

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building and Multi Dwelling Housing
Development

At

64-70 Stapleton Avenue, Casino, NSW 2470

May 2024





Acknowledgement of Country

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

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REVIEW OF ENVIRONMENTAL FACTORS

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On February 1 2024, Homes NSW, a division of the Department of Communities and Justice (DCJ) was formed. It has brought together the housing and homelessness services of DCJ with the NSW Land and Housing Corporation (LAHC), Aboriginal Housing Office (AHO) and key worker functions from across government under one roof.

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DOCUMENT SIGN-OFF

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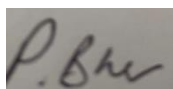
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1 Executive Summary

The subject site is located at 64-70 Stapleton Avenue, Casino, and is legally described as Lots 8, 9, 10 & 11 in Deposited Plan 31850.

The proposed development is described as follows:

Demolition of 4 existing dwellings and structures, removal of trees, and construction of a residential flat building development comprising 13 dwellings (6 x 2 bedroom and 7 x 3 bedroom units) and multi dwelling housing development comprising 5 dwellings (3 x 2 bedroom and 2 x 3 bedroom units), with associated landscaping and fencing, surface parking for 23 cars, and consolidation of 4 lots into a single lot.

Note: State Environmental Planning Policy Amendment (Housing) 2023

On 14 December 2023, amendments were made to State Environmental Planning Policy (Housing) 2021 (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and Transitional Provisions as State Environmental Planning Policy Amendment (Housing) 2023. Clause 8 (2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under 43(1)(b)(i), before the amending policy was made and further, that the activity is determined before 20 December 2024. This activity satisfies both requirements as notification to Council was provided by letter dated 30 November 2023 and the activity will be determined before 20 December 2024. Therefore, the State Environmental Planning Policy Amendment (Housing) 2023 as amended on 14 December 2023 is not applicable to this activity.

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

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument and is therefore permitted without consent under the provisions of the Housing SEPP.

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

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as Identified Requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into 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 and NSW Land and Housing Corporation Design Requirements (February 2023)*;

- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Richmond Valley Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets; and
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.

Richmond Valley Council, as well as owners and occupiers of adjoining land were notified of the proposed activity on 30 November 2023 under the provisions of Housing SEPP. A response was received from Council dated 24 January 2024. Comments on the response are provided in Section 7.1 of this REF. Two submissions were received from occupiers of adjoining land. Comments on the submissions are provided in Section 7.2 of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in 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 demolition of 4 existing dwellings and structures, removal of trees, and construction of a residential flat building development comprising 13 dwellings (6 x 2 bedroom and 7 x 3 bedroom units) and multi dwelling housing development comprising 5 dwellings (3 x 2 bedroom and 2 x 3 bedroom units), with associated landscaping and fencing, surface parking for 23 cars, and consolidation of 4 lots into a single lot at 64-70 Stapleton Avenue, Casino.

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

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

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

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.

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates (**Appendix F**) were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Richmond Valley Local Environmental Plan 2012*;
- it was determined that the multi dwelling housing and residential flat building are both 'permitted with consent' in the R1 General Residential zoning pursuant to the RVLEP 2012, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a desktop analysis / investigation of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- a site visit was undertaken by the NSW Land and Housing Corporation planning staff on 26 September 2022;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

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

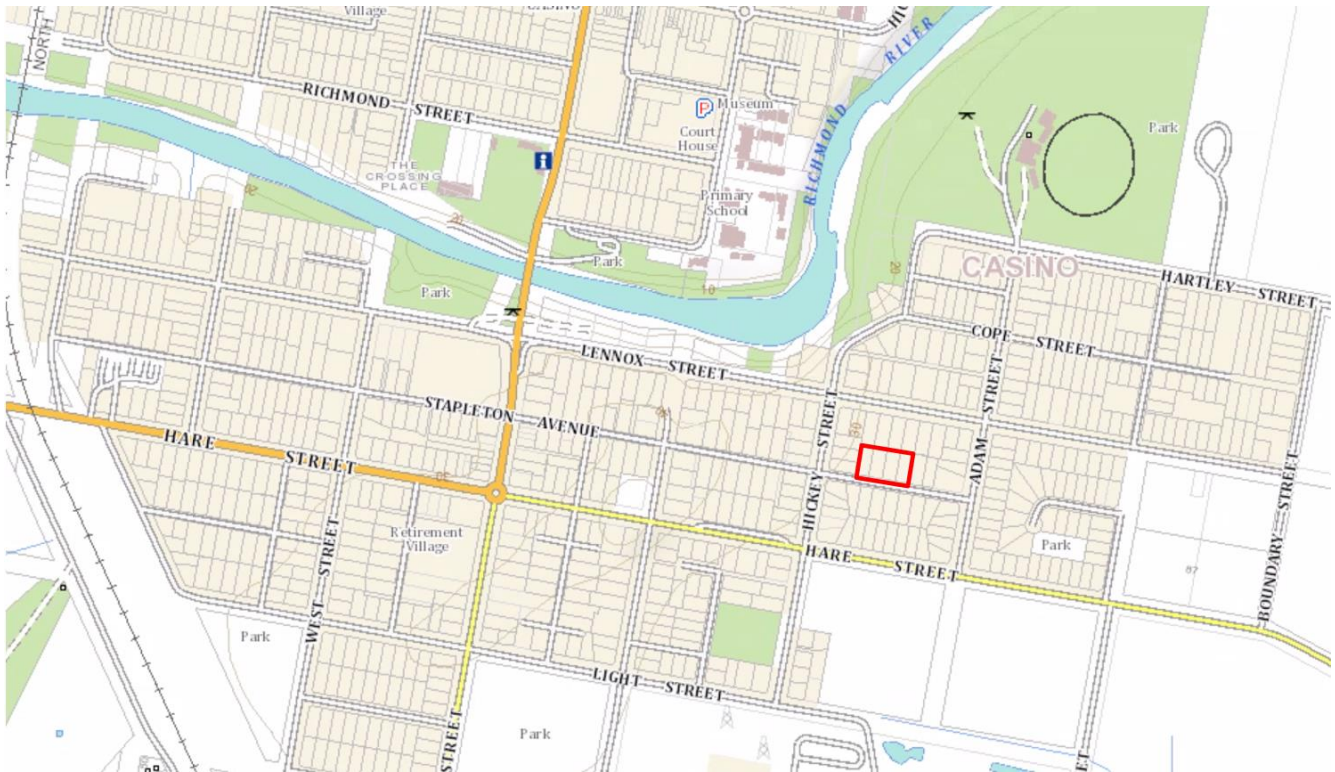


Figure 1 Location Plan (Source: SIX Maps)

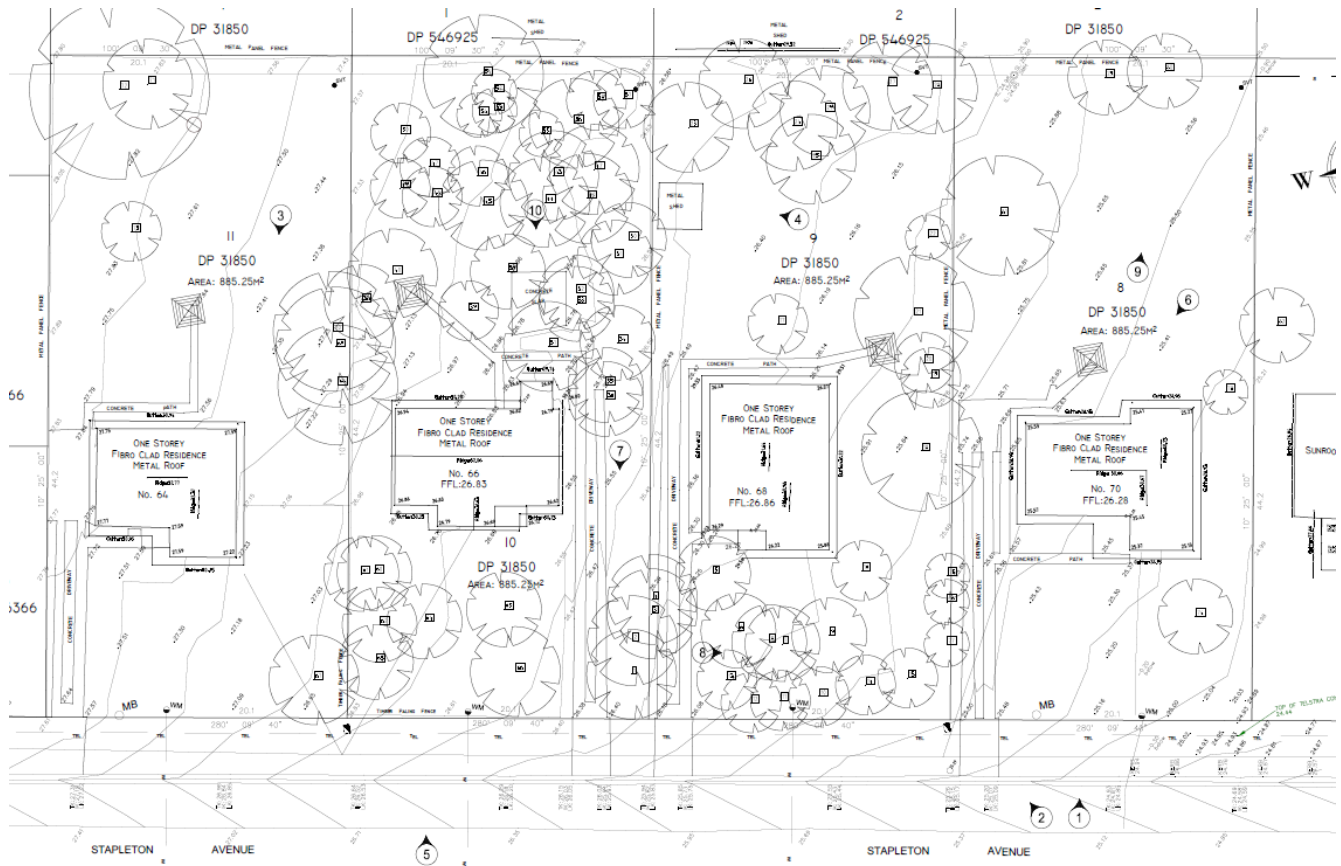


Figure 2 Extract from Detail & Level Survey Plan (Source: RPS Australia Pty Ltd dated 27 October 2023)



Figure 3 Development site - 64 Stapleton Avenue, Casino (Source – LAHC Planner 26 September 2022)



Figure 4 Development site - 66 Stapleton Avenue, Casino (Source – LAHC Planner 26 September 2022)



Figure 5 Development site - 68 Stapleton Avenue, Casino (Source – LAHC Planner 26 September 2022)



Figure 6 Development site -70 Stapleton Avenue, Casino (Source – LAHC Planner 26 September 2022)

The properties immediately to the north (127, 129, 131 & 133 Lennox Street) contains a mix of single-storey brick and fibro clad dwellings. The properties to the south (79, 81, 83, 85 and 87 Stapleton Avenue) contain single storey fibro clad dwellings. The property adjoining the east boundary (72 Stapleton Avenue) contains a single storey fibro clad dwelling (**Figure 7**). The 3 properties abutting to the west contains a single storey brick dwelling at 62 Stapleton Avenue (**Figure 8**) and 2 single dwelling fibro clad dwellings at 33 and 35 Hickey Street.



