

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Residential Flat Building

at

38-42 Gerathy Street, Goulburn

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

REVIEW OF ENVIRONMENTAL FACTORS

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On 1 February 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.

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No	Date	Version	Change since last version	Pages
1	16 May 2025	v1	Not applicable – initial version	All
2	28 May 2025	v2	Various	Various
3	20 June 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: Bill Chan Designation: Planner, Planning & Assessment, Homes NSW Signature:  Date: 16 May 2025	
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Signature:



Date: 23 June 2025

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1 Executive Summary

The land the subject of this Review of Environmental Factors (REF) was transferred to the Minister administering the *Housing Act 2001* (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, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by NSW Land and Housing Corporation (NSW LAHC) is taken to have been done or omitted by, to or in relation to, the Minister (section 2(e) of Schedule 2A of the *Housing Act 2001*).

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW 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 38-42 Gerathy Street, Goulburn, and is legally described as Lots 63, 64 and 65 in Deposited Plan 236794. The proposed residential flat building development is described as follows:

Demolition of existing structures, removal of 11 existing trees, and construction of a 2-storey residential flat building containing a total of 14 units comprising 6 x 1 bedroom and 8 x 2 bedroom dwellings, 11 at grade car parking spaces, landscaping and associated site works, 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 *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP 2009), 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. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument (GMLEP2009) and is therefore permitted without consent under the provisions of Section 42(2) of the Housing SEPP.

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

The REF demonstrates the following:

- From an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required.

- Based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to the 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 Goulburn Mulwaree 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 or authorisations required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.
- Goulburn Mulwaree Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 30 April 2025. Comments on the response are provided in Section 7.1 of this REF. Five submissions were received from occupiers of adjoining land. Comments on the submissions are provided in Section 7.2 of this REF.
- Water NSW has been notified of the proposed activity at the request of Council in accordance with section 43A of the *State Environmental Planning Policy (Housing) 2021* as the site is situated within the Sydney Drinking Water Catchment identified in the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. The Water NSW response is discussed in Section 7.3 of this REF.
- 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 the *demolition of existing structures, removal of 11 existing trees, and construction of a 2-storey residential flat building containing a total of 14 units comprising 6 x 1 bedroom and 8 x 2 bedroom dwellings, 11 at grade car parking spaces, landscaping and associated site works, and consolidation into a single lot* at 38-42 Gerathy Street, Goulburn.

The activity¹ will be carried out by, or on behalf of, the Minister administering the *Housing Act 2001* (the Minister) and is ‘development without consent’ under the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The proposed development is a residential flat building for the purpose of providing affordable housing within the suburb of Goulburn.

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 2021* (EP&A Regulation).

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 REF 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, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by NSW LAHC is taken to have been done or omitted by, to or in relation to, the Minister (section 2(e) of Schedule 2A of the *Housing Act 2001*).

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW LAHC under relevant legislation, which includes the EP&A Act 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

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*. The Minister is a determining authority pursuant to the powers and functions conferred by section 35F of the *Housing Act 2001*.

- recommending identified requirements to ensure the mitigating measures are implemented if the activity were to proceed.

2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP 2009).
- It was determined that residential flat building is 'permitted with consent' in the R1 – General Residential zoning pursuant to the GMLEP 2009 and can be carried out 'without consent' under the provisions of the Housing SEPP.
- A site inspection and a desktop analysis and investigation of the site and surrounds was undertaken 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 Goulburn Mulwaree Local Government Area (LGA) and comprises 3 residential allotments. A location / zoning map and aerial view map are respectively provided in Figure 1 and Figure 2 below.

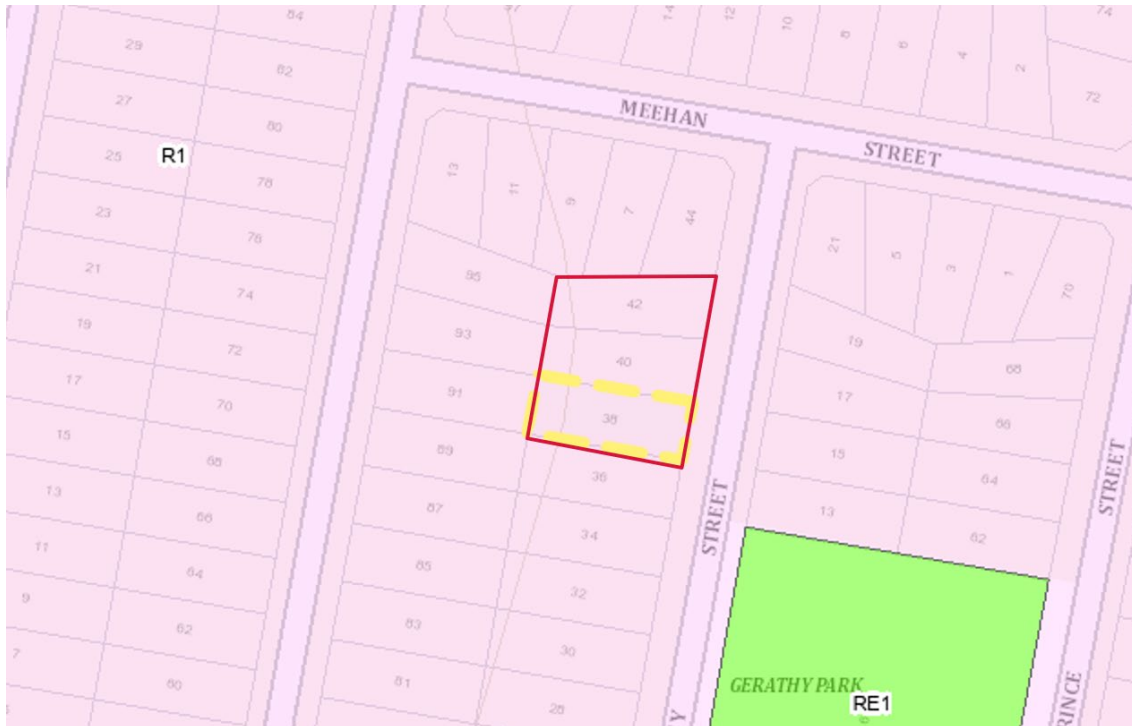


Figure 1: Location / Zoning Map (Source: NSW Planning Portal Spatial Viewer, accessed May 2025)



Figure 2: Aerial view map of the subject site and surrounding environment (Source: Nearmap, accessed May 2025)

3.2 Site description

The site is currently occupied by 3 single storey dwelling houses with metal sheet (38 & 40 Gerathy St) and tiled roofs (42 Gerathy St) as shown in Figure 3. A copy of the Section 10.7(2) & (5) Planning Certificates (Receipt No 393897, 393899, 393901) dated February and March 2025 is provided in **Appendix P**.



Figure 3: From left to right - 38, 40 and 42 Gerathy Street (Source: Google Maps – February 2024)

The site has a total area of 1981.4m², a primary frontage to Gerathy Street of 50.6m, northern side boundary of 42.9m, southern side boundary of 42.215m and western (rear) boundary of 43.28m. The site falls approximately 2.6m from the southwestern corner at RL 641.65 AHD to northeastern corner at RL 639.02 AHD. Please refer to the Survey Plan (**Appendix E**) for further details.

The Section 10.7 Planning Certificates identify the subject site as being located between the flood planning area (FPA) and the probable maximum flood (PMF), indicating potential applicability of flood-related development controls. However, the subject site is located within 'Flood Planning Constraint Category 4' identified in the *Goulburn Floodplain Risk Management Study and Plan 2022* (GFRMS&P) and Council's Flood Policy (Appendix J of the *Goulburn Mulwaree Development Control Plan 2009*). Under section 9.9.6 Flood Planning Controls of the DCP, no specific provisions apply to this type of residential development (i.e. residential flat buildings) within the Flood Planning Constraint Category 4.

As per the 10.7 Planning Certificates, the subject site is not identified as a heritage item, located within a Heritage Conservation Area, or affected by acid sulfate soils, easements, bushfire risk, salinity, mine subsidence, or coastal hazards. Additionally, the site is not mapped within an area of terrestrial biodiversity under the GMLEP 2009 and is not in close proximity to a rail or road corridor. Furthermore, the site is outside the ANEF Contour Region and is not affected by the OLS height limit. The site is situated within the Sydney Drinking Water Catchment as identified in the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

As outlined in the Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural, dated 21 March 2025 a total of 16 trees have been considered in relation to the proposed development. Of these, 12 are located within the subject site, 2 within the public domain, and 2 on neighbouring properties. Regarding the assessment of the proposed tree removal and retention, refer to Section 4.2 and Section 8.9 of this Report.

Traffic and Access

Vehicular access is currently provided to the site via multiple crossovers from the Gerathy Street frontage. Unrestricted kerbside parking is also available along Gerathy Street.

Services

Water, sewer, electricity, gas, and telephone facilities are available to the site (refer to the submitted Survey Plan for the location of available services in **Appendix E**. Specifically, water, electricity, and telecommunication

services are located along the Gerathy Street road reserve. A sewer main traverses the rear of the site, including sewer manholes within the rear setback of the subject site.

Encumbrances

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

3.3 Neighbouring development and locality

The site is located within an established residential area predominantly characterised by traditional single storey detached dwelling houses constructed from fibro, weatherboard, and brick. However, more recent developments, including two-storey dwellings, multi-dwelling housing, and small-scale residential flat buildings (RFBs), are becoming increasingly common throughout Goulburn. Immediately south of the subject site, 36 Gerathy Street contains a single storey dwelling house with a metal sheet roof (Figure 4). To the north, three adjoining properties — 9 and 7 Meehan Street, and 44 Gerathy Street — feature single-storey dwellings with tiled or metal sheet roofing (Figure 5). While 9 and 7 Meehan Street have sole frontage to Meehan Street, 44 Gerathy Street is a corner lot with frontages to both Meehan and Gerathy Streets. The western adjoining properties at 91, 93, and 95 Albert Street (Figure 6) also contain single storey detached dwellings with similar architectural characteristics. Across the street, 15, 17, and 19 Gerathy Street (Figure 7) demonstrate the same pattern of single storey detached dwellings, maintaining the area's established residential character. Notably, Gerathy Park (Figure 8), which is zoned RE1 under the GMLEP 2009, is located within close proximity to the subject site.



Figure 4: 36 Gerathy Street (Source: Google Maps – February 2024)



Figure 5: From left to right – 44 Gerathy St and 7 & 9 Meehan Street (Source: Google Maps – February 2024)



Figure 6: From left to right – 95, 93 and 91 Albert Street (Source: Google Maps – February 2024)



Figure 7: From left to right – 19, 17, 15 Gerathy Street (Source: Google Maps – February 2024)



Figure 8: Gerathy Park – 60A Prince St (Source: Homes NSW image dated 20 June 2024)

Public Transport and Facilities

The closest bus stops are located on Albert Street (Albert Street opposite Meehan Street - ID 2580683 and Albert Street at Meehan Street - ID 2580727) approximately 138m and 142m from the site. There are no sealed pedestrian pathways along this route. The stops are serviced by Route 821 and 822 which connect Goulburn to Kenmore via Gibson Street and Goulburn Base Hospital, at a frequency that does not meet the rates for an 'accessible area' as defined under the Housing SEPP. Therefore, the site is not in an accessible area.



Figure 9: Distance to bus stops relative to subject site (Source: NearMap, accessed May 2025)

Surrounding Land Use

The surrounding land use is predominantly low density residential, with a public park located within proximity. Goulburn CBD, which is zoned MU1 under the GMLEP 2009, is approximately 1km southeast of the site and offers a range of shops and services, including medical facilities, pharmacies, cafes, supermarkets, department stores, restaurants, hairdressers, and a public aquatic centre. Goulburn Train Station, which is located approximately 2.8km southeast of the site, provides infrequent services to Sydney CBD via Campbelltown and facilitates regional travel to Griffith, Canberra, and Melbourne.

