

Department of Planning and Environment

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REVIEW OF ENVIRONMENTAL FACTORS

Proposed Multi-Dwelling Housing Development

at

10-16 Albert Street, Casino NSW 2470

December 2023





Acknowledgement of Country

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

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DOCUMENT CONTROL REGISTER

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by *Planning Ingenuity* for the New South Wales Land & Housing Corporation.

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2	24.11.2023	v2	LAHC Senior Planner review	All
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4	04.12.2023	v4	LAHC Manager review	All

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Having prepared the Review of Environmental Factors:

- I have declared any possible conflict of interests (real, potential or perceived) to the A/Head of Policy and Innovation, NSW Land and Housing Corporation.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest.

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1 Executive Summary

The subject site is located at 10-16 Albert Street, Casino, and is legally described as Lots 22, 23, 24 & 25 in Deposited Plan 36270. The proposed multi dwelling housing development is described as follows:

Demolition of existing dwellings and structures, removal of trees, and the construction of 17 multi-dwelling houses comprising 10 x 2 bedroom and 7 x 3 bedroom dwellings, with associated landscaping and fencing, surface parking for 21 cars, and consolidation into a single lot.

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

Demolition 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 Chapter 2, Part 2, Division 6 of the Housing SEPP and the site is not a heritage item and is not in a heritage conservation area. The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and Part 8 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)*.

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and the *Good Design for Social Housing* and the *2023 NSW Land and Housing Corporation Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Richmond Valley Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts; and
- Richmond Valley Council and owners of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 14 August 2023. Comments from Council are provided at Section 6.1 of this REF. One community submission was received, and the matters raised in this submission are provided at Section 6.2 of this REF.

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

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of existing dwellings and structures, removal of trees, and the construction of a 17 unit multi dwelling housing development comprising 10 x 2 bedroom and 7 x 3 bedroom dwellings, with associated landscaping and fencing, surface parking for 21 cars, and consolidation of the 4 lots into a single lot at 10-16 Albert Street, Casino.

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

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

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

2.1 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 were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Richmond Valley Local Environmental Plan 2012* (RVLEP 2012);

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.

- It was determined that the multi-dwelling housing development is 'permitted with consent' in the General Residential R1 zone pursuant to the RVLEP 2012, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a desktop analysis, site inspection and investigation of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- Identified Requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Richmond Valley local government area (LGA) and comprises 4 contiguous residential allotments. A location plan is provided at **Figure 1**.

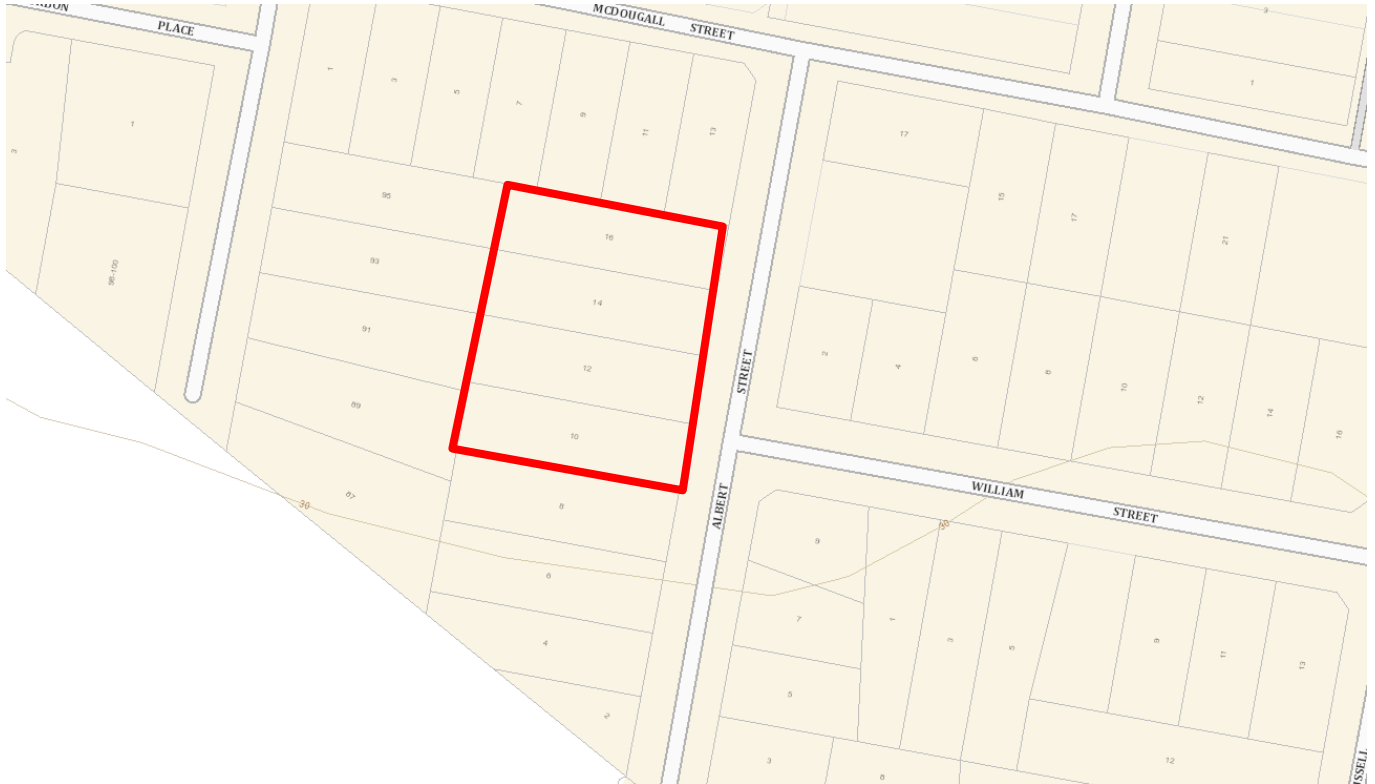




Figure 2 Development site – 10 Albert Street



Figure 3 Development site – 12 Albert Street



Figure 4 Development site – 14 Albert Street



Figure 5 Development site – 16 Albert Street

The property immediately to the south (8 Albert Street) contains a single-storey weatherboard dwelling house with metal roofing (refer photograph at **Figure 6**). The properties to the north (9,11 & 13 McDougall Street) contain three single-storey weatherboard dwelling houses with metal roofing (refer to photograph at **Figure 7**).



Figure 6 Adjoining development – 8 Albert Street



Figure 7 Adjoining development – 9, 11 and 13 McDougall Street viewed from the McDougall Street (Source – Google Maps)

There are no current / pending development approvals for the properties adjoining the boundaries of the site.

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos. PL2023/0887, PL2023/0888, PL2023/0889 & PL2023/0890) dated 9 June 2023 are provided in **Appendix F**.

The site survey confirms the site area as 3,784m². The total site frontage to Albert Street is 67.06m. The southern and northern side boundaries are both 56.425m in depth and the rear western boundary is 67.07m. Contours and spot heights indicate there is a consistent cross fall from the north-west rear corner to the south-east corner of approximately 3m. (refer to the submitted Detail and Level Survey Plan in **Appendix D**).

There are no easements on title (**Appendix Q**), however there is a sewer line running north-south through the centre of the site which is a Richmond Valley Council asset.

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

There are 33 trees located within the site, 4 trees located within the Albert Street footpath reserve labelled T1, T4, T7 and T24 in the Arboricultural Impact Assessment (**Appendix J**), and 4 trees (T35, T36, T37 and T40) are located within 5m of the common boundary with the adjoining property to the south.

Water, sewer, electricity, and telephone facilities are available to the site (refer to the Survey Plan **Appendix D**). Water, electricity and telephone services are located along the road alignment of Albert Street. Sewer is located through the middle of the site. There is no piped stormwater network in Albert Street. Drainage is via an open grassed dish drain in the road reserve.

3.3 Neighbouring Development and Locality

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

There is a bus stop located on McDougall Street approximately 230m walking distance north west of the site. This stop is serviced by bus route 672, which connects Casino to North Casino via the hospital.

200m east of the site is Casino Cemetery and 500m east of the site is Casino Golf Course.

The area, although residential in nature is also close to private and public recreation areas. Approximately 2.5km to the south of the site is the town centre of Casino, which provides most day to day needs of residents. There are also a number of community-based land uses including child care centres, medical centres and churches.

4 Project Description

4.1 Demolition

The proposed activity includes demolition of 4 single storey detached dwelling houses and associated structures.

4.2 Removal of Trees

The Arboricultural Impact Assessment has identified 41 trees located within and in close proximity to the site (**Appendix J**). 4 trees are located within the footpath reserve fronting the site. 4 trees are located on the adjoining property to the south and within 5m of the common boundary. 33 trees are located within the subject site boundaries. All 4 trees in the footpath reserve will be retained. All 4 trees on the neighbouring property to the south will be retained.

The proposal involves the removal of 20 trees within the site and the retention and protection of 13 trees. The tree removal within the site is recommended primarily to accommodate the proposed development, stormwater works or the individual species are recommended for removal because they are not considered to be significant or worthy of retention (refer to submitted Arboricultural Impact Assessment in **Appendix J**).

More appropriate tree planting, including trees capable of reaching mature heights of 10m, will be provided as part of the proposed landscaping plan to compensate for the removal of trees (refer to submitted Landscape Plan in **Appendix B**).

4.3 Proposed Dwellings

Of the 17 residential dwellings proposed, 2 (Dwellings 8 and 9) have been designed as adaptable dwellings 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, metal cladding and metal roofing is consistent with the existing and developing character of the Casino residential area. Of the 17 proposed dwellings, 7 will address the street (Dwellings 1,2,3,4,5,6 & 7) with living areas and living area windows and front entry doors and porches facing the street for passive surveillance.

Minor cut and fill is proposed to provide a level building platform. This level of cut and fill is within Council's DCP standards. Retaining walls are incorporated into the design of the development and as indicated by red lines in **Figure 8**. Existing ground levels will be maintained to all site boundaries.