Figure 7 Adjoining property - 72 & 74 Stapleton Avenue, Casino (Source – LAHC Planner 26 September 2022)



Figure 8 Adjoining property - 62 Stapleton Avenue, Casino (Source – LAHC Planner 26 September 2022)

The surrounding development within Stapleton Avenue is comprised of similar single storey clad fibro dwelling houses. Larger, more modern 2-storey development is present further along Stapleton Avenue to the west of the site (60 Stapleton Avenue). There is a multi-dwelling housing development varying between 1 and 2 storey at No.76-78 Stapleton Avenue (refer to **Figure 9** and **Figure 10**).



Figure 9 multi dwelling development at 76-78 Stapleton Avenue (Source – LAHC Planner 26 September 2022)



Figure 10 multi dwelling development at 76-78 Stapleton Avenue (Source – LAHC Planner 26 September 2022)

3.2 Site Description

The site has a total area of 3558m², a frontage to Stapleton Avenue of 80.495m, side (eastern and western) boundaries of 44.2m and a rear (northern) boundary of 80.495m (refer to the submitted Site Analysis Plan in **Appendix A**). Copies of the Section 10.7(2) & (5) Planning Certificates (PL2024/0246) dated 7 November 2023 are provided in **Appendix F**.

The site falls from the north-west corner down toward the south-east corner approximately 3m. The title searches dated 3 August 2021 (**Appendix Q**) do not identify any easements or covenants affecting the site. However, a sewer main traverses the rear northern boundary of the site. The site is not within a flood planning area and is not subject to flood related development controls.

There are 81 trees scattered (T1-T81) within the site. One tree (T82) is located within adjoining properties in proximity to the eastern side boundary of the site.

Water, sewer, electricity, and telephone facilities are available to the site (refer to the submitted Detail and Level Survey Plan for the location of available services at **Appendix D**). Water, electricity and telephone services are located along the street road alignment. Sewer is located along the rear boundary of the site. The closest stormwater pit is identified on Hickey Street, approximately 70m west of the site. The Dial Before You Dig (DBYD) search did not identify a reticulated gas service at this site.

There are no encumbrances on title, Section 10.7 certificates or indicated on the Detail and Level Survey Plan.

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 with a mix of brick or fibro clad construction and tiled or metal roofs, interspersed with more recent 2-storey dwelling houses and residential flat building development (refer to photographs at **Figure 11** and **Figure 12**). The area has some open space areas that run along Lennox Street to the north-west of the site (Coronation Park) approximately 750m and along Walker Street to the south-west of the site approximately 850m from the subject site. The town centre is located approximately 1km north-west of the subject site which provides most day to day needs of residents. Approximately 2.1km to the north-west of the site is the Casino Train Station. There are also a number of community-based land uses including primary schools, childcare centres, medical centres and churches in proximity to the site.



Figure 11 Two storey residential building within the locality - 60 Stapleton Avenue, Casino (Source –Google Maps: image capture Nov 2023)

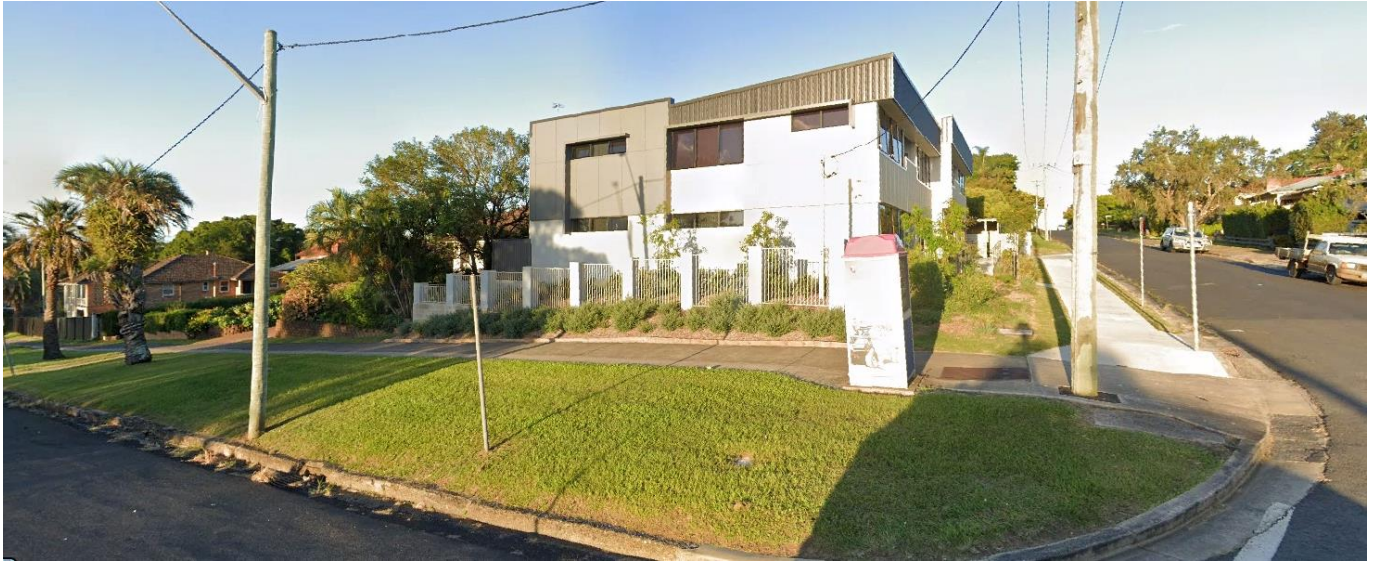


Figure 12 Residential Flat building within the locality- 115 Centre Street, Casino (Source –Google Maps: image capture Nov 2023)

Bus stops

There are 2 bus stops located within proximity of the site. The closest bus stop is located on Hickey Street (370m, No. 671) connecting service to/from the Casino centre. This bus stop (ID247049) is not serviced by a bus route that meets the frequency requirements to meet the definition of an 'accessible area' under the Housing SEPP. Therefore, the site is not an accessible area as defined within the Housing SEPP.

4 Project Description

4.1 Demolition 67

The proposed activity includes demolition of 4 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to **Appendix A**).

4.2 Removal of Trees

There are 81 trees and shrubs located within the site and 1 tree located within the neighbouring property at 72 Stapleton Avenue.

A total of 78 trees and shrubs will be removed within the subject site. This will result in the retention of 2 trees (T67 and T78,) and one shrub (T13) within the site. Trees 13 and 67 are located to the front of the site and Tree 78 is located to the eastern side of the site.

One tree (T82) located within the adjoining property at 72 Stapleton Avenue will be retained and protected. There are no trees within the Stapleton Avenue nature strip.

The tree removal within the site boundaries is recommended to accommodate the proposed development. The individual species recommended for removal are considered to be of low to medium significance and mostly exotic species which are not protected by the Richmond Valley Development Control Plan. An Arboricultural

Impact Assessment Report has been prepared for the site by Arbor Ecological (**Appendix J**). The report considers 82 trees, 81 of which are located within the subject site and one tree is in the neighbouring property at 72 Stapleton Avenue. The report recommends the removal of 75 existing trees and shrubs within the site that are either located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones. This will result in retention of 5 trees (T67, T72, T78, T79, T80) and one shrub (T13) within the site. Trees 67 and shrub T13 are located to the front and Trees 72, 79 and 80 are located to the rear of the subject site. Tree 78 is located to the eastern side of the site and is proposed to be retained. The Arboricultural Impact report concludes that Trees and shrubs to be removed are mostly landscape plantings with varying levels of maintenance and care and generally readily replaceable with new landscape plantings. Attempts have been made to avoid, minimise, and retain vegetation.

Richmond Valley Council in their submission requested that no trees be located in proximity to the existing sewer line infrastructure. Following this feedback, the Landscape Plan (**Appendix B**) was amended to include the removal of T72 Silky Oak tree at the rear north-western corner and T79 and T80 Crepe Myrtle trees at the rear north-eastern corner.

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

4.3 Proposed Dwellings

The proposal comprises of a residential flat building comprising 6 x 2 bedroom and 7 x 3 bedroom units and a single storey multi dwelling housing development comprising 3 x 2 bedroom and 2 x 3 bedroom units located to the rear.

Of the 18 residential units, twelve (ground floor units) have been designed as liveable units which are capable of being adapted to suit persons with a disability should the need arise in the future.

The proposed housing represents a contemporary, high quality design. The use of face brick for external walls and metal roofing is consistent with the existing and developing character of the Casino suburb. 13 of the 18 proposed units will address the street (Units 1, 2, 3, 4, 5, 6 & 7 on the ground floor and Units 13, 14, 15, 16, 17, 18 on the first floor) with primarily bedroom windows and/or kitchen 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. Small internal retaining walls are proposed between the units, and along the driveway and internal accessway to assist with the stability as shown on the Cut & Fill & Retaining Walls Plan (refer to **Appendix A- Document No. DA11**).

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape.

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

A total of 23 surface car parking spaces will be provided on the site, including 2 accessible spaces. Two of the accessible spaces are individual car spaces dedicated to Unit 1 and Unit 7.

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 kerb. Roof water will be collected from downpipes and

A new 1.8m high metal fence is proposed along the side and rear boundaries. A combination of powder coated metal fencing of 1.2m to 1.5m height will be provided at the front of the development orientated to Stapleton Avenue.

The image is a detailed architectural site plan for a residential development. It shows a large rectangular plot divided into several lots, each with a proposed house design. The plan includes various setbacks, easements, and annotations. Key features include:

- Setbacks:** 1.5m side setback, 1.5m front setback, 1.5m rear setback.
- Easements:** 100mm gap under all principal fences, 100mm gap under all principal fences for stormwater.
- Annotations:** NO TPO INTRUSION, INDICATIVE LINE OF EASEMENT FOR SEWER, NO OBSTRUCTIONS > 0.6m IN VIEW TRIANGLE.
- Surrounding Properties:** No. 127 LENNOX SINGLE STOREY (METAL ROOF), No. 129 LENNOX SINGLE STOREY (TILE ROOF), No. 131 LENNOX SINGLE STOREY (TILE ROOF), No. 133 LENNOX SINGLE STOREY (METAL ROOF), No. 33 HICKEY SINGLE STOREY (METAL ROOF).
- Other Features:** METAL SHED, CARPORT, SINGLE STOREY BRICK RESIDENCE No. 64 (TILE ROOF), SINGLE STOREY BRICK RESIDENCE No. 72 (METAL ROOF).