4 Project Description

4.1 Demolition

The proposed activity includes demolition of 3 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (*Appendix A*).

4.2 Removal of trees

The Arboricultural Impact Assessment and Tree Management Plan (*Appendix J*), dated 21 March 2025, assesses a total of 16 trees, recommending the removal of 11 trees within the property while retaining 5 trees located on the property, neighbouring properties, and the road reserve. Trees 1, 4, 5, 8, 10, 11, 12, 13 and 14 x 3 are recommended to be removed.

Tree removal is primarily recommended to accommodate the proposed development, where trees are located in a position where they cannot be retained due to the proposed building and carpark footprints, or

encroachments to the tree protect zones (TPZ) or structural root zones (SRZ) would adversely impact the roots and crown, compromising the viability and stability of the affected trees. Tree removal is also recommended for individual specimens that are not considered to be significant or worthy of retention. To compensate for the subject vegetation loss, sufficient replacement planting will be undertaken as part of the proposed landscaping plan, including trees capable of reaching a mature height of up to 15m. This is demonstrated in the Landscape Plan in **Appendix C**.

4.3 Proposed dwellings

The proposed residential flat building comprises 14 units — 6 x 1 bedroom and 8 x 2 bedroom dwellings, including 2 adaptable units. The development presents a contemporary, high-quality design incorporating face brick, pre-finished wall panels, and metal roofing, consistent with Goulburn's existing and emerging character. Approximately 60% of the units (8 of 14) front Gerathy Street, with living areas and windows oriented to enhance passive surveillance of the public domain.

The proposal includes a balanced approach to cut and fill to establish a level building platform while facilitating the installation of onsite stormwater drainage and parking.

New landscape plantings, including trees capable of reaching a mature height of up to 15m, are proposed to offset tree removal and enhance the site's appearance, privacy, and microclimate. The selected species, chosen for their suitability to the local climate, will comprise a mix of canopy trees, shrubs, and groundcovers to reinforce landscaped setbacks and contribute positively to the local landscape. Additional low-maintenance planting is to be provided in the 'landscape garden' area shown on the Ground level Plan adjacent to the rear lobby (refer to **Appendix A**). An Identified Requirement (No. 75) is recommended to this effect.

Each unit will feature its own enclosed private open space, directly accessible from internal living areas.

A total of 11 car parking spaces, including 2 accessible spaces, will be provided to support the development.

As indicated in **Appendix B** – Stormwater Management Plan Report and Stormwater Management Plans by ENTEC Consultants Pty Ltd, the nearest Council stormwater pit is approximately 30m north of the site at the intersection of Gerathy Street and Meehan Street. It is proposed to extend a new inground Council stormwater drainage system approximately 30m from this existing kerb inlet pit to the site's northern boundary. A stormwater pit and pipe network will be installed to drain the development in accordance with Council requirements, with overland flow paths directed to Gerathy Street for major storm events.

Onsite detention (OSD) is required and will be provided via a combined below-ground rainwater retention and OSD tank. An approximately 35 kL concrete tank is proposed, with the top 800 mm (14.4 kL) allocated for OSD — limited by the invert level of the Council connection — and the remaining volume (20.6 kL) used for rainwater reuse. This combined system improves tank depth, ensuring safe and convenient maintenance access. Roof water only will be directed to the tank to maintain suitable water quality for irrigation reuse.

Additionally, above-ground OSD will be provided in the carpark to manage runoff from increased impervious areas. A discharge control pit with an orifice plate will be installed in the carpark to regulate outflows during major storm events.

Fencing approximately 1.5m in height is proposed along the private open spaces of ground floor units fronting Gerathy Street, while 1.8m high fencing is proposed along the side and rear elevations to maintain privacy and amenity. The design of fencing incorporates a combination of materials, with a warm beige-grey face brick base and dark grey vertical aluminium battens forming over 60% of the total fence height. This design balances privacy and passive surveillance, particularly for units facing Gerathy Street, by limiting direct views into private open spaces while allowing reasonable visibility for security. In addition, landscaping within the front setback

has been incorporated to soften the built form, enhance privacy, and contribute to the overall safety and aesthetic quality of the development.

Figures below include extracts from the architectural plans illustrating the proposed development.

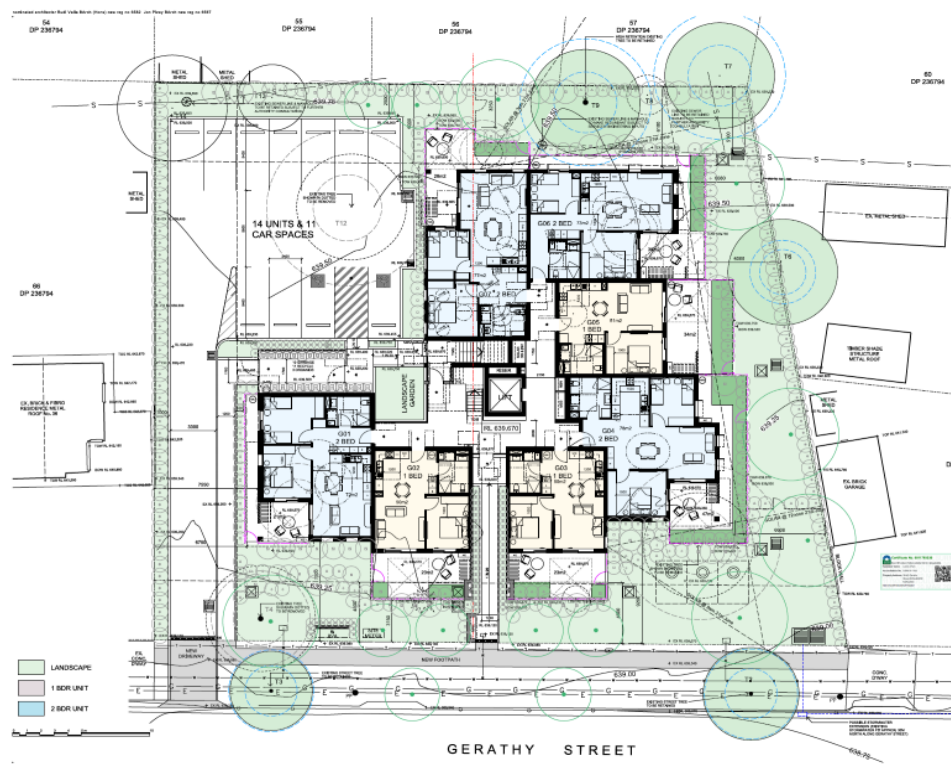


Figure 10: Extract from Architectural Plans – Ground Floor Plan (Source: DEM (Aust), dated 14/03/2025)



Figure 11: Extract from Architectural Plans – First Floor Plan (Source: DEM (Aust), dated 28/02/2025)

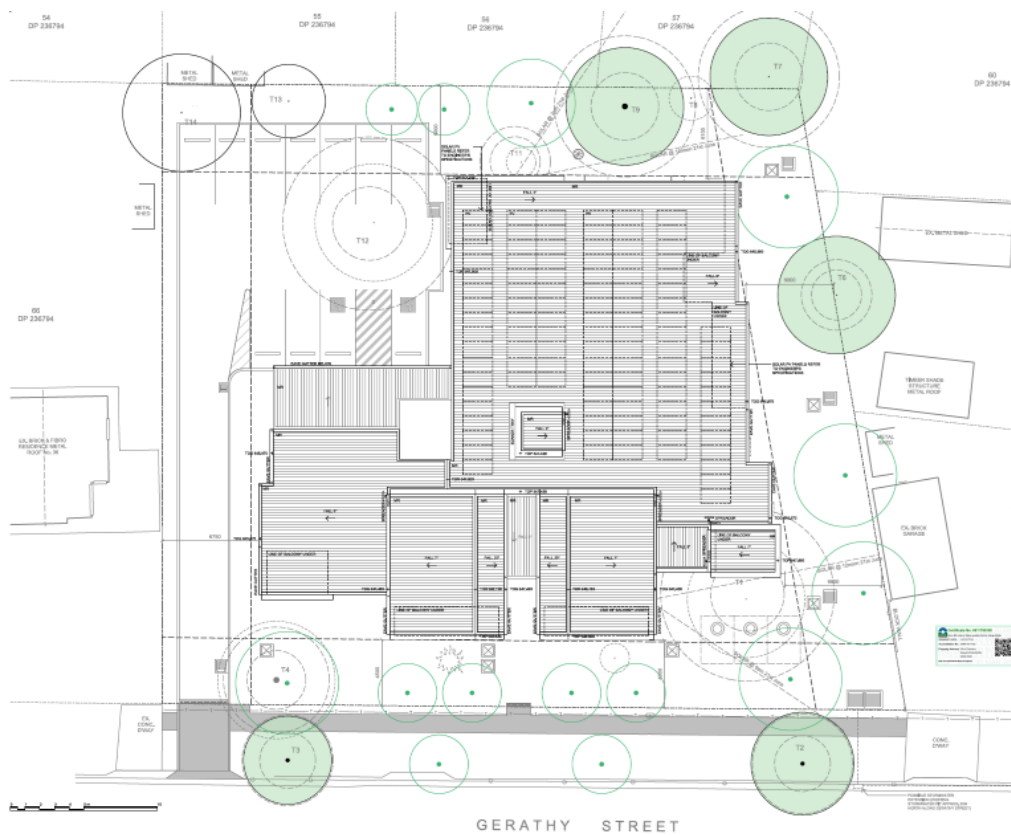
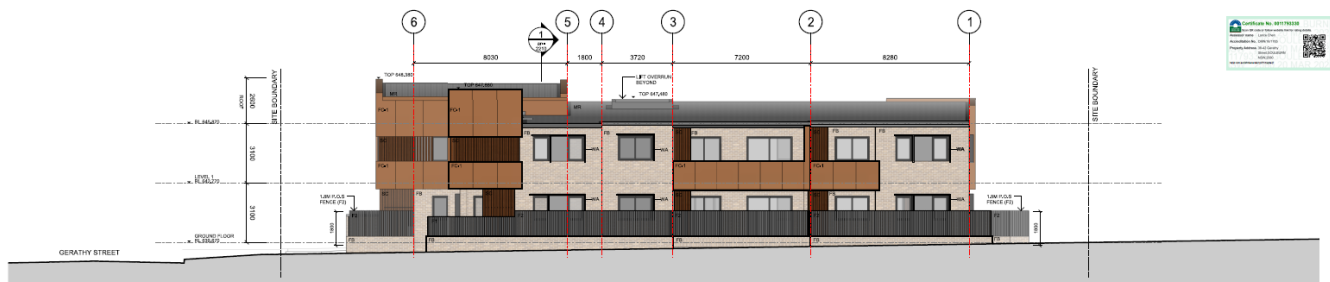


Figure 12: Extract from Architectural Plans – Roof Plan (Source: DEM (Aust), dated 28/02/2025)

