

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building

At

310-314 Swan Street & 984-988 Corella Street,

North Albury, NSW 2640

June 2025





Acknowledgement of Country

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

Published by Homes NSW

nsw.gov.au/homes-nsw

REVIEW OF ENVIRONMENTAL FACTORS

First published: May 2025

Department reference number: D25/1110656

On February 1, 2024, Homes NSW, a division of the Department of Communities and Justice (DCJ) was formed. It has brought together the housing and homelessness services of DCJ with the NSW Land and Housing Corporation (LAHC), Aboriginal Housing Office (AHO) and key worker functions from across government under one roof. In 2025, the Minister administering the Housing Act 2001 became a landowning entity under the Homes NSW division.

Homes NSW

Postal address: Locked Bag 5022, Parramatta, NSW 2124

<http://www.nsw.gov.au/homes-nsw>

ABN 24 960 729 253

This document may only be used for the purposes associated with the subject activity to which this Part 5 Review of Environmental Factors relates and to the extent authorised under the provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021, for the express purposes set out under that legislation, and may not otherwise be copied, reproduced, distributed or used without the written permission of the authors.

DOCUMENT CONTROL REGISTER

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by NSW Department of Communities and Justice - Homes NSW – for the Minister administering the *Housing Act 2001*.

No	Date	Version	Change since last version	Pages
1	13/05/2025	v1	Not applicable – initial version	All
2	17/05/2025	v2	Various	Various
3	23/06/2025	v3	Land ownership updates	Various

DOCUMENT SIGN-OFF

REF prepared by:	
Having prepared the Review of Environmental Factors: <ul style="list-style-type: none">I have declared any possible conflict of interests (real, potential, or perceived) to the Executive Director of Portfolio Development, Housing Portfolio, Homes NSW.I do not consider I have any personal interests that would affect my professional judgement.I will inform the Executive Director of Portfolio Development, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.	
Name:	Yogita Rijal Malla
Designation:	Planner, Assessment, Planning & Assessment, Portfolio Development, Housing Portfolio, Homes NSW
Signature:	 Date: 13/05/2025
REF peer reviewed by:	
Name:	Lara Huckstepp
Designation:	Team Leader, Assessment, Planning & Assessment, Portfolio Development, Housing Portfolio, Homes NSW
Signature:	 Date: 17/05/2025
REF reviewed and endorsed by:	

I certify that I have reviewed and endorsed the contents of this REF document, and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Name: Carolyn Howell

Designation: Manager, Assessment, Planning & Assessment, Portfolio Development, Housing Portfolio, Homes NSW

Signature: 

Date: 23 June 2025

REF authorised for issue by:

Having authorised the issuing of this Review of Environmental Factors:

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

Name: Yolanda Gil

Designation: Director, Planning and Assessment, Portfolio Development, Housing Portfolio, Homes NSW

Signature: 

Date: 24 June.2025

Contents

1	Executive Summary	9
2	Introduction.....	11
2.1	Purpose of this Review of Environmental Factors (REF)	11
2.2	Assessment Methodology	12
3	Existing Site & Locality.....	13
3.1	Existing Site and Immediately Adjoining Development	13
3.2	Site Description	16
3.3	Neighbouring Development and Locality.....	17
4	Project Description	19
4.1	Demolition.....	19
4.2	Removal of Trees	19
4.3	Proposed Dwellings.....	19
4.4	Supporting information.....	25
5	Zoning and Permissibility	29
6	Planning and Design Framework.....	30
6.1	Environmental Planning and Assessment Act 1979	30
6.2	Biodiversity Conservation Act 2016 (BC Act)	30
6.3	Other Acts	31
6.4	Environmental Planning and Assessment Regulation 2021.....	31
6.5	State Environmental Planning Policy (Housing) 2021.....	33
6.6	Other State Environmental Planning Policies.....	38
6.7	Albury Local Environmental Plan 2010 (ALEP 2010)	40
6.8	Albury Development Control Plan 2010.....	41
7	Notification, Consultation and Consideration of Responses	45
7.1	Council Notification	45
7.2	Notification of Occupiers of Adjoining Land and Other Persons.....	49
7.3	Notification of Specified Public Authorities	53
8	Review of Environmental Factors	54
8.1	Neighbourhood Character	54
8.2	Bulk and Density.....	54
8.3	Streetscape	55
8.4	Visual Impact	56
8.5	Privacy	56
8.6	Solar Access	57
8.7	Overshadowing	57
8.8	Traffic & Parking	58
8.9	Flora and Fauna	58
8.10	Heritage (European / Indigenous).....	59
8.11	Soils / Contamination / Acid Sulfate Soils / Salinity	60
8.12	Drainage / Flood Prone Land / Hydrology/ Water Quality	60
8.13	Bushfire Prone Land.....	61
8.14	Noise and Vibration.....	61
8.15	Air Quality.....	62

8.16	Waste Minimisation.....	62
8.17	Resource Use & Availability.....	63
8.18	Community / Social Effects.....	64
8.19	Economic Impact.....	64
8.20	Cumulative Impact Assessment.....	64
9	Conclusion.....	66
9.1	Summary of Key Issues Raised in Assessment.....	66
9.2	Recommendation.....	66
10	Appendices.....	67

List of Figures

Figure 1 Location Plan with the subject site highlighted in red (Source: SIX Maps).....	13
Figure 2 Development site – 310 Swan Street, North Albury (Source – Google Maps, March 2025) ..	14
Figure 3 Development site – 314 Swan Street, North Albury (Source – Google Maps, March 2025) ..	14
Figure 4 Development site – 984 Corella Street, North Albury (Source – Google Maps, March 2025)	14
Figure 5 Development site – 988 Corella Street, North Albury (Source – Google Maps, March 2025)	15
Figure 6 Adjoining Development– 306 Swan Street, North Albury (Source – Google Maps, March 2025)	15
Figure 7 Adjoining Development– 992 Corella Street, North Albury (Source – Google Maps, March 2025)	15
Figure 8 Surrounding Development– Townhouses at 315 Plover Street, North Albury (Source – Google Maps, March 2025).....	16
Figure 9 Surrounding Development– Dwelling at 311 Plover Street, North Albury (Source – Google Maps, March 2025).....	16
Figure 10 Sarvaas Park located south of the subject site at 562 Kestrel Street, North Albury (Source – Google Maps, March 2025)	17
Figure 11 Secret Hearth Catholic Church located at 990 Mate Street, North Albury west of the subject site (Source – Google Maps, March 2025).....	18
Figure 12 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)	20
Figure 13 Extract from Architectural Plans – Ground Floor Plan (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)	21
Figure 14 Extract from Architectural Plans – First Floor Plan Level 2 (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)	21
Figure 15 Extract from Architectural Plans – Second Floor Plan Level 3 (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)	22
Figure 16 Extract from Architectural Plans – Roof Plan (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025).....	22
Figure 17 Extract from Architectural Plans – Elevations (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025).....	23
Figure 18 Extract from Architectural Plans – Elevations (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025).....	24
Figure 19 Extract from Architectural Plans – Rendered image of Swan Street frontage (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)	24
Figure 20 Extract from Architectural Plans – Rendered image of the development from the corner of Swan Street and Corella Street (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025).....	25

Figure 21 Land zoning map (Source: extract from NSW Planning Portal Spatial Viewer)	29
Figure 22 Map of Properties Notified of the Proposed Development (Source: Homes NSW)	50

List of Tables

Table 1 Supporting information	25
Table 2 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979	30
Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171].....	31
Table 4 Factors to be taken into account concerning the impact of an activity on the environment ..	31
Table 5 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for ‘residential development without consent’ carried out by the Minister.....	33
Table 6 Compliance with relevant provisions under Apartment Design Guide.....	38
Table 7 Compliance with other applicable State and Environmental Planning Policies	38
Table 8 Albury Local Environmental Plan 2010	41
Table 9 Albury Development Control Plan 2010	41
Table 10 Summary of key issues raised in Council submission	45
Table 11 Issues raised by adjoining owners / neighbours.....	50

1 Executive Summary

The land the subject of this “activity” was transferred to the Minister administering the *Housing Act 2001* (Minister) pursuant to an order made by the Minister on 12 May 2025 under section 35G of the *Housing Act 2001* with an effective transfer date of 9 June 2025. The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register had not been updated (Schedule 2A, section 2(a) of the *Housing Act 2001*). In addition, under section 2(e) of Schedule 2A of the *Housing Act 2001*, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by LAHC is taken to have been done or omitted by, to or in relation to, the Minister administering the *Housing Act 2001*.

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW Land and Housing Corporation (LAHC) under relevant legislation, which includes the *Environmental Planning and Assessment Act 1979* and any regulations or subordinate instruments made under that Act.

The subject site is located at 310-314 Swan Street & 984-988 Corella Street, North Albury, and is legally described as Lots 90, 91, 92 and 93 in Deposited Plan (DP) 36535. The proposed residential flat building development is described as follows:

Demolition of existing dwellings and structures, removal of trees, and construction of a 3-storey residential flat building comprising 17 x 1-bedroom and 10 x 2-bedroom units, with associated landscaping and fencing, surface parking for 19 vehicles, and consolidation into a single lot.

The proposed activity can be carried out by the Minister without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as:

- the development is permitted with development consent on the land under another environmental planning instrument, and
- all buildings will have a height not exceeding the greater of 11m, or the maximum permissible building height for the land, and
- all buildings will have a floor space ratio not exceeding the greater of 0.65:1, or the maximum permissible floor space ratio for the land, and
- the development will not result in more than 75 dwellings on a single site, and
- the development is located on land that is not in an accessible area and results in the following number of parking spaces —
 - for each dwelling containing 1 bedroom — at least 0.5 parking spaces,
 - for each dwelling containing 2 bedrooms — at least 1 parking space.

Demolition has been considered as part of the proposed activity and can also be carried out without consent as:

- demolition is permitted on the land under another environmental planning instrument; and
- the building or structure to be demolished is on land that —
 - is non-heritage land, and
 - is not identified in an environmental planning instrument as being 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 under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- From an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required.
- Based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment.
- The proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required.
- The site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Albury City 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.
- Albury City Council and owners and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 31 March 2025. Comments on the response are provided in Section 7.1 of this REF. Submissions were received from 3 individuals and the North Albury Police. A response to the matters raised is provided in Section 7.2 of this REF.
- The proposed development has been designed in accordance with the design principles for residential apartment development set out in Schedule 9 of the Housing SEPP and the Apartment Design Guide.
- The development adequately considers the Good Design for Social Housing, published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and the NSW Land and Housing Corporation Design Requirements, published by the Land and Housing Corporation in February 2023.

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

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) is for an activity involving demolition of existing dwellings and structures, removal of trees, construction of a 3 storey residential flat building comprising 17 x 1 bedroom and 10 x 2 bedroom units with landscaping and fencing, surface parking for 19 vehicles, and consolidation of 4 lots into a single lot at 310-314 Swan Street and 984-988 Corella Street, North Albury.

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

This REF has been prepared by Homes NSW for the Minister to satisfy 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.

The land the subject of this "activity" was transferred to the Minister pursuant to an order made by the Minister on 12 May 2025 under section 35G of the *Housing Act 2001* with an effective transfer date of 9 June 2025. The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register had not been updated (Schedule 2A, section 2(a) of the *Housing Act 2001*). In addition, under section 2(e) of Schedule 2A of the *Housing Act 2001*, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by LAHC is taken to have been done or omitted by, to or in relation to, the Minister.

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW Land and Housing Corporation (LAHC) under relevant legislation, which includes the Environmental Planning and Assessment Act 1979 and any regulations or subordinate instruments made under that Act.

2.1 Purpose of this Review of Environmental Factors (REF)

The purpose of this REF is to assist the Minister to fulfil their 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.

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

2.2 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 *Albury Local Environmental Plan 2010* (ALEP 2010).
- It was determined that residential flat buildings are 'permitted with consent' in the R1 zoning pursuant to the ALEP 2010 and can be carried out 'without consent' under the provisions of Housing SEPP 2021.
- A site inspection was undertaken on 2 November 2024. A desktop analysis and investigation of the site and surrounds was also undertaken based on site clearance information 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.
- 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 in the Albury City local government area (LGA), occupies a corner position and comprises 4 residential allotments legally described as Lots 90, 91, 92 and 93 in Deposited Plan 36535 and known as 310-314 Swan Street and 984-988 Corella Street, North Albury. A location plan is provided at *Error! Reference source not found.*

The site is currently occupied by 4 single storey fibro dwellings with corrugated metal roofs as shown in *Error! Reference source not found.* to *Error! Reference source not found.*



Figure 1 Location Plan with the subject site highlighted in red (Source: SIX Maps)

The property immediately to the east at 306 Swan Street contains a single-storey fibro clad dwelling with metal roofs as shown in *Error! Reference source not found.*. The site is adjoined to the north by 3 properties being 992 Corella Street, 315 Plover Street and 311 Plover Street. The property at 992 Corella Street contains a single storey fibro clad dwelling with metal roofs as shown in **Figure 7**, the property at 315 Plover Street contains a 1 and 2 storey brick and clad townhouse development with metal roofs as shown in *Error! Reference source not found.*; and the property at 311 Plover Street contains a single storey fibro clad dwelling in **Figure 9**.