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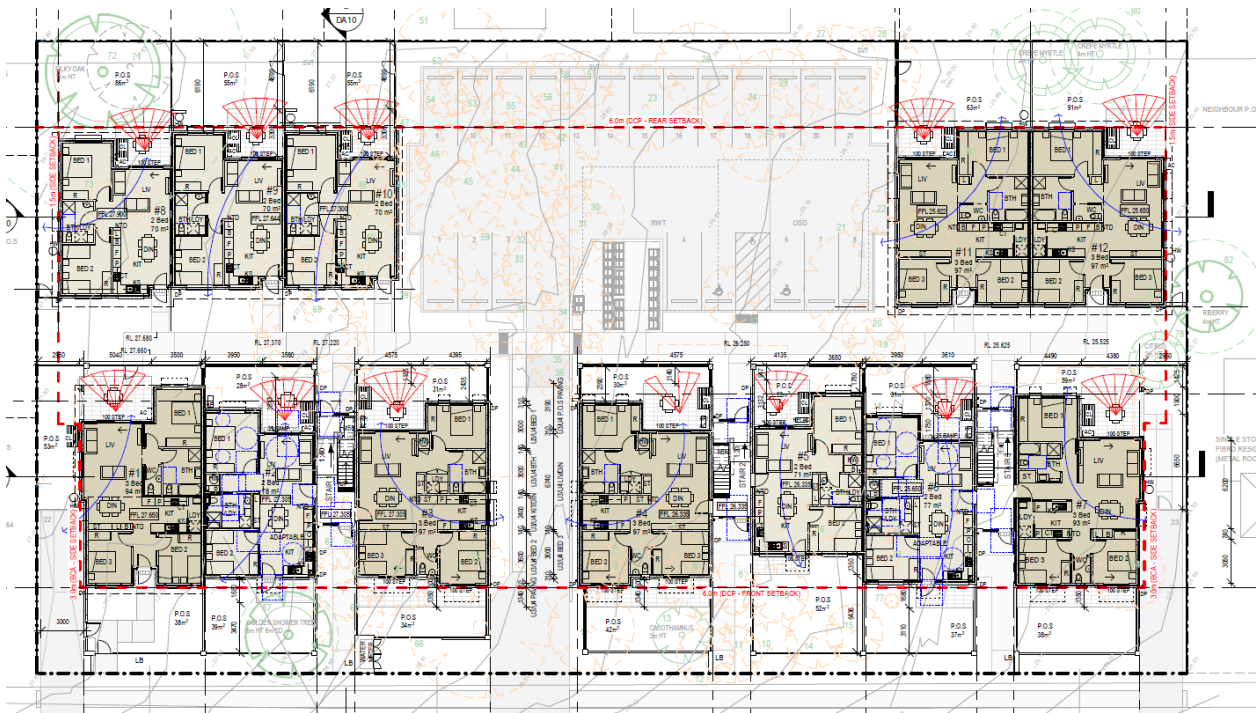


Figure 14 Extract from Architectural Plans - General Arrangement Plan - Ground Level (Source: Architectural Plans, Brewster Murray, dated 17/10/2023)



Figure 15 Extract from Architectural Plans - General Arrangement Plan - First Level (Source: Architectural Plans, Brewster Murray, dated 17/10/2023)

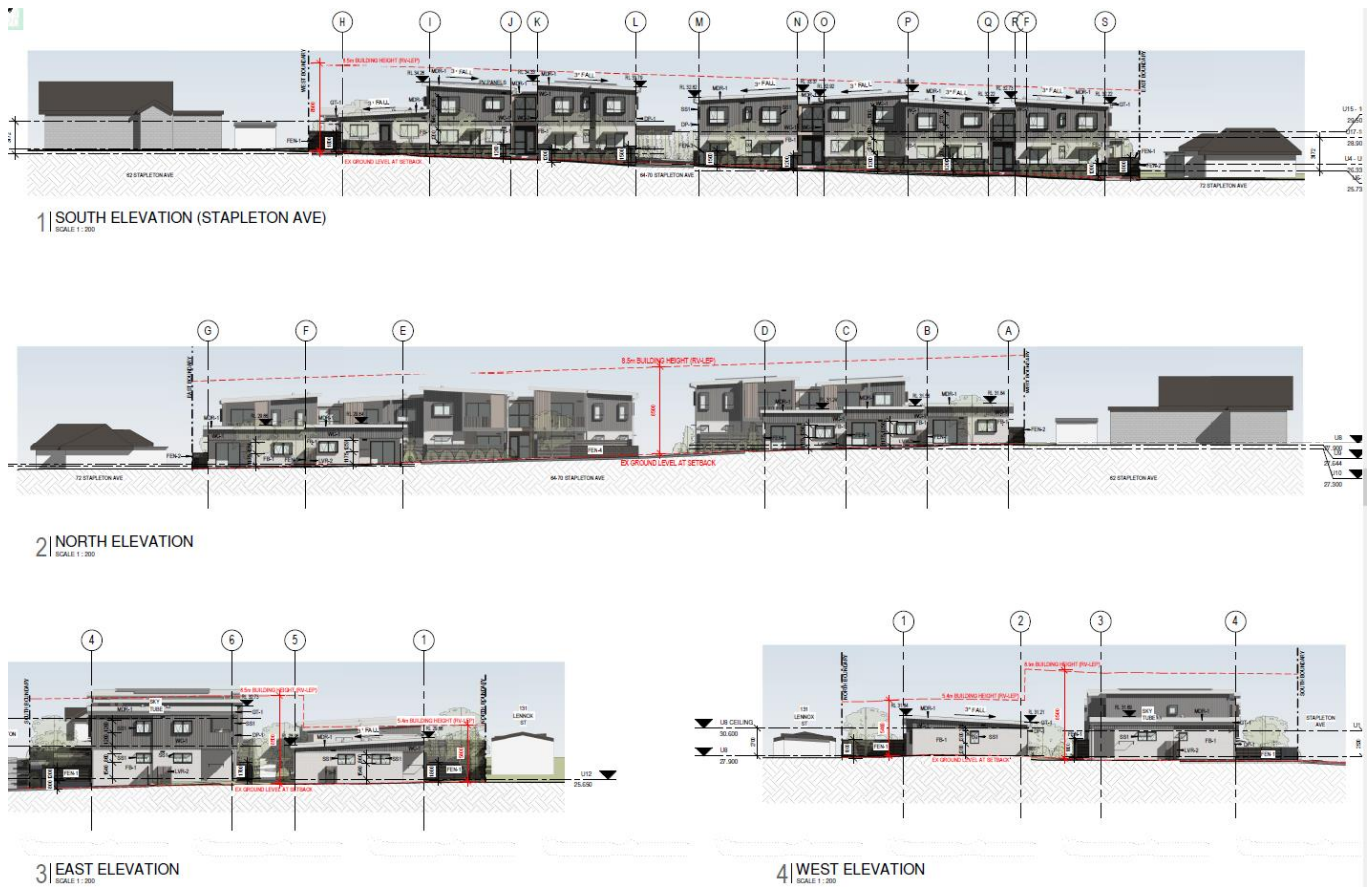


Figure 16 Extract from Architectural Plans - Elevations (Source: Architectural Plans, Brewster Murray, dated 17/10/2023)



4.4 Supporting information

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

Table 1 Supporting information

| Title / Name: | Drawing No. / Document Ref | Revision / Issue: | Date [dd.mm.yyyy]: | Prepared by: |
|---|----------------------------|-------------------|--------------------|----------------------------|
| Architectural Plans – Appendix A | | | | |
| Coversheet | DA00 | F | 19/03/2024 | Brewster Murray Pty Ltd |
| Block Analysis Plan | DA01 | C | 19/09/2023 | Brewster Murray Pty Ltd |
| Site Analysis Plan | DA02 | C | 19/09/2023 | Brewster Murray Pty Ltd |
| Demolition Plan | DA03 | E | 22/02/2024 | Brewster Murray Pty Ltd |
| Site Plan | DA04 | F | 19/03/2024 | Brewster Murray Pty Ltd |
| Ground Floor Plan | DA05 | F | 19/03/2024 | Brewster Murray Pty Ltd |
| First Floor Plan | DA06 | E | 22/02/2024 | Brewster Murray Pty Ltd |
| Roof Plans | DA07 | E | 22/02/2024 | Brewster Murray Pty Ltd |
| Elevations – Sheet 1 | DA08 | F | 19/03/2024 | Brewster Murray Pty Ltd |
| Elevations – Sheet 2 | DA09 | E | 22/02/2024 | Brewster Murray Pty Ltd |
| Sections | DA10 | D | 17/10/2023 | Brewster Murray Pty Ltd |
| Cut & Fill & Retaining Walls | DA11 | D | 17/10/2023 | Brewster Murray Pty Ltd |
| Shadow Diagrams | DA12 | D | 17/10/2023 | Brewster Murray Pty Ltd |
| Shadow Diagrams – View from Sun | DA13 | D | 17/10/2023 | Brewster Murray Pty Ltd |
| Material and Finishes | DA14 | C | 19/09/2023 | Brewster Murray Pty Ltd |
| Landscape Plan – Appendix B | | | | |
| Landscape Plan | LA 1 of 1 | D | 18/03/2024 | Greenland Design Pty Ltd |
| Landscape Details and Specification | LA 2 of 2 | D | 18/03/2024 | Greenland Design Pty Ltd |
| Civil Stormwater Plans – Appendix C | | | | |
| Notes & Legends | C01 | 9 | 19/03/2024 | Greenview Consulting |
| Ground Floor Drainage Plan | C02 | 10 | 19/03/2024 | Greenview Consulting |
| Level 1 Drainage Plan | C03 | 2 | 19/03/2024 | Greenview Consulting |
| Site Stormwater Details Sheet 1 | C04 | 9 | 19/03/2024 | Greenview Consulting |
| Site Stormwater Details Sheet 2 | C05 | 7 | 19/03/2024 | Greenview Consulting |
| Detail and Level Survey – Appendix D | | | | |
| Detail and Level Survey | Sheet 1 of 2 | 3 | 27/10/2023 | RPS Australia East Pty Ltd |
| Detail and Level Survey | Sheet 2 of 2 | 3 | 27/10/2023 | RPS Australia East Pty Ltd |
| Notification Plans – Appendix E | | | | |
| Cover Page | N01 | E | 9/11/2023 | Brewster Murray Pty Ltd |
| Site & Landscape Plan | N02 | E | 9/11/2023 | Brewster Murray Pty Ltd |
| Development Data | N03 | E | 9/11/2023 | Brewster Murray Pty Ltd |
| Elevation 1 | N04 | E | 9/11/2023 | Brewster Murray Pty Ltd |

