground covers) are not permitted in easements, however the 5m wide easement to drain sewer may be able to be reconfigured given the sewer main on property is removed to the sewer manhole & the property is consolidated (new sewer easement on plan of consolidation to reflect the actual sewer on the property, with Council as the beneficiary

The species planted within the existing easements on the properties must be species that are sympathetic to the existing infrastructure.

If moderate to large species are proposed, then it must be confirmed that they and their root system will not adversely impact the existing infrastructure in place.

LAHC acknowledges that planting within the sewer easement (shown as "E" at **Appendix D**), is not a suitable design as there would be risk of damage to the infrastructure from tree roots.

To allow the planting of new trees within the front setback of the site, LAHC has considered the recommendation of Council and will reconfigure the pipeline and easement as the 2 lots will be consolidated. The existing pipeline that is located east of the existing sewer manhole on 75 Sheppard Street can be removed as it will not serve any upstream properties post lot consolidation. As a result of this change, new tree planting as shown at **Appendix B** can be positioned within the front setback as it would not be within the reconfigured sewer easement area and can be located outside of the drainage easement (shown "D" at **Appendix D**).

Identified Requirement No. 5 requires that the subject site be consolidated into 1 lot prior to occupation of the development and that the easement for sewer (shown as "E" at **Appendix D**), is reconfigured at the time of lot consolidation and the redundant pipeline infrastructure east of the sewer manhole on 75 Sheppard Street is removed.

Identified Requirement No. 18 requires that the landscaping must be carried out in accordance with the approved landscape plan and that the 4 trees at the front setback must be planted at a minimum distance of 1m from the 1.5m wide drainage easement.

Access to the OSD/RWT under the car park must be locked so Public cannot readily access the OSD/RWT

Noted - The Stormwater Plan has been updated to reflect this request from Council.

Developer water and sewer headworks contributions (Local Government Act Section 64 & Water Management Act Chapter 6 Part 2) are applicable to the proposed development.

Noted – The payment of Water and Sewer Charges has been addressed in Identified Requirement No. 72.

Section 64 Local Govt Act & Water Management Act 2000 Levy Area - Casino	TechOne Code	No. of ET's	\$ / ET for 2023-2024	Amount Payable (\$)
RVC Water Headworks	WatS64Hwks	2.0	\$ 9,630.50	\$ 19,261.00
RVC Sewerage Headworks	SewS64Hwks	3.0	\$ 8,000.00	\$ 24,000.00
Rous Water * Water Headworks	Rous64Hwks	N/A	N/A	\$ NIL
Total Section 64 contributions (current @ 24/7/2023 but generally applicable for payment 1/7/2023 to 30/6/2024) Payments will be in accordance with Council's Revenue Policy at the time of payment				\$43,261.00

Section 7.12 levy is applicable and totals 1% of the total cost of the development unless the applicant can prove that the proposed development meets legislated exemptions under Section 208 (4) of the EP&A Regulation.

S.7.12 contributions are not applicable to this activity as per Section 208 (4)(l) as the activity is for the purpose of affordable housing. Furthermore, as S.7.12 contributions relate to development subject to 'development consent' (under S.7.12 of the EPA&A 1979) and that the proposed activity is 'development permitted without consent' under the Housing SEPP, S7.12 are not applicable.

6.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(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.

LAHC wrote to Richmond Valley Council on 23 January 2023 seeking confirmation of the extent of notification and if any other government authorities are required to be notified. On 8 February 2023, Richmond Valley Council provided details of those persons that are to be notified.

On 22 June 2023, LAHC wrote to Richmond Valley Council to reconfirm the extent of notification given the time that had passed since the previous advice. Richmond Valley Council provided an amended list of persons to be notified in an email dated 10 July 2023. The map of persons notified is included in **Figure 18**.



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

Under section 43(1)(b) of Housing SEPP, occupiers of adjoining and nearby land, as identified in the above map, were notified of the proposed development activity by letter dated 11 July 2023. Copies of the notification letters are provided at **Appendix G**. The notification response period formally closed on 4 August 2023 and 1 submission was received as detailed in **Table 11**. The matters raised in the submission do not require adjustments to the design.