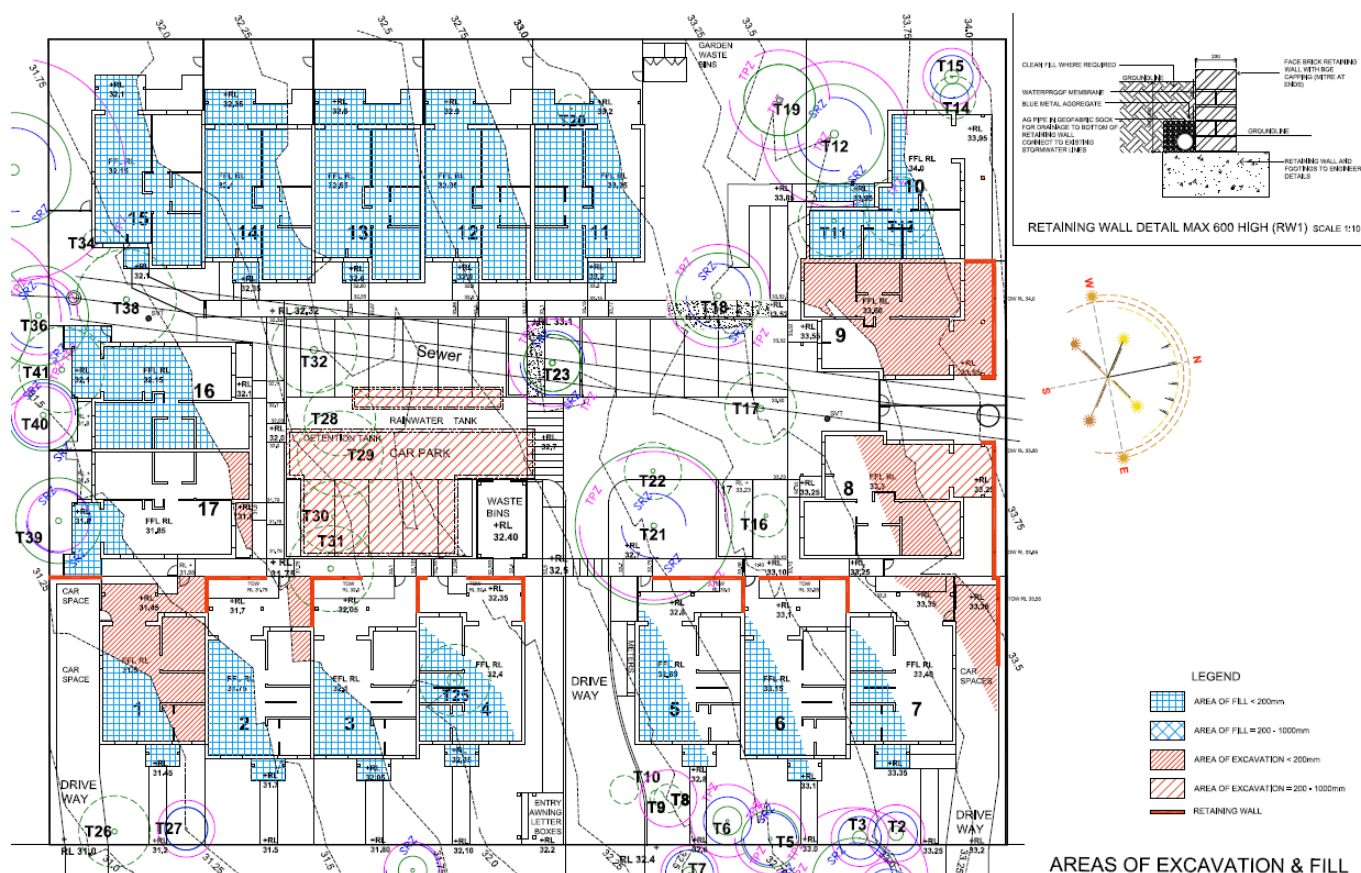


Figure 8 'Areas of Excavation and Fill' Plan A17 Barry Rush and Associates dated 27/04/2023

A variety of new landscape planting is proposed to enhance the appearance of the site and create appropriate microclimate conditions. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. New street trees will be added to the existing trees retained in the adjoining footpath reserve. Planting will be compatible with the existing sewer line that runs through the site. Deep soil planting will be installed along the western setback area.

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

A total of 21 surface car parking spaces will be provided on the site. The central parking area contains 17 spaces of which 2 spaces are accessible and located adjacent to the adaptable dwellings 8 and 9. The central car parking area is accessed by a driveway which accommodates two-way vehicle movement within the front setback and footpath reserve. Tandem car parking spaces are located adjacent to the southern side boundary for dwelling 1 and adjacent to the northern side boundary for dwelling 7.

Stormwater will be collected via a series of stormwater pits and pipes on the site connected to an underground rainwater tank and an underground detention tank within the central car park draining to pits and grates at the boundary to Albert Street. The majority of impervious ground surfaces will be graded to direct runoff towards lawn or garden areas. There is no piped stormwater infrastructure in Albert Street and stormwater will be discharged into the grassed dish drain in the footpath reserve in accordance with the Engineering Specifications from Richmond Valley Council.

A new 1.8m high metal fence is proposed along the side and rear boundaries tapering to 1.2m high within the front setback to Albert Street. No front fence is proposed to the eastern boundary fronting Albert Street.

Figures 9 - 12 include extracts from the architectural plans illustrating the proposed development.



Figure 9 Albert Street Streetscape Perspective (Source: Architectural Plans, Barry Rush & Associates Pty Ltd, dated 27/04/2023)

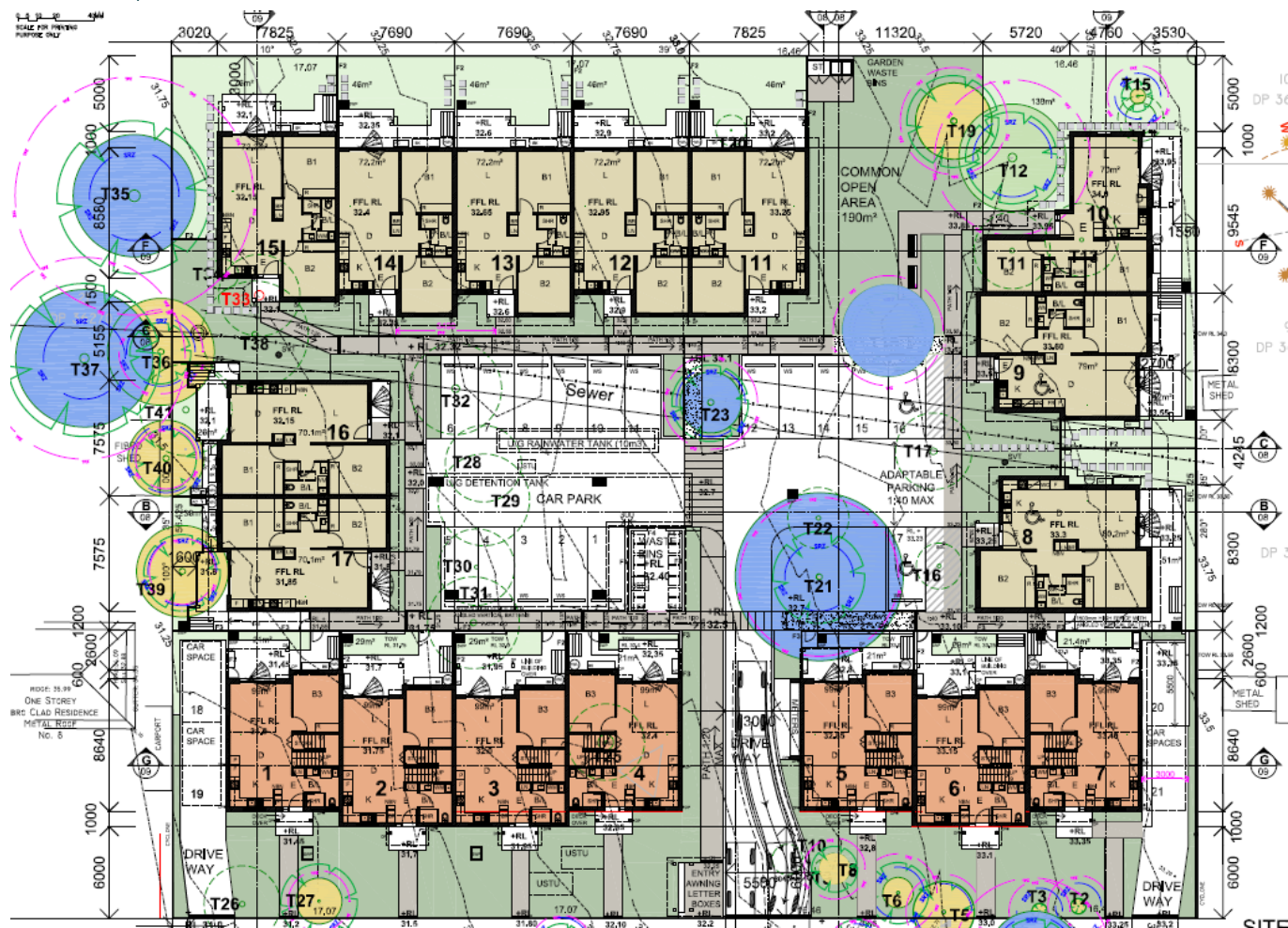


Figure 10 Site Plan (Source: Architectural Plans, Barry Rush & Associates Pty Ltd, dated 27/04/2023)

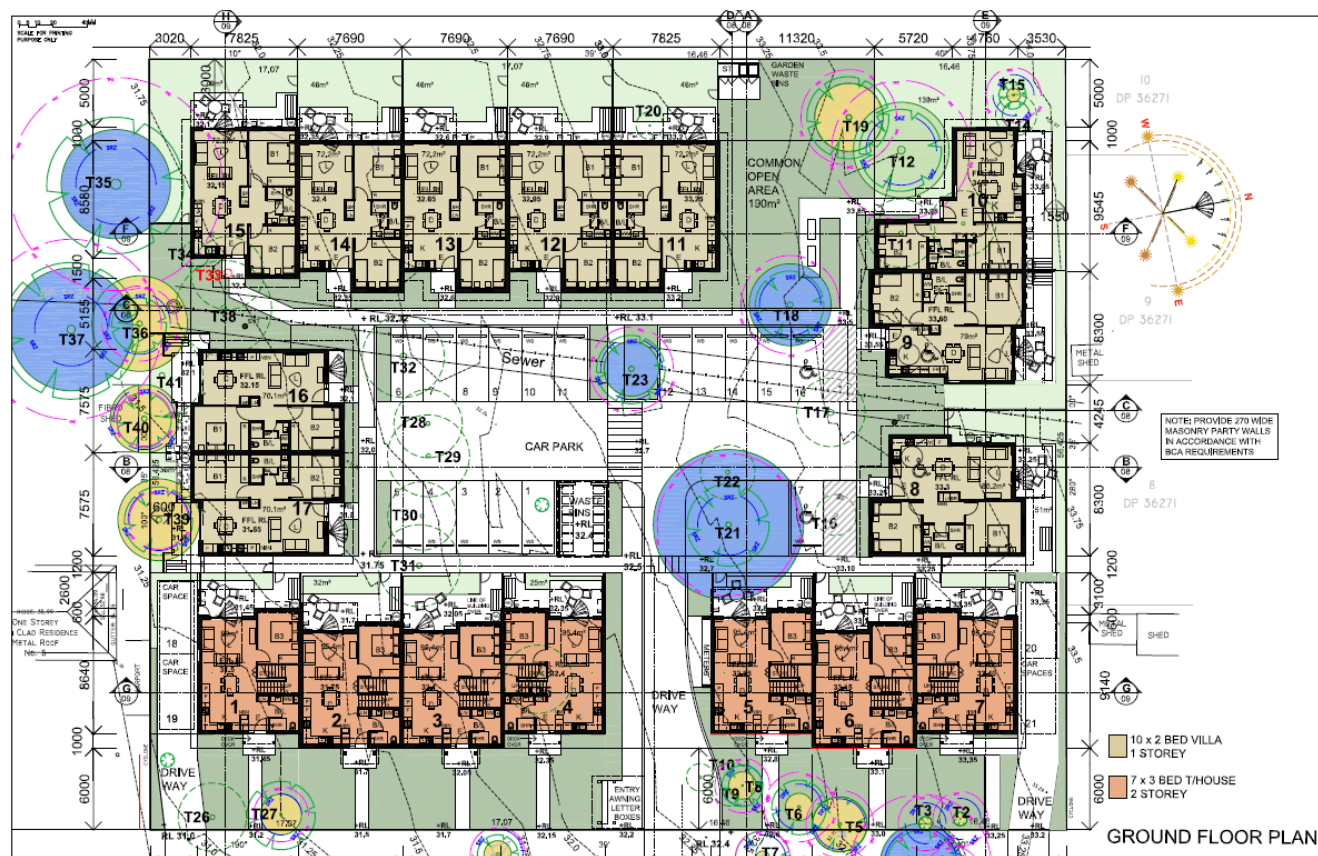


Figure 11 Ground Floor Plan (Source: Architectural Plans, Barry Rush & Associates Pty Ltd, dated 27/04/2023)