| Title / Name: | Drawing No. / Document Ref | Revision / Issue: | Date [dd.mm.yyyy]: | Prepared by: |
|---|--|-------------------|--------------------|-------------------------|
| Elevations 2 | N05 | E | 9/11/2023 | Brewster Murray Pty Ltd |
| Shadow Diagrams | N06 | E | 9/11/2023 | Brewster Murray Pty Ltd |
| Specialist Reports | | | | |
| Accessibility Assessment Report & Adaptable Housing Assessment Report – Appendix H | Accessibility Assessment Report 22073.5-Access | 5 | 25/10/2023 | Nest Consulting Group |
| | Adaptable Housing Assessment Report 22073.5-AS4299 | 5 | 25/10/2023 | Nest Consulting Group |
| Arboricultural Impact Assessment Report – Appendix J | - | - | 17/10/2023 | Arbor Ecological |
| BASIX Certificate – Appendix K | Certificate No._02 | - | 31/10/2023 | - |
| BCA Compliance Assessment – Appendix L | P230133 and P230133(4) | - | 24/10/2023 | BCA vision |
| NatHERS Certificate – Appendix N | Summary Certificate No: 0009000920 (individual unit certificate numbers inclusive) | - | 31/10/2023 | - |
| Geotechnical Investigation Assessment – Appendix P | Report No: 22/3045A | - | August 2022 | Geotechnics Pty Ltd |
| Waste Management Plan – Appendix R | 22-6412 | 2 | 5/10/2023 | Brewster Murray Pty Ltd |
| Traffic and Parking Impact Assessment Appendix S | GT22053 | 5 | 10/11/2023 | Genesis Traffic |
| Environmental Site Management Plan – Appendix T | ESM1 and ESM2 | 2 | 9/11/2023 | Greenview Consulting |
| Safety in Design Report – Appendix U | - | 2 | 5/10/2023 | Brewster Murray Pty Ltd |
| Fire Hydrant Coverage Plan and Certification – Appendix V | Hydraulic Design Site Plan – SK01 | 1 | 28/03/2024 | Greenview Consulting |
| | Hydraulic Design Ground Floor Plan – SK02 | 1 | 28/03/2024 | Greenview Consulting |
| | Hydraulic Design Ground Floor Plan – SK03 | 1 | 28/03/2024 | Greenview Consulting |
| | Advice Note – 220996 | - | 28/03/2024 | Greenview Consulting |

Additional Detail of the following Appendixes

Section 10.7 Planning Certificates – Appendix F

- Lot 11 DP 31850, Certificate No. PL2024/0246, dated 07/11/2023- Richmond Valley Council
- Lot 10 DP 31850, Certificate No. PL2024/0247, dated 07/11/2023- Richmond Valley Council
- Lot 9 DP 31850, Certificate No. PL2024/0248, dated 07/11/2023- Richmond Valley Council
- Lot 8 DP 31850, Certificate No. PL2024/0249, dated 07/11/2023- Richmond Valley Council

Notification Letters – Appendix G

- Inclusive of Richmond Valley Council response dated 24 January 2024.

Design compliance and checklists - Appendix M

- Architect Design Compliance Certificate – prepared by *Brewster Murray* dated 19/03/2024.
- Stormwater Design Compliance Certificate – prepared by *Greenview Consulting* dated 19/03/2024.
- Landscape Design Compliance Certificate – prepared by *Greenland Design* dated 18/03/2024.

Seniors Living Policy Urban Design Guidelines – Appendix O

- Prepared by *Brewster Murray* dated 10/11/2023.

Titles and Deposited Plans – Appendix Q

- Title Search, Folio: 8/31850, Search date 10/05/2024, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: 9/31850, Search date 10/05/2024, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: 10/31850, Search date 10/05/2024, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: 11/31850, Search date 10/05/2024, First Schedule: New South Wales Land and Housing Corporation

AHIMS Web Search – Appendix I

- AHIMS Web Search, search date 17/11/2023

5 Zoning and Permissibility

The site is zoned R1 General Residential under *Richmond Valley Local Environmental Plan 2012* (RVLEP 2012). The proposed development is defined as ‘multi dwelling housing’ and ‘residential flat building’ under the

provisions of RVLEP 2012 and is permissible in the R1 zone. An extract of the land zoning map is included in **Figure 19**.

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

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

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



Figure 19 Land zoning map (Source: RVLEP 2012)

The proposed development provides housing that meets the identified needs of the community and provides a variety of housing and is consistent with the relevant objectives of the R1 Residential zone.

Section 42 of the Housing SEPP permits residential development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause.

Table 5 in subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of Section 42 of the SEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider environmental impact [Section 5.5]

Section 5.5(1) states that, for the purpose of attaining the objects of the EP&A Act 1979 relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act 1979 or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

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

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

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act

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

6.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act 1979, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act 2016, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity will not be a key threatening process and the land is not part of, or in the vicinity of, any declared area of outstanding biodiversity value.

6.3 Other Acts

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

6.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act 1979, the factors in **Table 3** and **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment.

The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3 Compliance with Section 171 of the Environmental Planning and Assessment Regulation 2021 (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. | No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments. |
| Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines. | Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021. |

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

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

| 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] |
| (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] | N/A | | | |
| (q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1, | Yes – discussed below in Section 6.4.2 | | x | |
| (r) other relevant environmental factors. | Yes – discussed in Section 8. | | x | |

Note 1: A ‘significant’ impact will trigger the need for an Environmental Impact Statement.

Note 2: The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed housing development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts, during construction, will be offset by positive social outcomes in the long-term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 6.4.2 of this report.

6.4.2 Strategic Planning Framework

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 an extensive community engagement process, which identified priorities for the community's future. Under the 4 themes are key directions and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business. These 4 key strategic directions are supported by key goals that will guide the Richmond Valley area in the next 20 years. The themes are focused on; strengthening our role in the region, creating great places to live, protecting our unique environment and delivery for our community. The proposed development of 18 units is not in conflict with the Richmond Valley Community Strategic Plan and will provide new affordable housing within the LGA. Of the 12 specific objectives to the CSP, the objective most relevant to the activity is "Objective #5 Live Sustainably in a changing climate". Specifically, the proposed development will meet the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022 and will be water efficient and designed to optimise natural light and thermal comfort with reduced reliance on energy for heating and cooling. The proposed development will make a positive long-term contribution to energy and water efficient lifestyles for future occupants.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

On 14 December 2023, amendments were made to State Environmental Planning Policy (Housing) 2021 (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as State Environmental Planning Policy Amendment (Housing) 2023. Clause 8 (2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under 43(1)(b)(i), before the amending policy was made and further, that the activity is determined before 20 December 2024. This activity satisfies both requirements as notification was given to Council by letter dated 30 November 2023 and the activity will be determined before 20 December 2024. Therefore, the State Environmental Planning Policy Amendment (Housing) 2023 as amended on 14 December 2023 is not applicable to this activity. This activity has been assessed based on the policy in place immediately before the making of State Environmental Planning Policy Amendment (Housing) 2023.

Section 42 of the Housing SEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section.

Table 5 below demonstrates compliance with the relevant provisions of Section 42 of the HSEPP.

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

| Provision | Compliance |
|--|---|
| 42 (1) – This Division applies to residential development if - | |
| (a) the development is permitted with consent on the land under another environmental planning instrument, and | Yes – 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 | Yes – the maximum building height is 7.7m. |
| (c) the development will result in 60 dwellings or less on a single site, and | Yes – the development is for 18 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 | N/A – as the site is not serviced by a bus route that meets the frequency requirements listed in the definition of an 'accessible area' under the Housing |

| Provision | Compliance |
|--|--|
| 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 | SEPP. |
| (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 | Yes The subject site is not in an accessible area, the development must provide as least the following car parking spaces. <ul style="list-style-type: none"> 2 bedrooms: 9 dwellings x 1 parking space = 9 parking spaces 3 bedrooms: 9 dwellings x 1.5 parking space = 13.5 parking spaces A total of 22.5 car parking spaces will be required. The proposal provides 23 parking spaces (21 to the rear and 2 spaces at the side boundaries). |
| (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, | Yes – demolition of existing single storey detached dwellings in each of the 4 allotments and associated structures are proposed. The site is not identified as a heritage item and is not located within a heritage conservation area. |
| (b) the subdivision of land and subdivision works. Note – Section 32 prohibits the subdivision of a boarding house. | N/A – no subdivision works are 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. | N/A – Division 5, Residential flat buildings – social housing providers, public authorities and joint ventures does not apply in this instance. The subject development is not subject to Part 4 of the EP&A Act and no part of the project has been determined under former Section 75P of the EP&A Act. |
| (4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent. | Yes – the proposed development will be undertaken by or on behalf of the Land and Housing Corporation, being a relevant authority. |
| (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 - | N/A – 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. | Noted. |

| Provision | Compliance |
|---|---|
| Residential development has the same meaning as in the Housing Act 2001, section 8. | |
| 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 | Yes – on 17 November 2023 LAHC emailed Richmond Valley Council requesting details of the persons that should be notified. Richmond Valley Council on 17 November 2023 provided a list of property owners and occupiers of surrounding land that is required to be notified. |
| (b) give written notice of the intention to carry out the development to – <ul style="list-style-type: none"> (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and | Yes – letter notifying Richmond Valley Council of the proposed development activity was sent by LAHC on 30 November 2023. Letters notifying owners as nominated by Council, and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date. Refer to Appendix G . |
| (c) take into account the responses to the notice that are received within 21 days after the notice is given, and | Yes – Council responded to the notification by email dated 24 January 2024. Comments on the responses are provided in Section 6.1 of this REF. Two submissions from the community were received. |
| (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 | Yes – refer to checklist in Appendix O and subsection 6.5.2 of this REF. These conclude that the development complies with all relevant 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 6.5.2 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 | N/A |
| (f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – <ul style="list-style-type: none"> (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 | Yes – refer to Section 6.5.3 and 6.5.4 and the Architect's Certificate of Building Design Compliance in Appendix M 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. | N/A – the proposed development is for multi-dwelling housing and residential flat building, not for manor houses or multi dwelling housing (terraces). The provisions of the Codes SEPP, Part 3B are not applicable in this instance. |
| (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 | Noted. |

| Provision | Compliance |
|-----------|------------|
| located. | |

6.5.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

The *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG) (March 2004) has been prepared to assist in the design and assessment of applications for development under the Housing SEPP and is used for all Part 5 applications, excluding group homes and boarding houses.

The SLUDG outlines the design issues, principles and better practices that must be considered when designing a development for assessment under the Housing SEPP. There are 5 sections in the document, each corresponding to a key issue when designing development under the Housing SEPP. These include:

- Improving neighbourhood fit
- Improving site planning and design
- Reducing impacts on streetscape
- Reducing impacts on neighbouring properties; and
- Improving internal site amenity.

Clause 43(1)(d) of the Housing SEPP requires the relevant authority to take into account the relevant provisions of the SLUDG when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the design of the activity against the SLUDG is provided at **Appendix O**. The design has followed the guidelines, except in relation to the following justifiable departures outlined in **Table 6**.

Table 6 Seniors Living Urban Design Guidelines departures

| Guideline Requirement | Response |
|---|--|
| 3.06 Setback upper levels behind the front building facade? | The two-storey residential flat buildings do not provide an upper level setback at the front building facade. However, the buildings to the front have staggered setbacks and have been designed to adopt a modern and simplified form. In addition, the ground floor level will be separated from the first floor level with awning covers that provide weather protection to the windows and front doors, and adds visual interest and articulation to the front facade. A mix of facade materials and finishes (brick work on the ground level and metal cladding on the first level facades) will break the visual bulk and allow for a varied facade that works well within the streetscape. Therefore, it is assessed that the front facade will be compatible with the streetscape. |
| 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? | Sufficient soft landscape areas have been proposed within the private open spaces. No requirement for permeable surfaces is necessary as each of the units are provided with a soft landscaped area and hard paved POS area. |

| Guideline Requirement | Response |
|---|--|
| 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? | No communal open space facilities will be provided, as the design of the proposed dwellings allows for generous private open spaces. The proposed landscaping within the private and communal areas across the site incorporate easy to maintain species. Two public parks are located within proximity of the site and will provide passive recreation. |

6.5.3 Good Design for Social Housing

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

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

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Refer to Certificate of Compliance from the Architect in **Appendix M**.