Table 11 Issues raised by adjoining / nearby owners / neighbours

Issues raised	LAHC Response														
<p><i>Submission 1:</i></p> <p>Concerns with the anti-social behaviour in the area and existing social housing tenants do not look after the properties in Casino.</p>	<p>The Department of Communities and Justice and or Community Housing Providers appointed by LAHC manage the tenants who occupy the State's affordable housing developments. Additionally, LAHCs asset management team are responsible for ongoing maintenance of the buildings.</p>														
<p>Reduction in property values.</p>	<p>The new dwellings will be compatible in the streetscape in the same manner as private infill housing development.</p>														
<p><i>Increase in traffic.</i></p>	<p>On-site parking is compliant with the requirements of the Housing SEPP. The driveway width is adequate to allow two way traffic movement and has clear lines of sight for traffic and pedestrians.</p>														
<p><i>No need for affordable housing in the locality.</i></p>	<p>The development has been prepared as a part of the State's Northern Rivers Flood Recovery program to assist people who need social and affordable housing after the natural flood disasters that have occurred in the region. As of June 2022, the Casino zone has a general tenant wait list of 180 person and priority wait list of 36 persons. This proposed development will assist in reducing these wait times and provide much needed affordable housing for the community.</p> <div> <table> <tr> <th>Expected waiting times for general applicants</th><th>NN33 Casino</th></tr> <tr> <td>Expected waiting time for a studio/1-bedroom property</td><td>5 to 10 years</td></tr> <tr> <td>Expected waiting time for a 2-bedroom property</td><td>5 to 10 years</td></tr> <tr> <td>Expected waiting time for a 3-bedroom property</td><td>5 to 10 years</td></tr> <tr> <td>Expected waiting time for a 4+ bedroom property</td><td>2 to 5 years</td></tr> </table> <p>Applicants at 30 June 2022 for NN33 Casino</p> <table> <tr> <td>General</td> <td>180</td> </tr> <tr> <td>Priority</td> <td>36</td> </tr> </table> </div>	Expected waiting times for general applicants	NN33 Casino	Expected waiting time for a studio/1-bedroom property	5 to 10 years	Expected waiting time for a 2-bedroom property	5 to 10 years	Expected waiting time for a 3-bedroom property	5 to 10 years	Expected waiting time for a 4+ bedroom property	2 to 5 years	General	180	Priority	36
Expected waiting times for general applicants	NN33 Casino														
Expected waiting time for a studio/1-bedroom property	5 to 10 years														
Expected waiting time for a 2-bedroom property	5 to 10 years														
Expected waiting time for a 3-bedroom property	5 to 10 years														
Expected waiting time for a 4+ bedroom property	2 to 5 years														
General	180														
Priority	36														

6.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

7 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 5.1.9 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.

7.1 Neighbourhood Character

The site is located within an established residential area generally characterized by lower density single and two storey detached dwelling houses which are mostly the original dwellings stock of the 1970's and 1980's. Dwellings typically have tiled, pitched roofs. Landscaping is typically grassed lawns and exotic, ornamental planting. Richmond Valley Council's Growth Management Strategy (RVC GMS) dated April 2023 identifies a target of 40% of all new dwellings to be infill medium density housing. The GMS also identifies the Barlings Creek Residential Growth Area which is north and east of the site (see **Figure 19**).