Figure 2 Development site – 310 Swan Street, North Albury (Source – Google Maps, March 2025)



Figure 3 Development site – 314 Swan Street, North Albury (Source – Google Maps, March 2025)



Figure 4 Development site – 984 Corella Street, North Albury (Source – Google Maps, March 2025)



Figure 5 Development site – 988 Corella Street, North Albury (Source – Google Maps, March 2025)



Figure 6 Adjoining Development– 306 Swan Street, North Albury (Source – Google Maps, March 2025)

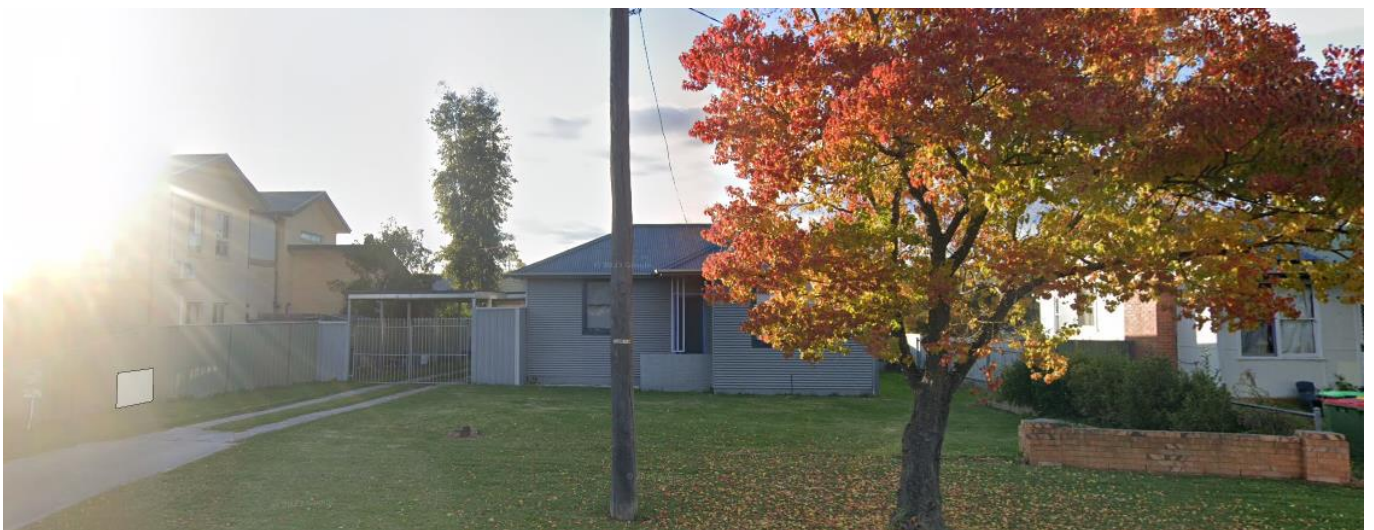


Figure 7 Adjoining Development– 992 Corella Street, North Albury (Source – Google Maps, March 2025)



Figure 8 Surrounding Development– Townhouses at 315 Plover Street, North Albury (Source – Google Maps, March 2025)



Figure 9 Surrounding Development– Dwelling at 311 Plover Street, North Albury (Source – Google Maps, March 2025)

3.2 Site Description

The site has a total area of 2,807.7m², with a frontage to Swan Street of 73.77m, a curvature at the intersection of Swan and Corella Street of 4.2m and a curved secondary frontage to Corella Street of 37.5m. The eastern side boundary is 39.54m, and the northern side boundary is 66.365m as shown on the Survey Plan in **Appendix D**.

The site falls gently from the rear (northern) boundary down toward the front (southern) boundary by approximately 0.4m.

A stormwater drainage easement of 1.5m wide traverses the entirety of the western side boundary of Lot 92 (No. 314 Swan Street) and thus traverses through the centre of the subject site. Refer to the Certificate of Title and Deposited Plan (**Appendix P**).

The site is not within a flood planning area and is not subject to flood related development controls.

There are 51 trees considered as part of the proposed activity, 42 within the boundaries of the site, 6 trees located in the road reserve of Swan and Corella Street (Trees A, 1, 12, 31, 33 and 37), and 3 on adjoining properties to the north and east (Trees 48, B and C).

Water, sewer, electricity, gas, and telephone facilities are available to the site as shown in the Survey Plan at **Appendix D**. Water, electricity, and telephone services are located along the road alignment of Swan Street and Corella Street. Existing sewer connections are located within the subject site.

High voltage overhead power lines are located within Council's verge adjacent to both site frontages, with a portion traversing the corner of the subject site. The proposed residential flat buildings have been set back a minimum of 7.5m from these power lines to ensure appropriate clearance requirements are met.

There are no other encumbrances identified on the Certificates of Title (**Appendix P**), Section 10.7 certificates (**Appendix G**) or indicated on the Survey Plan (**Appendix D**) that restrict the proposed development.

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is predominately characterised by older style single storey detached dwelling houses of fibro clad and weatherboard construction with metal roofs interspersed with more recent 2-storey townhouses developments (refer to photograph at **Figure 8**).

Sarvaas Park is located directly opposite the site (refer to **Figure 10**). There is a Sacred Heart Catholic church building further west of the site (refer to **Figure 11**). North Albury Guide Hall building is located to the south-west of Corella Street.



Figure 10 Sarvaas Park located south of the subject site at 562 Kestrel Street, North Albury (Source – Google Maps, March 2025)



Figure 11 Secret Hearth Catholic Church located at 990 Mate Street, North Albury west of the subject site (Source – Google Maps, March 2025)

Approximately 450m to the north is the local commercial centre, which provides goods and services to meet most day-to-day needs of residents including medical centres, supermarkets, and a post office.

The area, although residential in nature is also close to industrial / railway uses that run along the Hume Highway to the east of the site, including Fallon Street. There are also a number of community-based land uses including schools, childcare centres and medical centres within the surrounding area.

Public transport

The site is serviced by bus route 906 at the following bus stops:

- Bus stop ID: 2640130 – This stop is located approximately 160m west of the site on Mate Street.
- Bus stop ID: 2640129 – This stop is located approximately 280m north of the site on Wantigong Street.

Bus route 906 provides return services between the site and local town centre to the north, and the commercial and retail centres of Albury to the south. A copy of the bus timetable is provided in Traffic Impact Assessment Report at **Appendix U**. However, based on the frequency of bus service, the development does not satisfy the criteria for the site to be classed as being in an ‘accessible area’ pursuant to the Housing SEPP.

No train station is available within the vicinity of the site. Nevertheless, Route 906 provides bus services to the nearest train station (Albury Train Station). This train station provides 2 train services: Southern NSW line and Melbourne – Albury via Seymour line.

4 Project Description

4.1 Demolition

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

4.2 Removal of Trees

Forty one (41) trees are located within the site and the proposal includes the removal of all the trees. Tree 34 located within the site boundary was proposed to be retained. However, Albury City Council's notification response dated 31 March 2025 advised that Tree 34 should be removed and replaced with a new tree appropriate to the locality. Therefore, all trees within the site are now proposed for removal. The tree removal within the site boundaries is recommended primarily to accommodate the proposed development or the individual species are recommended for removal as they are not considered to be significant or worthy of retention (refer to submitted Arboricultural Impact Assessment report in **Appendix H**).

Trees external to the site within the Swan Street and Corella Street road reserves (Tree A, 1, 12, 31, 33 and 37) and trees on adjoining properties to the north and east (Tree 48, B and C) will be retained and protected.

Tree 36 being a *Ligustrum lucidum* (Broad leaf privet) was identified in the Arboricultural Impact Assessment report as being located within the subject site given it is located behind the front fence line; however, a further review details this tree is located within Council land. In any case, this tree is considered to be an exotic weed species and is identified as a priority for removal. Council raised no objection to its removal in its submission. Accordingly, this tree remains recommended for removal and will not be replaced.

Appropriate tree plantings, including trees capable of reaching mature heights of 3m-15m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees as demonstrated in the proposed Landscape Plan at **Appendix B**.

4.3 Proposed Dwellings

The development consists of a 3-storey residential flat building within 2 buildings connecting to a surface car parking area. The proposed development contains 27 units, including 3 units designed as adaptable and the remainder as Livable Housing Australia Gold level units.

The building has been designed to address both street frontages, with street-facing balconies provided to enhance residential amenity and to provide street activation. The private open space area for all units is directly accessible from the internal living area. Communal open space areas are located towards the rear of the site and enjoy a northerly aspect which maximises solar access and amenity. A secondary communal open space is provided within the Swan Street frontage with a small seating area facing the street and park on the southern side of Swan Street, activating 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 (refer to Architectural Plans in **Appendix A**). No retaining walls are proposed.

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of canopy trees, shrubs, and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape (refer to Landscape Plans in **Appendix B**).

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground onsite detention tank (min 18.1m³) draining to a proposed kerb inlet pit within Swan Street. New drainage works within Swan Street will connect the new kerb inlet to an existing kerb inlet pit further east on Swan Street. Roof water from the subject development will be collected from downpipes and connected to an underground rainwater tank (Min 2,000L) for recycling with overflow connected to the underground onsite detention tank.

Figure 12 to 20 includes extracts from the architectural plans illustrating the proposed development.

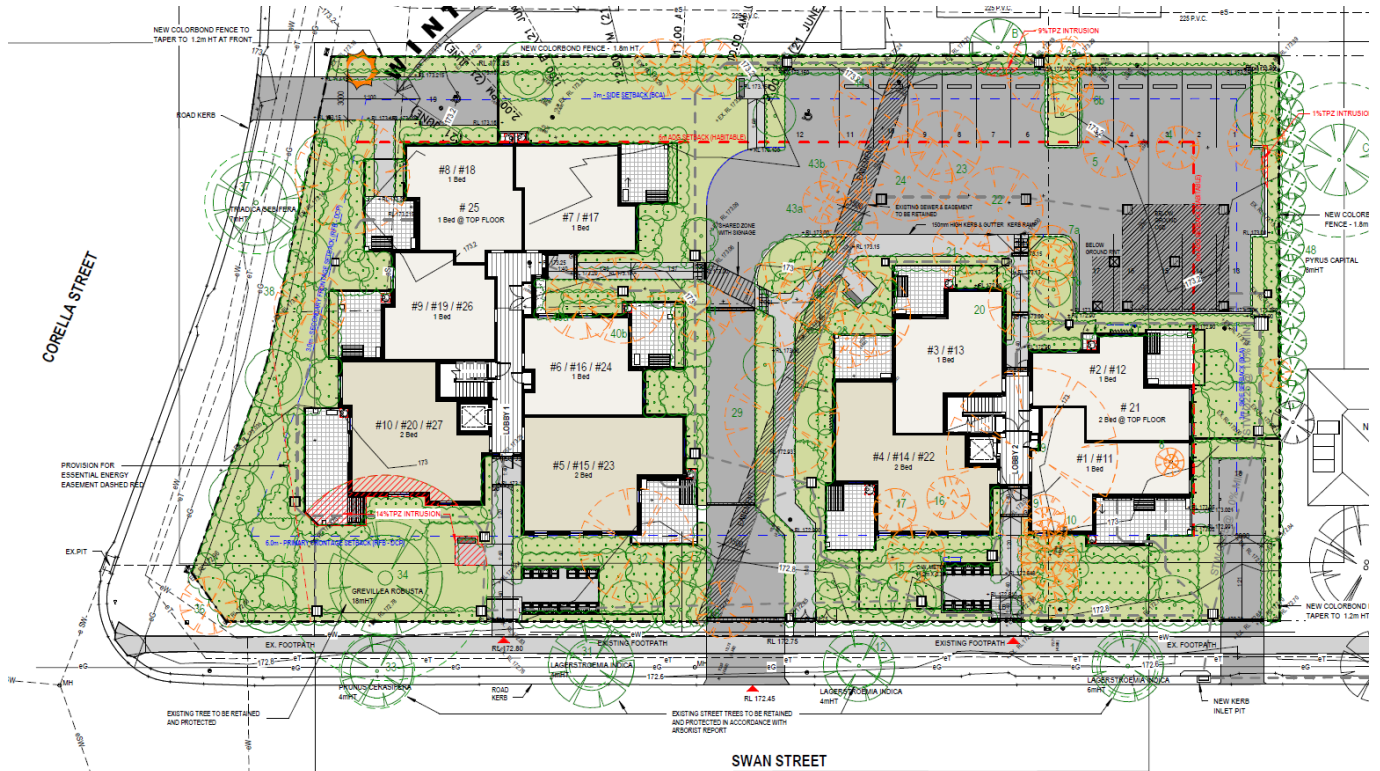


Figure 12 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)