Wellbeing

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

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a high NatHERS ratings between 7.6 up to 10, which exceeds the minimum targets set by LAHC (**Appendix N**). A photovoltaic system has been incorporated to offset energy use in the development.

Belonging

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

The development has been designed to reduce bulk and scale through breaking up the 2-storey building mass at the street frontage and articulation in the façade.

The pedestrian entries and foyers have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces. The incorporation of lighting, visual surveillance and fencing assist in the provision of a good sense of security for residents.

Value

The development meets sustainability targets, with the development achieving NatHERS ratings between 7.6 to 10 stars. The scheme will incorporate sustainable features including insulation, glazing, clothes lines, native plantings, ceiling fans, water efficient fittings, abundant natural light, natural cross ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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

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

Collaboration

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

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

6.5.4 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.

Clause 43(1)(f)(ii) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the proposed development against the LAHC Design Requirements has been undertaken and deemed to achieve compliance, refer to Design Certificate of Compliance from the Architect in **Appendix M**.

6.6 Other State Environmental Planning Policies

Table 7 7 below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

Table 7 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy (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. A Basix Certificate has been obtained for the development proposal, as required under Chapter 2 and Schedule 1 the Sustainable Buildings SEPP (refer to **Appendix K**).

SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and child care facilities and major infrastructure corridors.

The site is not located in close proximity to a State Classified Road. The development is not defined as a traffic generating development.

Therefore, the proposal is not required to be notified to public authorities other than Council in accordance with Section 2.15 and 2.17 of the TISEPP, as referred to under Section 43 of the Housing SEPP.

SEPP (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.

The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 78 trees and shrubs (refer to Arboricultural Impact Assessment Report at **Appendix J**).

Initially, the proposal included removal of 75 trees (refer to Arboricultural Impact Assessment Report at **Appendix J**). However, Council requested the removal of 3 additional trees located within the rear easement. Therefore, 2 trees and 1 shrub within the site and 1 neighbouring tree will be retained and protected in accordance with the Arborist's recommendations.

Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.

An assessment of the proposed tree removal has been undertaken within Section 4.2 of this REF. New replacement planting on site will be undertaken in accordance with the detailed landscape plan (**Appendix B**).

SEPP (Resilience and Hazards) 2021

The Resilience and Hazards SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The site is located within a developed residential area of Casino. Given the long-term land use of the site for residential purposes, it is unlikely that the subject land is affected by contamination.

The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to **Appendix F**). The Geotechnical Investigation (**Appendix P**) did not detect the presence of contaminants or uncontrolled fill.

Notwithstanding, the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination and these are considered in the following table:

| Previous evidence of contamination | Yes/ No | Response |
|---|---------|---|
| a) Was the subject land at any time zoned for industrial, agricultural or defence purposes? | No | Historical aerial images identify that each of the 4 lots have been used continuously for residential purposes and occupied by the existing dwelling houses since pre-1958. |
| (b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.) | No | LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines. |
| (c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1? | No | All of the lots contain a single storey dwelling house and associated ancillary structures. |
| (d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1? | No | LAHC records indicate that the land has not been regulated through licensing or other mechanisms. |
| (e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act? | No | As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act. |

| | | |
|---|----|--|
| (f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1? | No | A site inspection was undertaken by LAHC in September 2022 and there was no indication that the site is or has been used by contaminating land activities. |
| g) Are there any contamination impacts on immediately adjacent land which could affect the subject land? | No | Adjoining development is of a residential nature and no adjoining lots contain historical or current uses which are likely to contribute to contaminated lands. |
| (h) Are there any human or environmental receptors that could be affected by contamination? | No | A standard Identified Requirement No. 17 has been recommended to cover the possibility of discovering site contamination during demolition / construction. |
| i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act? | No | A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM act or a site regulated by the EPA under the CLM Act. |

Identified Requirement No.17 and 64 requires implementation of management measures in the unlikely event of contamination prior or during construction works.

6.7 Local Planning Controls

6.7.1 Richmond Valley Local Environmental Plan 2012 (RVLEP 2012)

Compliance with the relevant provisions / development standards set out in the RVLEP 2012 is demonstrated in **Table 8** below.

Table 8 Richmond Valley Local Environmental Plan 2012

| 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 7.7m. |
| 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 - driveway access to Stapleton Avenue. |
| 6.6 | Terrestrial Biodiversity | (1) The objective of this clause is to maintain terrestrial biodiversity by – (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and | This Clause is specifically related to development applications and development consents. This activity is under Part 5 of the EP&A Act |

| Clause | Provision / Development Standard | Required | Provided |
|--------|----------------------------------|---|--|
| | | <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p>(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider —</p> <p>(a) whether the development —</p> <p>(i) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) is likely to have any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that —</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives — the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised — the development will be managed to mitigate that impact.</p> | <p>and is ‘development without consent’.</p> <p>Notwithstanding this, LAHC has considered the objectives and aims of this Clause.</p> <p>The Section 10.7 Planning Certificates (Appendix F) identifies that the site is mapped as “terrestrial biodiversity” – extract of map is below. This shows that a very small area of <1% of the area of existing lot 64 Stapleton Ave Casino is affected by this overlay.</p> <p>The proposed activity satisfies the objectives of this Clause as; native flora has been retained where possible and with consideration of Council feedback as document at Section 7 of this REF, ecological processes will not be significantly adversely impacted by the proposed and the activity encourages the recovery of flora and fauna by the proposed introduction of new native plantings shown on the Landscape Plan (Appendix B)</p> |

| Clause | Provision / Development Standard | Required | Provided |
|--------|----------------------------------|----------|----------|
|--------|----------------------------------|----------|----------|



6.7.2 Richmond Valley Development Control Plan 2021

Richmond Valley Development Control Plan 2021 (RVDCP 2021) contains specific development controls for multi dwelling housing and residential flat buildings which are addressed in **Table 9** below.

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

Table 9 Compliance with the Multi Dwelling Housing and Residential Flat Buildings controls under Richmond Valley Development Control Plan 2021

Part A-8 Multi Dwelling Housing and Residential Flat Buildings

Part A-8.2 Multi Dwelling Housing

| Clause | Requirement | Proposed |
|--|---|---|
| A-8.2.2 Minimum Lot Size and Width Design Criteria | Minimum Lot size 1,000m ² Minimum lot width 20m | The subject site meets the minimum site area and width requirements. - Site area 3558m ² - Site width 80.5m |
| A-8.2.4 Setbacks to Streets | <u>Primary Road Frontages</u> 6m with garages and carports setback 1m from building line | The proposed multi dwelling housings are located to the rear of the site behind the proposed residential flat buildings. The entire development has been designed to the 6m front setback line with secondary hardstand |

Part A-8 Multi Dwelling Housing and Residential Flat Buildings

Part A-8.2 Multi Dwelling Housing

| | | |
|--------------------------------------|--|---|
| | | <p>POS areas within the articulation zone. No garages or carports are located forward of the building line.</p> <p>Section 6.8.1 below also considers the relevant controls within the <i>Low Rise Housing Diversity Design Guide</i> which are called up by the RVDCP 2021.</p> |
| A-8.2.5 Gross Floor Area | <p>1. The following maximum gross floor area applies for all development on the site:</p> <p>(a) M1 Density Areas – 50% of lot area</p> <p>(b) M2 Density Areas– 80% of lot area</p> <p>(c) H1 High density Areas – 80% of lot area</p> | <p>The RVDCP 2021 mapping shows that the subject site within M1 Density Area.</p> <p>Appendix A development data sheet identifies that the GFA is 1663m², (1663m²/3558m²= 46.7%).</p> <p>Therefore, the proposal is consistent with the DCP requirement of GFA.</p> |
| A-8.2.6.1 Landscaped Area | <p>1. The following minimum landscaped area applies for all development on the site:</p> <p>(a) M1 Density Areas – 30% of lot area</p> <p>(b) M2 Density Areas – 20% of lot area</p> <p>(c) H1 High Density Areas – 20% of lot area</p> | <p>A landscaped area of 1,107m² (31.1%) is proposed which is more than the minimum requirement of 30% within M1 Density Area.</p> |
| A-8.2.7 Principal Private Open Space | <p>2-bedroom dwelling 16m² and minimum 3m dimension</p> <p>3+-bedroom dwelling 25m² and minimum 3m dimension</p> | <p>All private open space areas meet or exceed the minimum POS requirement for 2 or 3 bedroom dwellings and the minimum 3m dimension of the POS.</p> |

Part A-8.3 Residential Flat Buildings

| Clause | Requirement | Proposed |
|---------------------------------|---|---|
| A-8.3.4 Setbacks to Streets | <p><u>Primary Road Frontages</u></p> <p>A minimum 6m from the front property boundary.</p> <p>Development above 3 storeys a minimum of 10m.</p> | <p>As the proposed residential flat building will front the street, the minimum front setback under this clause is relevant. The proposed residential flat buildings will be two storeys, the minimum front setback requirement is 6m. The proposal meets this minimum front setback requirement.</p> |
| A- 8.3.5 Side and Rear Setbacks | <p>The first and second storey of a development must be setback a minimum of the following:</p> <p>(a) 2.5m to any side boundary, and</p> <p>(b) 3.0m to any rear boundary.</p> | <p>The proposed first floor level of the residential flats are setback 3m. The single storey multi-dwelling housing at the rear of the site has been designed to a 1.5m side boundary setback as required by the <i>Low Rise Housing Diversity Design Guide</i> refer to Section 6.8.1.</p> <p>The entire development is designed to the 6m rear setback as required under the <i>Low Rise Housing Diversity Design Guide</i> refer to Section 6.8.1.</p> |

Part A-8 Multi Dwelling Housing and Residential Flat Buildings**Part A-8.2 Multi Dwelling Housing**

| | | | | | | | | | | | | | | | | | | |
|--------------------------------|--|--|-------------------|--|--|------|----------|----------|-----------|----|-------|-----|-----|---|-------|-----|-------|---|
| A-8.3.7 Minimum Lot Dimensions | Minimum Lot size 1,000m ² Minimum lot width 20m | The subject site meets the minimum site area and width requirements. - Site area 3558m ² - Site width 80.5m | | | | | | | | | | | | | | | | |
| A-8.3.8 Floor Space Ratio | <div>The following maximum gross floor area applies for all development on the site in the M2 and H density zones:</div> <table><tr><td></td><td colspan="3">Floor Space Ratio</td></tr><tr><td>Area</td><td>2 storey</td><td>3 storey</td><td>>3 storey</td></tr><tr><td>M2</td><td>0:8:1</td><td>1:1</td><td>N/A</td></tr><tr><td>H</td><td>0:8:1</td><td>1:1</td><td>1:2:1</td></tr></table> | | Floor Space Ratio | | | Area | 2 storey | 3 storey | >3 storey | M2 | 0:8:1 | 1:1 | N/A | H | 0:8:1 | 1:1 | 1:2:1 | This is not applicable for M1 density zoned land. |
| | Floor Space Ratio | | | | | | | | | | | | | | | | | |
| Area | 2 storey | 3 storey | >3 storey | | | | | | | | | | | | | | | |
| M2 | 0:8:1 | 1:1 | N/A | | | | | | | | | | | | | | | |
| H | 0:8:1 | 1:1 | 1:2:1 | | | | | | | | | | | | | | | |
| A-8.2.6.1 Landscaped Area | 1. The following minimum landscaped area applies for all development on the site: (b) M2 Density Areas – 20% of lot area (c) H1 High Density Areas – 20% of lot area | This is not applicable for M1 zoned land. | | | | | | | | | | | | | | | | |

6.8.1 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 this has been tabulated below at **Table 10**.