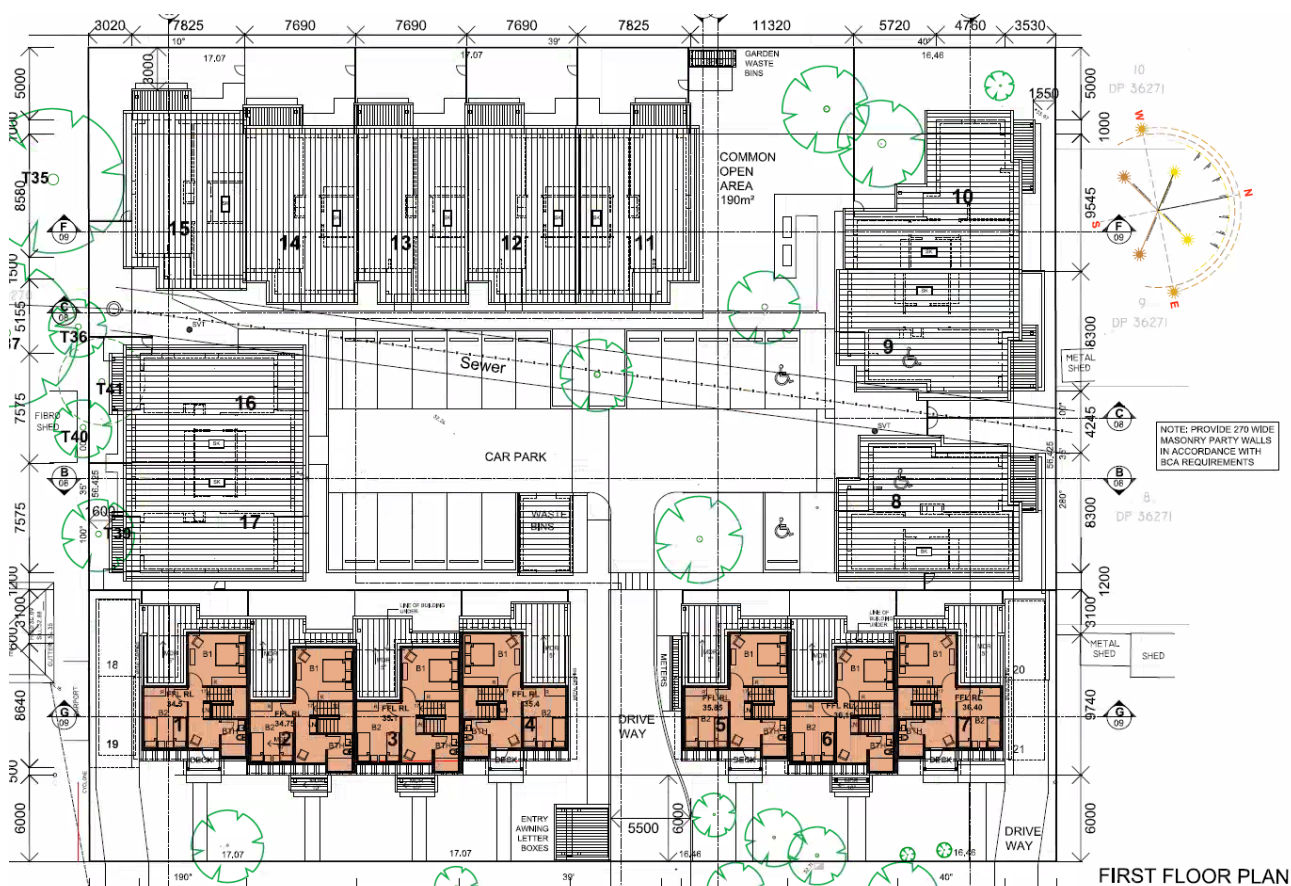


Figure 12 First Floor Plan (Source: Architectural Plans, Barry Rush & Associates Pty Ltd, dated 27/04/2023)

4.4 Supporting information

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

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Architectural Plans – Appendix A				
Location Diagram	A01	A	27/04/2023	Barry Rush & Associates Pty Ltd
Site Analysis Plan	A02	A	27/04/2023	Barry Rush & Associates Pty Ltd
Site Plan	A03	A	27/04/2023	Barry Rush & Associates Pty Ltd
Amended Waste Bin Design	A04	A	24/08/2023	Barry Rush & Associates Pty Ltd
Ground Floor Plan	A04	A	27/04/2023	Barry Rush & Associates Pty Ltd
First Floor Plan	A05	A	27/04/2023	Barry Rush & Associates Pty Ltd
Roof Plan	A06	A	27/04/2023	Barry Rush & Associates Pty Ltd
Elevations	A07	A	27/04/2023	Barry Rush & Associates Pty Ltd
Sections A-A, B-B, C-C & D-D	A08	A	27/04/2023	Barry Rush & Associates Pty Ltd
Sections E-E, F-F, G-G & H-H	A09	A	27/04/2023	Barry Rush & Associates Pty Ltd
Development Data	A10	A	27/04/2023	Barry Rush & Associates Pty Ltd
External Colour & Finishes Schedule	A11	A	27/04/2023	Barry Rush & Associates Pty Ltd
Block Analysis Plan	A12	A	27/04/2023	Barry Rush & Associates Pty Ltd
Shadow Diagrams – Mid Winter	A13	A	27/04/2023	Barry Rush & Associates Pty Ltd
Views from Sun – Mid Winter	A14	A	27/04/2023	Barry Rush & Associates Pty Ltd
Street Perspective	A15	A	27/04/2023	Barry Rush & Associates Pty Ltd
Demolition Plan	A16	A	27/04/2023	Barry Rush & Associates Pty Ltd
Areas of Excavation and Fill	A17	A	27/04/2023	Barry Rush & Associates Pty Ltd
Landscape Plans – Appendix B				
Landscape Plan	LA 1 of 2	B	22/06/2023	Green Land Design
Landscape Details and Specification	LA 2 of 2	B	22/06/2023	Green Land Design
Stormwater Plans – Appendix C				
Cover Sheet, Legend and Drawing Schedule	SYD23189-SW000	P1	17/05/2023	Erbas
Stormwater Services Erosion & Sediment Control Plan	SYD23189-SW001	P1	17/05/2023	Erbas
Stormwater Services Street Connection Plan	SYD23189-SW100	P2	06/10/2023	Erbas
Stormwater Services - Ground Floor Plan	SYD23189-SW101	P2	06/10/2023	Erbas

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Stormwater Services - First Floor Plan	SYD23189-SW102	P2	06/10/2023	Erbas
Stormwater Services - Roof Plan	SYD23189-SW103	P2	06/10/2023	Erbas
Stormwater Services - Detail Sheet 01	SYD23189-SW201	P1	17/05/2023	Erbas
Stormwater Services - Detail Sheet 02	SYD23189-SW202	P1	17/05/2023	Erbas
Stormwater Services - Detail Sheet 03	SYD23189-SW203	P1	17/05/2023	Erbas
Survey Plans – Appendix D				
Detail and Level Survey	Sheet 1 of 3	S	06/09/2022	RPS Australia East Pty Ltd
Detail and Level Survey	Sheet 2 of 3	S	06/09/2022	RPS Australia East Pty Ltd
Detail and Level Survey	Sheet 3 of 3	S	06/09/2022	RPS Australia East Pty Ltd
BASIX Certificate – Appendix K	Basix Certification no. 1391454M	-	18/05/2023	Building Sustainability Assessments
NatHERS Certificate – Appendix L	Certificate No 0008653250	-	18/05/2023	Building Sustainability Assessments
Hydrant Coverage – Appendix S				
	SKH01	A	30/08/2023	Erbas
	SKH02	A	30/08/2023	Erbas
	SKH02	A	30/08/2023	Erbas
Specialist Reports				
Arboricultural Impact Assessment – Appendix J	F420	A	22/05/2023	Creative Planning Solutions
BCA Design Compliance Assessment - Appendix H	P230082	1	18/05/2023	BCA vision
Geotechnical Investigation - Appendix O	31897/6742D-G	-	September 2022	STS Geotechnics Pty Ltd
Traffic Impact Assessment- Appendix R	-	-	May 2023	Fernway Engineering
Waste Minimisation and Management Plan – Appendix P	-	-	18/05/2023	Barry Rush & Associates Pty Ltd

Design Compliance and Checklists – Appendix M

Architect's Certificate of Building Design Compliance, dated 19.05.2023

Landscape Design Certificate, dated 04.05.2023

Stormwater Design Certificate, dated 10.10.2023

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

Seniors Living Urban Design Guidelines checklist, prepared by Barry Rush & Associates Pty Ltd dated 19.06.2023

Section 10.7 Planning Certificates – Appendix F

Section 10.7(2)(5) Planning Certificate No PL2023/0887– No. 10 Albert Street, Casino, NSW, 2470, Lot 22 in DP 36270 dated 09.06.2023

Section 10.7(2)(5) Planning Certificate No 2022/3863 – No. 12 Albert Street, Casino, NSW, 2470, Lot 23 in DP 36270 dated 09.06.2023

Section 10.7(2)(5) Planning Certificate No 2022/3863 – No. 14 Albert Street, Casino, NSW, 2470, Lot 24 in DP 36270 dated 09.06.2023

Section 10.7(2)(5) Planning Certificate No 2022/3863 – No. 16 Albert Street, Casino, NSW, 2470, Lot 26 in DP 36270 dated 09.06.2023