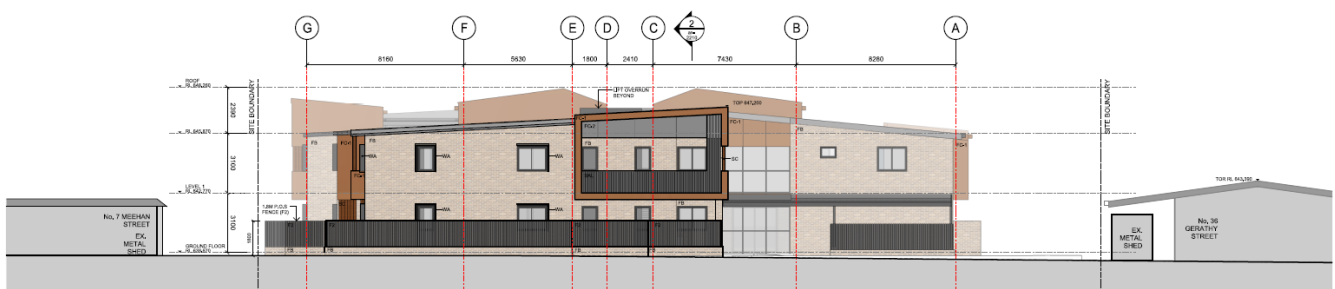


1 SOUTH EAST ELEVATION
GERATHY STREET SCALE: 1:100

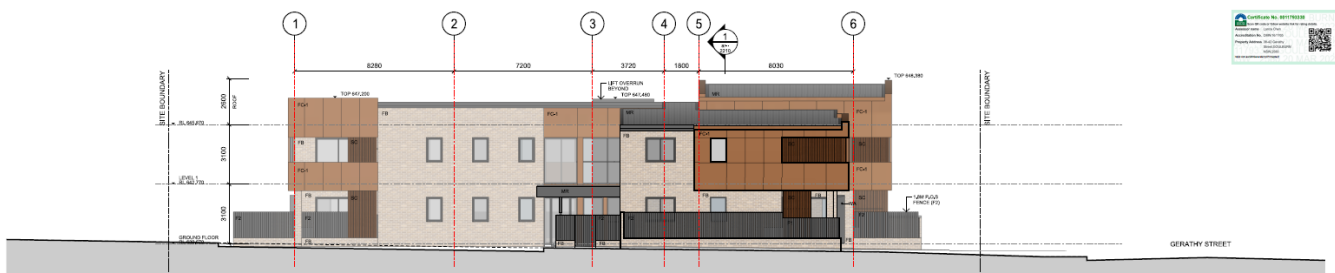


2 NORTH EAST ELEVATION
SCALE: 1:100

Figure 13: Extract from Architectural Plans – Elevations 1 (Source: DEM (Aust), dated 28/02/2025)



1 NORTH WEST ELEVATION
SCALE: 1:100



2 SOUTH WEST ELEVATION
SCALE: 1:100

Figure 14: Extract from Architectural Plans – Elevations 2 (Source: DEM (Aust), dated 28/02/2025)

4.4 Supporting information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Architectural Plans – Appendix A				
Cover Page	Ar-cv00	A01	28/02/2025	DEM (Aust) Pty Ltd
Site Analysis Plan	Ar-0001	A01	28/02/2025	DEM (Aust) Pty Ltd
Development Data	Ar-0010	A02	28/02/2025	DEM (Aust) Pty Ltd
Demolition Plan	Ar-0300	A01	28/02/2025	DEM (Aust) Pty Ltd
Ground Level Plan	Ar-1200	A01	14/03/2025	DEM (Aust) Pty Ltd
Level 1 Plan	Ar-1201	A01	28/02/2025	DEM (Aust) Pty Ltd
Roof Plan	Ar-1202	A01	28/02/2025	DEM (Aust) Pty Ltd
Sections	Ar-2210	A01	28/02/2025	DEM (Aust) Pty Ltd
Elevations 1	Ar-2610	A01	28/02/2025	DEM (Aust) Pty Ltd
Elevations 2	Ar-2611	A01	28/02/2025	DEM (Aust) Pty Ltd
Shadow Diagrams 1	Ar-5300	A01	28/02/2025	DEM (Aust) Pty Ltd
Shadow Diagrams 2	Ar-5301	A01	28/02/2025	DEM (Aust) Pty Ltd
Sun Path Diagrams 1	Ar-5400	A01	28/02/2025	DEM (Aust) Pty Ltd
Sun Path Diagrams 2	Ar-5401	A01	28/02/2025	DEM (Aust) Pty Ltd
GFA Calculation	Ar-5500	A01	28/02/2025	DEM (Aust) Pty Ltd
Landscape and Deep Soil Calculation	Ar-5510	A01	28/02/2025	DEM (Aust) Pty Ltd
External Materials and Finishes	Ar-8100	A01	28/02/2025	DEM (Aust) Pty Ltd
Civil / Stormwater Plans – Appendix B				
Stormwater Management Report	-	C	17/03/2025	Entec Consultants
Cover Sheet	C100	D	15/05/2025	Entec Consultants
Existing Services Plan	C101	D	15/05/2025	Entec Consultants
Sediment and Erosion Control Plan	C200	E	15/05/2025	Entec Consultants
Sediment and Erosion Control Details	C201	D	15/05/2025	Entec Consultants
Civil Works Plan	C300	E	15/05/2025	Entec Consultants
Stormwater Management Plan	C400	E	15/05/2025	Entec Consultants
Details 1	C500	E	15/05/2025	Entec Consultants
Details 2	C501	D	15/05/2025	Entec Consultants
Onsite Detention Analysis	C502	D	15/05/2025	Entec Consultants
Music Model Result	C503	D	15/05/2025	Entec Consultants

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Catchment Plan	C600	D	15/05/2025	Entec Consultants
Civil Services – Cut & Fill Plan	C700	D	15/05/2025	Entec Consultants
Civil Services – Pavement Plan	C800	D	15/05/2025	Entec Consultants
Civil Services – Public Domain Plan	C900	D	15/05/2025	Entec Consultants

Landscape Plans – Appendix C

Coversheet & General Note	LA-000	C	18/03/2025	Studio IZ Pty Ltd
Legend & Planting Schedule	LA-001	C	18/03/2025	Studio IZ Pty Ltd
Existing Tree Plan	LA-002	C	18/03/2025	Studio IZ Pty Ltd
General Arrangement Plan	LA-201	C	18/03/2025	Studio IZ Pty Ltd
Planting Plan	LA-301	C	18/03/2025	Studio IZ Pty Ltd
Typical Details	LA-501	C	18/03/2025	Studio IZ Pty Ltd
Landscape Section	LA-601	C	18/03/2025	Studio IZ Pty Ltd
Specification Notes	LA-700	C	18/03/2025	Studio IZ Pty Ltd

Notification Plans – Appendix D

Cover Page	1 of 8	A01	28/02/2025	DEM (Aust) Pty Ltd
Site / Landscape Plan	2 of 8	A01	28/02/2025	DEM (Aust) Pty Ltd
Site / Landscape Plan Legend / Schedule	3 of 8	A01	28/02/2025	DEM (Aust) Pty Ltd
Development Data	4 of 8	A01	28/02/2025	DEM (Aust) Pty Ltd
Street Elevations & Schedule of Finishes	5 of 8	A01	28/02/2025	DEM (Aust) Pty Ltd
Elevations	6 of 8	A01	28/02/2025	DEM (Aust) Pty Ltd
Shadow Diagrams 1 – At Mid-Winter 21 June	7 of 8	A01	28/02/2025	DEM (Aust) Pty Ltd
Shadow Diagrams 2 – At Mid-Winter 21 June	8 of 8	A01	28/02/2025	DEM (Aust) Pty Ltd

Survey Plans – Appendix E

Contour & Detail Survey	1 of 2	A	26/04/2024	Premise
Contour & Detail Survey	2 of 2	A	26/04/2024	Premise

BASIX Certificate – Appendix F

BASIX Certificate	1787898M_02	-	20/03/2025	LC Consulting Engineers
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Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
NATHERS Certificate – Appendix G				
Nationwide House Energy Rating Scheme – Class 2 Summary	No.0011793330	-	20/03/2025	LC Consulting Engineers
Accessibility Report – Appendix H				
Accessibility Report	SYD224_435-3 (ACCESS & LHA) CM	-	28/02/2025	DC Partnership
BCA Report – Appendix I				
BCA Compliance Assessment Report	P2500003	1	16/02/2025	BCA Vision
Arborist Report – Appendix J				
Arboricultural Impact Assessment & Tree Management Plan	242501	-	21/03/2025	Redgum Horticultural
Geotechnical Investigation Report – Appendix K				
Geotechnical Investigation Report	Report No: 24/0904	-	April 2024	STS Geotechnics Pty Ltd
Traffic Impact Assessment Report – Appendix L				
Traffic Impact Assessment Report	-	2	27/02/2025	Sydney Traffic Engineers Pty Ltd
Waste Management Plan – Appendix M				
Waste Management Plan	-	A01	28/02/2025	DEM (Aust) Pty Ltd
AHIMS – Appendix N				
AHIMS	-	-	11/03/2025	NSW Government
Response Letter to Council Landscape Comments - Appendix O				
Response Letter to Council Landscape Comments	-	-	12/05/2025	Studio IZ Pty Ltd

Section 10.7 Planning Certificates – Appendix P

- Lot 63 DP 236794, Cert no. PLAN/1001/2425, dated 25/02/2025, prepared by Goulburn Mulwaree Council
- Lot 64 DP 236794, Cert no. PLAN/1002/2425, dated 25/02/2025, prepared by Goulburn Mulwaree Council
- Lot 65 DP 236794, Cert no. PLAN/1003/2425, dated 3/03/2025, prepared by Goulburn Mulwaree Council

Title Search & DP – Appendix Q

- Title Search, Folio: 63/236794, Search date 17/02/2025, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: 64/236794, Search date 15/12/2022, First Schedule: New South Wales Land and Housing Corporation
- Title Search, Folio: 65/236794, Search date 15/12/2022, First Schedule: New South Wales Land and Housing Corporation
- Deposited Plan 236794, Search date: 15/12/2022

The Minister became 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 Certificates – Appendix R

- Architect's Certificate of Building Design Compliance – DEM (Aust) Pty Ltd, dated 28/02/2025.
- Certificate of Landscape Documentation Compliance – Studio IZ Pty Ltd, dated 14/05/2025.
- Certificate of Stormwater Documentation Compliance - Entec Consultants, dated 19/05/2025.

5 Zoning and Permissibility

The site is zoned R1 General Residential under *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP 2009) (Figure 15). The proposed development is defined as a ‘residential flat building’ under the provisions of GMLEP 2009 and is permissible with consent in the R1 zone and therefore, is permitted on the subject land without consent pursuant to section 42 of the Housing SEPP.

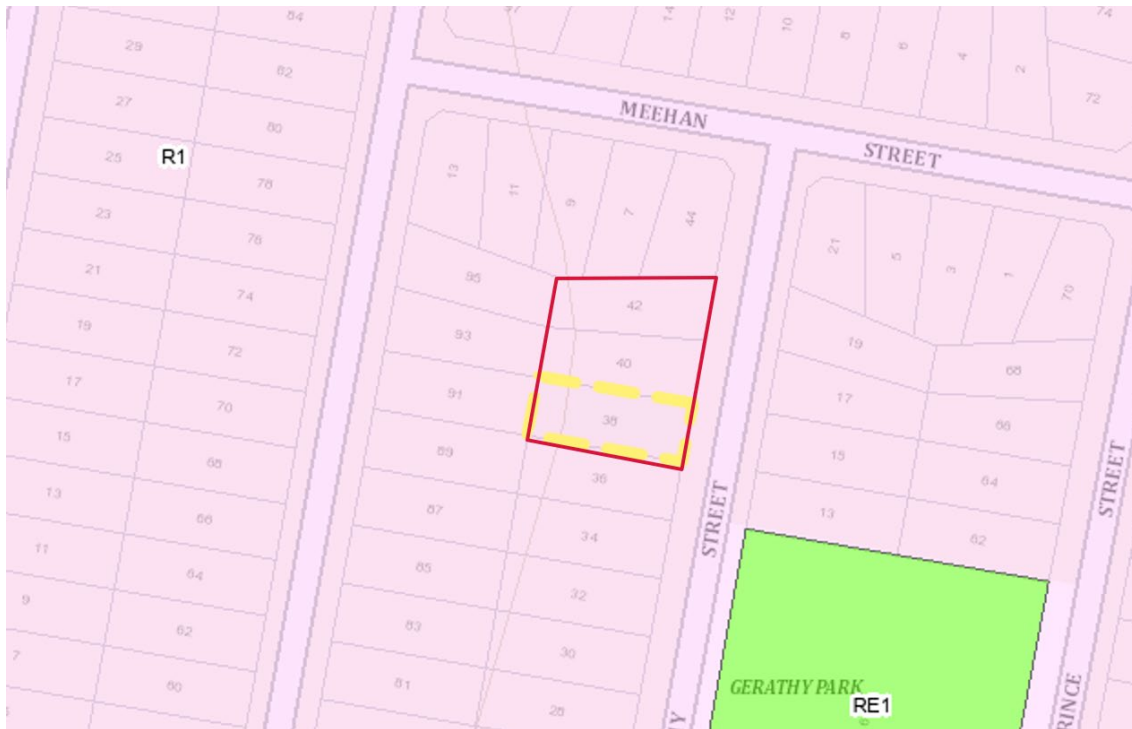


Figure 15: Zoning Map (Source: NSW Planning Portal Spatial Viewer, accessed May 2025)

The objectives of the R1 zone, as set out in GMLEP 2009 are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.