Table 10 Compliance with other applicable Low Rise Housing Diversity Design Guide

| Multi-dwelling Housing | | |
|--------------------------------------|--|--|
| Objective | Requirement | Proposed |
| 2.4A-3 Side boundary setbacks | <p>10. Where the DCP does not contain side setback controls the side setback is 1.5m.</p> <p>Development that is 10m behind the front building line and greater than 4.5m above ground level (existing) - $s = h - 3m$</p> <p>'s' is the minimum setback in metres 'h' is the height of the part of the building in meters.</p> | <p>The proposal will be setback at least 3m from the side boundaries, except for single storey multi dwellings to the rear of the site which will be setback 1.5m from the side boundaries.</p> <p>The proposed multi dwelling building height is a maximum of 3.5m which is less than the 4.5m height threshold. Therefore, the minimum side setback requirement for the multi dwelling units to the rear will be 1.5m which has been proposed.</p> |
| 2.4A-4 Rear setbacks | <p>11. Refer to the DCP for rear setbacks or envelope controls.</p> <p>12. Where the DCP does not contain rear</p> | <p>N/A</p> <p>RVDCP does not have the rear setback requirement for multi dwelling</p> |

| Multi-dwelling Housing | | |
|---------------------------------------|--|---|
| | setback controls the rear setback is 6m. | developments. Given that the proposed multi dwellings are positioned along the rear boundary, the minimum 6m setback requirement under this section is valid. The proposed multi dwelling development is setback a minimum 6m from the rear boundary for Dwellings 8,9,10,11,12 and therefore complies. |
| 2.4C Landscaped Area | <p>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%</p> <p>16. The minimum dimension of any area included in the landscaped area calculation is 1.5m</p> <p>17. At least 50% of the area forward of the building line is to be landscaped area</p> | <p>Proposed landscaped area is 1107m² or 31.1%.</p> <p>The minimum dimension of any area included in the landscaped area calculation above is 1.5m and thus meets the 2.4C.16.</p> <p>More than 50% of the front setback area is landscaped area.</p> |
| 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 and private open space of Dwellings 1 to 18 will receive in excess of 2 hours of direct sunlight throughout the day in midwinter. |
| 2.4I – Natural Ventilation | <p>69. Natural ventilation is available to each habitable room.</p> <p>70. Each dwelling is to be naturally cross ventilated.</p> | <p>Every habitable room has an openable window for natural ventilation.</p> <p>Every dwelling can achieve natural cross ventilation.</p> |
| 2.4K Dwelling Size and Layout | <p>72. Dwellings are required to have the following minimum internal floor areas:</p> <ul style="list-style-type: none"> • 1 bed 65m² • 2 bed 90m² • 3+ bed 115m² | <p>Compliance with LAHC Dwelling Requirements are considered to prevail over the Low Rise Housing Diversity Design Guide. The proposal meets the minimum dwelling requirements under LAHC guidelines as the proposal includes the following:</p> <ul style="list-style-type: none"> • 2 bedroom dwellings area will be a minimum of 70m² – Complies as the minimum area under LAHC for 2 bedroom is 70m². • 3 bedroom dwellings area will be a minimum of 93m² – Complies as the minimum area under LAHC for 2 bedroom is 90m². |

7 Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to the local council and to the adjoining occupiers, including any additional persons requested by Council, are provided in **Appendix G**, together with a copy of the responses received from Council.

7.1 Council Notification

In accordance with section 43 of the Housing SEPP, Richmond Valley Council was notified of the development by letter dated 30 November 2023 (refer to **Appendix G**). The notification response period formally closed on 17 January 2024 and Council responded to the notification by letter dated 24 January 2024, which has been extracted in **Table 11** below. A response is provided in relation to the matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements in the **Activity Determination**.

Table 11 Issues raised in Council's submission

| Issues raised | Response |
|--|---|
| <u>Privacy</u> 1. The slatted vertical screening is encouraged where possible on the second storey buildings to assist in privacy screening. | 1. Satisfied - Identified Requirement No. 75 & 76 in the Activity Determination include physical design changes to prevent overlooking impacts. |
| <u>Landscaping</u> 2. Council encourages tree retention where possible. 3. How is the proposed landscaping going to be maintained? 4. Details of tree removal waste hasn't been included in the waste management plan. Consideration needs to be given to this area of waste, especially avoiding any onsite tree mulching and the like to due the potential for offensive noise. | 2. Noted - Trees have been retained, where possible. 3. Noted - Homes NSW asset team will be responsible for an ongoing maintenance of the property, including landscaping. No IR is required. 4. Satisfied - Identified Requirement No.46 will require a Waste Management Plan, prior to the commencement of demolition, construction and tree removal. |
| <u>Parking</u> 5. The proposed parking is to be retained as parking for the life of the development and to be kept free of obstructions | 5. Satisfied - Identified Requirement No.12 will ensure car parking area is appropriately provided and unobstructed. |
| <u>Water</u> 6. There is currently 4 water connections to the existing houses, upon demolition of the houses the connections that will not be used for the LAHC development will be removed at the main and the connection to be utilised will need to be capped at the meter to mitigate potential damage during demolition works. Council will need to remove the unused water connections, the capping of the single connection for use can be undertaken by any qualified plumber but would need inspection by Council prior to demolitions. 7. The water main runs down Stapleton Avenue on the opposite side of the road, Council GIS information shows each of the existing service lines under the road to the properties are 32mm in diameter – confirmation is needed to determine if this is appropriately sized for the proposed 18 units. | 6. Satisfied - Identified Requirement No.29 & 30 will ensure all services are disconnected appropriately and made safe prior to commencement of demolition/construction of works. Identified Requirement No.36 will ensure that Council is informed prior to demolition work commencing. 7. Satisfied - Identified Requirement No.24 and 82 will require connection to the water services. 8. & 9 Satisfied – Identified Requirement No.83 will require one master water meter for Council to read and 18 individual metres separately. |

| Issues raised | Response |
|--|---|
| <p>8. Currently uncertain on what metering arrangement is sought by the LAHC.</p> <p>9. Will each unit need to be metered separately? If so, what is the preferred metering arrangement i.e. Master meter (read by Council) and sub-metering internal (private) or a manifold with all meters (read by Council) on the common property? It is to be noted that all water meters to be read by Council must be in safe and accessible locations.</p> <p>10. The whole development will need to meet the NSW Fire Safety Guidelines, particularly fire hydrant coverage. Typical fire hydrant coverage for residential development is a 30m distance from an existing hydrant to the fire appliance, and a 90m distance from the fire appliance to the edge of proposed buildings. The distances measured must be along the actual anticipated location of the fire hose line (not 'as the crow flies').</p> <p>11. A Section 68 application and approval will be required for the private water connection back to the public water infrastructure.</p> | <p>10. Satisfied - Fire hydrant coverage plan and certificate (Appendix V) provided that shows that the development meets the NSW Fire Safety Guidelines. A pressure and flow enquiry will be lodged with Council prior to the commencement of works as required by Identified Requirement No. 84.</p> <p>11. Satisfied- Identified Requirement No.24 will require that Homes NSW obtain approvals as relevant.</p> |
| <u>Sewer</u> | |
| <p>12. There is a sewer main that runs through the properties approximately 1.2m inside the rear boundary, this main is to remain and there is to be no structure, footing, overhang or significant vegetation within 1.5m of the centreline of the sewer main (2.7m from rear of property).</p> <p>13. The plans show a single Silky Oak tree and 2 Crepe Myrtles within 2.7m from the rear boundary, this is not permitted. Both species are considered detrimental to sewer and stormwater due to potential tree root intrusion.</p> <p>14. To minimise potential issues, this main is to be accurately located prior any works. From previous correspondence with Greenview Consulting, the accurate location of the main may have already occurred.</p> <p>15. There is 4 existing sewer connections servicing the existing home, each will need to be capped at the boundary trap so that it is sealed from soil and water infiltration during the demolition works. As they are existing they can be utilised for the connection of private sewer to public sewer, however 2 of the existing 4 connections will be under the car park.</p> <p>16. If there is sewer junctions that are not utilised they will need to be removed.</p> <p>17. It looks as though a consolidation of the 4 lots is necessary, throughout the consolidation process it is requested that a 3m wide easement be placed over the existing sewer main to reflect the clear zone (1.5m from the centreline of the sewer)</p> <p>18. A Section 68 application and approval will be required for the private sewer connection back to the public sewer infrastructure.</p> | <p>12. Satisfied - Identified Requirement No. 77,79 and 80) will ensure that no building is located within 1.5m of the sewer infrastructure, that an easement be created in favour of Council for this infrastructure, and that the sewer line is encased for protection.</p> <p>13. Satisfied – Plans amended to remove the three existing canopy trees adjacent to the sewer line.</p> <p>14. Satisfied- Accurate location shown in the plan.</p> <p>15 and 16 Satisfied - Identified Requirement No.29, 77 and 78) will ensure all services are disconnected appropriately and made safe prior to commencement of demolition/construction of works.</p> <p>17. Satisfied - Identified Requirement No. 5 and 79 will require the lots to be consolidated and the creation of easement for sewer in favour of Council.</p> <p>18. Satisfied - Identified Requirement No. 28) will be applied to ensure that Homes NSW will obtain appropriate approvals.</p> |
| <u>Stormwater</u> | |
| <p>19. While there is no formal Stormwater Management Plan (SMP) the design plans of the stormwater infrastructure clearly show that the on-property network is well in excess of the standards for quality and quantity controls, hence is accepted.</p> <p>20. The grate access to the WSUD tank, OSD tank and rainwater tank all should be locked to mitigate public access for safety reasons.</p> <p>21. Can the twin 150 RHS back to the kerb be flatter to mitigate intrusion in the road verge adjacent to 72 Stapleton Av?</p> | <p>19. Noted.</p> <p>20. Satisfied – Identified Requirement No.80 specifies that the access grate is to be locked.</p> <p>21. Addressed – advice from the Consultant Civil Engineer states that the design complies with the Council's requirement and the design is unable to be flatter and still achieve gravity flow.</p> |