Titles Searches – Appendix Q

Certificate of Title Folio 22/36270, search date 21.04.2022

Certificate of Title Folio 23/36270, search date 06.05.2022

Certificate of Title Folio 24/36270, search date 06.05.2022

Certificate of Title Folio 24/36270, search date 21.04.2022

Deposited Plan 36270

AHIMS – Appendix I

AHIMS Search Result 14 Albert Street, Casino, date 21.04.2022

5 Zoning and Permissibility

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

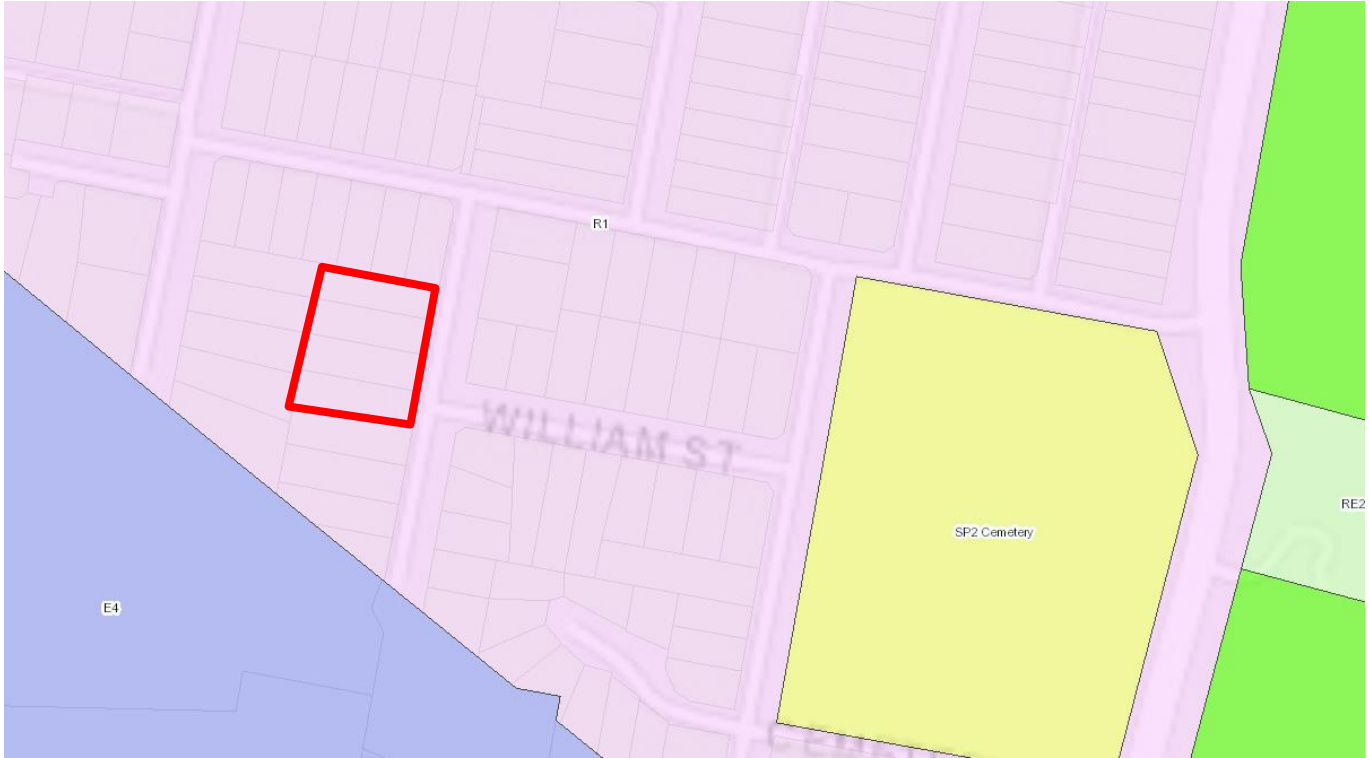


Figure 13 zoning map from Richmond Valley LEP 2012 (site outlined in red). Source: Planning portal

Multi dwelling housing is permitted with consent in Zone R1 zone under RVLEP2012 and therefore, is permitted on the subject land with consent under the provisions of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) pursuant to Section 42.

The objectives for development in Zone R1, as set out in RVLEP 2012 are:

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

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

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

- will not be a source of land use conflict.

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

Table 3 in subsection 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

Duty to consider environmental impact [Section 5.5]

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

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

Table 1 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
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, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity will neither be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

6.3 Other Acts

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

6.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 2** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 2 Compliance with Section 171 of the EP&A Regulation 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 EP&A Regulation 2021.			
Factors to be taken into account concerning the impact of an activity on the environment				
Guidelines for Division 5.1 assessments require the following environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	Yes		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	

(m) environmental problems associated with the disposal of waste;	Yes		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in subsection 6.4.2		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8.0		x	

Note 1: A significant impact triggers the preparation of an Environmental Impact Statement.

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

The proposed housing development is not expected to generate any significant or long-term detrimental impacts on the environment. The short-term impacts, during construction, will be managed by construction methods that include environmental protection measures for noise, dust, soil erosion and sediment control, traffic management and site safety, protection of trees and standards for connection of utilities and services. Construction will also have positive economic impacts with the generation of employment.

There will be long term positive social outcomes through the provision of affordable housing that meets the needs of the community and improvements to the biodiversity values and microclimatic qualities of the site with new landscaping. There are positive long term economic impacts resulting from the efficient use of services urban zoned land for medium density housing on a site in close proximity to a variety of established land uses for education, recreation and commercial purposes. The activity is consistent with the goals and targets of the Richmond Valley Local Strategic Planning Statement (LSPS) and Community Strategic Plan as considered below at Section 6.4.2 of this report.

6.4.2 Strategic Planning Framework

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

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

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

Planning Priority 2 – Align development, growth and infrastructure

Planning Priority 4 – Look after our environment

Planning Priority 5 – Create resilient communities

The activity is consistent with the abovementioned priorities because it:

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

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

Richmond Valley 2040 Community Strategic Plan

The Richmond Valley Community Strategic Plan (CSP) is a 20 year plan that outlines 4 broad inter-related themes that are derived from extensive community engagement process, which identified priorities for the community's future. Under the 4 themes are key directions and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business. These 4 key strategic directions are supported by key goals that will guide the Richmond Valley area in the next 20 years. The themes are focused on; Strengthening our role in the region, creating great places to live, protecting our unique environment and delivery for our community. Of the 10 specific objectives to the CSP, the objective most relevant to the activity is Objective #5 Live Sustainably in a changing climate". The proposed 17 dwellings meet the requirements of State Environmental Planning Policy (SEPP (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 dwellings will make a positive long term contribution to energy and water efficient lifestyles for future occupants.

6.4.3 Activities in Catchments [Section 171A]

The site is not located within a regulated catchment as defined in Part 6.2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) and therefore these provisions do not apply.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

Section 42 of the HSEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 3** below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

Table 3 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for 'residential development without consent' carried out by LAHC

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	The development is permissible with consent within Zone R1 under the RVLEP 2012

Provision	Compliance
(b) all buildings will have a height of not more than 9m, and	The maximum proposed building height is 7.8m.
(c) the development will result in 60 dwellings or less on a single site, and	The development is for 17 dwellings.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	Not applicable.
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	N/A 10 x 2 bedrooms = 10 parking spaces required. 7 x 3 bedrooms = 10.5 parking spaces required. The proposal provides 21 parking spaces.
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	The subject site is not a heritage item and is not within a heritage conservation area. Therefore, demolition is permissible.
(b) the subdivision of land and subdivision works. Note – Section 32 prohibits the subdivision of a boarding house.	Subdivision is not proposed.
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Not applicable.
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	Noted
(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections –	Consultation with other authorities other than Richmond Valley Council was not required for this activity
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.

Provision	Compliance
<p>(6) In this section- Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. Residential development has the same meaning as in the Housing Act 2001, section 8.</p>	Noted.
43 Requirements for carrying out residential development -	
(1) Before carrying out development under this Division, the Land and Housing Corporation must-	
(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and	
<p>(b) give written notice of the intention to carry out the development to –</p> <p>(i) the council, and</p> <p>(ii) the person or persons nominated by the council, and</p> <p>(iii) the occupiers of adjoining land, and</p>	<p>A letter notifying Richmond Valley Council of the proposed development activity was sent by LAHC on 27 July 2023. Letters notifying landowners of adjoining land of the proposed development activity were sent by LAHC on the same date.</p> <p>Submissions were invited from 27 July to 22 August 2023.</p>
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	<p>Council responded to LAHC's notification by email dated 14 August 2023. Comments on the response are provided in Section 7.1 of this REF.</p> <p>A submission was received from adjoining owners. Comments on this submission are provided in Section 7.2 of this REF</p>
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in Appendix N and subsection 6.5.2 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> .
(e) If the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable
<p>(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of –</p> <p>(i) <i>Good Design for Social Housing</i>, published by the Land and Housing Corporation in September 2020, and</p> <p>(ii) the <i>NSW Land and Housing Corporation Design Requirements</i>, published by the Land and Housing Corporation in February 2023, and</p>	Refer to Section 6.5.3 and 6.5.4 and the Architect's Statement and Certificate of Building Design Compliance dated 19 May 2023 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.	Not applicable.
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

6.5.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

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

Table 4.

Table 4 Seniors Living Urban Design Guidelines Departures

Guideline Requirement	Response
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	Driveways and paths are concrete to meet LAHC maintenance and durability requirements. Impervious surfaces are minimised.
3.06 Setback upper levels behind the front building façade?	Upper levels of Dwellings 1-7 are partly set back from the ground floor level. A mix of materials and finishes add further interest to the façade. The front façade is also articulated by front porches and awnings and first floor balconies.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	Driveways and paths are concrete to meet LAHC maintenance and durability requirements. Parking is not allocated to individual units.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	Driveway gates to common parking areas are not consistent with the LAHC Design Requirements for maintenance reasons and are not necessary to visually screen the driveway in the streetscape.
4.05 Incorporate second stories within the roof space and provide dormer windows?	Second storeys within roof spaces are not a characteristic in the locality. The proposed second storey complies with height and setback requirements and does not give rise to any adverse streetscape or amenity impacts.
4.14 Locate private open space in front setbacks where possible to minimise negative impacts on neighbours?	All dwellings have their private open space allocated suitably for each dwelling. The private open space for Dwellings 10 to 15 are within the rear setback and are well separated from the single residential neighbours to the west. Private open space for Dwellings 8 and 9 are within the side setback and well separated from the neighbouring dwelling to the north which are close to McDougall Street. Trees to be retained adjacent to the southern side boundary assist in screening the private open spaces of Dwellings 16 and 17 the single residential neighbour to the south.
4.16 Design dwellings around internal courtyards?	A common courtyard space of 190m ² will be provided between Dwellings 10 and 11 and accessible from the central car park and common pathways. The common courtyard space will allow for incidental social interactions and passive recreation.
5.29 Provide private open space areas that use pervious pavers where private open space is predominantly hard surfaced to allow for water percolation and reduced run-off?	Private open space areas are a combination of durable solid pavement and landscaped areas.

6.5.3 Good Design for Social Housing

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

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

Goals	Principles	Comment - Discussion on how the design responds to the principles:
<i>Wellbeing</i>	<ul style="list-style-type: none"> • Healthy environments • Good for tenants • Quality homes 	<p>Safe access is provided from the car park and from the front boundary to entries of each dwelling.</p> <p>The dwellings have been designed to ensure residents have privacy and feel safe with clear separation between common space and private space through fencing and landscaping.</p> <p>Dwellings are compliant with BASIX requirements (Appendix H).</p> <p>The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape.</p> <p>The design optimises natural light to indoor and outdoor spaces.</p> <p>The design and materials are durable and low maintenance</p>
<i>Belonging</i>	<ul style="list-style-type: none"> • Mixed tenure • Good shared and public spaces • Contribute to local character 	<p>All dwellings have easily identified front entrances clearly visible from the street or from common internal paths.</p> <p>The development is a mix of single and 2 storey dwellings and 2 and 3 bedrooms.</p> <p>Dwellings 1 to 7 address the street.</p> <p>Attractively designed landscaping along the street frontage includes existing and new canopy trees.</p> <p>The development is generally small in scale which minimises resident density.</p> <p>The building design and landscaping is compatible with the surrounding residential neighbourhood.</p>
<i>Value</i>	<ul style="list-style-type: none"> • Whole of lifecycle approach • Sustainability and resilience • Make every dollar count 	<p>Low maintenance landscape species.</p> <p>Durable building materials.</p> <p>The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas.</p> <p>An underground rainwater tank is provided for the development to assist with sustainability and on-site water retention.</p> <p>Development meets BASIX requirements for building sustainability and low operational costs and reduced demand on resources.</p>
<i>Collaboration</i>	<ul style="list-style-type: none"> • A good partner • Sustainability and resilience • Make every dollar count 	<p>The proposal is of a scale and character that is compatible with the surrounding low density residential development.</p> <p>Collaboration and consultation with key stakeholders was incorporated at critical design milestones.</p> <p>The dwellings achieve BASIX requirements for water and thermal efficiency.</p> <p>Landscaping uses low maintenance planting.</p> <p>Internal layout and siting of buildings and ancillary features is efficient use of space.</p> <p>The development of the site is an efficient use of serviced urban-zoned land.</p>