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

- will provide new affordable housing that meets the identified needs of the community;
- will provide a density and type of housing that is compatible with the scale of existing development and will add to the variety of housing in the locality;
- will provide a high quality and attractive development that will contribute to existing streetscape and overall desired character of the area; and
- will increase housing density on a site within proximity to Goulburn CBD and associated commercial, retail and education facilities.

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. **Table 6** in subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of Section 42 of the Housing 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.

6.3 Other Acts

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

6.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, 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/N/A	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;	N/A			
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	N/A			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	N/A			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	

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

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

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

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

6.4.2 Strategic Planning Framework

South East and Tablelands Regional Plan 2036

The South East and Tablelands Regional Plan 2036 provides the overarching strategic direction to manage population growth, housing, infrastructure, environmental management and economic development in the southern New South Wales and Tablelands region, which includes Goulburn. The Plan identifies a series of directions to achieve the goal for environmentally sustainable housing choices:

- Direction 24: Deliver greater housing supply and choice,
- Direction 27: Deliver more opportunities for affordable housing.

The Plan also includes a series of Local Government Narratives, which identifies the following specific priorities relating to housing supply in Goulburn-Mulwaree:

- Diversify the housing market to respond to demographic change and pre-empt housing affordability pressures.

The development aligns with the strategic intent of the Plan by increasing housing supply and providing a broader range of housing types to meet community needs. It includes affordable housing to address current and future affordability challenges in the region, supporting the delivery of environmentally sustainable housing options.

Goulburn Mulwaree Local Strategic Planning Statement

The Goulburn Mulwaree Local Strategic Planning Statement was endorsed by Goulburn Mulwaree Council in August 2020. This 20-year plan outlines the strategic direction for the local government area and identifies 10 key Planning Priorities. These priorities include 1) Infrastructure; 2) City, Town and Village Centres; 3) Community Facilities, Open Space and Recreation; 4) Housing; 5) Primary Industry; 6) Industry and Economy; 7) Sustainability; 8) Natural Hazards; 9) Heritage; and 10) the Natural Environment.

Notably, Priority No. 4 notes that there is a ‘significant lack of public housing in general’ in Goulburn and asserts that Council will continue to advocate for increased affordable and social housing provision. The Priority also encourages ‘higher density residential development closer to the Goulburn CBD’. The proposed development will deliver 14 affordable housing units within the Goulburn Mulwaree LGA, contributing to greater housing diversity by providing dwellings suited to smaller households. Located in an area reasonably serviced by public transport and essential services, the development aligns with the objectives of the Goulburn Local Strategic Planning Statement.

Urban and Fringe Housing Strategy

The Urban and Fringe Housing Strategy was adopted by Council on 21 July 2020 and conditionally endorsed by the NSW Department of Planning, Industry and Environment (DPIE) on 20 November 2020. The scope of the Strategy included looking at the urban areas of Goulburn and Marulan, identifying opportunities for an additional recommended 3,500 dwellings over the next 18 years to 2036.

The Housing Strategy identifies a need for more affordable housing options across the study area to reduce social housing wait times and provide greater choice for the community. It also acknowledges the need for further work to support affordable housing delivery, including the development of an affordable housing policy.

The proposed development aligns with these objectives by delivering additional affordable housing units designed to meet sustainability targets and that will contribute positively to the local character through high-quality design. As such, the proposal is consistent with the intent of the Urban and Fringe Housing Strategy.

6.4.3 Activities in catchments [Section 171A]

The site is located within the Sydney Drinking Water Catchment. Therefore, the provisions of Section 171A of the *Environmental Planning and Assessment Regulation 2021* apply to the development. The development was referred to Water NSW as part of the statutory notification process. Water NSW reviewed the proposed development and raised no objection to the proposed development subject the imposition of Standard Requirements.

An assessment of the relevant provisions of the Regulations is provided in the table below:

Table 5: Compliance with s171A of the EP&A Regulation 2021

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Comment
171A Activities in catchments – the Act, s 5.10(a) (1) When considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, a determining authority must take into account –	
(a) the matters a consent authority must consider under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> , sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1), and	The proposal has been designed in consideration of Sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1) of the Biodiversity and Conservation SEPP. Refer to Section 6.6 of this report for further discussion.
(b) the matters of which a consent authority must be satisfied under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> , sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).	The proposal has been designed in consideration of Sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2) of the Biodiversity and Conservation SEPP. Refer to Section 6.6 of this report for further discussion.
(3) When considering the likely impact on the environment of an activity proposed to be carried out in the Sydney Drinking Water Catchment, the determining authority – (a) must, in addition to the matters referred to in subsection (1), take into account whether the activity –	The site is located within the Sydney Drinking Water Catchment.

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Comment
(i) will have a neutral or beneficial effect on water quality, and	<p>The development has satisfactorily demonstrated that the development will have a neutral or beneficial effect on water quality. This is achieved by utilisation of proprietary biofiltration system, such as pit inserts and tertiary filters, which will filter pollutants prior to stormwater disposal through to the public stormwater system.</p> <p>The development was referred to Water NSW, which provided comments on 24 April 2025 confirming that the development can achieve a neutral or beneficial effect on water quality, subject to compliance with the Identified Requirements imposed in the Activity Determination.</p>
(ii) is consistent with the NorBE Guideline within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Part 6.5, and	<p>The development has been designed in accordance with the NorBE guideline.</p> <p>The development was referred to Water NSW, which provided comments on 24 April 2025 confirming that the development is consistent with the NorBE Guideline, subject to compliance with the Identified Requirements imposed in the Activity Determination.</p>
(b) is not required to take into account the matters specified in State Environmental Planning Policy (Biodiversity and Conservation) 2021, section 6.6(1)(a) or (2)(a).	Noted.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

Demolition

The proposed activity includes demolition of existing structures on the site. Section 42(2)(a) of the Housing SEPP permits the Minister to undertake demolition as "development without consent" provided demolition is permissible and the land the structures are located on is "non-heritage land" and is not "identified in an environmental planning instrument as being within a heritage conservation area".

Demolition is permissible with consent under clause 2.7 of the GMLEP 2009 and the subject site contains neither of these heritage notations and therefore demolition can be undertaken by the Minister as "development without consent".

A Waste Management Plan has been prepared (**Appendix M**), and there are several Identified Requirements recommended in the **Activity Determination** which deal with site safety and environmental protection during demolition and construction.

Residential development

Chapter 2, Part 2, Division 6 of the Housing SEPP permits the Minister to carry out certain development as 'development without consent' subject to the provisions set out under that section. **Table 6** below demonstrates compliance with the relevant provisions of sections 42 and 43 of the Housing SEPP.

Table 6 Compliance with relevant provisions under Chapter 2, Part 2, Division 6 of the Housing SEPP 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 consent on the land under Chapter 5, Chapter 6 or another environmental planning instrument, and	The development is permissible with consent in the R1 General Residential zone under the GMLEP 2009.
(b) all buildings will have a height not exceeding the greater of – (i) 11m, or (ii) the maximum permissible building height for the land, and	The maximum proposed building height is approximately 8.5m.
(c) all buildings will have a floor space ratio not exceeding the greater of – (i) 0.65:1, or (ii) the maximum permissible floor space ratio for the land and	The proposed floor space ratio is approximately 0.55:1.
(d) the development will not result in more than 75 dwellings on a single site, and	The development is for 14 dwellings.
(e) for development on land in an accessible area – the development will result in the following 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 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.	The site is not located in accessible area as demonstrated in section 3.3 above. The proposal provides 11 parking spaces which is consistent with the requirement: 6 x 1 bedroom = 3 parking spaces required 8 x 2 bedroom = 8 parking spaces required Total parking spaces required = 11
(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 – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	The proposed development includes demolition. The subject site is not identified as containing any heritage items or being located within a heritage conservation area.
(b) the subdivision of land and subdivision works.	Not applicable.

Provision	Compliance
(3) This Division does not apply to – (a) development to which Chapter 2, Part 2, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Noted.
(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.	Consultation with authorities other than Goulburn Mulwaree Council was not required for this activity under the provisions of the Transport and Infrastructure SEPP. Notwithstanding, consultation with Water NSW was undertaken pursuant to s43A of the Housing SEPP (see below).
(5) In this section- Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. non-heritage land means land that – (a) does not contain a heritage item, and (b) is not the subject of an interim heritage order under the Heritage Act 1977, and (c) is not listed on the State Heritage Register under the Heritage Act 1977.	Noted.
43 Development permitted without consent	
(1) Development specified in section 42(1) may be carried out without consent if the development is carried out by or on behalf of – (a) Landcom, if all dwellings resulting from the residential development are used for affordable housing, or (b) another relevant authority. (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.	Development will be carried out by or on behalf of the Minister, who, under section 35F of the Housing Act 2001 has the same functions as the NSW Land and Housing Corporation, which is a relevant authority. N/A
43A Notification before carrying out development	
(1) Before carrying out development to which this division applies, the relevant authority must do the following-	
(a) request that the council nominate persons who must, in the council’s opinion, be notified of the development,	Advice was sought from Goulburn Mulwaree Council to confirm whether any additional persons or properties should be notified of the proposed development. Council confirmed the appropriate extent of notification. Further details are provided in Section 7.2 of this report.
(b) give written notice of the intention to carry out the development to – (i) the council, and	A letter notifying Goulburn Mulwaree Council of the proposed development activity was sent by the Minister on 28 March 2025.