| Issues raised | Response |
|---|---|
| <p><u>Works in road reserve</u></p> <p>22. All works (including driveway works) in the road reserve of Albert Street must have a Section 138 Roads Act approval. Application is to be made through the Planning Portal and the following supporting documentation is required prior to assessment and approval:</p> <ol style="list-style-type: none"> Certificate of Currency for Public Liability for the contractor undertaking the work in the road reserve. Plan of works Any traffic control (if necessary). <p>23. The proposed footpath in the road reserve has been reviewed and is not to be constructed as Council will be reluctant to take ownership. This comes as there is no plan in the foreseeable future for footpaths/cycleways that provide connectivity to this footpath.</p> <p>24. In line with R-05 of the Northern Rivers Local Government Specification, all driveways to have a taper/splay at the road edge to account for the turning of vehicles. This necessity is reinforced by the swept paths where a B99 vehicle tracks over the corner and off the 3.0m wide driveways prior to entering Stapleton Avenue roadway.</p> | <p>22. Not applicable - A S.138 permit for the work in the road reserve is not required pursuant to Section 5 of the Roads Act 1993 which states that a "Section 138 does not require a public authority...to obtain a roads authority's consent to the exercise of the public authority's or network operator's functions" and pursuant to Section 7 of the Housing Act 2001 which states that the (Land and Housing...) "Corporation has the functions conferred on it by or under this or any other Act and may do such supplemental, incidental and consequential acts as may be necessary or expedient for the exercise of its functions".</p> <p>23. Satisfied – Plans have been amended to delete the footpath.</p> <p>24. Satisfied – Identified Requirement No.85) to be included construct driveways as per Council's standards.</p> |
| <p><u>Developer Contributions</u></p> <p>25. 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.</p> <p>26. Section 64 contributions (RVC water & sewer headworks only, not in Rous supply area) are applicable to the proposed development as there is no legislated exemption, , below is a brief review of the contributions applicable:</p> <p>The property enjoys a 4.0ET credit for RVC water & sewer.</p> <p>The proposed development (9 x 3 bedroom units & 9 x 2 bedroom units) has been reviewed against the Section 64 Determination of Equivalent Tenements Guidelines (April 2017), resulting in a demand of:</p> <p>12.6ETs for RVC Water</p> <p>15.75ETs for RVC Sewer</p> <p>This results in a net increase (demand less credit) of:</p> <p>8.6ETs for RVC Water</p> <p>11.75ETs for RVC Sewer</p> <p>See attached developer contributions summary for this financial year (2023/24) stating developer contributions. From above, the Section 64 contributions applicable to the development are below:</p> | <p>25. Section 7.12 contributions relate to development requiring development consent, this activity is development without consent and therefore not applicable. In addition, if this was development with consent as the proposal is for social housing, a type of affordable housing, it would be exempt from contributions - as per Section 208 (4)(l) of the EPA&A Act.</p> <p>26. Satisfied – The payment of Water and Sewer Charges has been addressed in Identified Requirement No.87.</p> |

| 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 | 8.6 | \$ 9,630.50 | \$ 82,822.30 |
| RVC Sewerage Headworks | SewS64Hwks | 11.75 | \$ 8,000.00 | \$ 94,000.00 |
| Rous Water * Water Headworks | Rous64Hwks | N/A | N/A | \$ NIL |
| Total Section 64 contributions (current @ 9/1/2024 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 | | | | \$176,822.30 |

| Issues raised | Response |
|---|--|
| <u>Other engineering items/comments</u> | |
| 27. A dilapidation survey will need to be undertaken for the area prior to any demolition or construction works and provided to Council. Council will also inspect the area upon completion of works to compare the condition of the infrastructure with photographic evidence provided in the dilapidation survey. | 27. Satisfied - Identified Requirement No.88 requires a dilapidation survey report to be undertaken prior to works commencing. |
| 28. The final comments of the geotechnical investigation states "If excavations for rainwater or detention tanks are to be made within 6 metres of the building foundations, advice should be sought regarding their effect on the foundations.". It is noted that the rainwater tank, WSUD tank & OSD tank are all within 6 metres of unit 11, therefore further advice should be sought by Geotechnical Engineers prior to construction. | 28. Satisfied - Identified Requirement No.89 requires further advice from the Geotechnical consultant on Dwelling 11 and proximity to drainage infrastructure. |
| 29. Soil and Erosion Sediment controls shall be in accordance with the 'blue book' and implemented onsite prior to any construction work. | 29. Satisfied - Identified Requirement No.13 to be included in the approval for soil and erosion sediment control measures in accordance with the Blue Book Managing Urban Stormwater: Soils and Construction. |
| 30. For the EHO's, however the total bins required as per the Waste Management Plan (WMP) is 35, the number of bins shown in the bin storage area on plans only total 29. | 30. Satisfied - Waste Management Plan has been amended to refer to the correct number of bins which is 29. |
| 31. Comments from Chad regarding bin storage area in reference to the Liquid Trade Waste Management Guidelines 2021: 4.3.1.2.3 Garbage bin cleaning and/or garbage compactor areas The areas must be roofed and banded to prevent the ingress of stormwater to the sewerage system. If a grease arrestor is available at the premises, the liquid waste from the garbage bin cleaning and compactor areas need to pass through the grease arrestor, if practical. A dry basket arrestor is to be fitted to all floor waste outlets that drain to the sewerage system. | 31. Satisfied- Identified Requirement No.86 require the waste storage area to be roofed. Drainage system in the waste storage area has been amended to drain to sewer only (rather than sewer and stormwater via a diversion system as was originally exhibited). |
| 32. In reference to sections 6.2 (development traffic generation) & 6.3 (overall traffic generation and distribution) in the TIA, the Guide to Traffic Generating development referencing medium density units is for 1-2 bedrooms, those with 3 or more bedrooms results in additional peak hour movements. While details are different, the TIA conclusion is fine and can remain unchanged. | 32. Noted. |

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) of the Housing SEPP, the Council for the area, being Richmond Valley Council, was requested to nominate any other persons who should, in the Council's opinion, be notified of the development. Under section 43(1)(b) of Housing SEPP, owners of adjoining land as agreed by Council and identified in the map, and occupiers of adjoining properties, were notified of the proposed development activity by letter dated 30 November 2023. A sample of the notification letter is provided at **Appendix G**.



Figure 20 Map of Properties Notified of the Proposed Development (Source: LAHC)

The notification response period formally closed on 17 January 2024 and submissions are discussed in **Table 12**. An extended notification of 2 weeks (beyond the statutory 21 days) was provided due to the end of year holiday period.

Table 12 Issues raised by adjoining owners / neighbours

| Issues raised | LAHC Response |
|---|---|
| Submission 1: <ul style="list-style-type: none"> Support for the proposal and design. | Noted. |
| Submission 2: <ul style="list-style-type: none"> Concerns on the increased density. Concerns on safety and well-being of the current residents due to high crime rate. | <ul style="list-style-type: none"> The proposed density is in line with Housing SEPP, LEP and DCP requirements. The proposed floor space ratio is 46.7% which is less than the RVDPC 2021 requirement of 50%. The proposed maximum height is 7.7m which is less than the maximum 8.5m in the RVLEP 2021 and the 9m in the Housing SEPP 2021. <p>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.</p> <p>The development is split into 4 separate buildings with internal accessway and private open space in between to break the built form. Facade is articulated with windows, mix of brick and metal cladding and skillion roof form that will break visual bulk to an acceptable level. The development will have generous setbacks to neighbouring dwellings and are consistent with the surrounding dwelling houses. No mitigation measures are required.</p> <ul style="list-style-type: none"> Homes NSW Tenancy Management Team with the Department of Communities and Justice are responsible for ongoing tenancy management and any concerns in this regard should be raised with this team. |

7.3 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 Richmond Valley Council.

8 Review of Environmental Factors

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

8.1 Neighbourhood Character

The subject site is located within an established residential area characterised by predominately single and some double storey detached dwellings. The Block Analysis Plan (**Appendix A**) indicate that there is a double storey multi dwelling housing development in close proximity to the site. Dwellings typically have brickwork or fibro clad facade with tiled or metal roofing. Landscaping is typically grassed lawns with exotic and ornamental planting.

Although two storey dwellings are not common in the immediate neighbourhood area at present, it is assessed that they will be increasingly common with future growth in the locality and permitted by the local planning controls. Additionally, the site is close to the Casino town centre, which is predicted to undergo urban infill developments, and thus resulting in a more contemporary form of housing and increased residential density. It is anticipated that the proposed development may act as a catalyst for more contemporary medium density development that aligns with the future growth of the region and the objective of the R1 zone. Therefore, it is assessed that the bulk and scale of the proposed development will be compatible with the desired future character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The one to two storey dwelling design, siting, layout and landscape setting of the proposed development aligns with that of the anticipated infill housing development in the locality.

Overall, the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding dwelling houses. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to the neighbourhood character.

Mitigation measures

No mitigation measures are required.

8.2 Bulk and Density

The proposed development is an appropriate form of infill housing which is sought by the targets in the RVC strategic plan and is compliant with the planning controls for height, scale, density, setbacks to the front, side

and rear boundaries as well as the minimum landscaped area. Although two storey dwellings are not common in the neighbourhood at present, they will be increasingly common with future growth in the locality.

The proposal includes a mix of single and two storey buildings which will be clustered into 4 groups (Dwelling 1 to 3 & 13 to 14, Dwelling 4 to 7 & 15 to 18, Dwelling 8 to 10, and Dwelling 11 to 12) with appropriate spacing between buildings to allow for landscaping, planting of canopy trees and retention of some existing trees. In particular, Dwelling 1 to 7 and Dwelling 13 to 18 will front the street and will be part of two double storey buildings and Dwelling 8 to 12 located to the rear of the site will be single storey buildings. The proposed two storey built form to the front will be split into two separate buildings by a driveway and landscaping. Furthermore, the single storey dwellings located to the rear will also be split into two group of units by a parking area. The internal walkway running east- west direction will act as a buffer in between the front and rear built forms. Given that the development proposes a two-storey built form at the street frontage only and maintains single storey dwellings at the rear of the site, the perceived bulk of the development to those immediately adjoining neighbours acceptable.

In addition, the proposal will incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. Given that the development is split into 4 separate buildings with internal accessway and POS in between and designed with suitable facade articulation and roof form, it is assessed that the overall development will not have any adverse impact as a result of the bulk and scale. Dwelling 1 is single storey and located to the front of the site, which will in addition reduce the visual bulk when viewed from the street.

The proposal incorporates a floor space ratio of 0.47:1 and a maximum height of 7.7m which is generally consistent with a low-density residential area. The FSR and a combination of one and two 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.

The generous setbacks and single storey built form at the rear confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development activity is compatible with the form of low to medium density development emerging in the surrounding locality. The street presentation is divided into two buildings separated with substantial landscaping and a common driveway. The proposal achieves retention of two established trees within the front setback. The main car parking area is located centrally within the site and will be predominantly obscured from street view and has a dual function of providing rainwater storage, WSUD and OSD.