6.5.4 Land and Housing Corporation Design Requirements

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

6.6 Other State Environmental Planning Policies

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

Table 6 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Sustainable Buildings) 2022.	<p>As of 1 October 2023, the SEPP (Building Sustainability Index: BASIX) 2004 was repealed and replaced by the SEPP (Sustainable Buildings) 2022.</p> <p>A Basix Certificate has been obtained for the development proposal, as required under Chapter 2 and Schedule 1 the Sustainable Buildings SEPP (refer to Appendix K).</p>
SEPP (Transport and Infrastructure) 2021	<p>The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and child care facilities and major infrastructure corridors.</p> <p>The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure nor is it defined as traffic generating development or called up by the requirements of the SEPP in another way. Therefore, the provisions of the SEPP do not apply.</p>
SEPP (Biodiversity and Conservation) 2021	<p>This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p>Trees are proposed to be removed as a part of this activity. The vegetation clearance does not trigger the requirement for a Biodiversity Development Assessment Report as there are no specific provisions within the Richmond Valley DCP 2021 that protects trees or vegetation (refer to Arboricultural Impact Assessment Report at Appendix J). Notwithstanding this, trees will be retained and protected in accordance with the Report's recommendations.</p>

State Environmental Planning Policy	Applicability
SEPP (Resilience and Hazards) 2021	<p>The Resilience and Hazards SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.</p> <p>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 previous land use of the site for residential purposes it is unlikely that the subject land is affected by contamination.</p> <p>The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to Appendix F). The Geotechnical Investigation (Appendix O) did not detect the presence of contaminants or uncontrolled fill.</p> <p>A standard recommended Identified Requirement requires implementation of management measures in the event of contamination during construction works.</p>

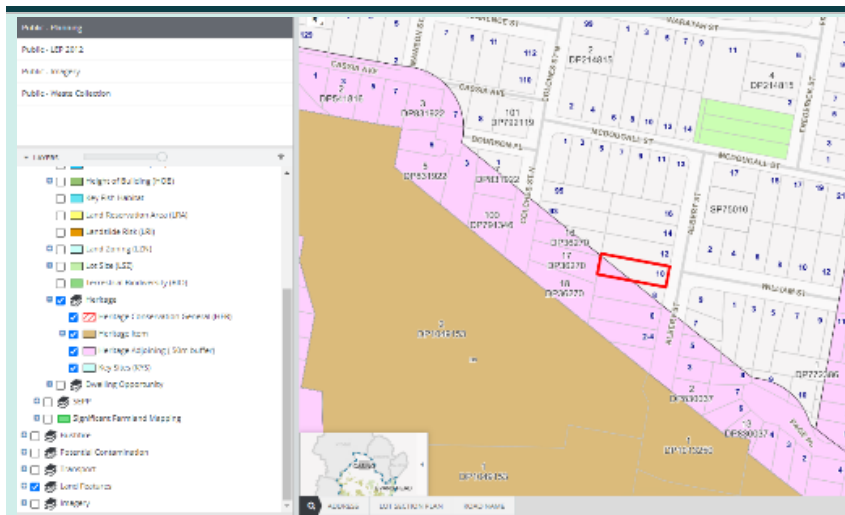
6.7 Local Planning Controls

6.7.1 Richmond Valley Local Environmental Plan 2012 (RVLEP 2012)

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

Table 7 Richmond Valley Local Environmental Plan 2012

Relevant Provisions / Development Standards for Multi Dwelling Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres)	Complies - 7.8 metres.
5.10	Heritage Conservation	Part of No.10 Albert Street is within a 50m <i>Heritage Buffer Zone</i> for - I39, <i>Casino Railway Station</i> - see map with No.10 outlined in red.	<p>The heritage buffer zone does not constitute a heritage item, or a heritage conservation area as defined by the RVLEP 2012.</p> <p>Heritage Item I39 applies to "Casino Railway Station and yard group"</p>



(includes Casino Railway Station, signal box, roundhouse, turntable, Harman coal loader and water tank)” which is an item of State Heritage Significance.

The buffer area is not described in Schedule 5 of the RVLEP 2012.

Clause 5.10 to RVLEP 20112 states that heritage items are those listed in Schedule 5 and that Heritage Conservation Areas are shown on the Heritage Maps to the LEP. The buffer area is neither a heritage item nor a heritage conservation area.

Notwithstanding the above, this activity has considered the objectives of Clause 5.10, which are to:

- *Conserve environmental heritage.*
- *Conserve heritage significance of items and conservation areas.*

The proposal does not preclude conservation of Item I39 and will have no detrimental impact to the heritage significance of Item I39.

Clause 5.10 states that development consent is required for works that demolish, move or alter a heritage item. The proposal does not trigger the need for development consent under Clause 5.10.

Clause 5.10(5) requires heritage assessment if the consent authority considers works in the vicinity of a heritage item may require a heritage management document. The proposed works will have no impact on the integrity and significance of Item I39.

6.2	Essential Services	<p>Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required –</p> <p>(a) the supply of water,</p>	<p>The development can be connected to:</p> <ul style="list-style-type: none"> - potable water, - electricity, - sewerage infrastructure, and - vehicle and pedestrian access to Albert Street. <p>The stormwater management in the public road reserve is via grassed open dish drains and the design of connection of stormwater to the street</p>
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	(b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access	has been undertaken in consultation with Richmond Valley Council to achieve compatibility with the existing public network.
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6.7.2 Richmond Valley Development Control Plan

Richmond Valley Development Control Plan 2021 (RVDCP 2021) contains specific development controls for multi dwelling housing which are addressed in **Table 8** below.

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

Table 8 Richmond Valley Development Control Plan 2021 | Part A Residential Development

Compliance with setback controls for multi-dwelling housing		
Multi-dwelling housing and Residential Flat Buildings		
Clause	Requirement	Proposed
A-8.2.2 Minimum Lot Size and Width Design Criteria	Minimum Lot size 1,000m ² Minimum lot width 20m	Complies - 3,784m ² Complies - 67m
A-8.2.4 Setbacks to Streets	<u>Primary Road Frontages</u> 6m with garages and carports setback 1m from building line	Complies - minimum 6m. No garages or carports are located within the front facade.
A-8.2.5 Gross Floor Area	1. The following maximum gross floor area applies for all development on the site: (a) M1 Density Areas – 50% of lot area (b) M2 Density Areas – 80% of lot area (c) H1 High density Areas – 80% of lot area	Complies - 37%
A-8.2.6.1 Landscaped Area	1. The following minimum landscaped area applies for all development on the site: (a) M1 Density Areas – 30% of lot area (b) M2 Density Areas – 20% of lot area (c) H1 High Density Areas – 20% of lot area	Complies - 1,193m ² (31.5%).
A-8.2.7 Private Open Space	2-bedroom dwelling 16m ² and minimum 3m dimension 3+-bedroom dwelling 25m ² and minimum 3m dimension	Complies - All areas meet or exceed 25m ² and 3m dimension

6.7.3 Low Rise Housing Diversity Design Guide

The Richmond Valley DCP 2021 Part A-8.2 Multi-Dwelling Housing adopts the objectives and design criteria established for Multi Dwelling Housing contained in the former Department of Planning, Industry and Environment's *Low Rise Housing Diversity Design Guide* for Development Applications (July 2020). The *Low Rise Housing Diversity Design Guide* was published in July 2020 and contains specific development controls for

multi dwelling housing. Therefore, LAHC has considered the objectives and criteria within this guide and has been tabulated below at **Table 9**.

Table 9 Compliance with Low Rise Housing Diversity Design Guide

Compliance with setback controls for multi-dwelling housing		
Multi-dwelling Housing		
Objective	Requirement	Proposed
2.4A-3 Side boundary setbacks	<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) - $s = h - 3m$'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.</p> <p>Dwellings Nos. 8 -17: $S = (4.85 - 3m) = 1.85m$ minimum side setback.</p> <p>Dwellings Nos. 8-17 are setback more than 2m from the side boundaries.</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 setback controls the rear setback is 6m.</p>	<p>N/A</p> <p>Development is setback a minimum 5m from the rear boundary for Dwellings 10 and 15. Dwellings 11 to 14 have 6m setbacks from the rear boundary.</p>
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 1,193m² or 31.5%.</p> <p>However, with consideration of control 2.4C.16, after excluded areas less than 1.5m in width, the development proposes a landscaped area of approximately 800m² (21.1%).</p> <p>More than 50% of the front setback area is landscaped area.</p>
2.4H Solar and Daylight Access	<p>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 1m² 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.</p>	<p>The living rooms and private open space of Dwellings 1 to 15 will receive in excess of 2 hours of direct sunlight throughout the day in midwinter.</p> <p>The living room windows of Dwellings 16 and 17 will receive more than 2 hours of direct sunlight during midwinter.</p> <p>The private open space areas of Dwellings 16 and 17 will not receive direct sunlight in midwinter.</p>
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: • 1 bed 65m² • 2 bed 90m² • 3+ bed 115m²</p>	<p>2 bedroom dwellings min 70m².</p> <p>3 bedroom dwellings min 99m².</p>

Rear Setback

The objective for 2.4 4A rear setbacks is for; *a rear boundary setback that provides opportunity to retain and protect or establish significant landscape trees in deep planting areas.*

The proposed rear setback is 5m for Dwelling 10 and Dwelling 15. Existing Tree No.15 is a 2m high Papaya tree and will be retained within the private courtyard space to Dwelling 10. The private open space areas of both Dwellings 10 and 15 is adequate to accommodate deep soil planting and small canopy trees suited to the microclimatic conditions. The setbacks of Dwellings 11 to 14 from the rear boundary are compliant.

The Landscape Plan (**Appendix B**) shows 2 small canopy trees as well as screening shrubs will be planted along the rear boundary within each private open space area and within the common open space courtyard which will provide adequate screening and buffering to the adjoining residential lots to the west. The rear setback is considered appropriate to the context and setting. The dwellings and private open space areas of the neighbouring properties to the west are well separated from the common boundary and there is also adequate space within the neighbouring properties for deep soil planting that will not be compromised by the proposal.

Landscaped Area

The RVLEP 2012 does not contain development standard for landscaped area, however the RVDCP 2021 Clause A-8.2.6.1 specifies a minimum 20% of the lot to be landscaped area. The proposed activity provides 1,193m² (31.5%) of the site as landscaped area and compliance with the RVDCP 2021 development control is achieved, as recorded at **Table 8**. The RVDCP 2021 also identifies at Clause A-8.2.1 that;

Richmond Valley Council 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), (section 2.4 Multi Dwelling Housing) except as modified by the local provisions outlined below.

The Low Rise Housing Diversity Design Guide control 2.4C Landscaped Areas specifies that; *where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is: R1, R2, or RU5 zoned land - 30%, and the minimum dimension of any area included in the landscaped area calculation is 1.5m.*

LAHC has considered this control as shown at **Table 9**. As the RVDCP 2021 at Clause A-8.2.6.1 includes a landscaped area control and the proposed activity complies with this local control, the Low Rise Housing Diversity Design Guide control regarding landscaped area is technically not applicable.

Solar and Daylight Access

The objectives for 2.4H solar and daylight access are:

To optimise sunlight received to habitable rooms and private open spaces. Solar access enables passive solar heating in winter and provides a healthy indoor environment and, to provide good access to daylight suited to the function of the room and to minimise reliance on artificial lighting and improve amenity.