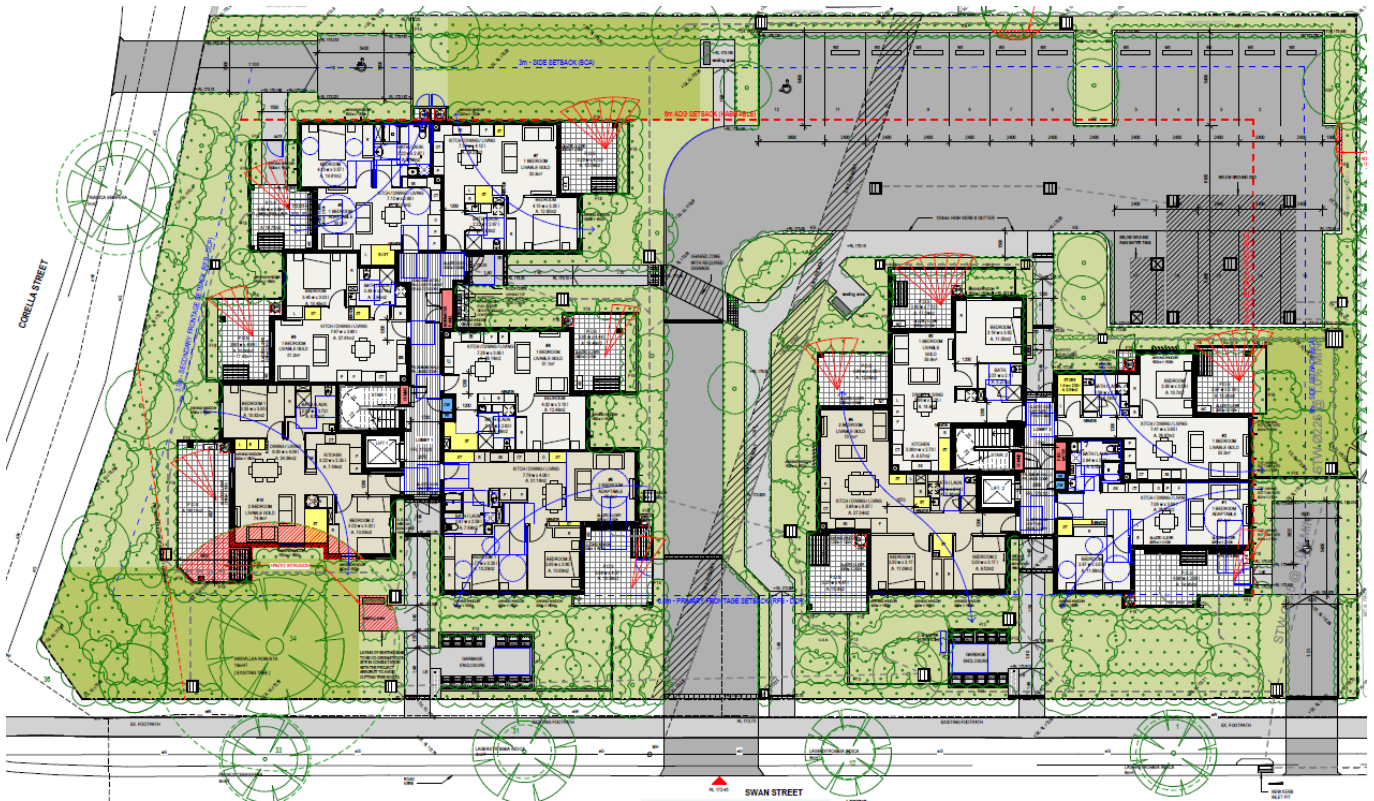


Figure 13 Extract from Architectural Plans – Ground Floor Plan (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)

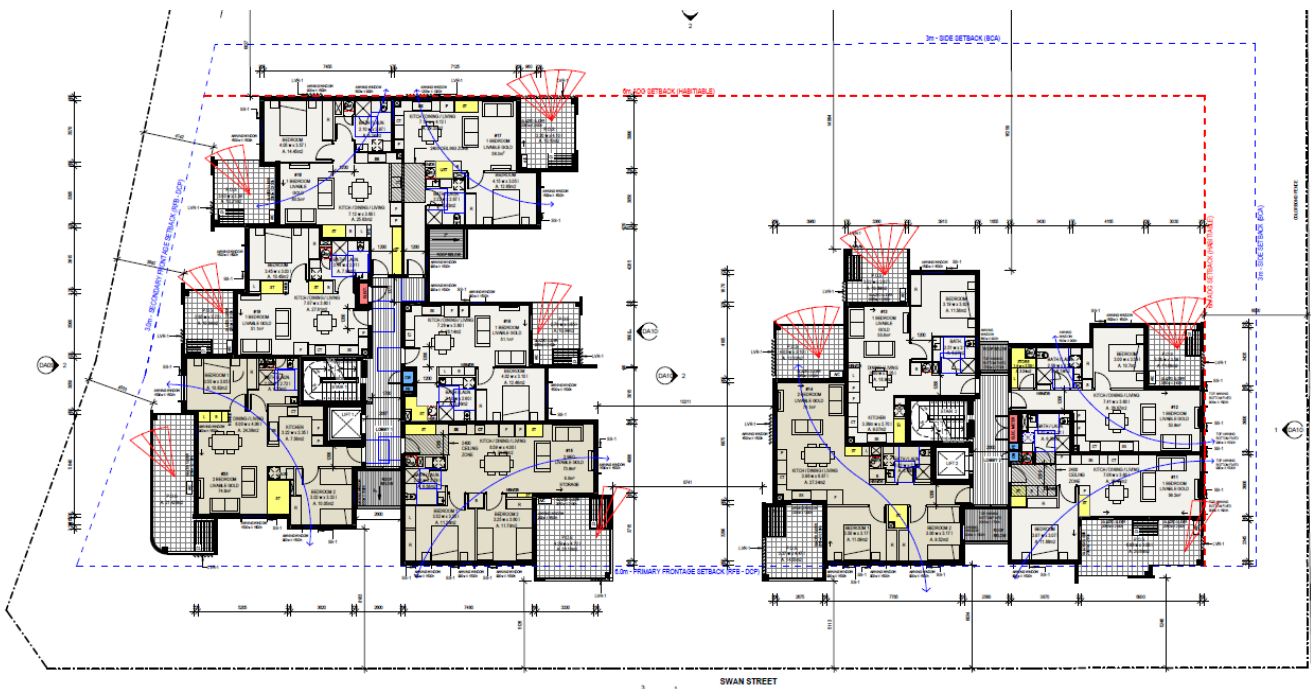


Figure 14 Extract from Architectural Plans – First Floor Plan Level 2 (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)

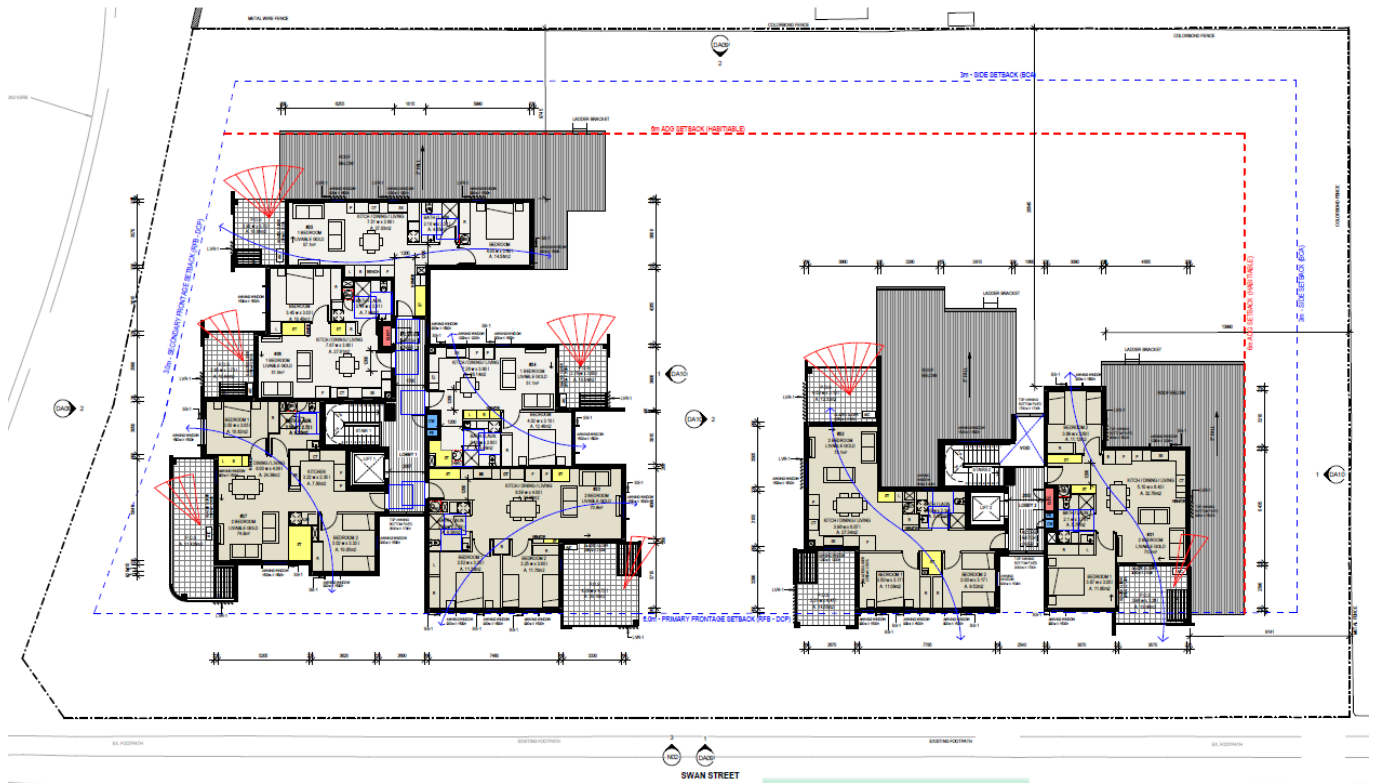


Figure 15 Extract from Architectural Plans – Second Floor Plan Level 3 (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)

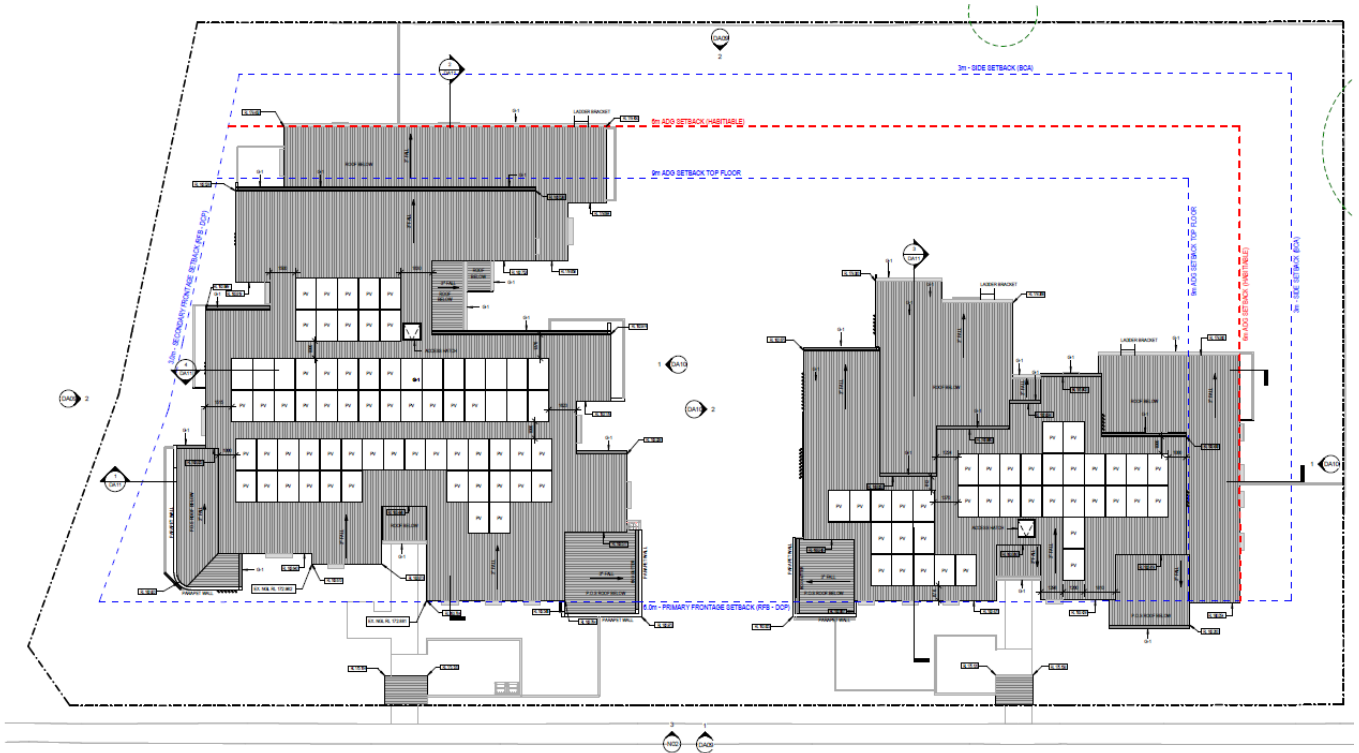


Figure 16 Extract from Architectural Plans – Roof Plan (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)



Figure 17 Extract from Architectural Plans – Elevations (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)



Figure 18 Extract from Architectural Plans – Elevations (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)



Figure 19 Extract from Architectural Plans – Rendered image of Swan Street frontage (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)



Figure 20 Extract from Architectural Plans – Rendered image of the development from the corner of Swan Street and Corella Street (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 7/02/2025)

4.4 Supporting information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Appendix A Architectural Plans				
Cover page	DA00	E	7/02/2025	Brewster Murray Pty Ltd
Block Analysis Plan	DA01	D	7/02/2025	Brewster Murray Pty Ltd
Site Analysis	DA02	D	7/02/2025	Brewster Murray Pty Ltd
Demolition Plan	DA03	D	7/02/2025	Brewster Murray Pty Ltd
Site Plan	DA04	D	7/02/2025	Brewster Murray Pty Ltd
Ground Floor Plan	DA05	F	7/02/2025	Brewster Murray Pty Ltd
First Floor Plan	DA06	F	7/02/2025	Brewster Murray Pty Ltd
Second Floor Plan	DA07	F	7/02/2025	Brewster Murray Pty Ltd
Roof Plan	DA08	F	7/02/2025	Brewster Murray Pty Ltd
Elevations 1	DA09	F	7/02/2025	Brewster Murray Pty Ltd
Elevations 2	DA10	F	7/02/2025	Brewster Murray Pty Ltd
Sections	DA11	D	7/02/2025	Brewster Murray Pty Ltd
Cut & Fill Plan	DA12	C	7/02/2025	Brewster Murray Pty Ltd