In conjunction with strong articulation and modulation along the front facades and improved landscaping proposed within the street setback areas and throughout the site, the proposed development will make a positive contribution to the streetscape of Stapleton Avenue. The built form has been designed to address the street frontages through incorporation of street facing windows, doors and porches improving casual surveillance of the street.

Mitigation measures

No mitigation measures are required.

8.4 Visual Impact

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

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

An exotic tree (Golden Shower Tree; *Cassia fistula*) of 6m height and a shrub of 3m height are proposed to be retained within the Stapleton Avenue front setback. Additionally, the proposed Landscape Plan incorporates new plantings in the front setback area including 6 x Blueberry Ash (*Elaeocarpus reticulatus*) trees with a mature height of up to 10m, 1 x Lemon Scented Myrtle (*Backhousia citriodora*) tree with a mature height of up to 8m, and various shrubs with mature heights ranging between 0.8 and 4m. Five new street trees (Water Gum *Tristanopsis laurina* 'Luscious') are proposed with a mature height of up to 8m which will create additional green canopy in the Stapleton Avenue streetscape.

Overall, the proposed canopy trees within the frontage and nature strip are considered to soften the visual impact of development when viewed from the street. 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 front, side and rear setback area will contribute to the long-term visual amenity of the adjoining property.

Mitigation measures

No mitigation measures are required.

8.5 Privacy

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

- Dwellings located to the front of the site, comprising ground floor Dwellings 1 – 7 and upper storey Dwellings 13-18, are primarily orientated towards the street. These units comprise ground level POS facing Stapleton Avenue and the POS to the rear. Privacy will be maintained with landscaping, including trees and shrubs, proposed within the front and side setbacks, and along the driveway to improve streetscape amenity and privacy for future residents.
- Window openings have been minimised to windows with a minimum sill height of 1.7m from the floor level (for Dwelling 1) and non-habitable window (Dwelling 13) in the western elevations, to ensure that there is no overlooking impact into the POS of the adjoining properties to the west.
- Window openings in the eastern elevation of Dwelling 18 results in reasonable amenity impacts. A mitigation measure is required to be included to provide screening on the eastern balcony elevation to minimise overlooking impacts into the POS of the adjoining properties to the east.
- Balconies associated with Dwellings 13-18 are located on the first floor and orientated towards the rear of the site. To prevent overlooking into the proposed single level dwellings to the north, a mitigation measure is required to be included to require the balustrades of the balconies to be angled to prevent any direct view.

- Dwellings at the rear of the site have been kept to single storey to reduce overlooking to surrounding properties.
- Proposed 1.8m metal fencing in the side and rear boundaries will mitigate unacceptable overlooking from ground level units into properties to the north, east and west.

Mitigation measures

A mitigation measure is required to provide 45-degree angled balustrade panels for the northern elevation of the balconies for Dwellings 13 to 18 and the addition of a privacy screen along the eastern elevation of the Dwelling 18 POS. This is required by **Identified Requirement 75 and 76**.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the Seniors Living Policy: Urban Design Guidelines for Infill Development. The submitted Architectural Plans indicate that 70% of dwellings receive at least 2 hours direct solar access to the living and POS areas on June 21, which meets the requirement for 70% of dwellings to achieve 2 hours of direct solar access to the living and POS areas on June 21.

Shadow diagrams also confirm the proposed development will facilitate sunlight to living areas and private open space of the dwellings on adjoining sites.

Proposed living and open space areas have been carefully sited to maximise solar access and the proposal is consistent with the Housing SEPP requirements. **Appendix A** ground and first floor plan include solar fan diagrams to illustrate the solar access received to the POS areas.

Mitigation Measures

No mitigation measures are required.

8.7 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 are generally contained within the site with minor impacts to the side setback areas of the adjacent developments at 62 Stapleton Avenue, 33 Hickey Street, and 35 Hickey Street.

At 12pm, shadows are contained within the subject site.

At 3pm, shadows generated by the proposed development area generally contained within the site with minor impacts to the side setback area of the adjacent developments at 72 Stapleton Avenue. In addition, the section of the roof with solar panels at 72 Stapleton Avenue are assessed to be primarily outside of the shadowed area at 3pm and therefore is considered to be satisfactory.

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

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

There are 23 surface car parking spaces proposed for residents, including 2 accessible spaces, within the proposed development. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Unrestricted street parking is available on Stapleton Avenue to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (**Appendix S**) indicates that the development will have a projected nett increase of 5 vehicles 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 and Parking Assessment Report examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design is suitable based on an assessment of the project vehicle movements.

Mitigation measures

No mitigation measures are required.

8.9 Flora and Fauna

A total of 78 trees located within the subject site are proposed to be removed.

An Arboricultural Impact Assessment Report has been prepared for the site by Arbor Ecological (**Appendix J**). The report considers 82 trees, 81 of which are located within the subject site and one tree is in the neighbouring property at 72 Stapleton Avenue. The report recommends the removal of 75 existing trees and shrubs within the site that are either located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones. This will result in retention of 5 trees (T67, T72, T78, T79, T80) and one shrub (T13) within the site. Trees 67 and shrub T13 are located to the front and Trees 72, 79 and 80 are located to the rear of the subject site. Tree 78 is located to the eastern side of the site and is proposed to be retained. The Arboricultural Impact report concludes that Trees and shrubs to be removed are mostly landscape plantings with varying levels of maintenance and care and generally readily replaceable with new landscape plantings. Attempts have been made to avoid, minimise, and retain vegetation.

Richmond Valley Council in their submission requested that no trees be located in proximity to the existing sewer line infrastructure. Following this feedback, the Landscape Plan (**Appendix B**) was amended to include the removal of T72 Silky Oak tree at the rear north-western corner and T79 and T80 Crepe Myrtle trees at the rear north-eastern corner.

As a result of this change required by Council, the activity will propose the removal of 78 trees on the site.

It has been assessed that the new fencing along the eastern boundary will encroach into the TPZ of T82 located within the neighbouring property which may have impact on this tree. Therefore, to ensure there is no impact on this tree during construction of the new fencing, an IR will be included in the approval.

As indicated on the Landscape Plan, more appropriate tree plantings, including trees capable of reaching mature heights of 5m, will be provided as part of the proposed Landscape Plan (**Appendix B**) to compensate for the loss of these trees.

The new plantings will provide replacement tree cover and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term. There will be no significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

Mitigation measures

Identified Requirement **(No. 20)** has been applied in the approval to carry out the removal of trees within the boundaries of the site in accordance with the trees shown for removal on the approved Landscape Plan and no other trees shall be removed without further approval(s).

Identified Requirement **(No. 45)** has been applied to ensure that the retained trees are protected in accordance with the Recommendations contained within the Arboricultural Impact Assessment Report **(Appendix J)**. T72, T79 and T80 have been specified for removal following the Richmond Valley Council advice.

Identified Requirement **(No. 74)** has been applied to ensure that construction of the footings/piers associated with the fencing are supervised and certified by the Project Arborist in accordance with AS4970 (2009). Refer to in the Activity Determination.

8.10 Heritage (European / Indigenous)

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

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 17 November 2023 **(Appendix I)** did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

No cultural heritage items have been identified in Richmond Valley Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

Mitigation Measures

Standard identified requirements **(Nos. 47 & 48)** have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

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

- The subsurface conditions generally consist of topsoil overlying silty clays and weathered shale. The topsoil is present to depths of 0.1 to 0.3 metres. Stiff becoming very stiff silty clays underlie the topsoil to depths of 3 metres. In BH2 and BH3, hand auger refusal occurred at a depth of 1.5 and 0.9 metres.
- Groundwater was not observed during drilling works.

Mitigation Measures

The development is to be carried out substantially in accordance with the approved plans and documents set out in the table to identified requirement No. 1, including the Geotechnical Investigation report prepared by STS Geotechnics dated August 2022.

Soil Erosion and Sediment Control

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

Mitigation Measures

An 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)

Acid Sulfate Soils

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

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is not affected by salinity. The Geotechnical Report (**Appendix P**) states the soils are not saline.

Mitigation Measures

No mitigation measures are required.

Contamination

The Section 10.7(2) & (5) Planning Certificates have not identified the site as being potentially contaminated.

Notwithstanding, the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in **Table 7** above in this REF.

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

Mitigation Measures

A standard **Identified Requirement No. 17** has been recommended to cover the unlikely possibility of discovering site contamination during demolition / construction works.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

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

Stormwater will be collected via a series of stormwater pits and pipes on the site connected to an underground rainwater storage tank and on-site detention tank to be connected to the stormwater system in

the public road reserve of Stapleton Avenue. The discharge outlet at the south-east corner of the site has been designed to meet Council's specific requirements. Refer to Civil Stormwater Plans in **Appendix C** for details.

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

The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

Mitigation Measures

Identified Requirements No.6,7,8,9,34,35,73 and 81 have been recommended to ensure that stormwater drainage is managed and designed in accordance with legislative requirements.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During 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 being 7am to 5pm Monday to Saturday with no work on Sundays or public holidays.

During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. 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

Demolition/construction noise will be controlled 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 Requirement No.61** have been applied to ensure compliance with the above mitigation measures.

8.15 Air Quality

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

Mitigation Measures

Appropriate standard **Identified Requirements No.62 and 66** have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

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

During Construction

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

- bricks and concrete to be transported to 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

Identified Requirements No.49 to 57 are recommended to ensure all waste is appropriately managed and disposed of. **Identified Requirement No.46** requires a project specific waste management plan to be developed by the contractor prior to the commencement of work.

8.17 Resource Use & Availability

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

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 is for the replacement of existing housing that has reached the end of its economic lifespan. The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

Mitigation Measures

No additional mitigation measures are required.

8.18 Community / Social Effects

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

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

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Richmond Valley local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- the local sourcing of tradespeople and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

The proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment.

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

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

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

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

9.2 Recommendation

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

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLANS

APPENDIX C – CIVIL STORMWATER PLANS

APPENDIX D – DETAIL AND LEVEL SURVEY

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – S.10.7 PLANNING CERTIFICATE

APPENDIX G–NOTIFICATION LETTERS

APPENDIX G– ACCESSIBILITY ASSESSMENT & ADAPTABLE HOUSING REPORT

APPENDIX I – AHIMS

APPENDIX J – ARBORICULTURAL IMPACT ASSESSMENT REPORT

APPENDIX

K

–

BASIX

CERTIFICATE

APPENDIX L – BCA COMPLIANCE ASSESSMENT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NatHERS CERTIFICATE

APPENDIX O – SENIORS LIVING POLICY CHECKLIST

APPENDIX P – GEOTECHNICAL INVESTIGATION

APPENDIX Q – TITLE SEARCH

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC AND PARKING IMPACT REPORT

APPENDIX T –ENVIRONMENTAL SITE MANAGEMENT

APPENDIX U – SAFETY IN DESIGN REPORT

APPENDIX V – FIRE HYDRANT COVERAGE PLAN & CERTIFICATION