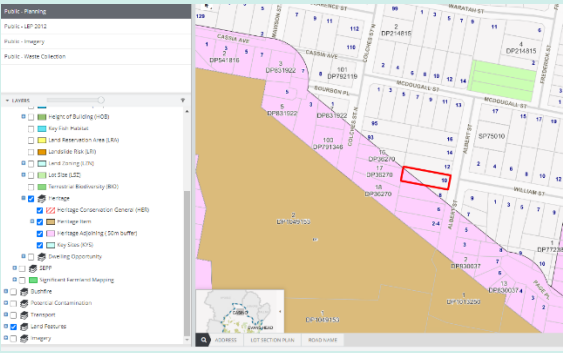
The floor plan of Dwellings 16 and 17 allow direct sunlight into living room windows in midwinter which will penetrate into the open plan living area of each dwelling for more than 2 hours duration. Although the private open space areas of Dwellings 16 and 17 will not receive direct solar access in midwinter, the occupants of these dwellings will have access to the common outdoor space which will receive year round direct solar access. This access to common space which receives sunlight will ensure that the amenity of the occupants of Dwellings 16 and 17 is not detrimentally impacted. All other dwellings in the development will received compliant solar access.

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43 of the Housing SEPP, Richmond Valley Council was notified of the development by letter dated 27 July 2023 (refer to **Appendix G**). The notification response period formally closed on 22 August 2023 and Council responded to the notification by emails dated 14 August 2023. The issues raised in communications with Council have been included in **Table 10** below. A response is provided in relation to each of the matters raised in Council's comments and where appropriate, these matters have been addressed in the Identified Requirements no.74 to 79 in the **Activity Determination**.

Table 10 Issues raised in Council's Submission

Issues raised	Response
<p><u>Heritage</u></p> <p>10 Albert Street is located within the Heritage Buffer Zone for – I39, Casino Railway Station (see attached map)</p> 	<p>A small portion of the No.10 Albert St is mapped as being within the "heritage adjoining 50m buffer" to item No.I39 within RVLEP 2012 which is also identified as item No.01111 on the NSW State Heritage Register - https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5011969</p> <p>Section 42 (2) of the Housing SEPP does not permit demolition of buildings or structures on heritage land or identified within a heritage conservation area. The subject site is not mapped as either of these, but rather has a nominal 50m buffer to identify proximity to a heritage item. Therefore, demolition of the buildings and structures at the site is permitted under Section 42 (2) of the Housing SEPP.</p> <p>See assessment comments in Table 7 that address the provisions of Clause 5.10 Heritage Conservation in RVLEP 2012 where it is demonstrated that the proposal will have no impact on the heritage significance of Item I39.</p>

Waste

- The plan shows a waste bin location for only 14 waste bins to service 14 units and within the waste management plan it is proposed that Council services will be utilised for collection.
- What provisions are made for green waste and recycling?
- The location of the waste area is directly outside unit 4, this may create offensive odours that will affect the amenity of the residents of unit 4.

Would it be more beneficial to create 4 smaller clusters of waste bin areas?

RVDCP 2021 does not contain waste generation rates so LAHC has relied on the EPA Guideline:

Better practice guide for resource recovery in residential developments as below:

- 80L recycling and 80L general per 1 bedroom unit.
- 100L recycling and 100L general per 2 bedroom unit.
- 120L recycling and 120L general per 3 bedroom unit.
- 25L organics waste per 2 bedroom unit.
- 50L organics waste per 3 bedroom unit.

Table F2: Estimated domestic waste and recycling generation rates per week

Apartment size	Waste	Recycling	Organics
1 bedroom or studio	80L	80L	25L*
2 bedroom apartment	100L	100L	25L
3 bedroom apartment or greater	120L	120L	50L

Activity proposes 10 x 2 bed units and 7 x 3 bed units.

	General (L)	Waste (L)	Organics (L)
2 bedroom units	100	100	25
Total for 10 units	1,000	1,000	250
3 bedroom units	120	120	50
Total for 7 units	840	840	350
Total waste per week	1,840	1,840	600

However, on the [Richmond Valley Council website - Bin Collection Day](#), Zone 1 collects organics weekly and recycling and general waste fortnightly.

Therefore;

- 1 weeks' worth (600L) of organic waste storage needs to be stored on site, and
- 2 weeks' worth (3,680L) each of recycling and general waste needs to be stored on site.

This matter has been satisfactorily addressed with the provision of 360L general, recycling and organic waste bins that meets the minimum required volumes for the fortnightly collection of general and recycling waste.

A revised Ground Floor Plan dated 24 August 2023 identifies the location and size of the waste areas. Identified Requirement no.77 specifies that adjustments will be made to ensure that the Architectural Plans, Landscape Plans and Engineering Plans will be adjusted prior to the commencement of works for consistency in the size of waste management areas.

Stacked Parking

How do you propose the vehicles to exit from numbers 18 & 20 car parks if numbers 19 & 21 are being utilised?

Stacked parking spaces 18,19 will solely be dedicated to Dwelling 1 and parking spaces 20,21 will solely be dedicated to Dwelling 7.

Water

- There is currently 4 water connections to the existing home, upon demolition of the house 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.

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.

- The water main runs down Albert Street on the opposite side of the road, Council GIS information shows each of the existing service lines are 50mm in diameter – confirmation is needed to determine if this is appropriately sized for the proposed 14 units.
- Currently uncertain on what metering arrangement is sought by the LAHC.

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?

- 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').

Identified Requirements no. 24 and 29 requires Council to be consulted regarding their requirements for the disconnection of services (water) prior to any works commencing on site.

The consultant engineer Erbas has confirmed:

"A 50mm Cold water connection is required to serve the site. Therefore, the 50mm authority water main in Albert Road is of a sufficient size to serve the proposed development at 10-16 Albert St, Casino". No additional Identified Requirements are required.

The Stormwater Engineering Plan detail in **Figure 14** below confirm the provision of a manifold containing all water meters which are to be read by Council. No additional Identified Requirements are required.

Advice from the consultant engineer Erbas confirms Fire Hydrant Coverage (**Appendix S**) as shown in the Plans in **Figures 15, 16 and 17** which demonstrates compliance. A pressure and flow enquiry will be lodged with Council prior to the commencement of works as required by Identified Requirement no.78.

Erbas Engineers confirmed that "compliant fire hydrant coverage is achieved from the existing street hydrant on Albert Road. Note pressure and flow tests are required to confirm the performance of the street hydrant" See **Figures 15, 16 and 17**.

<p><u>Sewer</u></p> <ul style="list-style-type: none"> There is a sewer main that runs through the properties, 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. <p>To minimise potential issues, this main is to be accurately located prior any works.</p> <ul style="list-style-type: none"> 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. <p>As they are existing they can be utilised for the connection of private sewer to public sewer, however 2 of the 4 connections are under the car park.</p> <p>If there is sewer junctions that are not utilised they will need to be removed.</p> <p>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>This matter will be addressed by an investigation survey to be undertaken before construction works has been addressed. This is addressed in Identified Requirement no.74.</p> <p>The treatment of existing sewer connections has been addressed in Identified Requirement no.74.</p> <p>The creation of an easement has been addressed in Identified Requirement no.74.</p>
<p><u>Stormwater</u></p> <p>I have previously reviewed the preliminary stormwater design plans with the stormwater engineer, the email chain is attached for reference.</p> <p>There looks to be some changes made to the stormwater design plans since prelim, including treatment change, alter outlet location & addition of sub-soil drainage.</p> <ul style="list-style-type: none"> The stormwater treatment looks fine Stormwater detention looks adequate, however the grate access to the detention tank and rainwater storage should be locked to mitigate public access for safety reasons (potential treatment devices also). <p>I am also satisfied that the detention will result in the post-development flowrate (outlet from site) not exceeding the pre-development flowrate.</p> <p>The stormwater outlet velocity is fine (my calcs suggest 1.34m/s)</p>	<p>The secured access to the stormwater detention tank has been included in Identified Requirement no.74.</p>

Driveways

- All works (including driveway works) in the road reserve of Albert Street must have a Section 138 Roads Act approval
- The triple RHS under the southern driveway is not permitted, pipework is to be reinforced concrete pipe (Class 4 rubber ring jointed) with sloping crash compliant headwalls
- All driveways to have a taper/splay at the road edge to account for the turning of vehicles

The legislative requirements for LAHC to obtain any relevant approvals for works in the road reserve and driveway tapers are captured by Identified Requirement no.79.

The stormwater design has been amended to incorporate 2 x Class 4 concrete pipes and crash compliant headwalls at the site discharge points.

Developer Contributions

- 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.
- Section 64 contributions (RVC water & sewer headworks only, not in Rous supply area) are applicable to the proposed development, there is no legislated exemptions
 - The property enjoys a 4.0ET credit for RVC water & sewer
 - The proposed development (7 x 3 bedroom units & 10 x 2 bedroom units) has been reviewed against the Section 64 Determination of Equivalent Tenements Guidelines (April 2017), resulting in a demand of:
 - 11.6ETs for RVC Water
 - 14.5ETs for RVC Sewer
 - This results in a net increase in demand of:
 - 7.6ETs for RVC Water
 - 10.5ETs for RVC Sewer
- 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:

S.7.12 contributions are not applicable to this activity as per Section 208 (4)(l) to the EP&A Regulation 2021 because the activity is for the purpose of affordable housing. Furthermore, as S.7.12 contributions relate to development subject to 'development consent' (under [S.7.12 of the EPA&A 1979](#)) and that the proposed activity is 'development permitted without consent' under the Housing SEPP, S.7.12 are not applicable.

The payment of Water and Sewer Charges has been addressed in Identified Requirement no.76.

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	7.6	\$ 9,630.50	\$ 71,139.80
RVC Sewerage Headworks	SewS64Hwks	10.5	\$ 8,000.00	\$ 84,000.00
Rous Water # Water Headworks	Rous64Hwks	N/A	N/A	\$ NIL
Total Section 64 contributions				\$155,139.80
<small>(current @ 8/8/2023 but generally applicable for payment 1/7/2023 to 30/6/2024) Payments will be in accordance with Council's Revenue Policy at the time of payment</small>				