Provision	Compliance
(ii) any persons nominated by the council under paragraph (a), and (iii) the occupiers of adjoining land,	<p>A letter notifying Water NSW of the proposed development activity was sent by the Minister on 28 March 2025.</p> <p>Letters notifying occupiers of adjoining land of the proposed development activity were sent by the Minister on 1 April 2025.</p>
(c) take into account the responses to the notice that are received within 21 days after the notice is given.	<p>Council responded to the Minister's notification by letter dated 30 April 2025. Water NSW provided comments on the proposal on 24 April 2025. Comments on the responses are provided in Section 7.1 and Section 7.3 of this REF, respectively.</p> <p>Five submissions were received from adjoining occupiers. Comments on the submissions are provided in Section 7.2 of this REF.</p>
43B Landcom must notify Secretary of Department of Communities and Justice	
Before carrying out development to which this division applies, Landcom must – <ul style="list-style-type: none"> (a) give written notice of the intention to carry out the development to the Secretary of the Department of Communities and Justice, including the measures proposed to ensure the dwellings resulting from the residential development will be – <ul style="list-style-type: none"> (i) used for affordable housing, and (ii) managed by a registered community housing provider, and (b) take into account the responses to the notice that are received within 21 days after the notice is given. 	Not applicable.
43C Consideration of design of residential apartment development	
Before carrying out residential apartment development to which this division applies, the relevant authority must consider the following – <ul style="list-style-type: none"> (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, (b) the Apartment Design Guide. 	The proposed development is not 3 or more storeys, therefore the development is not 'residential apartment development' for the purposes of this section and Schedule 9 and the Apartment Design Guide does not apply.
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 – <p>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.</p>	

Provision	Compliance
(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 demonstrates that the <i>NSW Land and Housing Corporation Design Requirements</i> have been considered.
(3) Before carrying out development to which this division applies, Landcom must consider the <i>Landcom Affordable Housing Design Guideline</i> , published by Landcom, in partnership with the Government Architect NSW, in November 2023.	Not applicable.
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
(2) Development for the purposes of repairs and maintenance work and non-structural renovations and building alterations carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation in relation to housing is exempt development.	Noted
(3) Subsection (2) does not apply to development involving the use of external combustible cladding within the meaning of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .	Noted

6.5.2 Good Design for Social Housing

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

Section 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 Chapter 2, Part 2, Division 6 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined.

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 have been designed to achieve Liveable Housing Australia, Gold Level and 2 adaptable housing units have also been provided. The development therefore has the ability to cater to all age groups and degrees of mobility. The development incorporates passive and active sustainable design by achieving cross-ventilation in 64% of units and solar access during mid-winter to 71% of units. There is also the use of durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a NatHERS

rating with an average of 7.2 stars which exceeds the minimum targets set by the *NSW Land and Housing Corporation Design Requirements*. A photovoltaic system has been incorporated to offset energy use in the development with PV solar panels positioned to maximise solar gains.

Each ground floor unit is provided with a private open space comprising a paved area for outdoor use and adjoining low-maintenance landscaped gardens. First-floor units feature balconies that support both outdoor activity and service functions such as clothes drying and air conditioning units. In addition to high-quality landscaping throughout the site that enhances residential amenity, the development includes resident car parking, accessible pedestrian pathways, and reasonable opportunities for passive surveillance integrated into the overall design.

Belonging

As discussed, the site is located within an established residential area in Goulburn, predominantly characterised by traditional single storey detached dwelling houses constructed from fibro, weatherboard, and brick. However, more recent developments, including two-storey dwellings, multi-dwelling housing, and small-scale residential flat buildings (RFBs), are becoming increasingly common throughout Goulburn.

The form and materiality of the proposed development have been carefully selected to reflect the style and character of the local area, making a high-quality contribution to the streetscape. The external brick façade and overall aesthetic maintain consistency with the surrounding context, allowing the development to integrate with neighbouring private housing.

The proposed housing is secured with landscape barrier planting and fencing for private open spaces, creating a sense of safety for tenants. The secured entry lobbies to the building as well as the delineated pathways create the opportunity for social interaction among residents in a safe environment as well as a defined transition from public to private spaces.

The mixed unit sizing also caters to the needs of a diverse range of tenants.

Value

The development exceeds sustainability targets, with the average NatHERS rating being 7.2 stars. 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 a number of stakeholders, including input from adjoining landowners, Council and Water NSW.

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.

Section 44(2)(b) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *NSW Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Chapter 2, 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 Certificate of Compliance from the Architect in *Appendix R*. Further detail will be incorporated in the construction documentation.

6.6 Other State Environmental Planning Policies

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

Table 7: Compliance with other applicable State Environmental Planning Policies

SEPP (Sustainable Buildings) 2022

A BASIX Certificate, and associated NatHERS Certificates, have been obtained for the development proposal (refer to *Appendix F and Appendix G*). The certificates confirm that the development complies with the minimum requirements for water, energy and thermal performance.

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.

The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.

SEPP (Biodiversity and Conservation) 2021

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

Tree removal

The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy.

The proposed development seeks the removal of 11 trees located within the development footprint as identified in the Arboricultural Impact Assessment and Tree Management Plan in *Appendix J* and as discussed under Section 4.2 of this report. Tree removal is recommended primarily to accommodate the proposed development especially where encroachment will have an adverse impact on roots and crown for viability and stability of the individual specimen.

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. An assessment of the proposed tree removal has been undertaken within Section 8.9 of this REF.

Regulated catchment

The site is located within the Sydney Drinking Water Catchment. Accordingly, the controls for development set out in Division 2 of Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.

Under Section 171A(1) of the EP&A Regulation, the Minister, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must:

- consider State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1), and
- must be satisfied under State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).

Part 6.2 Development in regulated catchments	Comment
<p>6.6 Water quality and quantity This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> • have a neutral or beneficial effect on the quality of water entering a waterway; • have an adverse impact on water flow in a natural waterbody; • increase the amount of stormwater run-off from a site, and • Incorporate on-site stormwater retention, infiltration or reuse. <p>The consent authority is also required to assess the impact of the development</p> <ul style="list-style-type: none"> • on the level and quality of the water table; • the cumulative environmental impact of the development on the regulated catchment; • and whether the development makes adequate provision to protect the quality and quantity of ground water. <p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p> <ul style="list-style-type: none"> • the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and • the impact on water flow in a natural waterbody will be minimised. 	<p>As discussed in Section 4.3 of this report, stormwater will be collected on-site and conveyed via underground stormwater pipes to the on-site detention system and/or through proprietary biofiltration systems, such as bioretention tree pits, 'ocean guard' pit inserts and 'tertiary 'jellyfish' filter, prior to discharge into Council's stormwater system.</p> <p>Identified Requirement (No. 13) recommends that sediment control measures be implemented during construction in accordance with Council requirements and/or the guidelines contained in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004).</p> <p>Identified Requirements (Nos. 6 and 42) are applied to the <i>Activity Determination</i> recommending that stormwater management of the activity is designed in accordance with Goulburn Mulwaree Council's technical guidelines and policies, and the stormwater plan endorsed by Water NSW.</p>
<p>6.7 Aquatic ecology This clause requires the consent authority to consider whether the development:</p> <ul style="list-style-type: none"> • will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation, • involves the clearing of riparian vegetation and, if so, whether the development will require either a controlled activity approval under the Water Management Act 2000, or a permit under the Fisheries Management Act 1994, • will minimise or avoid the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody, or will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area, • includes adequate safeguards and rehabilitation measures to protect aquatic ecology, 	<p>The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The site does not comprise any significant vegetation and as such there is negligible impact from the proposed vegetation removal. The proposed development includes planting of suitable native indigenous vegetation. In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.</p>

- if the site adjoins a natural waterbody — whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.

Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:

- that the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,
- the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,
- if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation — the approval or permit has been obtained,
- the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,
- the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.

6.8 Flooding

This clause relates to flood liable land.

- (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.
- (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not —
 - (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or
 - (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.

The Section 10.7 Planning Certificates (*Appendix P*) identify the site as located between the Flood Planning Area (FPA) and the Probable Maximum Flood (PMF), suggesting potential flood-related development controls may be applicable.

However, the site falls within Flood Planning Constraint Category 4, as per Council's Flood Policy (Appendix J of the GMDCP 2009). In this regard, no specific provisions apply to this type of residential development within this category.

The proposed development is not anticipated to have an adverse impact on periodic flooding that supports wetlands and riverine ecosystems, will not release pollutants that adversely affect water quality, and will not impede the natural recession of floodwaters.

6.9 Recreation and public access

This clause relates to development on recreational land and public access to natural water bodies and foreshores.

The proposed activity will not impact recreational land uses or alter public access to recreational land or foreshores.

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 Goulburn. The s10.7 Planning Certificates (**Appendix A**) do not identify the site as potentially contaminated. Notwithstanding, the draft *Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the former 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	Each lot contains 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 undertaken on 20 June 2024 found no evidence of activities listed in Table 1 that may be potentially contaminating.
(g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is for residential purposes.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during site preparation / 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 prior to or during construction works.

6.7 Goulburn Mulwaree Local Environmental Plan 2009 (GMLEP 2009)

Compliance with the relevant provisions / development standards set out in the GMLEP 2009 is demonstrated in **Table 8** below.

Table 8 Goulburn Mulwaree Local Environmental Plan 2009

Relevant Provisions / Development Standards for Residential Flat Housing			
Clause	Provision / Development Standard	Required	Provided
4.1B	Minimum lot sizes for multi dwelling housing and residential flat buildings	Zone R1 General Residential = 1,050m ²	Complies. The proposed consolidation of lots results in an overall site area of 1981.4m ² .
4.3	Height of Buildings N/A The LEP does not nominate a maximum building height for the land.	N/A	Not applicable. The LEP does not nominate a maximum building height for the land. In any case, the Housing SEPP permits a height of buildings of 11m. The proposed building height is approximately 8.5m. The development is 2 storeys and is compatible with the scale of existing development in Goulburn as well as future development anticipated for the area.
4.4	Floor Space Ratio N/A The LEP does not nominate a maximum floor space ratio for the land.	N/A	Not applicable. The LEP does not nominate a maximum floor space ratio for the land. In any case, the Housing SEPP permits a floor space ratio of 0.65:1. The proposed floor space ratio is approximately 0.55:1.
5.22	Special flood considerations	This clause applies to— (a) for sensitive and hazardous development—land between the flood planning area and the probable maximum flood, and (b) for development that is not sensitive and hazardous development—land the consent authority considers to be land that, in the event of a flood, may—	Not applicable. The proposed development is on land that is between the flood planning area and the probable maximum flood, as identified on the Section 10.7 Planning Certificates. However, the proposed residential flat building is not defined as sensitive or hazardous development in Council's Flood Policy. The <i>Goulburn Floodplain Risk Management Study and Plan 2022</i> does not specify any flood related development controls for the proposed development.

Relevant Provisions / Development Standards for Residential Flat Housing

		(i) cause a particular risk to life, and (ii) require the evacuation of people or other safety considerations.	
7.1A	Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters –</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material or the destination of any excavated material,</p> <p>(f) the likelihood of disturbing Aboriginal objects or other relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>The site has a moderate slope of approximately 2.6m, falling from RL641.65 at the southwestern corner to RL639.02 at the northeastern corner.</p> <p>A Geotechnical Investigation Report prepared by STS Geotechnics Pty Ltd (April 2024, Appendix K) was undertaken to inform the development design. No groundwater or saline soils were encountered during site investigation.</p> <p>The proposal includes a maximum excavation of approximately 2.7m at the northeast corner of the site for an underground rainwater retention and onsite detention system.</p> <p>Excavation of up to 0.6m is proposed in the southwestern corner of the site for the parking area, facilitating accessible pedestrian access to the parking spaces, including two accessible parking spaces.</p> <p>Excavation for the residential building is limited to approximately 0.3m along the northwestern elevation to achieve level finished floor levels and improve accessibility.</p> <p>A maximum fill of 0.2m is proposed to primarily support the private open space/balcony and landscaping for Units G02, G03 and G04, positively contributing to the streetscape along both frontages.</p> <p>Overall, the proposed earthworks are contained largely within the building footprint, set back from allotment boundaries, and are suitably designed to minimise impacts on existing drainage patterns and soil stability. Cut and fill are further detailed in Table 9.</p> <p>The hydraulics consultant has certified that the site drainage has been designed</p>

Relevant Provisions / Development Standards for Residential Flat Housing

			<p>generally in accordance with Council requirements (refer to the Certificate of Civil Engineering Documentation Compliance in Appendix R).</p> <p>Identified Requirements (Nos 6, 7, 42 and 72) have also been recommended to ensure alterations to natural contours will not impede, increase or divert natural surface water runoff to cause nuisance to adjoining properties, and ensure compliance with Council provisions and relevant standards for stormwater drainage.</p> <p>The amount of proposed cut and fill will create a level building platform that will facilitate the residential use of the land.</p> <p>All fill will be virgin excavated natural material. Any excess excavated material will be transported to an appropriate facility in accordance with a final waste management plan.</p> <p>Identified Requirement (No.46) is recommended to cover the potential disturbance of any relics found on the site during demolition / construction.</p> <p>The development has been designed in accordance with relevant stormwater management and drainage requirements, incorporating on-site detention, proprietary biofiltration system, and rainwater tank to maintain water quality. As outlined in Table 5, the Stormwater Management Report (Appendix B) confirms the design meets the Neutral or Beneficial Effect (NorBE) standard.</p> <p>In addition, soil erosion and sedimentation measures will be implemented during works to ensure that there are no adverse impacts on any waterway, drinking water catchment or environmentally sensitive area.</p>
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6.8 Goulburn Mulwaree Development Control Plan 2009 (GMDCP 2009)

Goulburn Mulwaree Development Control Plan 2009 (GMDCP 2009) contains development controls for residential development. The relevant controls in the GMDCP 2009 are addressed in **Table 9** below.