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Shadow Diagrams	DA13	C	7/02/2025	Brewster Murray Pty Ltd
View from Sun Diagrams	DA14	E	7/02/2025	Brewster Murray Pty Ltd
Materials & Finishes	DA15	C	7/02/2025	Brewster Murray Pty Ltd
GFA Plans	DA16	C	7/02/2025	Brewster Murray Pty Ltd
COS, Landscape & Deep Soil Diagrams	DA17	B	7/02/2025	Brewster Murray Pty Ltd
3D Views	DA18	D	7/02/2025	Brewster Murray Pty Ltd
Public Domain Works Plan	DA19	A	7/02/2025	Brewster Murray Pty Ltd
Appendix B Landscape Plans				
Landscape Plan West	Sheet 1 of 3	E	20/02/2025	Greenland Design Pty Ltd
Landscape Plan East	Sheet 2 of 3	E	20/02/2025	Greenland Design Pty Ltd
Landscape Details and Specification	Sheet 3 of 3	E	20/02/2025	Greenland Design Pty Ltd
Appendix C Civil Plans				
Cover Sheet	C01	1	7/02/2025	Greenview Consulting Pty Ltd
Ground Floor Drainage Plan	C02	2	7/02/2025	Greenview Consulting Pty Ltd
Site Stormwater Details	C03	1	7/02/2025	Greenview Consulting Pty Ltd
Notes & Legends	ESM1	1	7/02/2025	Greenview Consulting Pty Ltd
Environmental Site Management Plan	ESM2	1	7/02/2025	Greenview Consulting Pty Ltd
Appendix D Survey Plans				
Detail & Contour Survey	Sheet 1 of 5		18/10/2023	TSS Total Surveying Solutions
Detail & Contour Survey	Sheet 2 of 5		18/10/2023	TSS Total Surveying Solutions
Detail & Contour Survey	Sheet 3 of 5		18/10/2023	TSS Total Surveying Solutions
Detail & Contour Survey	Sheet 4 of 5		18/10/2023	TSS Total Surveying Solutions
Elevations	Sheet 5 of 5		18/10/2023	TSS Total Surveying Solutions
Appendix E Notification Plans				
Notification Cover Sheet	N00	A	7/02/2025	Brewster Murray Pty Ltd
Notification Site and Landscape Plan	N01	A	7/02/2025	Brewster Murray Pty Ltd
Notification Elevation and Development Data	N02	A	7/02/2025	Brewster Murray Pty Ltd
Notification Elevations 1	N03	A	7/02/2025	Brewster Murray Pty Ltd
Notification Elevations 2	N04	A	7/02/2025	Brewster Murray Pty Ltd
Notification Finishes Schedule	N05	A	7/02/2025	Brewster Murray Pty Ltd
Notification Shadow Diagram	N06	A	29/08/2024	Brewster Murray Pty Ltd
Appendix F Statutory Notification and Council response				
Specialist Reports				
Appendix H Arboricultural Impact Assessment	-	4	24/02/2025	Wade Ryan - Tree Consultancy
Appendix J BASIX Certificate	1782658M_02	4.03	20/02/2025	Greenview Consulting Pty Ltd
Appendix K NatHERS Certificates	-	-	7/02/2025	Greenview Consulting Pty Ltd

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Appendix L NatHERS Thermal Performance Specification	-	-	7/02/2025	Greenview Consulting Pty Ltd
Appendix M BCA Report	-	C	7/02/2025	Code Conduit Building Code Consultants
Appendix N Acoustic Report	2502002T-R	-	24/02/2025	Hardwood Acoustics
Appendix O Geotechnical Investigation Report	23/3457	-	October 2023	STS Geotechnics Pty Ltd
Appendix U Traffic Impact Assessment Report	24223	3	13/02/2025	Genesis Traffic
Appendix V Waste Management Plan	-	1	7/02/ 2025	Brewster Murray Pty Ltd
Appendix W Access Report	223241	-	7/02/ 2025	Accessible Building Solutions
Appendix X Hydrant Coverage Plan	SK01, SK02, SK03	1	09/09/2025	Greenview Consulting Pty Ltd
Appendix Y Stormwater Design Statement - Easement			13 /05/2025	Greenview Consulting Pty Ltd

Appendix G Section 10.7 Planning Certificates

Lot 90 DP 36535, Cert no. 45323, dated 27/02/2025 – Albury City Council

Lot 91 DP 36535, Cert no. 45323, dated 27/02/2025 – Albury City Council

Lot 92 DP 36535, Cert no. 45323, dated 27/02/2025 – Albury City Council

Lot 93 DP 36535, Cert no. 45323, dated 27/02/2025 – Albury City Council

Appendix I Aboriginal Heritage Information Management System

AHIMS search result – 26 February 2025

Appendix P Titles and Deposited Plans

Title Search, Folio: 90/36535, Search date 20/02/2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 91/36535, Search date 20/02/2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 92/36535, Search date 20/02/2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 93/36535, Search date 20/02/2023, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 36535, Search Date 20/02/2023

The Minister has become the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register has not yet been updated (Schedule 2A, section 2(a) of the *Housing Act 2001*).

Design compliance and checklists

Appendix Q Architect's Certificate of Building Design Compliance – 7/02/2025

Appendix Q Certificate of Landscape Documentation Compliance –20/02/2025

Appendix Q Certificate of Stormwater Documentation Compliance – 17/02/2025

Appendix R Design Quality Principles Statement – February 2025

Appendix S Apartment Design Guide Compliance Checklist– February 2025

Appendix T Statement of compliance - March 2025

5 Zoning and Permissibility

The site is zoned R1 General Residential under *Albury Local Environmental Plan 2010* (ALEP 2010). The proposed development is defined as ‘Residential flat buildings’ under the provisions of ALEP 2010 and is permissible in the R1 zone (refer to **Figure 21**).



Figure 21 Land zoning map (Source: extract from NSW Planning Portal Spatial Viewer)

The relevant objectives of the R1 zone, as set out in ALEP 2010 are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To encourage affordable housing.
- To encourage medium density housing that is designed to achieve a high standard of amenity.

The proposed development provides affordable housing, designed to a high standard of amenity and is considered to meet the identified needs of the community. The proposed activity satisfies the objectives of the R1 general residential zone.

Chapter 2, Part 2, Division 6 of the Housing SEPP permits residential development that may be carried out ‘with consent’ to be carried out by the Minister as ‘development without consent’ subject to the provisions set out under that Division. Subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of the SEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider environmental impact [Section 5.5]

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

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

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

The Albury City Council's Section 10.7(2) & (5) Planning Certificates for the sites provided at **Appendix G** confirms that the whole of the local government area is biodiversity certified under Part 8 of the Biodiversity Conservation Act. Given the nature of the trees being removed and that no offsets are being accommodated on the site this notation has no impact on the proposal and no further assessment is required.

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

Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171]

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

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

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

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]
(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	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.2		x	
(r) other relevant environmental factors.	Yes – discussed in Section 8.	x	x	

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

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

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

6.4.2 Strategic Planning Framework

Albury Local Strategic Planning Statement

The Albury Local Strategic Planning Statement was adopted by Albury City Council on 14 September 2020. It is a 20 year plan that identifies that “Diverse, well designed and affordable housing” is a planning priority for the Albury LGA. This priority aims to establish an action plan for increasing affordable housing opportunities through the implementation of an Affordable Housing Strategy.

The proposed development will be contributing 27 units to the affordable housing supply in the Albury LGA. It is diversifying the residential uses in North Albury by introducing a medium density housing built form that will be revitalising the existing urban area in a well located area, close to key services and facilities.

The proposed development, of 27 social housing dwellings, clearly contributes to the objectives of the Albury Local Strategic Planning Statement.

Albury Community Strategic Plan: Towards Albury 2050

The Community Strategic Plan was adopted by Council on 10 March 2025. *Towards Albury 2050* provides a long term approach and plan for the future of the community with a focus on 4 themes – A Growing Sustainable Economy, An Enhanced Natural Environment, A Caring Community and a Leading Community. Under these 4 themes are key outcomes and strategic actions, for Council to implement strategic goals and plan for the future of Albury towards 2050. The proposed development is consistent with the Albury Community Strategic Plan and particularly aligns with strategic action 1.1.3:

- Plan for diverse, well-designed and affordable housing options

The proposal will allow for additional high-quality affordable housing that increases the diversity and choice of housing for the community within the LGA.

6.4.3 Activities in catchments [Section 171A]

The site is not located within a regulated catchment.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

Development for Affordable Housing

Chapter 2, Part 2, Division 6 of the HSEPP permits the Minister to carry out certain development as ‘development without consent’ subject to the provisions set out under that section. **Table 5** below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

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

Provision	Compliance
42 Development to which division applies	
(1) This Division applies to residential development if -	
(a) the development is permitted with development consent on the land under Chapter 5, Chapter 6 or another environmental planning instrument, and	Residential apartment development is permissible within the R1 zone under ALEP 2010, consistent with 1(a).
(b) all buildings will have a height not exceeding the greater of –	The maximum proposed building height is 10.98m, consistent with 1(b)(i).
(i) 11m, or	
(ii) the maximum permissible building height for the development on the land (Nil), and	

Provision	Compliance
(c) all buildings will have a floor space ratio not exceeding the greater of – (i) 0.65:1, or (ii) the maximum permissible floor space ratio for the development on the land (Nil), and	The proposed FSR is 0.65:1 (1820.58m ²), consistent with 1(c)(i).
(d) the development will not result in more than 75 dwellings on a single site, and	The development is for 27 dwellings on the site, consistent with 1(d).
(e) for development on land in an accessible area – the development will result in the following number of parking spaces – (i) for each dwelling containing 1 bedroom – at least 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – at least 1 parking space, and	Not applicable.
(f) for development on land that is not in an accessible area – the development will result in the following number of parking spaces – (i) for each dwelling containing 1 bedroom – at least 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – at least 1 parking space (iii) for each dwelling containing at least 3 bedrooms – at least 1.5 parking spaces.	<p>The site is not in an accessible area as defined in the Housing SEPP.</p> <p>The required number of parking spaces is as follows: 17 (1-bed units) x 0.5 spaces = 9 spaces 10 (2-bed units) x 1 spaces = 10 spaces TOTAL: 19 spaces</p> <p>The proposed development includes a total of 19 surface level car parking spaces consistent with the parking requirements under 1(f). Specifically, the car parking area to the rear contains 16 standard vehicle parking spaces and 1 accessible parking spaces. Unit 1 and 8 each have an accessible parking space adjoining the units.</p>
(2) This division also 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 that – (i) is non-heritage land, and (ii) is not identified in an environmental planning instrument as being in a heritage conservation area,	The subject site is non-heritage land and is not within a heritage conservation area therefore demolition can be undertaken as development without consent in accordance with 2(a).
(b) the subdivision of land and subdivision works.	
(4) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the sections – (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> are not applicable to the site or development.

43 Residential development permitted without consent

Provision	Compliance
<p>(1) Development specified in section 42(1) may be carried out without consent if the development is carried out by or on behalf of –</p> <p>(a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or</p> <p>(b) another relevant authority.</p> <p>(2) Development specified in section 42(2) may be carried out without consent if the development is carried out by or on behalf of a relevant authority other than Landcom.</p>	<p>Development will be carried out by or on behalf of the Minister who, under section 35F of the <i>Housing Act 2001</i> has the same functions as the NSW Land and Housing Corporation, which is a relevant authority.</p>
43A Notification before carrying out development	
<p>(1) Before carrying out development to which this division applies, the relevant authority must do the following –</p> <p>(a) request that the council nominate persons who must, in the council's opinion, be notified of the development,</p>	<p>Advice was sought from Albury City Council on 3 February 2025 regarding the scope of notification and council provided a response on 6 February 2025. In their response, Council identified additional properties to be included in the scope and provided current property owner details so that landowners could be notified.</p>
<p>(b) give written notice of the intention to carry out the development to –</p> <p>(i) the council, and</p> <p>(ii) any persons nominated by the council under paragraph (a), and</p> <p>(iii) the occupiers of adjoining land,</p>	<p>On 28 February 2025, the Minister notified Council of the proposed development activity via email.</p> <p>Letters notifying owners and occupiers of adjoining land of the proposed development activity were sent by the Minister on 4 March 2025.</p> <p>Council requested an extension of time to respond to the notification, which was granted by the Minister, and the response timeframe was extended until 31 March 2025.</p>
<p>(c) take into account the responses to the notice that are received within 21 days after the notice is given.</p>	<p>Council responded to the notification by letter dated 31 March 2025. A response to the matters raised are provided in Section 7.1 of this REF.</p> <p>4 submissions were received and a response to these submissions are provided in Section 7.2 of this REF.</p>
<p>(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 carried out.</p>	<p>Noted.</p>
43C Consideration of design of residential apartment development	
<p>Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following –</p> <p>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</p> <p>(b) the Apartment Design Guide.</p>	<p>(a) An evaluation of the proposed development against the design principles set out in Schedule 9 of the Housing SEPP is provided under Appendix R. The evaluation demonstrates that the proposed activity has appropriately responded to the design principles for residential apartment development.</p> <p>(b) ADG compliance checklist is provided at Appendix S and non-compliances against ADG are addressed in subsection 6.5.4 below.</p>

Provision	Compliance
44 Considerations before carrying out development	
(1) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the <i>AHO Design Guidelines NSW</i> , published by the Aboriginal Housing Office in January 2020.	Not applicable.
(2) Before carrying out development to which this division applies, the Land and Housing Corporation must consider —	Note: Under section 35F of the Housing Act 2001, the Minister administering the <i>Housing Act 2001</i> has the same functions as the NSW Land and Housing Corporation (LAHC) under relevant legislation, which includes the <i>Environmental Planning and Assessment Act 1979</i> and any regulations or subordinate instruments made under that Act.
(a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and (b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	(a) Refer to subsection 6.5.2 which demonstrates that the <i>Good Design for Social Housing</i> has been considered. (b) Refer to subsection 6.5.3 which demonstrate that the <i>NSW Land and Housing Corporation Design Requirements</i> have been considered.
44A Exempt development	
(1) Development for the purposes of landscaping and gardening carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to residential development to which this division applies is exempt development.	Noted.