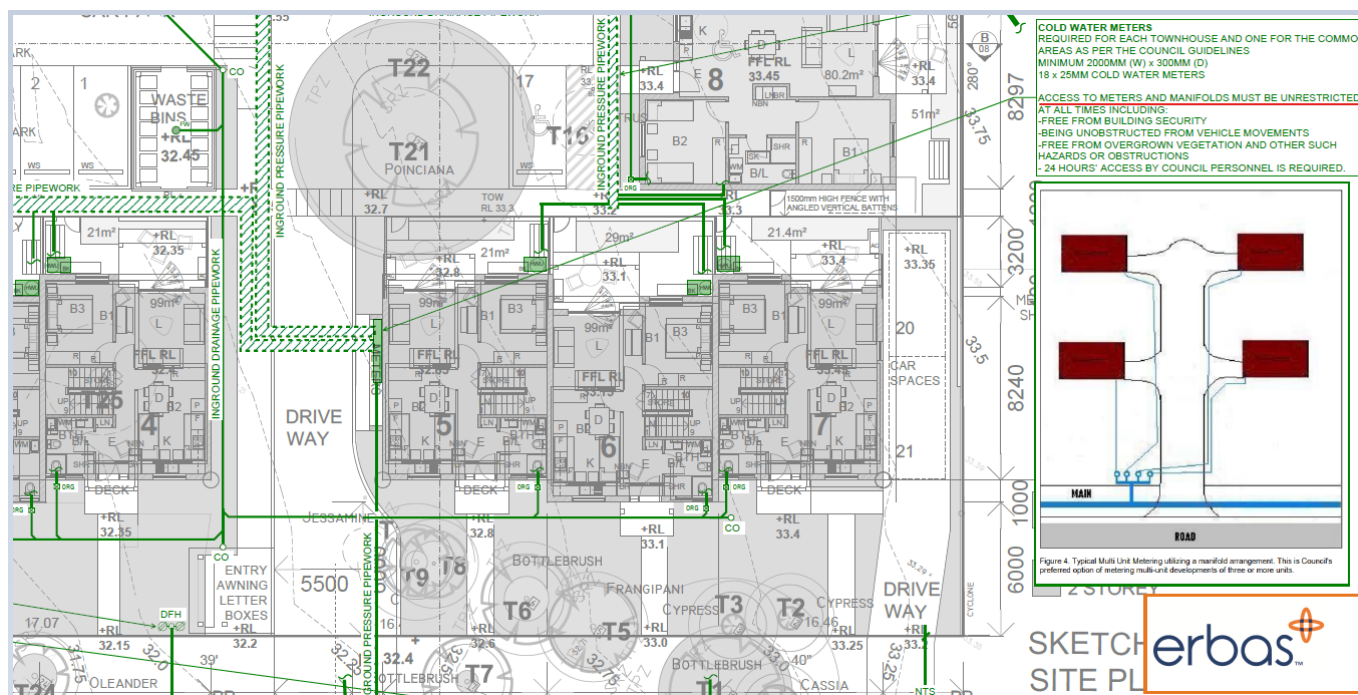


Figure 14: Engineering design drawing for location and provision of Manifolds for water meter readings