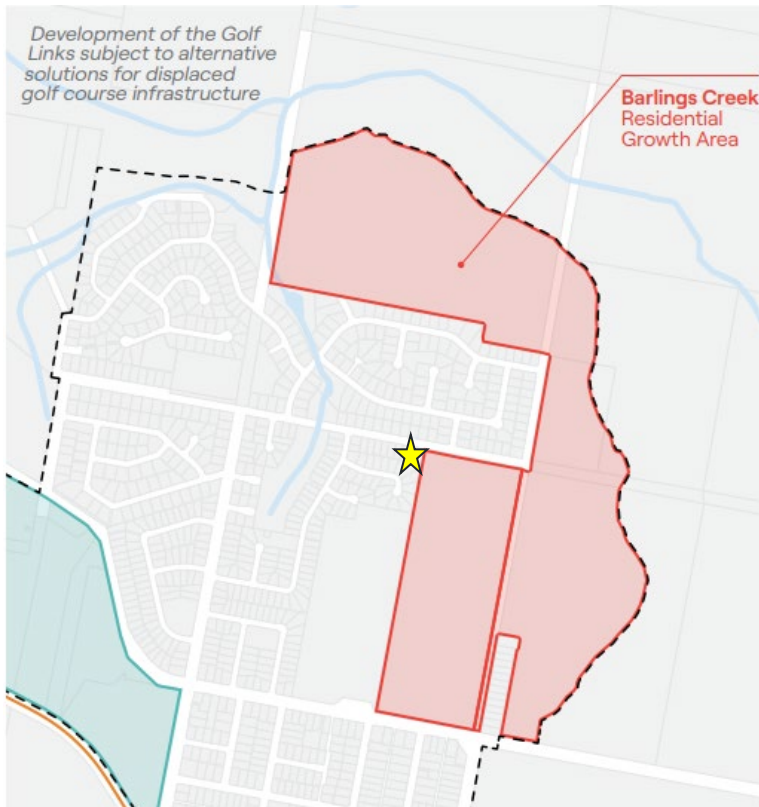


Figure 18: Extract from the RVC GMS showing the location of the Barlings Creek Residential Growth Area relative to the site (indicated by yellow star)

It is anticipated the character of dwellings within the Barlings Creek Residential Growth Area will be a more contemporary form with medium density and smaller lots and a diversity of housing forms which will introduce new design features and a change to the character of the locality.

The proposed development is aligned with Council's adopted GMS which seeks more contemporary medium density infill development that aligns with the future growth of the region.

The bulk and scale of the proposed development is compatible with the existing character of the neighbourhood and will deliver a built form outcome consistent with the planning controls. The 1 and 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality. Boundary setbacks are appropriate to the context and setting.

Mitigation Measures

No mitigation measures are required, as the design of the proposed development is compatible with the site and the neighbourhood character, providing setbacks to neighbouring properties that are appropriate to the context. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the built form will be complemented by the landscaping.

7.2 Bulk and Density

The proposed development is an appropriate form of infill housing which is sought by the targets in the RVC GMS and is compliant with the planning controls for height, scale, and setbacks. The dwellings are designed in attached pairs. The envelopes and footprints of each building are similar to the proportions of surrounding detached dwellings. Setbacks are similar to the patterns established in the streetscapes of the neighbourhood.

Although two storey dwellings are not common in the neighbourhood at present, they will be increasingly common with the target for 40% of new dwellings to be in the form of infill medium density housing and are likely to be common in the Barlings Creek Residential Growth Area.

The proposed buildings are well articulated with external walls punctuated by stepped setbacks, awnings, windows and other openings and a variety of materials, colours and finishes. The dwellings appropriately address the street and rear dwellings have entries that will be clearly identified from common internal pathways.

The proposed floor space ratio is 0.37:1 which is comparable to established dwellings in the locality. The proposed maximum height is 7.8m which is significantly less than the maximum 8.5m in the RVLEP 2012 and generally consistent with a low-density residential area. The FSR and 1 to 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R1 General Residential zone, which encourages a variety of housing types and densities.

Proposed setbacks accommodate deep soil areas particularly within the setbacks to boundaries, which will retain established canopy trees and accommodate new canopy trees compatible with the two storey scale of the development.

Accordingly, the proposal is of a bulk, scale and density that does not constitute an overdevelopment of the site. The proposal will suitably increase housing diversity of form and tenure which is consistent with State, regional and local adopted planning strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required, as the design of the proposed development is compatible with the GMS and the intended built form.

7.3 Streetscape

The architectural style of the proposed development is contemporary and conservative and 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. The proposal achieves retention of all established trees. The hard stand car parking area is located centrally within the site and will be obscured from street view.

With articulation and modulation along the front façades, retention of existing trees and improved landscaping proposed within the street setback areas, the proposed development makes a positive contribution to the Sheppard Street streetscape.

The built form has been designed to address the street frontages through incorporation of street facing windows and doors, improving casual surveillance of the street. Front fencing is open form and pathways from the street are clearly defined for a welcoming and engaging street presentation.

Mitigation Measures

No mitigation measures are required.

7.4 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 new contemporary dwellings that respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

Substantial new landscaping and tree planting is proposed in the Sheppard Street verge and within the front setback of the subject site. The introduction of 7 native canopy trees will soften the visual impact of development when viewed from the public domain. New street trees at the frontage will provide additional canopy shade for pedestrians and improve the aesthetic quality of the streetscape. Retention of established trees in the eastern side setback area will contribute to the long-term visual amenity of the adjoining property.

Mitigation Measures

No mitigation measures are required.

7.5 Privacy

A high level of internal and external privacy will be achieved through a range of measures including careful and considered site landscaping, new 1.2m-1.8m high fencing to private courtyard spaces, clear sight lines for common pathways to front doors, adequate site setbacks and strategic placement of windows so as to avoid direct overlooking of neighbours.