6.5.2 Good Design for Social Housing

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

Clause 44(2)(a) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the proposed development against the Good Design for Social Housing principles has been undertaken and deemed to achieve compliance. Each goal is individually addressed below, detailed responses are provided by the architect in the Statement of Compliance at **Appendix T**.

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe.

All units meet Liveable Housing Australia Gold level, with 3 units designed for adaptable housing, compliant with AS4299 and AS 1428.1. The development incorporates passive and active sustainable design by exceeding cross-ventilation requirements and providing appropriately sized units to reduce running costs. The design also includes durable and low maintenance materials in the construction specifications.

The proposal achieves a high NatHERS rating with an average of 8 stars which exceeds the minimum targets set by the *NSW Land and Housing Corporation Design Requirements*. (7 stars rating). A photovoltaic system has been incorporated to offset energy use in the development. PV solar panels are positioned so that they're angled towards the north to maximise solar gains.

Each ground floor unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species. All upper-level units are provided with a balcony to accommodate outdoor dining. High quality landscaping across the site will enhance the amenity for residents, and the common seating areas will facilitate casual social interaction in a peaceful landscaped setting.

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

Belonging

The form and materiality of the proposed development have been selected to respond to the style and character of the local area and will make a high-quality contribution to the streetscape. The use of exposed brickwork and cladding with a neutral colour palette will ensure the visual appeal of the development is maintained over time, making the development indistinguishable from private housing.

The pedestrian entries, entry foyers and communal spaces have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces. The mixed unit sizing caters to the needs of a diverse range of tenants.

Value

The development exceeds sustainability targets, with 21 of the 27 dwellings achieving a NatHERS score of 7 or above. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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

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

Collaboration

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

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

6.5.3 Land and Housing Corporation Design Requirements

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

Clause 44(2)(b) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

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

Further detail will be incorporated in the construction documentation.

6.5.4 Apartment Design Guide

Section 43C(b) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the Apartment Design Guide when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

An assessment of the proposed development against the Apartment Design Guide has been undertaken and deemed to achieve compliance except as discussed below in **Table 6**. Refer to Apartment Design Guide Checklist from the Architect in **Appendix S**. Further detail will be incorporated in the construction documentation.

Table 6 Compliance with relevant provisions under Apartment Design Guide

Provision	Compliance
3D Communal and public open space	
<p>3D-1: An adequate area of communal open space (COS) is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p>Design Criteria 1 & 2: COS must be equal to a minimum 25% of site area- (619.75m²), and a minimum of 50% of principal part of COS must achieve direct sunlight for a minimum 2hrs between 9am and 3pm in mid-winter.</p>	<p>Does not comply.</p> <p>The development provides 9.2% (259m²) COS which does not achieve the numerical compliance with the COS requirement under Part 3D-1.</p> <p>Notwithstanding, the proposed 9.2% COS is considered to provide an appropriate response within the site context, due to the following reasons:</p> <ul style="list-style-type: none"> There are 3 COS areas proposed across the site. All COS areas achieve a minimum of 2 hours solar access during mid-winter between 9am to 3pm and are highly usable spaces accessible from common pathways designed with seating furniture within a high-quality landscape setting. The site has good proximity to a large park (Sarvaas Park) located immediately opposite the site on Swan Street, as well as other parks within walking distance of the site. <p>On balance, despite the numeric non-compliance the proposed development is considered to provide well designed COS areas across the site. The site's proximity to a local park will provide tenants with a range of informal and active recreational opportunities.</p>

6.6 Other State Environmental Planning Policies

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

Table 7 Compliance with other applicable State and Environmental Planning Policies

SEPP (Sustainable Buildings) 2022
A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to Appendix J).

SEPP (Transport and Infrastructure) 2021

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

2.100 Impact of rail noise or vibration on non-rail development – Not applicable, the site is not located in proximity to a railway corridor.

2.119 Development with frontage to a classified road – Not applicable as the site does not have frontage to any State or Regional Classified Roads.

2.120 Impact of road noise or vibration on non-road development – Not applicable, as the development is not on land in or adjacent to a road that has an annual average daily traffic volume of more than 20,000.

2.122 Traffic-generating development – Not applicable, as the development is not of a type specified in Column 1 of Schedule 3, in that the development does not propose access to a classified road; is not within 90m of connection to a classified road; and does not propose 300 or more dwellings.

SEPP (Biodiversity and Conservation) 2021

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

Chapter 2 – Vegetation in non-rural areas, Clause 2.6(1) requires a permit from Council for clearing of vegetation required under the policy. The proposed activity includes the removal of 42 trees in total that have been identified as low retention value (refer to Arboricultural Impact Assessment at **Appendix H** and Councils notification response at **Appendix F**).

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

Trees external to the site within the Swan Street and Corella Street verges (Tree A, 1, 12, 31, 33 and 37) and adjoining properties to the north and east (Tree 48, B and C) will be retained and protected, other than Tree 36 which is a *Ligustrum lucidum* (Broad leaf privet) located on Council land. This tree is identified as an exotic weed species and is proposed for removal and will not be replaced. Council raised no objection to its removal in its submission.

Chapters 3 & 4 – Koala habitat protection 2020 and 2021, are not applicable as the land is not within a prescribed zone, or equivalent land use zone – section 3.3 and section 4.4.

Chapter 5 – River Murray Lands is not applicable, the land is not shown on the map and is not located in the riverine land of the River Murray, pursuant to section 5.3.

Chapter 6 – Water Catchments. The site is not located within a regulated Catchment.

SEPP (Resilience and Hazards) 2021

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

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent.

The site is located within a developed residential area of Albury LGA. The s10.7 Planning Certificates do not identify the site as potentially contaminated (refer to **Appendix G**). Notwithstanding, the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the *Department of Planning and Environment and the Environment Protection Authority* provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in the table below:

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	The Minister's records indicate that the land has been used for residential purposes since the early 1960's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	The Minister's 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 lots contain a single storey detached dwelling and associated 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	The Minister's 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 has been undertaken which indicated that the site is unlikely to have been associated with potentially contaminating activities.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	Identified Requirement No. 17 has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM act or a site regulated by the EPA under the CLM Act.

Given the above it is unlikely that the site is contaminated however a recommended **Identified Requirement No. 17** requires implementation of management measures in the unlikely event of contamination being discovered prior or during demolition and construction works.

6.7 Albury Local Environmental Plan 2010 (ALEP 2010)

Compliance with the relevant provisions / development standards set out in the ALEP 2010 is demonstrated in **Table 8** below.

Table 8 Albury Local Environmental Plan 2010

Relevant Provisions / Development Standards for Residential Flat Building			
Clause	Provision/ Development Standard	Required	Provided
2.1	Land Use Zone	R1 General Residential Zone	The proposed use (residential flat building) is permissible with consent.
4.1	Minimum Subdivision Lot Size	Minimum lot size 450m ²	Complies – The existing 4 lots will be consolidated into a single lot.
4.3	Height of Buildings	Nil	Maximum building height (measured in accordance with the LEP definition) is 10.98m.
4.4	Floor Space Ratio	Nil	Proposed FSR is 0.65:1 (calculated in accordance with the LEP definition).

6.8 Albury Development Control Plan 2010

Albury Development Control Plan 2010 (ADCP 2010) contains specific development controls for residential flat buildings which are addressed in **Table 9** below.

The general controls for all development set out in ADCP 2010 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP. The following controls are only those which are not already covered by the requirements under the Housing SEPP or ADG.

Table 9 Albury Development Control Plan 2010

Compliance with setback controls for Residential Flat Buildings			
Part 10 Development in Residential Zones, Division F, Clause 4 – Development Guidelines for RFBs (3 storeys and over) where SEPP 65 is applicable.			
Division Clause 4	F	Requirement	Proposed
a. Site Planning			
i. Location of residential flat buildings. This guideline does not apply to development of land zoned R3 or B4.		<p>Guidelines</p> <p>Residential flat building sites are to be at least 500m apart. The separation distance is measured between the closest point of each site along the street frontage. Variation of this guideline may be considered when the proposed development is within 400m of a B1, B2, B3 or a B4 zone, measured along a street or streets, from the site to the closest point of the B1, B2, B3 or B4 zone.</p> <p>Performance criteria</p> <p>A variety of housing stock is maintained in residential localities.</p> <p>Distribution of multi-dwelling housing is compatible with the streetscape and the character of the locality.</p>	<p>From a desktop analysis, there are no known residential flat buildings within 500m of the proposed development. Notwithstanding, it is possible there may be some residential flat buildings within this radius. Notwithstanding, the development is considered to satisfactorily address the performance criteria in that:</p> <ul style="list-style-type: none"> The surrounding locality comprises a mix of dwelling houses and multi-dwelling housing, ensuring a variety of housing stock is maintained in the locality

Compliance with setback controls for Residential Flat Buildings

Concentration of multi-dwelling housing is able to occur within a 400m walk of a B1, B2, B3 or a B4 zone.

- The corner location of the residential flat building ensures the development can fit comfortably within the streetscape, with adequate setbacks provided to the adjoining lower scale properties.
- The site is located 429m from the B3 zone and whilst not strictly meeting the 400m distance requirement, remains within a reasonable walking distance of the B3 zone where a range of services and facilities are available.

Consideration was also given to potential future redevelopment of surrounding properties. The adjoining site to the north at 992 Corella Street contains a single storey dwelling, which does not form part of the larger town house development to its north at 998 Corella Street. Notwithstanding, given that no RFBs are permitted within 500m of another RFB, the subject development is not considered to cause any issues of site isolation to 992 Corella Street. This property could be redeveloped in the future to its potential recognised under the relevant planning controls, notwithstanding the proposed development.

b. Building Height

i. Max. no. storeys

Guidelines– Nil

Performance criteria –

Number of storeys is compatible with the streetscape and the character of the locality.

Number of storeys reasonably maintains acceptable relationships with adjoining development, in terms of bulk and scale, and resident-amenity.

Complies

It is noted that the surrounding context is predominantly 1 and 2 storeys. There is no building height control within the Albury LEP for this site, however the Housing SEPP sets a 11m maximum height control and the development will comply with this control.

Notwithstanding, the proposed bulk and scale has been appropriately designed to sit comfortably within the streetscape and is compatible with the desired future character of the area.

The development proposes appropriate setbacks with adequate separation from adjacent buildings, distinguished by a variety of articulation features, external finishes, and materials to reduce the visual bulk of the development. In particular, the proposal incorporates a 3-storey built form with the third level component stepping

Compliance with setback controls for Residential Flat Buildings		
		<p>back from the northern and eastern neighbouring properties.</p> <p>The proposed FSR in conjunction with adequate setbacks and landscaped areas demonstrate that the proposal is an appropriate response to site conditions and local character. The proposal will suitably increase housing density which is consistent with State and local strategies and the development controls applying to the site.</p>
<p>ii Earthworks, retaining walls & related structures</p>	<p>Guidelines</p> <p>Development is to be stepped to align as closely as possible with the slope of the lot.</p> <p>Earthworks and related structures are not to result in finished ground levels that differ by more than 600mm from existing ground levels at any boundary with adjoining land.</p> <p>All earthworks and related structures are to be properly drained and not direct surface water onto adjoining land.</p> <p>Performance criteria</p> <p>Adverse impacts of earthworks and related structures on adjoining land, resident amenity, streetscape and the character of the locality are avoided, or acceptably minimised or mitigated.</p> <p>Guidelines</p> <p>Structures related to earthworks that differ by more than 600mm from existing ground levels, including any retaining, drainage works or other works, are to be designed by a suitably qualified and experienced engineer.</p> <p>Performance criteria</p> <p>Earthworks and related structures and infrastructure are properly designed.</p> <p>Guidelines</p> <p>Appropriate construction techniques, including minimising removal of vegetation where possible, are to be implemented to assist in erosion and sediment control during and post construction.</p> <p>An erosion and sediment control plan is to be submitted with a development application, except when development does not involve soil disturbance or when soil disturbance is insignificant.</p> <p>Performance criteria</p> <p>Construction of earthworks and related structures does not adversely impact stormwater flows and the environment.</p>	<p>Complies</p> <p>The proposed activity includes areas of cut and fill, as demonstrated on drawings DA12 in Appendix A.</p> <p>The proposed excavation is minor. Excavation is primarily required to create a level building platform and for the proposed OSD and rainwater tank. Due to the minor cut and fill works, no retaining walls are required.</p> <p>Identified Requirements No. 7 and 14 require appropriate measures to ensure the proposed earthworks do not cause offsite stormwater impacts, and that all retaining walls and other methods necessary to prevent movement of excavated or filled ground, are designed by an appropriately qualified person.</p> <p>Identified Requirements No. 43 & 44 require any fill used on site to be placed and compacted appropriately, and be Virgin Excavated Natural Matter and free of any contaminants.</p> <p>Identified Requirement No. 13 requires soil erosion and sediment control measures to be put in place during demolition and construction works.</p> <p>The proposed activity is considered to satisfy the requirements of Clause b. ii subject to the implementation of the above mitigation measures.</p>

Compliance with setback controls for Residential Flat Buildings

c. Setbacks

<p>i. Min. primary street setback.</p> <p>ii. Min. secondary street setback on a corner lot.</p>	<p>Guidelines</p> <p>Primary street</p> <p>Average setback of the two buildings closest to the lot, in the same street and on the same side of the street.</p> <p>6m when averaging as set out above is impractical.</p> <p>Secondary street</p> <p>50% of the primary road setback.</p> <p>Performance criteria</p> <p>Setbacks are compatible with the setback of neighbouring buildings.</p> <p>Setbacks contribute to a consistent streetscape and character in the locality.</p>	<p>Complies - Primary front setback- 6m front setback provided to Swan Street, except for minor encroachment by balconies of 6 units.</p> <p>Complies - Secondary setback - 3.98m provided to Corella Street</p>
<p>iv. Exceptions to the primary street setback.</p>	<p>Guidelines</p> <p>In areas undergoing change in their character due to various circumstances (e.g. a change in zoning or land economics), a site and context analysis is to be carried out to establish an appropriate setback to the street, when an exception is sought to the primary street setback.</p> <p>Applicants are to consult with Council regarding the appropriate application of this guideline when preparing a development application.</p> <p>Performance criteria</p> <p>The primary street setback is established in accordance with a site and context analysis, that has considered the area's character and specific circumstances related to the site and its development</p>	<p>N/A - The primary setback complies with the setback requirements under c.i as detailed above. No exception is sought.</p>

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43A of the Housing SEPP, on 28 February 2025 Albury City Council were notified of the development via email correspondence. Council requested an extension of time to respond to the notification, which was granted by the Minister, and the response timeframe was extended until 31 March 2025.