The controls for development set out in GMDCP 2009 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.

Table 9 Goulburn Mulwaree Development Control Plan 2009

Goulburn Mulwaree Development Control Plan 2009 Part 4 – Principal Development Controls Urban			
4.1 Residential Development			
Clause	Requirement	Proposed	Complies
4.1.1 Site planning, bulk, scale and density	Ensure the site layout integrates with the surrounding environment through: <ul style="list-style-type: none"> adequate pedestrian, cycle and vehicle links to street and open space networks; 	<p>The proposed residential flat building includes a defined entry path and lobby to facilitate a clear transition between the public and private domains.</p> <p>Vehicle access is provided via a driveway off Gerathy Street, leading to a car parking area in the southwestern corner of the site, with the surrounding area appropriately landscaped and integrated with the rear open space.</p> <p>Pedestrian pathways are incorporated to ensure high levels of accessibility.</p>	Yes
	<ul style="list-style-type: none"> buildings facing streets and public open spaces; 	As shown in the architectural plans (Appendix A), approximately 60% of the units (8 of 14) front Gerathy Street, with living areas and windows oriented to enhance passive surveillance. Similarly, rear and southwestern side facing units G06, G07, 101, 106, and 107 provide reasonable surveillance over the rear parking area and adjacent landscaped spaces.	Yes
	<ul style="list-style-type: none"> building, streetscape and landscape design relating to the site topography and the surrounding neighbourhood character. 	<p>The proposed development is two storeys and complies with the applicable building height and floor space ratio standards which assist in reducing the overall bulk of the development and provide a scale and massing that can be integrated with the low density residential character of the locality.</p> <p>The proposal presents a contemporary, high-quality design incorporating face brick, pre-finished wall panels, and metal roofing, consistent with Goulburn's existing and emerging character.</p>	Yes
4.1.4 Cut and Fill	Earthworks shall be undertaken to a maximum of 600mm excavation or fill from the natural surface level of the property.	The proposal generally includes excavation to a depth of approximately 0.6m and a maximum fill of approximately 0.2m to facilitate the	Yes, complies with intent

	<p>Council will assess proposals for excavation or fill greater than 600mm having regard to the visual impact of the proposed earthworks.</p> <p>All cut and fill shall have a setback to the boundary to permit any retaining walls to be located wholly within the property boundary and to allow fencing to be installed at the boundary.</p>	<p>proposed development. Excavation to a depth of approximately 2.7m is proposed at the northeast corner of the site to accommodate the underground OSD and rainwater tank. An in-depth assessment of the proposed excavation and filling is provided in Table 8 above.</p> <p>Overall, the proposed earthworks are considered acceptable as they are minor in scale, largely confined within the building and carpark footprint, and appropriately address the site's topography. The proposal facilitates accessible access, avoids unreasonable impacts on adjoining properties, and does not result in any non-compliance with the applicable building height, overshadowing and visual privacy standards. The proposal is therefore considered reasonable in terms of earthworks, subject to compliance with the identified requirements.</p>	
4.1.6 Number of storeys	Dwellings and multi dwellings are to have a maximum of 2 storeys outside the statutory height mapped areas.	The proposed two-storey development complies with the applicable building height requirements, as detailed in Table 6.	Yes
4.1.7 Solar Access	Residential buildings shall be designed to ensure that the principal living spaces of the proposed dwelling, adjoining residential buildings, and at least 50% of their private open space, have at least three hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice).	The proposed development is well designed to maximise solar access to living areas and private open space. As demonstrated in the submitted Architectural Plans (<i>Appendix A</i>), at least 10 of the 14 dwellings (71%) receive a minimum of 3 hours of direct sunlight to both the living room and private open space between 9am and 3pm in mid-winter, in compliance with the LAHC Design Requirements.	Yes
4.1.8 Privacy	Windows and balconies are not to be positioned in a location where it allows for direct views into nearby/adjoining approved habitable rooms. Balconies and second storey windows are also not to have direct views into the private open space of nearby approved residential areas unless permanent privacy elements are applied (e.g. privacy screens or high still windows).	<p>The proposed development has been carefully designed to minimise overlooking impacts to and from adjoining properties through adequate boundary setbacks, appropriately located windows and balconies, and the incorporation of solid balustrade and privacy screening where necessary.</p> <p>Approximately 60% of the units (8 of 14) front Gerathy Street, with living areas and windows oriented toward the public domain. Windows on the side and rear elevations are strategically positioned to avoid direct alignment with those of neighbouring dwellings and are supported by sufficient setbacks:</p> <ul style="list-style-type: none"> • Southwestern side – Ground Floor: minimum ~7.5m; First Floor: minimum ~6.7m 	Yes

		<ul style="list-style-type: none"> • Northeastern side – Ground and First Floors: ~6m to 6.6m due to the site's irregular shape • Rear – Ground and First Floors: ~6m <p>The immediate adjoining area on northeastern properties are primarily occupied by outbuildings. As such, first-floor balconies and windows on the northeast elevation will mainly have an outlook to the roofs of these structures. Privacy impacts are further mitigated through the use of solid balustrades and privacy screening on the balconies, limiting any potential overlooking into the private open space of the northeastern adjoining properties.</p> <p>The internal layout of the southwestern-facing dwellings have been carefully designed to minimise visual privacy impacts. Despite bedroom windows of Unit G01 and 101 facing the side boundary, these rooms are considered less used spaces, and the 7.5m setback combined with 1.8m high boundary fencing and screen planting significantly reduces potential overlooking. Additionally, the rear portions of the ground and first floors on the southwestern elevation are set back at least 18m from the southern boundary, further minimising visual privacy concerns. Overall, the generous setbacks, along with solid balustrades and privacy screening on the first-floor balconies, ensure negligible visual privacy impacts.</p> <p>For the rear-facing units, balconies and private open spaces have been primarily oriented towards the side elevations rather than the rear. In particular, privacy screening has been installed along the rear-facing portions of the balcony of Unit 107. Combined with a compliant 6m rear setback and sufficient screening vegetation along the rear boundary, visual privacy impacts have been effectively minimised.</p>	
4.1.9 Private open space	Whenever possible, private open space is to be orientated to have a north easterly aspect, and the principal living areas are to have direct access to the private open space.	Each dwelling is provided with private open space in the form of a ground-floor courtyard or first-floor balcony, directly accessible from internal living areas. Where possible, private open space is oriented to the northeast to optimise solar access and designed to comply with LAHC Design Requirements	Yes
	Areas used for driveways, car parking, drying yards, service yards, rain gardens, rainwater tanks, services or	POS areas are appropriately separated from driveways, car parking areas, stormwater infrastructure and services.	Yes

	the like shall not be included as private open space.		
4.1.10 Setbacks	<u>Rear setback</u> A minimum rear setback of 6m is required for all residential development.	A minimum 6m rear setback is provided at both ground and first-floor levels.	Yes
	<u>Side setback</u> A minimum side setback of 1m is required for all residential development, which excludes all ancillary service infrastructure such as hot water services, air-conditioning units, electrical meter boxes and the like.	Southwestern side Ground Floor: minimum ~7.5m First Floor: minimum ~6.7m Northeastern side Ground and First Floors: ~6m to 6.6m due to the site's irregular shape	Yes
	<u>Front setback</u> A minimum front setback of 4.5m, measured from the forward building line to the property boundary, is required for residential development. A smaller front setback distance may only be considered if it is consistent with the front setback of adjacent dwellings constructing on subdivisions that predate this Development Control Plan.	A minimum 4.5m front setback provided.	Yes
4.1.11 Views	Step buildings to follow the slope of the land.	Buildings have been stepped where possible to follow the topography of the land.	Yes
	Minimise the height of buildings and planting on the highest part of the site.	Buildings are a maximum of two storeys in height and are well below the maximum permissible height.	Yes
	Retain and protect existing vegetation where possible.	The development proposes the removal of 11 trees while retaining 5 trees across the site, neighbouring properties, and the road reserve. To offset this loss, substantial landscaping is proposed, including species capable of reaching 15 metres in height, to enhance visual amenity, privacy, and microclimate. The planting palette— comprising climate-appropriate canopy trees, shrubs, and groundcovers— will strengthen landscaped setbacks and contribute positively to the local character. Further details are provided in the Landscape Plan (Appendix C).	Yes
4.1.12 Traffic safety and management	Parking areas and driveways shall be designed in accordance with the current version of Council's Standards for Engineering Works. All driveways, paths, car parking areas are to be paved in brick pavers, bitumen, concrete or another approved manner. Use of decorative paving is encouraged.	The Traffic Impact Assessment Report, prepared by Sydney Traffic Engineers Pty Ltd (Appendix L), confirms that the proposed driveway and carparking area complies with AS2890.1 design standards. The concrete driveway and parking area are designed for durability, with landscaping throughout the site to minimise visual impacts.	Yes
	Long, straight driveways are to be avoided, eliminated or appropriately landscaped to Council's satisfaction.	The driveway's length and width have been limited to the minimum required standards, with landscaping along its length and end to mitigate visual impact.	Yes

	Paved area is to be minimised.	Paved areas are limited to the driveway, car parking, and pedestrian pathways, ensuring adequate access while maximising useable private open space and landscaping. Extensive soft landscaping and tree planting are proposed throughout the site and along all boundaries.	Yes
4.1.13 Site Facilities	Garbage bins, waste recycling areas, mailboxes and external storage facilities should be adequate in size, durable, waterproof, blend in with the development, avoid visual clutter and be accessible to the users of the building and service vehicles.	The garbage storage area and switchboards are located internally, behind the building line, ensuring minimal visual impact from the public domain. No external storage areas are proposed. Mailboxes are situated along the main pedestrian pathway off Gerathy Street.	Yes
	Ensure garbage storage and waste recycling areas are not located adjacent to any residential habitable rooms.	A bin storage room is proposed within an enclosed space behind the building line. Although adjacent to Unit G01, no windows of the unit adjoin the waste storage area.	Yes
	Provide adequate internal storage and design internal layouts to allow the building to be re-used for other purposes in the future.	The development comprises 1- and 2-bedroom social housing dwellings, intended solely for residential use. Adequate storage is provided in accordance with LAHC Design Requirements.	N/A
4.1.14 Energy efficient siting and layout	Buildings must be designed to ensure that all floor areas are to be within a 6m distance of an external window. An elongated plan shape produces this characteristic, as will the use of an atrium or courtyard. Maximise north and south facades, whilst minimising east and west facades	The development is designed to address the Gerathy Street frontage while maximising solar access. Where possible, units are oriented to provide multiple aspects for optimal daylight and cross-ventilation. Floor areas of habitable rooms are within 6m from external windows, where possible. It is also noted that the internal layouts of these units comply with the design criteria of the Apartment Design Guide (for reference), being a maximum of 8m from a window.	Yes
4.1.17 Space Heating & Cooling	Select heating devices that have appropriate controls to cater for the particular use of the building whilst maximising the conservation of non-renewable energy.	All units will be air-conditioned, and a well-designed solar PV system will be installed on the roof to offset tenant energy use.	Yes

Part 4 – Principal Development Controls Urban

3.8 Flood Affected Lands

3.8.2.5 Controls for development between the FPA and the PMF in the Goulburn Floodplain Risk Management Study & Plan	Refer to controls in the Flood Planning Policy (Appendix J).	The land is located between the FPA and PMF in the GFRMS&P, as identified on the Section 10.7 Planning Certificates. The controls in the Flood Planning Policy are addressed below.	
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Part 9.9 Appendix J - Flood Policy

9.9.2	FPCC4 - is the area inundated by the PMF (extent of flood prone land), but	The site is identified in the GFRMS&P as being in FPCC4.	
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What are the Flood Planning Constraints Categories	outside FPCC1-3. Few flood-related development constraints would be applicable in this area for most development types.		
9.9.5 Land Use Categories	Land Use – <i>Residential Development</i> includes Residential flat buildings	The proposed development is for the purposes of a residential flat building and is therefore defined as <i>Residential Development</i> .	
9.9.6 Flood Planning Controls	For Residential Development in FPCC4 no flood planning controls apply.	Noted.	