Private open spaces are located on ground level and are well separated from west and east side boundaries with landscaping, including trees and shrubs, proposed adjacent to boundaries. This will provide a visual buffer between the windows and terraces on the subject site and the properties adjoining the side boundaries (note the potential for the golf course to the east to be redeveloped for housing as part of the Barlings Creek Residential Growth Area).

Window openings have been minimised within the western elevations of Dwelling 1 to ensure that overlooking is mitigated to adjacent development at 73 Sheppard Street. No balconies are provided at first floor level.

The dwellings are setback a minimum 3m from side boundaries in accordance with the *Low Rise Housing Diversity Guide for Development Applications* for Multi Dwelling Housing Development Applications. Front setbacks are consistent with the setback requirements for street frontage setbacks in the *Richmond Valley Development Control Plan 2021* and include substantial landscaping and low-height, open form fencing to further mitigate privacy impacts to ground floor residents whilst maintaining adequate passive surveillance.

Proposed 1.8m Colorbond fencing will mitigate unacceptable overlooking from ground level dwellings into properties to the south and west.

Mitigation Measures

No mitigation measures are required.

7.6 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 in accordance with the Seniors Living Policy: Urban Design Guidelines for Infill Development. The submitted Architectural Plans indicate that 83% of dwellings receive at least 3 hours direct solar access to the living and Private Open Space areas on June 21, which meets the requirement for a minimum 70% of dwellings to achieve 3 hours of direct solar access to the living and Private Open Space areas on June 21.

Shadow diagrams also confirm the proposed development will facilitate sunlight to living areas and private open space of the neighbouring dwelling.

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

Mitigation Measures

No mitigation measures are required.

7.7 Overshadowing

The shadow diagrams confirm that development has been designed to minimize overshadowing of surrounding development. Shadow diagrams in **Appendix A** confirm that the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings adjoining sites. At 9am, shadows generated by the proposed development area generally contained within the side with minor impacts to the side setback area of the adjacent development at 73 Sheppard Street.

At 12pm, shadows are contained within the subject site with minor impacts to the rear setback area of adjacent site at 8 Callistemon Street. At 3pm, shadows are cast to the east within the site.

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.

7.8 Traffic & Parking

Car parking for residents is in the form of 7 surface spaces including 1 accessible space.. The provision of on-site car parking complies with the parking requirements set out in the Housing SEPP for developments carried out by LAHC.

The Traffic Impact Statement (*Appendix R*) indicates that the development will have a projected nett increase of 6 vehicle trips per hour in the AM and PM peak hour. The projected nett change in traffic activity as a consequence of the development proposal is negligible and will not have any unacceptable implications in terms of road network capacity.

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

Mitigation Measures

No mitigation measures are required.

7.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by *Creative Planning Solutions (Appendix J)*. The report considers 7 trees, 3 of which are located within the subject site while the remained 4 are within the neighbouring property to the east (currently used as a golf course).

The report recommends and confirms the retention and protection of the 7 existing trees, 3 within the site and the 4 within neighbouring properties. Trees 1, 2 & 3 are within the construction area for fence installation and these works will require supervision of the Project Arborist when undertaking the construction phase to ensure appropriate measures have been undertaken for tree protection.

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

There will be a positive impact on native fauna given that existing trees are retained and additional planting is proposed.

Mitigation Measures

Retained trees are to be protected in accordance with the Tree Retention and Protection Plan contained within the Arboricultural Impact Assessment (refer *Appendix J*).

Construction of the footings/piers associated with the fencing must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to Identified Requirement No. 34).

7.10 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 3 May 2022 (*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 (see IRs 44 and 45).

Other Cultural Heritage

No cultural heritage items have been identified in RVC'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

Standard Identified Requirements No.44 and 45 have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

7.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation and Acid Sulfate Soil Assessment Report, prepared by STS Geotechnics indicates the following:

- The subsurface conditions consist of topsoil overlying natural silty clays. Topsoil was encountered to depths of 0.3 to 0.4m. Stiff, becoming very stiff with depth, natural silty clays underlie the topsoil to the maximum depth of drilling, 3m.
- Groundwater was not observed during drilling works.
- Soils are non-aggressive and non-saline.

Mitigation Measures

No mitigation measures are required in response to the Geotechnical Site Investigation or Acid Sulfate Soils Assessment Report.