Council responded by their letter dated 31 March 2025 and additional comments provided on 9 May 2025 (**Appendix F**). A response to the key issues raised in their submission is provided in **Table 10** below. Where appropriate, some matters have been addressed by way of Identified Requirements in the **Activity Determination**.

It is noted that the key issues raised by Council have been summarised in **Table 10** below. A full copy of Council's submission is provided in **Appendix F**.

Table 10 Summary of key issues raised in Council submission

Issues raised	Response
General	
Supports the increased supply of modern, well-designed, sustainable social housing to address the significant shortage of affordable housing in the Albury Local Government Area.	Noted.
Access and Parking	
Compliance with ADCP 2010 car parking requirements. Any shortfall of parking should be compensated by greater active transport facilities to reduce the impact on local traffic conditions. This could be met by providing secured bicycle storage facilities, clear signage for parking areas, bicycle parking and pedestrian access points, ride-share pickup/drop-off zones and one motorcycle parking space and footpaths to Swan and Corella Streets.	<p>The proposal provides 19 on-site car parking spaces which is consistent with the requirements of the Housing SEPP 2021 for development on land within a non-accessible area.</p> <p>The Traffic Impact Assessment report (Appendix U) was provided to assess the impacts of the development upon the local road network. The report findings indicate that the proposed development would generate up to 13 additional vehicle trips/hr during weekday peak periods, which is not expected to have any significant impacts on the existing local street network.</p> <p>Notwithstanding, social housing tenants typically have lower car ownership rates than the general community. It is therefore considered that the parking and traffic impacts are minor and duly mitigated by the proximity to, and availability of the nearby public transport, and typically lower car ownership rates of social housing tenants.</p> <p>Identified Requirement No. 74 will require bicycle storage areas for visitors within the front setback of each building. Tenants can store bicycles in the Private Open Space and balcony areas.</p>

Issues raised	Response
	<p>Motorcycle parking spaces and ride share pickup/drop off zone are not a requirement under the Housing SEPP and therefore have not been provided in this development.</p> <p>Identified Requirement No. 75 will require clear signage for parking spaces including disabled spaces, and pedestrian access points.</p> <p>There is an existing footpath on Swan Street. Identified Requirement No. 76 will require the construction of a new footpath on Corella Street.</p>
Overlooking and Building separation	
<p>The balustrades on the north and northeast elevations could be recessed from the edge of the balcony to reduce direct views into lower levels and neighbouring rear yards.</p>	<p>The proposal will not have any adverse overlooking impacts into the lower levels and the neighbouring rear yards. The covered ground floor private open spaces are located directly below the upper-level balconies. Therefore, there will be no direct view of the ground floor private open spaces from the levels above.</p> <p>All the western facade balconies and windows in the first and second floor of the eastern building block (Block B) will have screening to provide privacy and avoid overlooking into the western block. Adequate setbacks have been maintained and privacy screening provided to balconies and windows to minimise opportunity for overlooking into the northern and eastern neighbouring properties.</p> <p>Therefore, a high level of internal and external privacy will be maintained by the proposed development. The use of recessed balconies is not preferred. Further details of privacy are included under Section 8.5.</p>
<p>The separation of building Block A' and 'Block B' warrants a more considered design response to overcome internal overlooking and privacy issues. Council's preference is for planters or screens to upper level balustrades and masonry planters on the north and east elevations, instead of glazing.</p>	<p>Building separation has been designed having regard to ADG requirements. Privacy screening has been provided to balconies and windows along the western elevation of Block B to minimise overlooking into Block A.</p> <p>Planters or screens to upper-level balustrades and masonry planters are not recommended due to maintenance issues. Semi opaque balustrades with vertical screens will mitigate any internal privacy issues.</p> <p>Identified Requirements No. 73 has been applied to ensure the balustrade panels are obscure glazing to prevent any through viewing.</p>
Crime Prevention Through Environmental Design	
<p>Should provide safety and security to the occupants and the community, and this can be addressed by installing adequate lighting to cover all entry and exit points including parking areas.</p>	<p>Identified Requirement No. 77 will ensure adequate lighting will be installed to cover all entry and exit points including parking areas.</p>
<p>Preference for durable, easy to clean perforated metal material for the balustrades facing Swan and Corella Streets.</p>	<p>Whilst perforated metal screens have not been incorporated into this design, the material in the development has been carefully selected, taking into account maintenance and longevity.</p>

Issues raised	Response
Waste Management	
Provide a three-chute waste system, a purpose-built waste storage room on each level, or a common disposal point for residents located in the basement/ground level.	<p>A 3-chute waste system and a purpose-built waste storage room on each level are not provided in social housing projects due to safety and maintenance issues.</p> <p>2 common waste enclosures are provided along Swan Street for tenants.</p>
The capacity of waste storage areas should be determined based on average waste generation rates per dwelling, with a weekly collection for organics and a fortnightly collection for landfill and recycling. The bins used should be either 240L, 360L, or 1.1m skips, which need to be brought to the kerbside for collection.	As noted in the Waste Management Plan (Appendix V), both the bin enclosures have been designed based on the required number of bins in consultation with Albury City Council. The waste bins are proposed to be 240L and the recycling bins are proposed to be 360L to enable collection by Council contractors.
An adequate waste receptacle area should be provided on-site to store all waste awaiting disposal. This area must be enclosed, screened on all sides, and constructed with impervious coated/treated walls, flooring, and ceiling surfaces. The floor of this area should be smooth, graded, and drained to a floor waste connected to the sewer. Additionally, the waste receptacle area must be equipped with a suitably located tap and hose, with the hose cock protected from the waste bins.	<p>As noted above, the bin enclosures have been designed in consultation the Council. The bin enclosures are setback 0.5m from the front setback and will have approximately 1.4m-1.9m high screening on all sides.</p> <p>Identified Requirement No. 78 will require the bin enclosure to be constructed with roof of maximum 2.4m height and impervious coated/treated walls, flooring, and ceiling surfaces. The floor of this area should be smooth, graded, and drained to a floor waste connected to the sewer. The waste receptacle areas are also required to be equipped with a suitably located tap and hose, with the hose cock protected from the waste bins.</p>
Tree replacement and Tree protection	
The trees on the site are weed species or in poor health and structure. The Grevilla Robusta, Silky Oak (Tree 34, Arborist Report), has a poor pruning history that has compromised the tree's structural integrity. It is recommended that this tree be removed and replaced with a suitable deciduous tree, that will provide shade and amenity to the street, such as the Chinese Elm 'Burnley Select' or Nyssa Sylvatica 'Tupelo' or similar species. The tree must be an advanced container size 45L or larger.	Identified Requirement No. 79 has been applied to remove Tree 34 and replace with a new tree, being a <i>Nyssa Sylvatica</i> 'Tupelo' generally in the same location. The tree will be required to be provided in container size of 45L and larger.
Prior to any work commencing, tree protection zone fencing should be installed around the five street trees on Swan and Corella Streets. The development must be carried out in accordance with the arborist report from Wade Ryan Consulting Pty Ltd, dated 24/02/2025, and in compliance with Australian Standard AS4970-2009 Tree Protection on Development Sites.	Identified Requirement No. 36 will require all trees that are detailed to be retained, to be protected in accordance with the recommendations of the Arboricultural Impact Assessment report (refer to Appendix H) and includes an additional requirement to ensure that tree protection fencing is provided around the 6 street trees on Swan and Corella Streets prior to any work commencing on the site.
Mechanical plant	
The Acoustic Report prepared by Harwood Acoustics (dated 24/02/2025), does not specify the location of plant and equipment, including air conditioning units. It is essential that any external building plant is positioned away from	Identified Requirement No. 71 will require all air conditioning units to comply with the requirements of the <i>Protection of the Environment Operations (Noise Control) Regulations 2017</i> and must not emit a noise that exceeds 5dB(A) above the

Issues raised	Response
residential dwellings, and the associated equipment must be acoustically treated or housed in soundproof enclosures to minimise noise.	ambient background noise level measured at any property boundary. Further certification, from an appropriately qualified acoustic consultant, is provided prior to occupation that the installed air conditioning units comply with this requirement.
Support the recommendations in Section 7 of the Acoustic Report.	Noted.
Water and wastewater utilities	
A single service connection (1 sewer point and 1 water connection per site to DN100 water main) is permitted into Albury City's reticulation system. Existing additional water and sewer connection points must be disconnected and capped off.	<p>Identified Requirement No. 80 will ensure a single service connection.</p> <p>Identified Requirement No. 81 will ensure all sewer and water connections no longer used are capped at the boundary.</p>
Any necessary upgrades to the existing reticulation system is at the developer's expense.	Identified Requirement No. 82 requires any necessary upgrades to the existing reticulation system is at the developer's expense.
Any development near the existing sewer main and implied easement and the stormwater main and easement located within property boundary must comply with <i>Building near Albury City's Water and Wastewater Assets Guideline</i> . Existing stormwater easement on 314 Swan Street shall not be constructed over or any levels altered within the easement due to conveying overland stormwater flows.	<p>There is no sewer mains and sewer easement within the site. The Demolition Plan (Sheet DA03) (refer to Appendix A) shows that the existing sewer connection located to the north of the site will be disconnected.</p> <p>Identified Requirement No. 24 will ensure that all services that are required to be disconnected will be appropriately disconnected in consultation with the relevant authorities.</p> <p>The Stormwater Design Statement (Appendix Y) from Greenview Consulting has considered Council's concerns in relation to ensuring maintenance or replacement access within the easement and that the easement is clear of any obstruction of flow. Based on this, Greenview Consulting confirm that they have reviewed the latest plan and are satisfied that there is no proposed building obstruction within the existing easement. The proposed driveway will maintain flows to Swan Street and the proposed design satisfies Council's requirement around the existing easement.</p> <p>Greenview Consulting's letter statement has been included in the Identified Requirement No. 1 so that the development is carried out substantially in accordance with this statement.</p>
A water and sewer servicing strategy is required and must include water demand and sewer loading calculations so that a network capacity assessment can be undertaken.	Council's engineer on 9 May 2025 (refer to Council's email in Appendix F) have confirmed that based on the preliminary capacity assessment of the existing network as a result of the proposed development, no upgrades to the existing water or sewer infrastructure are likely to be required. Council have noted that this advice is based on currently available information and should be considered indicative only. A final assessment will be completed once detailed design and further site-specific data are provided.

Issues raised	Response
Each proposed unit/tenancy within the site, must be individually metered from a manifold which conforms with Albury City's Water Meter Installation Guidelines and provides a gap of 300mm between each meter. Meters must be accessible to Council at all times for the purpose of meter reading, repair and replacement activities.	Identified Requirement No.83 will be included to provide 1 master water meter for Council to read and 18 individual metres separately.
Please note that air conditioning condensate should never be discharged into stormwater drains due to potential contamination risks. In accordance with NSW Fair Trading, all plumbing work, including condensate drainage, must comply with relevant Australian Standards, such as AS/NZS 3500.2 for sanitary plumbing and drainage. This standard outlines the proper materials, pipe sizes, installation techniques, and other requirements for plumbing systems.	Identified Requirement No.84 will be included to require all tundishes and discharge pipes from the air conditioning units to be connected to sewer. All plumbing work must comply with the AS/NZS 3500.2 for sanitary plumbing and drainage, in accordance with NSW Fair Trading.
Building management plan	
A building management plan should be prepared outlining the procedures for the effective management and maintenance of the property.	Homes NSW regularly attends to the maintenance of its properties and has an ongoing maintenance program which includes urgent repairs, regular lawn and grounds maintenance and upgrading programs. As such, a building management plan is not considered to be required.
Additional consents	
Approval is required for the construction of a footpath. This proposal would require footpaths to be constructed along the frontages to Swan and Corella Streets at a minimum width of 1.5 metres and upgraded perambulator ramps, where required.	<p>Identified Requirement No.76 will be included to require the construction of a new footpath along Corella Street for the length of the subject site, in accordance with relevant Council standards. However, it is noted Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a Public Authority, such as the Minister, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road.</p> <p>Identified Requirement No.69 is included to ensure that the cost of repairing any damage to Council's existing infrastructure will be met in full by the building contractor. This will include any damage to the existing Swan Street footpath.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43A(1)(a) of the Housing SEPP, Albury City Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

On 25 November 2024 and 3 February 2025, advice was sought from Council regarding additional persons or property that should be notified of the development. Council responded on 5 December 2024 with some changes. Council on 6 February 2025 confirmed that the amended notification map was consistent with Council's Community Participation Plan and therefore the scope of notification was acceptable to Council.