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43A of the Housing SEPP, Goulburn Mulwaree Council was notified of the development by letter dated 28 March 2025 (refer to *Appendix S*). The notification response period formally closed on 25 April 2025 and Council responded to the notification by letter dated 30 April 2025, which has been extracted in **Table 10** below and is included in *Appendix S*. A response is provided in relation to the matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements in the *Activity Determination*.

Table 10 Issues raised in Council submission

Council Comment	Homes NSW Response
Notification of Development	
Pursuant to clause 43A of the State Environmental Planning Policy (Housing) 2021, Council suggests the application be referred to adjoining and adjacent landowners and Water NSW for comment.	Advice was sought from Goulburn Mulwaree Council to nominate persons who must, in the council's opinion, be notified of the development. Council provided a response on 22 November 2024 confirming the scope of notification and advising that Council do not release property ownership details of adjoining properties. Without Council supplying their details, the Minister is unable to notify landowners as this information is not publicly available. Neighbour notification to occupiers of adjoining land was carried out from 1 April 2025 to 25 April 2025. Water NSW was notified by letter dated 28 March 2025, as per Council's request.
Engineering Comments	
The existing vehicle kerb crossings should be removed and replaced with standard upright kerb in accordance with GMC Standard Drawing SD-R 10.	<p>Identified Requirement (No. 11) has been imposed to ensure obsolete gutter laybacks are to be constructed as kerb in accordance with Council standards.</p> <p>Identified Requirement (No. 76) is recommended to ensure consultation with any affected adjoining property owner is carried out.</p>
A new vehicle kerb crossing and layback will require construction in accordance with GMC Standard Drawing SD-R 06 at the nominated driveway location in Gerathy Street shown on the Ground Level Plan prepared by DEM (Project No. 4674-00, Dwg No. ar-1200, Rev a01).	<p>Identified Requirement (No. 10) has been imposed to ensure public domain infrastructure is to be constructed in accordance with Council standards.</p> <p>Identified Requirement (No. 76) has been imposed to ensure consultation with the affected neighbour is to be carried out.</p>
The proposed footpath along the street frontage shown on the Ground Level Plan prepared by DEM (Project No. 4674-00, Dwg No. ar-1200, Rev a01) should be constructed as a 1.5 m wide path in accordance with GMC Standard Drawings SD-R 04 & SD-R 12.	Identified Requirement (No. 77) has been recommended to ensure the proposed footpath is constructed as a 1.5m wide path in accordance with Council standards.

Council Comment	Homes NSW Response
<p>Stormwater disposal should be directed to the existing stormwater pit in Gerathy Street near the Meehan Street intersection as indicated on the Civil Services – Public Domain Plan prepared by DEM and ENTEC (Project No. 240297, Dwg No. C900, Issue C).</p> <p>A full design plan and long section for the proposed stormwater main extension, prepared in accordance with Council's Standards for Engineering Works, shall be submitted to Council for approval as part of a S68 Local Government Act 1993 application.</p> <p>Note: The existing stormwater pit in Gerathy Street appears to be a Type SD-D 06C pit (stormwater pipe behind the kerb). The pipe extension may need to be run behind the kerb, with the driveway crossover for the adjoining 44 Gerathy Street reinstated after construction of the pipe extension.</p>	<p>Identified Requirements (Nos. 1, 6 and 42) have been imposed to ensure stormwater infrastructure in the public domain is constructed in accordance with the submitted plan and Council standards.</p> <p>This advice has been included as an advisory note in the Activity Determination. Under Section 69 of the <i>Local Government Act 1993</i>, Section 68 does not require the Crown to obtain the approval of a Council to do anything that is incidental to the erection or demolition of a building, including stormwater drainage work.</p> <p>Noted. Identified Requirement (No. 76) has been imposed to ensure consultation with the affected neighbour is to be carried out.</p>
<p>The contractor engaged to undertake the above works in the public road reserve will be required to submit to and have approved by Council a S138 application under the Roads Act 1993 prior to commencement of the above works.</p>	<p>A Section 138 application is not required to be submitted, as Clause 5 of Schedule 2 of the Savings, transitional and other provisions of the <i>Roads Act 1993</i> 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>

Water and Sewer Comments

<p>The sewer is required to be modified to comply with Councils Clearance & Easement Requirements for Structures Adjacent to Sewer & Stormwater Mains Policy. Also, the sewer is required to be shortened to before the retaining wall.</p>	<p>This advice has been included as an advisory note in the Activity Determination. Identified Requirement (No. 38) is recommended for imposition to this effect.</p>
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Landscaping Comments

<p>The plans are generally of a professional standard and are supported with the following comments:</p> <ul style="list-style-type: none"> Aspidistra elatior survives locally if it is protected by a tree or similar canopy. It does not do well if exposed to full sun or the level of frost experienced in Goulburn. The plan indicates that the location to be planted with Aspidistra is exposed. Eucalyptus angophoroides grows to 25m+ as does Eucalyptus globulus. Both trees are considered too tall to be planted next to adjoining structures as indicated on the plans. Eucalyptus caesia is from Western Australia and can only survive light frosts. Goulburn experiences occasional frosts to below minus 5 degrees Celsius that will likely be too severe for this plant. 	<p>Identified Requirement (No. 78) has been recommended to ensure the following species changes, as recommended by Studio IZ, are made to the Landscape Plans specified in Identified Requirement (No.1) prior to the commencement of any works:</p> <ul style="list-style-type: none"> Aspidistra elatior to be replaced with Lomandra 'Lime Tuff' and Dianella revoluta 'Little Rev' Both Eucalyptus trees to be replaced with Melaleuca bracteata Eucalyptus caesia to be replaced with Melaleuca bracteata
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7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or properties that should be notified of the development. Council provided a response on 22 November 2024 confirming the scope of notification. The response advised that Council do not release property ownership information. As requested by Council, the occupiers of the properties shown in purple in Figure 16 were notified. The notification period was conducted from 1 April 2025 to 25 April 2025.

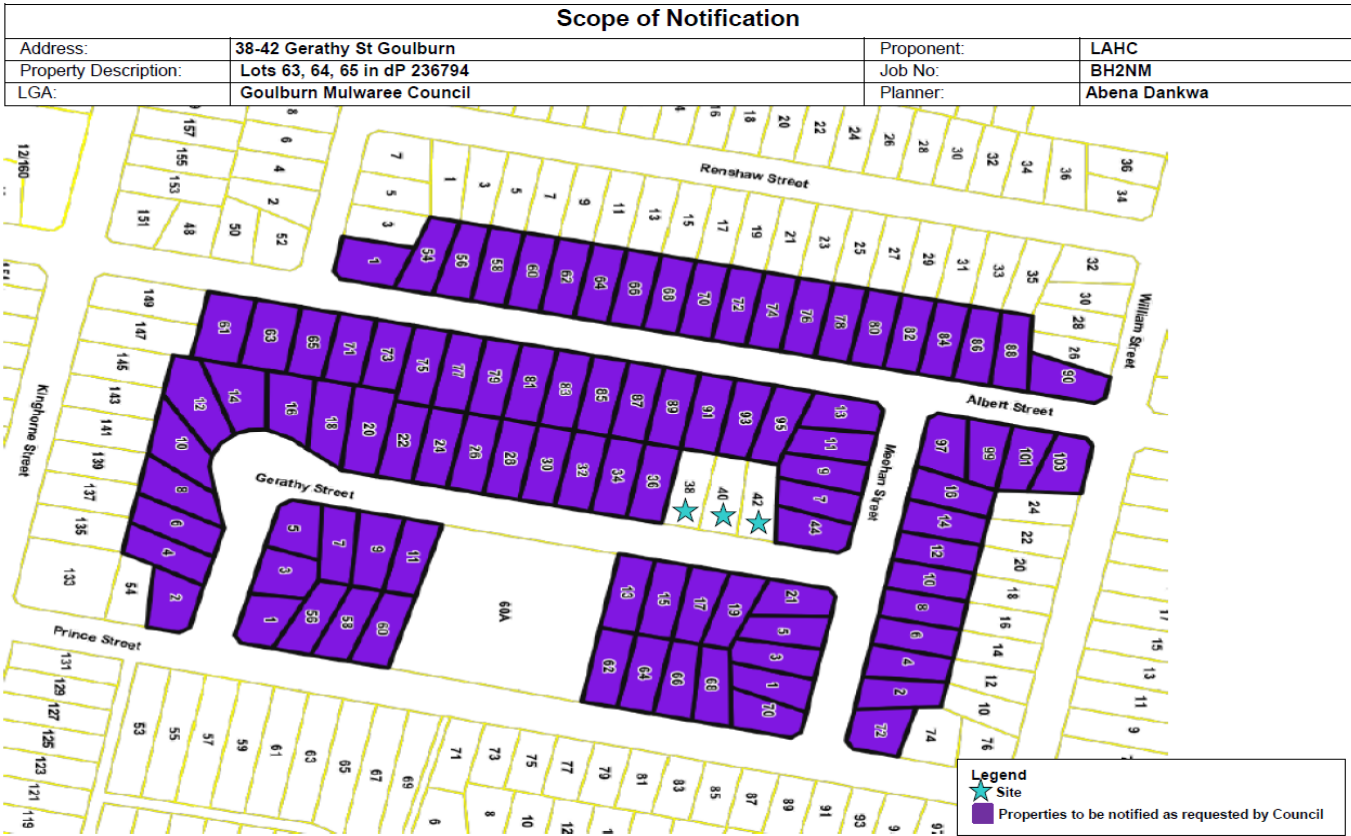


Figure 16: Map of Properties Notified of the Proposed Development (Source: Homes NSW)

Under section 43A(1)(b) of the Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 1 April 2025. A sample of the notification letter is provided at **Appendix Q**. The notification period formally closed on 25 April 2025 and 5 submissions were received.

A response to the key issues raised in the submissions are discussed in **Table 11**.