To ensure that soils and pollution are not tracked off site during works, Identified Requirement (No. 13) recommends that sediment control measures be implemented during demolition/construction in accordance with Council requirements and/or the guidelines contained in the Blue Book *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004).

Contamination

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to contaminated land. Based on historical aerial images the site has been vacant since pre 2008 and it does not appear to have had any known history of potentially contaminating land uses.

Mitigation Measures

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

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 by STS Geotechnics (*Appendix O*) states the soils are not saline.

Mitigation Measures

No mitigation measures are required.

7.12 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 gutters on the site connected

to an underground detention tank to be connected to the existing interallotment drainage easement along the site frontage. Roof water from the subject development will be collected from downpipes and connected in part to the on-site detention / rainwater tank beneath to car parking area as well as pipes and pits connecting to the interallotment drainage system.

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. Stormwater infrastructure has been designed to accommodate modelled storm events and to integrate with the capacity of the existing stormwater network in Sheppard Street.

Specific design recommendations from RVC's Development Engineer have been included in Identified Requirements IR 67 to 72.

The existing sewer infrastructure and easement at the site allows for 77 Sheppard Street to drain downstream over 75 Sheppard Street. As this activity proposes the consolidation of the 2 lots, there will be no need for the easement to extended over the 2 lots and the sewer infrastructure that is located to the east of the existing manhole at 75 Sheppard Street will be redundant and can be removed. IR 5 requires the redundant infrastructure to be removed and the area of the easement for sewer to be redefined at the time of lot consolidation.

Mitigation Measures

Identified Requirements (Nos. 6-9, 14) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements. Identified Requirement 67 to 72 includes the detailed design recommendations from RVC's Development Engineer.

7.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

7.14 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours consistent with the requirements for Complying Development throughout NSW.

During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

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.

Mitigation Measures

Site preparation/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements.

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

Appropriate standard Identified Requirements (Nos. 2 and 54) have been applied to ensure compliance with the above mitigation measures.

7.15 Air Quality

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

Mitigation Measures

Appropriate standard Identified Requirements (Nos. 58 & 59) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

7.16 Waste Minimisation

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

During Construction

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

- bricks and concrete to be transported to 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 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

Standard Identified Requirements (Nos. 46 – 50) are recommended to ensure all waste is appropriately managed and disposed of. Standard Identified Requirement (No.35) requires a project specific waste management plan to be developed with the contractor prior to the commencement of work.

7.17 Resource Use & Availability

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal.

The recycling and reuse of materials during demolition, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency and through the use of durable, low maintenance and low emissions materials. These factors will ensure reduced depletion and degradation of natural resources in the long term.

Mitigation Measures

No additional mitigation measures are required.

7.18 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;
- provide more accessible housing on the site; and
- provide housing for households displaced by natural disaster and flood affected land in particular.

Identified Requirement No. 66 requires LAHC to consult with Richmond Valley Council on the design and location of the bus stop and its construction prior to occupation of the development. The relocation of the bus stop will ensure the bus service has continuity in close proximity to the subject site and will meet agreed standards.

Mitigation Measures

No mitigation measures are required.

7.19 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, vehicles, and equipment, where possible;
- the local sourcing of tradesmen and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the new housing; and
- savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

7.20 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;
- all potential impacts can be managed by methods implemented within the site and are not reliant upon other land;
- 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.

8 Conclusion

8.1 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 meet the increasing demand for 2 and 3 bedroom affordable dwellings in the local area and the project will provide one adaptable dwelling with accessible parking. Therefore, the proposed development is clearly in the public interest.

9 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.

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLANS

APPENDIX C – STORMWATER PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – S.10.7 PLANNING CERTIFICATE

APPENDIX G – NOTIFICATION LETTER

APPENDIX H- ACCESS AND BCA REPORT

APPENDIX I - AHIMS

APPENDIX J – ARBORIST REPORT

APPENDIX K- BASIX CERTIFICATE

APPENDIX L – DESIGN COMPLIANCE CERTIFICATES

APPENDIX M – NatHERS CERTIFICATE

APPENDIX N – SENIORS LVIVING POLICY CHECKLIST

APPENDIX O – GEOTECHNICAL REPORT

APPENDIX P – TITLE SEARCHES

APPENDIX Q – WASTE MANAGEMENT PLAN

APPENDIX R – TRAFFIC IMPACT ASSESMENT