Figure 22 Map of Properties Notified of the Proposed Development (Source: Homes NSW)

Under section 43A(1)(b) of Housing SEPP, owners, and occupiers of adjoining land, as identified in **Figure 22** Error! Reference source not found. above, were notified of the proposed development activity by letter dated 4 March 2025. A copy of the pro-forma notification letter is provided at **Appendix F**.

The notification response period formally closed on 28 March 2025 and a total of 4 submissions, including a submission from North Albury Police were received. The key issues raised are discussed in **Table 11**.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	Response
Submission 1 <ul style="list-style-type: none"> Appearance of development is acceptable Low car parking number and only 3 disabled car spaces. 	<p>Noted.</p> <p>The rates for non-accessible areas as set out under Section 42 of the Housing SEPP are as follows:</p> <ul style="list-style-type: none"> 0.5 spaces per 1 bedroom dwelling, and 1 space per 2 bedroom dwelling. <p>The proposal provides 19 on-site car parking spaces which is consistent with the requirements of the Housing SEPP 2021.</p> <p>The Traffic Impact Assessment report (Appendix U) indicates that the proposed development would generate up to 13 additional vehicle trip/hr during weekday peak periods. This increase is minor in the context of the existing road network and</p>

Issues raised	Response
<ul style="list-style-type: none"> No communal space or meeting room to sit in these gardens and no covered seating space or any sort of group spots. 	<p>therefore is not expected to have any significant impacts on the existing local street network.</p> <p>There are 2 bus stops within 200m of the site, on Mate and Wantigong Streets, providing frequent services to Albury train station, and shops and services in the Lavington, Albury, Wodonga and East Albury centres. Having direct access to regular public transport services will reduce reliance on the use of private vehicles.</p> <p>Notwithstanding, social housing tenants typically have lower car ownership rates than the general community. It is therefore considered that the parking and traffic impacts are minor and duly mitigated by the proximity to, and availability of the nearby public transport, and typically lower car ownership rates of social housing tenants.</p> <p>Three accessible parking spaces within the development are proposed to service 3 adaptable units, occupied by people with disability, which is considered an appropriate outcome.</p> <p>The development provides 259m² of COS area spread across 3 distinct areas within the site (2 to the rear of the site and 1 within the Swan Street frontage). The proposed communal space is sufficient considering there is an existing local park (Sarvaas Park) across from the site. The proposed COS areas will receive a high level of solar access and are highly usable spaces accessible from common pathways, designed with seating furniture and landscaping integrated within the layout of the development. This will foster communal interactions. There is no requirement for communal seating areas to be covered under the ADG requirement. However, each unit is provided with a covered Private Open Space or balcony providing protection from weather conditions.</p>
<p>Submission 2</p> <ul style="list-style-type: none"> High density housing will have a negative impact on the value of the property. Request for details on the boundary fencing. Any detail or modelling regarding the eyeline view from the eastern 2nd and 3rd story windows to adjoining properties. Overshadowing impact on adjoining property and solar panels during the late afternoon. 	<p>Loss of property value is not considered a relevant planning consideration. Notwithstanding, there is no evidence to suggest that a decrease in property values would occur as a result of the proposed development. The development is of a scale envisioned by the applicable planning controls, including the <i>Albury Local Environmental Plan 2010</i>, which permits residential flat buildings on the land. Furthermore, the building height and floor space ratio of the proposal is within the maximum permitted by the Housing SEPP for the site, with a height of 10.98m (maximum permitted is 11m) and a floor space ratio of 0.65:1 (maximum permitted is 0.65:1).</p> <p>The fencing along the shared boundary will be replaced with a 1.8m metal fence.</p> <p>All the first and second level window and balcony placements fronting the neighbouring property to the east have been carefully designed to avoid any overlooking impacts and design treatments including obscure glazed windows and strategically positioned privacy screens have been used.</p> <p>The shadow diagrams provided in Appendix A demonstrate there is no overshadowing impact between 9am and 2pm in mid-winter on any adjoining property. After 2pm, some additional shadow will be cast upon the western elevation and front setback of the adjoining property at 306 Swan Street. Up until 3pm, there is no additional overshadowing to the solar panels of 306 Swan Street. The rear façade, solar panels and rear Private Open Space of 306 Swan Street are largely unaffected by any additional overshadowing. As such, overshadowing impacts are considered to be acceptable.</p>

Issues raised	Response
<ul style="list-style-type: none"> Consideration of acquisition of adjoining properties. 	<p>There is no acquisition of neighbouring property required or proposed as a result of the proposed development.</p>
<p>Submission 3 (received 3 submissions from the same individual)</p> <ul style="list-style-type: none"> Low car parking numbers and impact on local traffic. Specifically, consideration should be given to potential impact on traffic and parking congestion during peak times including rugby league events and Sacred Heart Church service events. Concerns regarding the height, density and neighbourhood character Will specific measures or support be implemented to reduce anxiety and other impact on vulnerable residents living close to the proposed development. Addresses potential antisocial behaviour risks to ensure the ongoing safety, wellbeing, and positive development of students and young people in the area. Construction impacts. 	<p>Car parking and traffic are discussed under Submission 1 above. The Traffic Impact Assessment report has taken into consideration that the surrounding land uses include Sarvaas Park and the Sacred Heart Church.</p> <p>The development is of a scale and density envisioned by the applicable planning controls, including the <i>Albury Local Environmental Plan 2010</i>, which permits residential flat buildings on the land. Furthermore, the building height and floor space ratio of the proposal complies with the maximum permitted controls set out in the Housing SEPP for the site, with a height of 10.98m (maximum permitted is 11m) and a floor space ratio of 0.65:1 (maximum permitted is 0.65:1).</p> <p>It is noted that the surrounding context is predominantly 1 and 2 storeys. However, there is no height threshold within the Albury LEP. Therefore, the proposed bulk and scale has been appropriately designed to sit comfortably within the streetscape and is considered to be compatible with the desired future character of the area. Furthermore, the development includes setbacks to neighbouring development that are compatible with existing and future development on adjoining lots, and suitable design treatments, including fencing, landscaping and a considered planting mix ensures the proposal will generate benefits to neighbourhood character.</p> <p>If there are specific issues or incidents that arise, the local housing team within Homes NSW (Housing Services) will be informed, and they will work with the tenant to resolve the issues or concerns. They provide personalised support plans and coordinate with other service providers to ensure comprehensive care.</p> <p>Like the rest of the community, most tenants are good neighbours and law-abiding people. Nevertheless, Homes NSW (Housing Services) has a policy in place for dealing with disruptive tenants. More information about the policy can be found at Antisocial behaviour in public housing – Rights and responsibilities (nsw.gov.au). In addition, Homes NSW (Housing Services) has a dedicated 24-hour hotline, 1800 422 322, where local residents can report any tenancy related matters. The local police are responsible for managing situations of public disturbance.</p> <p>With regards to impacts from construction works, standard regulatory requirements on traffic management and environmental controls (e.g., traffic management, sediment control, noise and dust management, and waste management) apply to all construction projects carried out by the Minister. These are covered under Identified Requirement No.s 13, 26 – 28, 48 – 55, 57, and 59 – 65.</p>

Issues raised	Response
<ul style="list-style-type: none"> Supportive of the need for additional public housing. 	<p>During works, traffic flow, building noise and road access will be carefully managed to ensure residents experience minimal disruption. Neighbours will also receive updates from the Minister on planning approval and construction commencement.</p> <p>Noted.</p>
<p>Submission 4 (North Albury Police)</p> <ul style="list-style-type: none"> North Albury Police received a request from an adjoining property to provide feedback on the suitability of the proposed development. North Albury Police advise that the crime rate is significantly higher than the NSW and Australian average with regards to cases of assault and related offences. Property crime is significantly higher than the NSW and Australian average. In this area there are units on the corner of Corella and Plover Street on the same proposed block for future developments. The units look untidy and unkept, but police presence is not high to these units compared to the units on Mate St, North Albury with many of those units boarded up due to having been damaged and left uninhabitable. 	<p>Noted.</p> <p>The development has been designed to incorporate the principles of CPTED, maximising passive surveillance to the street and within the development. Durable materials are proposed to assist with longevity.</p> <p>The high quality, contemporary design of the development is intended to provide quality homes that will contribute to the streetscape.</p>

7.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(4) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

8 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access, and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 6.5 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 supporting single and 2-storey detached dwelling houses. Within the local area there are double storey multi dwelling housing developments of brick or weatherboard construction with metal roofs and associated structures, such as pergolas, garages and carports. However, the North Albury locality primarily consists of single storey detached housing. Currently there is a low level of transition from low density housing to medium density development despite this form of development being permissible within the zone. It is anticipated that the proposed development may act as a catalyst for more contemporary medium density development in this region of Albury.

Both Swan and Corella Streets benefit from established street tree planting which creates a leafy canopy and defines the streetscape character. The retention of street trees fronting the site will contribute to overall streetscape character. Landscaping proposed within the development will help soften the development and make a positive contribution to the streetscape presence. The local area also benefits from close access to a local park, located directly opposite the site on Swan Street.

The proposed development represents a contemporary, high-quality design, and is indistinguishable from private housing. The use of face brick and cladding for external walls and flat metal roofing will make a positive contribution to the existing character of the locality. The building has been designed to address both Swan and Corella Streets, noting some units have been provided with dual or wrap-around balconies to enhance residential amenity and to activate the street frontages.

The bulk and scale of the proposed development will deliver a built form outcome consistent with the planning controls for the locality. The development includes setbacks to neighbouring development that are compatible with existing and future development on adjoining lots, and suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

Mitigation Measures

No mitigation measures are required.

8.2 Bulk and Density

The 3-storey development has been designed as 2 distinct buildings which utilise contrasting light and darker-toned bricks, and vertical sand colour prefinished fibre cement cladding elements to assist with visually separating the 2 building masses to reduce the apparent scale.

The FSR and 3-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R1 General Density Residential zone, which encourages a variety of housing types and densities.

The proposal incorporates appropriate setbacks with adequate separation from adjacent buildings, distinguished by a variety of articulation features, external finishes, and materials to reduce the visual bulk of the development. The proposed FSR in conjunction with appropriate setbacks and landscaped deep soil areas demonstrates that the proposal is an appropriate response to site conditions and local character. The proposal will suitably increase housing density which is consistent with State and local strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures required.

8.3 Streetscape

The proposed development will make a positive contribution to the Swan and Corella streetscapes, by virtue of the following:

- The proposed development will replace ageing housing stock that has reached the end of its economic life with a contemporary, architecturally designed residential development that reflects the desired characteristics of existing development in the locality.
- The built form has been designed to address the 2 street frontages. The incorporation of street-facing windows, separate pedestrian entries, and balconies facing Swan and Corella Streets improves casual surveillance of the streets.
- The longest building elevation, which faces Swan Street, has been broken into 2 buildings with adequate separation distance, defined entry lobbies, accessways and recessed building components to create visual separation and reduce the overall scale of the development when viewed from the street. 4 balconies front Swan Street which will provide an active and engaging streetscape presence.
- The western elevation fronting Corella Street provides primary living areas and balconies which address and provide an active frontage to Corella Street.
- The street corner is well designed, featuring curved balconies and a light cladding that elevates the significance of the building corner.
- The use of contrasting light and darker-toned bricks, and vertical sand colour prefinished fibre cement cladding create a classic and timeless architectural style that will be sympathetic to the surrounding existing development.
- 6 street trees are proposed to be retained. Significant landscaping has been proposed into the front setback areas including feature canopy trees, as well as shrubs and grasses which will help soften the development and make a positive contribution to the streetscape presence.
- A number of small COS areas and landscaped areas have been designed with a variety of plantings including trees and shrubs that will enhance the quality of the public domain, while providing privacy and amenity benefits to tenants.
- Car parking is provided to the rear of the eastern building footprint and will be generally obscured from street view, resulting in a built form that has been designed with consideration of the dwellings surrounding. Two accessible parking spaces adjoin Unit 1 and 8 and are each accessed via a separate crossover driveway from Swan and Corella Streets
- Two waste storage enclosures within the front setback of Swan Street have been carefully designed and surrounded with fencing and garden beds to enhance their visual appeal and integrate the enclosures within the setting of the landscaped front setback.

Mitigation Measures

No additional mitigation measures required.

8.4 Visual Impact

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

The proposed development will make a positive contribution to the residential streetscape through construction of a new contemporary development that responds to the site context and neighbourhood character as discussed in sections 8.1 to 8.3 above. Articulation, a neutral colour palette, and new landscaping across the site will add to the long-term visual amenity of the surroundings.

Mitigation Measures

No additional mitigation measures required.