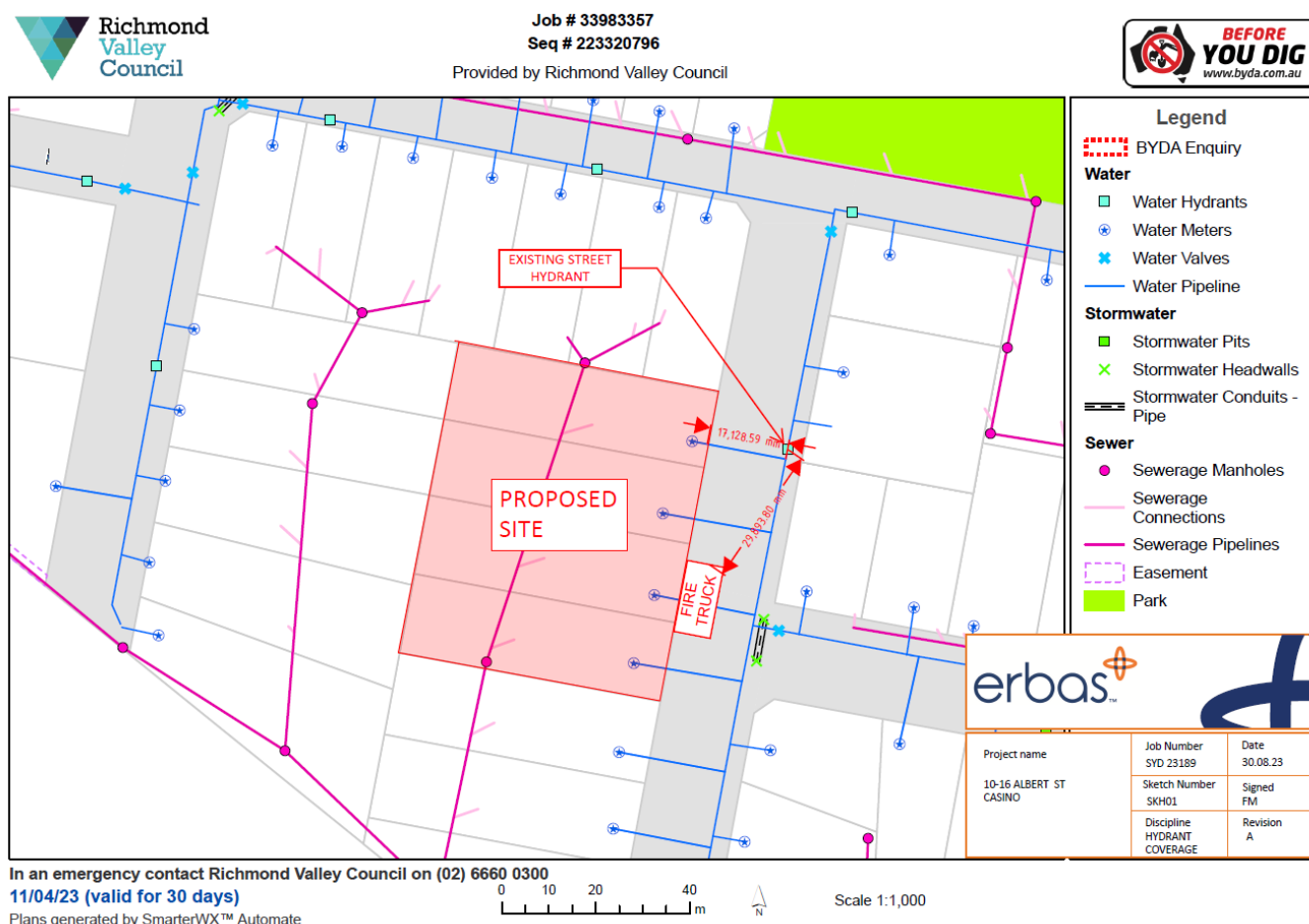


Figure 15: Fire Hydrant coverage diagram Sheet 1

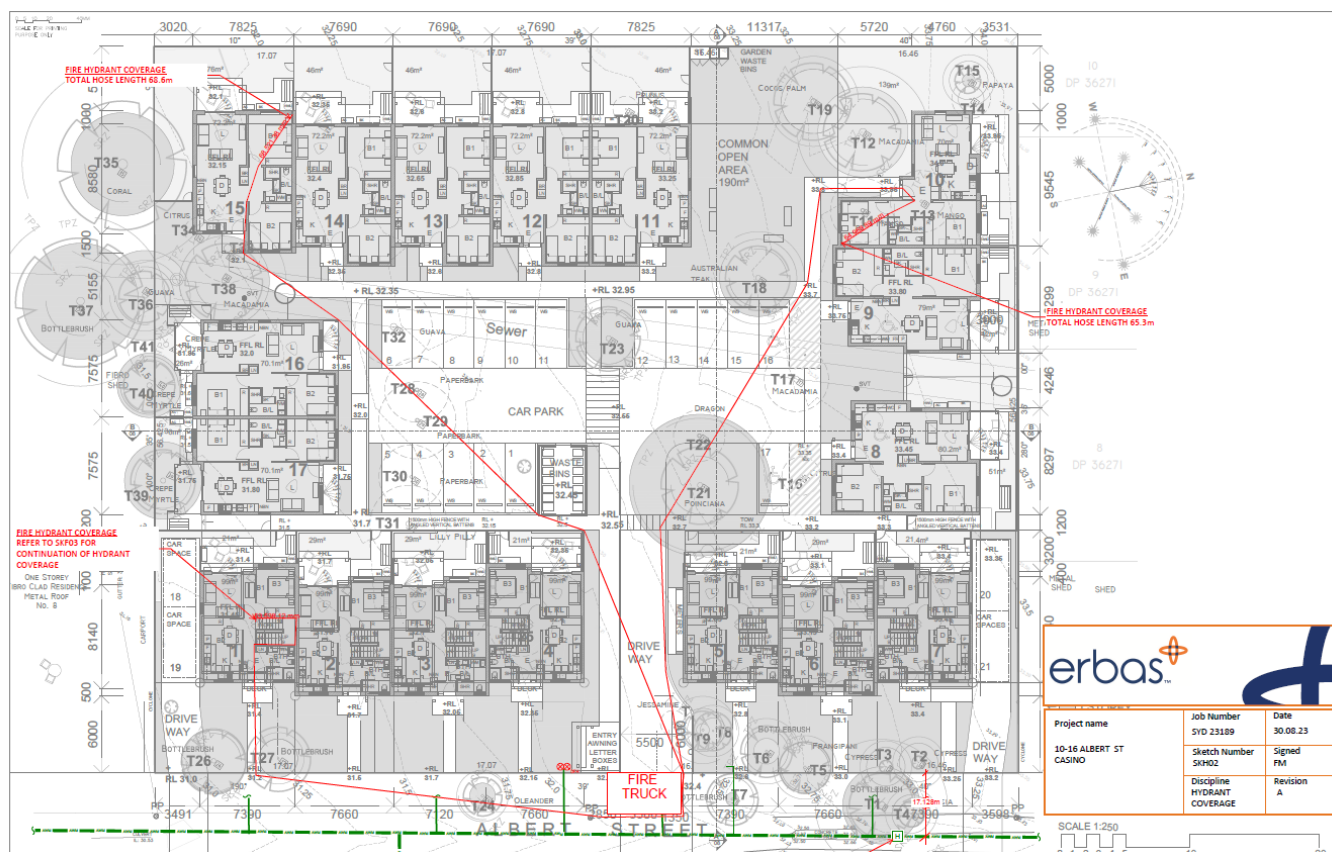


Figure 16: Fire hydrant coverage diagram Sheet 2

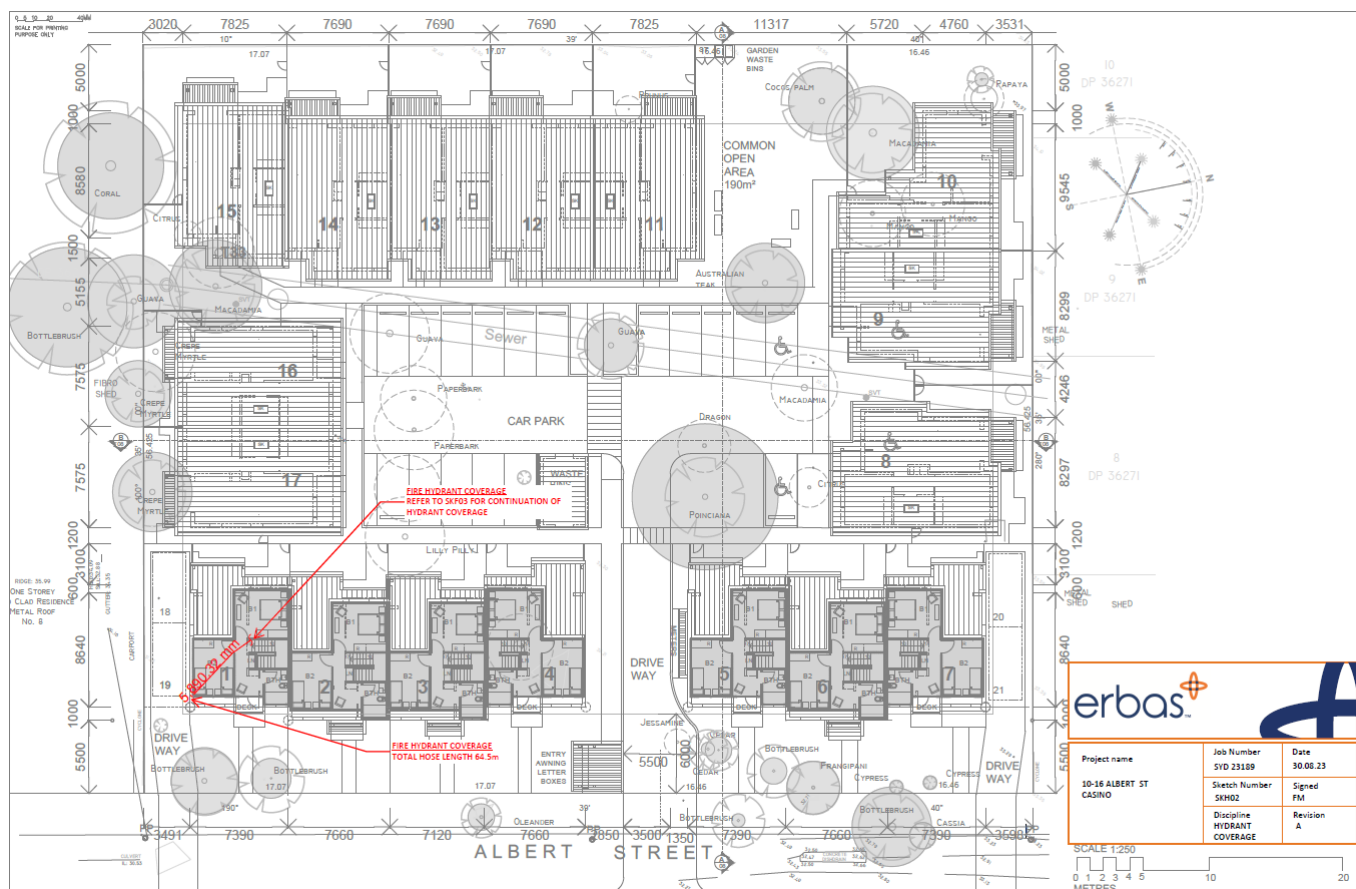


Figure 17: Fire hydrant coverage diagram Sheet 3

7.2 Notification of Adjoining Land and Other Persons

Under section 43(1)(a) of the Housing SEPP, Richmond Valley Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development. Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 7 March 2023. The map of persons notified is included in **Figure 18**.



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

Under Section 43(1)(b) of Housing SEPP, owners of adjoining and nearby land, as identified in the above map, were notified of the proposed development activity by letter dated 27 July 2023. Copies of the notification letters are provided at **Appendix G**.

The notification response period formally closed on 22 August 2023 and 1 submission was received as detailed in **Table 11**.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Submission 1: Confirmation of fencing along the shared boundary.	The fencing along the shared boundary will be 1.8m in a Colourbond material.

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 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** of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

8.1 Neighbourhood Character

The site is located within an established residential area generally characterised by lower density single and two storey detached dwelling houses which are mostly the original housing stock of the 1970's and 1980's. Dwellings typically have tiled, pitched roofs. Landscaping is typically grassed lawns and exotic, ornamental planting.

The Block Analysis plan A12 by Barry Rush and Associates Architects (**Appendix A**) indicates two storey residential flat buildings and two storey townhouses in close proximity to the site.

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 and character statement. The 1 to 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of anticipated infill housing development in the locality.

Mitigation Measures

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

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 and setbacks to the front and side boundaries.

The dwellings are clustered into groups with appropriate spacing between buildings to allow for deep soil landscaping, planting of canopy trees and retention of some existing trees.

Although two storey dwellings are not common in the neighbourhood at present, they will be increasingly common with future growth in the locality. The development proposes a two-storey built form at the street frontage only and maintains single storey dwellings at the rear of the site. In doing so, the perceived bulk of the development to those immediately adjoining neighbours is lesser.

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

The proposed floor space ratio is 0.37:1 which is comparable to established dwellings in the locality. The proposed maximum height is 7.8m which is significantly less than the maximum 8.5m in the RVLEP 2012 and the 9m in the Housing SEPP 2021. 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.

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

Mitigation Measures

No mitigation measures are required as the design of the development is compliant with planning controls and anticipated by the targets of the strategic plan.

8.3 Streetscape

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

With articulation and modulation along all façades, retention of existing trees and improved landscaping proposed within the street setback areas and throughout the site including the common open space, the proposed development makes a positive contribution to the Albert Street streetscape.

The built form has been designed to address the street frontages through incorporation of street facing windows and doors, porches and balconies improving casual surveillance of the street. No front fencing is proposed and pathways from the street are clearly defined for a welcoming and engaging street presentation.

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 and landscaping in an existing urban residential context.

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

Substantial new landscaping is proposed in the Albert Street frontage including new, native canopy trees that will soften the visual impact of development when viewed from the public domain. New street trees at the frontage will provide additional canopy shade for pedestrians and improve the aesthetic quality of the streetscape. Retention of established trees will contribute to the long-term visual amenity as viewed from the street and from adjoining property.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

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

Balconies associated with dwellings 1,4,5 & 7 are orientated toward Albert Street with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents.

Window openings have been minimized within the northern and southern first floor external walls of dwellings 1 & 7 to ensure that overlooking is mitigated to adjacent residential neighbours.

Private open spaces located on or close to ground level and are well separated from the north, south and west boundaries with landscaping, including trees and shrubs adjacent to boundaries. This will provide a visual buffer between the windows and terraces on the subject site and the properties adjoining the side and rear boundaries.

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

Proposed 1.8m metal fencing is suitable to separate and screen private courtyard spaces internally and protect neighbour amenity.

Mitigation Measures

No mitigation measures are required.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed 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 100% of dwellings receive at least 3 hours direct solar access to the living rooms. 88% of POS areas receive a minimum 3 hours direct sunlight on June 21. This meets the minimum requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas on June 21.

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

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 the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwelling adjoining sites. At 9am, shadows generated by the proposed development are mostly contained within the site, with minor impacts to the single neighbouring property adjoining to the south.

At 12pm, minor shadows are cast to the south within the site and onto no more than 25% of the rear yard of the adjacent POS at 8 Albert Street. At 3pm, shadows are cast to the east within the site and along the streetscape at Albert Street.

The adjoining properties will therefore maintain a minimum 3 hours of direct sunlight to living and principal private open space areas between 9.00am and 3.00pm at the mid-winter solstice.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

Surface car parking for 21 vehicles, including 2 accessible spaces, will be provided on site. This provision of on-site car parking complies with the parking requirements set out in the Housing SEPP for developments carried out by LAHC on non-accessible sites.

The Traffic Impact Statement (**Appendix R**) indicates that the development will have a projected nett increase of 12 vehicle trips per hour in the AM and PM peak hour. The projected nett change in traffic activity as a consequence of the development proposal is negligible and will not have any unacceptable implications in terms of road network capacity and safety.

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

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by *Creative Planning Solutions* (**Appendix J**). The report considers 41 trees, 33 of which are located within the subject site while 4 are street trees in the Albert Street road reserve and the 4 are within neighbouring properties.

The report recommends the removal of 20 existing trees 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. It also recommends retention and protection of 13 existing trees within the site, 4 street trees and 4 trees within neighbouring properties.

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

There will be no significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

Mitigation Measures

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

Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to Identified Requirement No. 36).

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. Part of 10 Albert Street is located within a buffer area to Heritage Item I39. Item I39 applies to "*Casino Railway Station and yard group (includes Casino Railway Station, signal box, roundhouse, turntable, Harman coal loader and water tank)*" which is an item of State Heritage Significance. The buffer area is not described in Schedule 5 to RVLEP 2012 and is neither a heritage item nor a heritage conservation area. The proposal does not preclude conservation of Item I39 and will have no detrimental impact to the heritage significance of Item I39.

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 21 April 2022 (**Appendix I**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction (see IRs 46 and 47).

Mitigation Measures

Standard Identified Requirements No.46 and 47 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

A Geotechnical Site Investigation prepared by STS Geotechnics indicates the following:

- The subsurface conditions consist of topsoil overlying natural silty clays, sandy silty clays, silty clayey sands, clayey silty sands, clayey sands, and weathered rock. Topsoil was encountered from the surface to depths of 0.1 to 0.3 metres.
- Groundwater was not observed during drilling works.
- Soils are non-aggressive and non-saline.

Mitigation Measures

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

Contamination

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 12**, below and do not indicate that any additional investigation is necessary.

Table 12 checklist for guiding an initial evaluation of site

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. Identified Requirements in the Activity Determination include protocols to follow should unexpected contamination be found on site during the demolition and construction stages.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	All of the lots contain a single storey dwelling house and associated ancillary structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection was undertaken by LAHC in September 2022 and there was no indication that the site is or has been used by contaminating land activities. A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is of a residential nature and no adjoining lots contain historical or current uses which are likely to contribute to contaminated lands.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard Identified Requirement (No. 17) has been recommended to cover the 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.

Mitigation Measures

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

Acid Sulfate Soils

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

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is not affected by salinity.

Mitigation Measures

No mitigation measures are required.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements and feedback received during the statutory notification period (see **Section 7.1**).

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 Albert Street. The public stormwater system in Albert Street is grassed dish drains and the outlet point near the south east corner of the site has been designed to meet Council's specific requirements.

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

The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area. Stormwater infrastructure has been designed to accommodate modelled storm events and to integrate with the capacity of the existing stormwater network in Albert Street. Council has confirmed it is satisfied post-development discharge will not exceed pre-development discharge.

Mitigation Measures

Identified Requirements (Nos. 6-9 & 14, 74 and 75) have been recommended to ensure that stormwater drainage and sewer infrastructure is managed 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 of 7am to 5pm Monday to Saturday, consistent with the requirements for complying development across NSW.

During Occupation

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

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

Mitigation Measures

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

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

Appropriate standard Identified Requirements (Nos.2 & 60) 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 (Nos. 64 & 65) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

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

During Demolition

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

- plasterboard and metals will be transported to an approved building waste collection facility;
- any asbestos sheeting and fibrous insulation will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility;

- mixed demolition materials will be transported to an approved building waste collection facility; and
- timber, concrete, tiles, bricks, green waste and excavation materials will be reused for various uses on site.

Specific intentions for recycling / re-use / disposal of demolition waste will be determined by the demolition contractor prior to commencement of demolition.

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 crushed and reused for filling, levelling or temporary road base;
- timber shall be used as chip for landscaping;
- the remaining timber shall be sent to second hand suppliers;
- plasterboard shall be sent to building recycling facility;
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible; and
- other waste shall be sent to recycling waste contractors, with the remainder to landfill.

During Occupation

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

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

Mitigation Measures

Standard Identified Requirements (Nos. 48-56) are recommended to ensure all waste is appropriately managed and disposed of. Standard Identified Requirement (No.37) requires a project specific waste management plan to be developed with the contractor prior to the commencement of work.

8.17 Resource Use & Availability

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

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

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

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 area and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- the local sourcing of tradespeople and other construction-related professionals, where possible;
- 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;
- all potential impacts can be managed by methods implemented within the site and are not reliant upon other land;

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

9.2 Conclusion

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

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLANS

APPENDIX C – STORMWATER PLANS

APPENDIX D – SURVEY PLANS

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – S.10.7 PLANNING CERTIFICATE

APPENDIX G – NOTIFICATION

APPENDIX H – BCA REPORT

APPENDIX I – AHIMS

APPENDIX J – ARBORICULTURAL IMPACT ASSESMENT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – NatHERS CERTIFICATE

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – SENIORS LIVING POLICY CHECKLIST

APPENDIX O – GEOTECHNICAL REPORT

APPENDIX P – WASTE MANAGEMENT PLAN

APPENDIX Q – TITLE SEARCHES

APPENDIX R – TRAFFIC IMPACT ASSESMENT

APPENDIX S – HYDRANT COVERAGE