8.5 Privacy

A high level of internal and external privacy will be maintained by the proposed development, by virtue of the following:

- Where possible, living areas are orientated to face the 2 street frontages rather than towards side and rear boundaries. Where this isn't possible, adequate setbacks have been maintained and privacy screening provided to balconies and windows to minimise opportunity for overlooking.
- Proposed 1.8m metal fencing will mitigate unacceptable overlooking from ground level units into properties to the north and east.
- Ground floor patios within the development have been appropriately separated from common areas by fencing and/or landscape treatments.
- Balconies above ground floor level are setback in accordance with the ADG, ensuring sufficient separation between neighbouring development. Unit 17 balcony will have privacy screening along the northern elevation to ensure the privacy for adjacent development at 992 Corella Street. Unit 11 and 12 balconies will have privacy screening along the eastern elevation to mitigate overlooking to the adjacent development at 306 Swan Street.
- Semi-opaque balcony balustrades are proposed which will assist in protecting the privacy of both tenants and neighbours.
- Unit 17, 18 and 25 windows on the northern elevation incorporate privacy screening to ensure that overlooking is mitigated to the adjacent development at 992 Corella Street. Unit 11, 12 and 21 windows on the eastern elevation incorporate privacy screening or opaque glass to mitigate privacy impacts to the adjacent development at 306 Swan Street.
- Further screening between the proposed development and adjoining neighbours will be achieved through substantial canopy tree planting in deep soil areas provided at the side and rear of the site.

Mitigation Measures

No additional mitigation measures required.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the living areas and private open spaces of the proposed development, in accordance with the Housing SEPP.

The submitted Architectural Plans (refer to **Appendix A**) demonstrate that 74% of dwellings receive at least 3 hours direct solar access to the living and Private Open Space areas on 21 June (mid-winter), which meets the requirements under the Housing SEPP and ADG.

In accordance with the LAHC Design Requirements, 100% of units will receive at least 15 minutes of solar access, with no 'no sun' units proposed.

Shadow diagrams confirm that northern common open space areas will receive at least 3 hours of sunlight on 21 June (mid-winter) and is considered to satisfy the Housing SEPP and ADG requirements in this regard.

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 required.

8.7 Overshadowing

The shadow diagrams provided under **Appendix A** confirm that the proposal has been designed to minimise overshadowing of surrounding development. The site benefits from a northeast orientation with 2 street frontages which provides a high level of amenity for residents whilst also ensuring the majority of shadow cast by the development falls within the road reserve. Ample setbacks have been provided from the north and east boundaries to limit afternoon overshadowing impacts to adjoining properties. The proposed development has been assessed and deemed supportable for the following reasons:

- Between 9am and 2pm, shadows generated by the proposed development generally fall within the site and on road reserve.
- From approximately 2pm onwards, shadows will be cast upon a portion of the side (western) facade and front setback areas of 306 Swan Street. This façade contains a west-facing window that will not be overshadowed by the proposed development between 9am and 3pm during the midwinter solstice. No shadow will be cast on the solar panels on the roof or the rear Private Open Space of 306 Swan Street between 9am -3pm during the midwinter solstice.
- No shadow will be cast to any other adjoining property. The park located to the south is not overshadowed by the proposed development.

As identified above, the proposed development will not reduce solar access to living and principal private open space areas to less than 3 hours between 9am and 3pm at the midwinter solstice.

Mitigation Measures

No mitigation measures required.

8.8 Traffic & Parking

The proposal incorporates 19 car parking spaces, including 3 accessible parking spaces. The provision of on-site car parking is in accordance with the parking requirements set out in the Housing SEPP for residential developments carried out by the Minister. Unrestricted street parking is available on Swan and Corella Streets to accommodate any overflow parking demand generated by the proposed development.

The proposed car parking area to the rear will be accessed via a driveway accessed from Swan Street. A vehicular passing bay is provided at the southern end of the driveway. The accessible car parking space for Unit 1 and 8 will have separate driveways from Swan and Corella Streets respectively. The proposed entries and parking layout was assessed in the Traffic Impact Assessment Report (**Appendix U**) and swept path testing was undertaken. The proposed driveway width, sight lines and parking layout was confirmed as compliant with AS2890.1:2004.

The Traffic Impact Assessment Report identifies that based on the rates specified in the *Guide to Transport Impact Assessment (2024)*, the development will have a projected traffic generation of an additional 13 vehicle trips/hr during weekday peak hour which equates to an average traffic load of 1 movement every 4 to 5 minutes. It was confirmed that the impact of this additional traffic generation is considered to be minor in this context of the existing road network. The assessment deems the proposal acceptable in terms of traffic generation and will not cause undue strain on the existing local road network.

The Traffic Impact Assessment report examined the adequacy of the proposed internal driveway and parking arrangement. The proposed parking layout, including the parking spaces and associated aisle width, was confirmed as compliant with AS2890.1:2004. The three accessible parking spaces have been designed to comply with the requirements of AS 2890.6-2009, as verified in the Access Report (**Appendix W**).

Fencelines forward of the front building line along the side boundaries have been tapered down to 1.2m to ensure vehicular sightlines from the subject property or adjoining properties are not obstructed.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by Wade Ryan - Tree Consultancy (**Appendix H**). The report considers 51 trees, 42 trees within the site, 3 on a neighbouring property and 6 trees on the road reserve. It is noted that Tree 36 has been considered as part of the 42 trees within the site to be removed, however is actually located within the road reserve. Refer to further discussion below.

The report recommends the removal of all trees within the site, other than Tree 34 given that they are either located within the proposed development footprint or would be impacted by an unavoidable major encroachment within their tree protection zones by way of stormwater infrastructure or site works. Additionally, some of the trees within the site proposed for removal are located outside of the building footprint but are identified as a species, condition or class that are not considered to be significant or worthy of retention and can therefore be removed and replaced with more appropriate replacement planting across the site.

Existing tree (Tree 34 - Grevilla Robusta, Silky Oak) within the site was proposed for retention. However, Council's response dated 31 March 2025 (refer to **Appendix F**) recommended removal of this tree due to poor pruning history that has compromised the tree's structural integrity. Council recommended that this tree be replaced with a suitable deciduous tree, that will provide shade and amenity to the street, such as the Chinese

Elm ‘Burnley Select’ or *Nyssa Sylvatica* ‘Tupelo’ or similar species. The tree must be an advanced container size 45L or larger.

Tree 36 being a *Ligustrum lucidum* (Broad leaf privet) was identified in the Arboricultural Impact Assessment report as being located within the subject site given it is located behind the front fence line; however, a further review details this tree is located within the road reserve (on public land). This tree is an exotic weed species and is identified as a priority for removal. Council raised no objection to its removal in its submission. Accordingly, this tree remains recommended for removal and will not be replaced.

All the 6 street trees (Tree A, 1, 12, 31, 33 and 37) and 3 trees (Tree 48, B and C) within the neighbouring properties will remain viable. The report assessed the proposed development in relation to these trees, including civil plans and confirmed that subject to appropriate tree protection measures, they were capable of retention.

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

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

Mitigation Measures

Identified Requirements No.s 1, 18 – 20 and 36 will require the implementation of the Landscape Plan; and the tree protection measures as recommended in the Arboricultural Impact Assessment report.

An Identified Requirement No, 79 has been applied to remove Tree 34 and replace with a new tree species *Nyssa Sylvatica* ‘Tupelo’ generally in the same location.

8.10 Heritage (European / Indigenous)

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

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 26 February 2025 (**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, therefore, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

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

Mitigation Measures

Identified Requirement No.s 45 and 46 has 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 Investigation Report has been prepared by STS Geotechnics (**Appendix O**) and indicates the following:

- The subsurface conditions generally consist of fill overlying sandy clays, silty clays and silty sandy clays.
- Groundwater was not observed during drilling works.
- Because there are residential dwellings and trees present, abnormal moisture conditions (AMC) prevail at the site. The site is classified a Problem Site (P). Provided the recommendations provided in the report are adopted the site may be reclassified Highly Reactive (H1). Foundation design and construction consistent with this classification shall be adopted as specified in the report.

Mitigation Measures

Identified Requirement No. 1 requires the development is undertaken in accordance with the Geotechnical Investigation report and recommendations in the report shall be implemented as part of the detailed design.

Contamination

As detailed above in section **6.6** of this REF the site is unlikely to be contaminated.

Mitigation Measures

Identified Requirement No. 17 is 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, the land is not identified as being within an area of Acid Sulfate Soils.

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates do not identify that site as being 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, as certified by the stormwater engineer in **Appendix Q**.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the proposed kerb inlet pit within Swan Street at the site frontage (refer to civil plans in **Appendix C**). A new stormwater drainage line extension from the new to the existing kerb inlet pit is proposed within Swan Street to cater for the development. The proposed stormwater infrastructure within the road reserve will connect to new infrastructure proposed for the development located at 310-314 Swan

Street & 984-988 Corella Street, North Albury. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

An existing easement to drain water which benefits the site to the north traverses the centre of the site (north-south). The proposed development has been designed to ensure all new buildings and their footings have been set back from this easement. The Stormwater Design Statement (**Appendix Y**) prepared by Greenview Consulting confirms that the proposed driveway will maintain flows to Swan Street. Accordingly, the detailed stormwater design shall ensure that overland flow through the easement is reasonably maintained.

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

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

Mitigation Measures

Identified Requirement No. 1 includes Greenview Consulting Engineering Statement confirming the detailed design will ensure flows through the easement are maintained.

Identified Requirements No. 6 – 9 and 70 have been included to ensure the stormwater management measures are designed and constructed in accordance with Albury City Council standards, and in consultation with Council.

8.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificates issued by Albury City 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.

The Architectural Plans (**Appendix A**) illustrate the provision for air conditioning units for each individual unit. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set up *EPA Guidelines and the Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic Certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an ongoing use Identified Requirement.

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* with respect to noise transmission. The Acoustic Report prepared by Harwood Acoustics (**Appendix N**) demonstrates that the proposed activity is capable of complying with the internal noise level requirements set by Clause 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* subject to recommendations being implemented around construction, ventilation and choice of mechanical plant.

The Acoustic Report confirms that no further assessment of aircraft noise is required to be undertaken given the distance from the site to Albury Airport.

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. The recommendations contained in the Acoustic Report will be implemented.

Identified Requirements No.s 1, 2, 57, 59 and 71 have been applied to ensure compliance with the above mitigation measures.

8.15 Air Quality

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

Mitigation Measures

Identified Requirements No.s 60, 63 and 64 have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

A Waste Management Plan (**Appendix V**) has been prepared by Brewster Murray Pty Ltd. The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the 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:

- All waste disposal will be to approved waste management centres.
- Concrete waste will be packaged to concrete recycling centres.
- Building rubble will be separated by type – masonry, steel and plastics.
- Timber windows/doors and fittings – specialist re-sale merchant.
- Excavation material – topsoil to be retained and stored on-site for re-use. Surplus material to be removed from site for recycling.

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:

Excavation – Ground Materials

- All waste disposal will be to approved waste management centres.
- Excavated topsoil, sand and loam will be separated by type.
- Rock material will be kept separate.

Building – Excess Material

- The primary material waste will be concrete, mortar and render material.
- All excess will be deposited into waterproof bunded plastic containment areas.

Building – Materials Packaging

- All cardboard, plastic and metal will be pre-sorted and separately disposed of to an approved waste management centre.

Building – Wastewater

- All wastewater will be retained and held in metal drums to settle sediment.
- Sediment free wastewater could be re-used on site.
- Sediment will be re-used as local fill.

During Occupation

General non-recyclable waste and recyclable waste will be disposed of in Council's standard waste and recycling storage bins located within 1 of 2 waste storage areas within the front setback back. The waste storage areas are well located in proximity to each building entry. Bins will be placed on the street kerb by contractors for collection by Council's waste services.

Mitigation Measures

Identified Requirement No.s 47 – 55 are recommended to ensure construction/demolition waste is appropriately managed and disposed.

Identified requirement No. 37 is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

8.17 Resource Use & Availability

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

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 several positive community and social effects, including:

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

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

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

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

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

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

- the proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area,

- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination, and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, ALEP 2010, Apartment Design Guide 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 the Minister to meet the increasing demand for 1 and 2 bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

9.2 Recommendation

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

10 Appendices

- 10.1.1 APPENDIX A – ARCHITECTURAL PLANS
- 10.1.2 APPENDIX B – LANDSCAPE PLAN
- 10.1.3 APPENDIX C – CIVIL PLANS
- 10.1.4 APPENDIX D – SURVEY PLAN
- 10.1.5 APPENDIX E – NOTIFICATION PLANS
- 10.1.6 APPENDIX F – STATUTORY NOTIFICATION AND COUNCIL RESPONSE
- 10.1.7 APPENDIX G – SECTION 10.7 PLANNING CERTIFICATES
- 10.1.8 APPENDIX H – ARBORICULTURAL IMPACT ASSESSMENT
- 10.1.9 APPENDIX I – AHIMS SEARCH
- 10.1.10 APPENDIX J – BASIX CERTIFICATE
- 10.1.11 APPENDIX K – NATHERS CERTIFICATES
- 10.1.12 APPENDIX L – NATHERS PERFORMANCE SPECIFICATION
- 10.1.13 APPENDIX M – BCA REPORT
- 10.1.14 APPENDIX N – ACOUSTIC REPORT
- 10.1.15 APPENDIX O – GEOTECHNICAL INVESTIGATIONS
- 10.1.16 APPENDIX P – TITLE AND DEPOSITED PLANS
- 10.1.17 APPENDIX Q – DESIGN COMPLIANCE CERTIFICATES
- 10.1.18 APPENDIX R – DESIGN QUALITY PRINCIPLES STATEMENT
- 10.1.19 APPENDIX S – APARTMENT DESIGN GUIDE COMPLIANCE TABLE
- 10.1.20 APPENDIX T – STATEMENT OF COMPLIANCE
- 10.1.21 APPENDIX U – TRAFFIC IMPACT ASSESSMENT
- 10.1.22 APPENDIX V – WASTE MANAGEMENT PLAN
- 10.1.23 APPENDIX W – ACCESS PLAN
- 10.1.24 APPENDIX X – HYDRANT COVERAGE PLAN
- 10.1.25 APPENDIX Y – STORMWATER DESIGN STATEMENT