Table 11 Key issues raised by adjoining owners / residents

Issues raised	Response
Concerns with behaviour of future Tenants and anti-social behaviour,	Like the rest of the community, most tenants are good neighbours and law-abiding people. Nevertheless, Homes NSW has a policy in place for dealing with disruptive tenants. More information about the policy can be found at Antisocial behaviour management policy – Homes NSW . In addition, Homes NSW has a dedicated 24-hour hotline, 1800 422 322, where local residents can report any tenancy related matters. You can also contact the Goulburn office directly on 4823 0555 or via email T407@dcj.nsw.gov.au to report any property care issues and tenancy related matters.
Concern about increased traffic generation and greater demand for parking spaces due to the development.	<p>Concerns regarding traffic and parking primarily relate to increased traffic generation and greater demand for parking spaces.</p> <p>The proposal provides 11 on-site car parking spaces which is consistent with the requirements of the <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP) for development on land within a non-accessible area.</p> <p>The Traffic Impact Assessment Report (Appendix L) was submitted to assess the development's impact on the local road network. The report concludes that the proposal would generate approximately five additional vehicle movements during peak hours, with negligible impact on road performance.</p> <p>Notably, social housing tenants typically have lower car ownership rates than the general community. ABS data for the Goulburn LGA in 2021 shows that 31.5% of social housing households have no cars, which is substantially higher than the general population households at 5%. Further, only 15% of social housing households have 2 or more cars compared to 28.7% of general population households.</p> <p>It is therefore considered that the traffic and parking impacts are minimal and duly mitigated by the proximity to nearby public transport, and typically lower car ownership rates of social housing tenants.</p>
Concern about decrease in property values in the area due to the development.	The proposed development is for the purposes of addressing the increasing demand for social and affordable housing within Goulburn, in a location where residents have access to shops, services and facilities. Across regional NSW our new homes blend into the community, help reduce the stigma of living in social housing and make a positive contribution to the area and streetscapes. There is no evidence to suggest the development would adversely affect property values.
Concerns about the retention of Tree 7 and tree removal in general.	Concerns regarding tree removal relate to the retention of Tree 7 (<i>Ligustrum lucidum</i> – Large-leaf Privet), located at 95 Albert Street, Goulburn NSW 2580. Although identified as a noxious weed, the tree was assessed to be in good condition and vigour and is sufficiently set back from the primary development footprint, allowing for its retention.

Issues raised	Response
	<p>Overall, the Arboricultural Impact Assessment and Tree Management Plan (Appendix J) assesses 16 trees, recommending the removal of 11 within the property and the retention of five trees located on-site, on neighbouring properties, and within the road reserve. Tree removal is primarily recommended to facilitate the proposed development, where encroachments would compromise the health, viability, or structural stability of the trees.</p> <p>To offset vegetation loss, the Landscape Plan (Appendix C) includes appropriate and sufficient replacement planting, featuring species capable of reaching a mature height of up to 15 metres. Landscaped area has been maximised where possible, with approximately 635 sqm proposed, which represents 32% of the site.</p>
Concerns related to ongoing maintenance of the development.	<p>Concerns regarding ongoing maintenance primarily relate to the potential for inadequate upkeep and uncertainty around responsibility for maintenance works.</p> <p>Homes NSW has an ongoing maintenance program which includes urgent repairs, regular lawns and grounds maintenance, and upgrading programs. Additionally, contractors regularly attend to the maintenance of the Minister's properties including at its new development sites.</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 the *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 under section 2.15 of the *SEPP (Transport and Infrastructure) 2021*.

Notwithstanding, Water NSW was notified of the development at the request of Council pursuant to s43A of the Housing SEPP given that the subject site is located within the Sydney Drinking Water Catchment. Water NSW responded by letter dated 24 April 2025 confirming that no objection is raised to the proposed development subject to the imposition of Identified Requirements. For further details, please refer to Water NSW response in **Appendix S** and recommended **Identified Requirements (Nos. 79 – 86)**.

8 Review of Environmental Factors

A review of 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 Goulburn, an established residential area generally consisting of a mix of housing typologies from single dwelling houses within the immediate visual catchment of the site, to multi-unit flat buildings more broadly. Most residential developments within the local area are of brick or weatherboard construction. Currently, there is a gradual transition from low density housing to medium density development within the locality, with the proposed development promoting more contemporary medium density development in the Goulburn local area.

The bulk and scale of the proposed development will be compatible with the existing character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality and Goulburn. The two-storey design, siting, layout, brick external façades, pitch roofing and landscape setting of the proposed development aligns with that of developments in the locality.

Mitigation Measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing generous setbacks to neighbouring development that are consistent with surrounding developments and an overall scale that is compatible with existing built form in the street. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

8.2 Bulk and Density

The proposed development presents a bulk and scale that is sympathetic to the surrounding development in the Goulburn locality. The proposed 2-storey residential building incorporates sufficient setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development is designed with suitable façade articulation and roof form to further minimise bulk and scale.

Specifically, the proposal incorporates a floor space ratio of approximately 0.55:1 and a maximum height of approximately 8.5m which is consistent with a general residential area. The FSR and 2-storey built form is compatible with existing development in the street and is sympathetic to the surrounding context. The design provides an appropriate response to the desired future character envisaged for the R1 General Residential zone, which encourages a variety of housing types and densities. Each unit within the development achieves a high level of amenity for residents, complies with Livable Housing Australia, Gold Level and provides adaptable housing opportunities.

The compliant floor space ratio in conjunction with landscaped deep soil areas along site boundaries also confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development activity is compatible with the form of low and medium density development in the surrounding locality. The street façade is divided into a number of distinct elements, softened by landscaped areas resulting in a streetscape appearance that will make a positive contribution to development in the area. Additionally, the hard stand car parking area has been positioned towards the rear of the site and will be obscured from street view which will ensure the development provides an attractive streetscape presence.

Given the strong articulation and modulation along the front façade and proposed landscaping within the street setback area, the proposed development will make a positive contribution to the streetscapes of Gerathy Street. The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary residential development.

The built form has been designed to address the Gerathy Street frontage through incorporation of street facing windows and doors, as well as courtyards and balconies within the front setbacks, improving casual surveillance of the public domain.

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

The proposed development will generate some short-term visual impact on the surrounding area during construction, with a long-term positive visual impact associated with the establishment of new dwellings in an existing residential context. The proposed development will make a positive contribution to the residential streetscape through construction of a contemporary small-scale residential flat building that responds to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

While T2 and T3 – Fraxinus sp (ash). located in the public domain along Gerathy Street will be retained, the proposal includes additional landscaping within the front setback to enhance the streetscape and soften the built form. This comprises 2 Fraxinus angustifolia 'Raywood' (mature height 12m), 4 Malus ioensis 'Plena' (mature height 6m), and a selection of low shrubs along the side boundaries. The provision of adequate and well selected landscaping will effectively contribute to the long-term visual amenity of the locality and improve the site's street presentation.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered placement of windows and screening, site landscaping, and setbacks so as to avoid direct overlooking of neighbouring properties. In particular:

- Majority of living areas and windows oriented towards Gerathy Street, reducing the extent of side and rear-facing openings.

- Side and rear setbacks ranging between 6 and 7.5 metres, ensuring adequate separation and reducing opportunities for direct overlooking between buildings.
- Side-facing windows, ground floor courtyards and first floor balconies carefully positioned to avoid direct alignment with neighbouring dwellings.
- Side-facing spaces and windows are appropriately separated from adjoining properties through adequate setbacks, boundary fencing, and the use of solid balustrades and privacy screening to first-floor balconies.
- Rear-facing units are oriented to the sides, with screening applied to balconies to limit overlooking.
- A compliant 6m rear setback supported by vegetation and privacy screens further minimises impacts.
- Proposed 1.8m high side and rear fencing and 1.5m front palisade fencing with landscaping to reduce visibility into ground floor units from the public domain.

Mitigation Measures

- No mitigation measures are required.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings' living areas and private open spaces. The submitted Architectural Plans (*Appendix A*) indicate that 10 out of 14 dwellings (71%) receive at least 3 hours direct solar access to the living and POS areas on June 21, which meets the requirements of the LAHC Design Requirements. Overall, the proposed living and open space areas have been carefully sited to maximise solar access, and the proposal is also consistent with the Housing SEPP requirements.

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

Shadow Diagrams (*Appendix A*) demonstrate that all adjoining properties will retain a minimum of three hours of direct solar access to living areas and private open spaces between 9am and 3pm on 21 June (mid-winter), in accordance with applicable planning controls. The site is oriented southeast to northwest, with the front facing southeast and the rear facing northwest. This orientation results in minimal additional overshadowing to the northeastern side and rear adjoining properties. While some additional overshadowing will occur in the morning to the southwestern adjoining property at 36 Gerathy Street, the impact is minor and does not compromise overall solar access, with more than three hours of direct sunlight maintained to both private open space and living areas. The proposed development incorporates generous side and rear setbacks, including to upper-level elements, ensuring no unreasonable overshadowing to any neighbouring properties.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

A total of 11 on-site car parking spaces will be provided to serve residents of the proposed development. This provision complies with the requirements of the Housing SEPP for developments delivered by the Minister on land that is not located within an accessible area. In addition, unrestricted on-street parking is available along Gerathy Street to accommodate any potential overflow demand.

Two of 11 car parking spaces will be designed and constructed to comply with AS2890.6 and the remainder of the car parking spaces must comply with AS2890.1.

The Traffic Impact Assessment Report, prepared by Sydney Traffic Engineers Pty Ltd (*Appendix L*), concludes that the development will result in only a minor net increase in traffic, which is not expected to adversely impact the capacity of the surrounding road network. The report also assessed the adequacy of the internal driveway and parking layout, confirming that the design, including parking dimensions and aisle widths, complies with relevant standards.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment and Tree Management Plan have been prepared for the site by Redgum Horticultural (*Appendix J*). The report assesses a total of 16 trees, recommending the removal of 11 trees within the property while retaining five trees located on the property, neighbouring properties, and the road reserve. The following 11 trees located on the site are recommended to be removed, with reasons for removal detailed below:

Tree 1: *Acacia floribunda* – Gossamer Wattle

Located within the front setback of existing residence at 42 Gerathy Street, the proposed development encroaches into its structural root zone (SRZ). Additionally, the tree has collapsed and exhibits poor form. Therefore, removal is recommended, with replacement to be incorporated into the proposed development.

Tree 4: *Photinia glabra* ‘Robusta’ – Photinia

Located within the front setback of existing residence at 38 Gerathy Street, this tree is subject to a major encroachment into its Tree Protection Zone (TPZ) due to the proposed bin/pedestrian access and new footpath within the road reserve. Additionally, to accommodate the pathways, approximately 1.5 metres (half) of the southern canopy and 1.0 metre (one-third) of the eastern canopy would need to be removed, resulting in a significantly asymmetrical form. Therefore, retention is not feasible, and replacement is recommended as part of the proposed landscape works.

Tree 5: *Euonymus japonicus* – Japanese Spindle Tree

Located at the front of existing residence at 38 Gerathy Street, this tree is positioned within the proposed building envelope. As such, retention is not feasible, and replacement is recommended as part of the proposed landscape works.

Tree 8: *Prunus x blireana* – Pink Flowering Blossom

Located at the rear of existing residence at 42 Gerathy Street, this specimen has reverted to the parent stock. As such, removal and replacement are recommended as part of the site's landscape works.

Trees 10 and 11: *Prunus* sp. – Flowering Cherry

Respectively located at the rear of existing residences at 40 and 42 Gerathy Street and positioned within the

proposed building footprint. Therefore, these specimens cannot be retained and are recommended for removal and replacement as part of the proposed landscape works.

Tree 12: *Eucalyptus globulus* – Tasmanian Blue Gum

This non-locally indigenous specimen is located at the rear of existing residence at 38 Gerathy Street within the proposed car park footprint. Therefore, this tree cannot be retained and is recommended for removal. It is proposed to be replaced with an endemic canopy tree as part of the proposed landscape works.

Trees 13 & 14 (x3): *Liquidambar formosana* – Chinese Liquidambar

These specimens are suckers from the parent tree, which has since been removed. They are located at the rear of existing residence at 38 Gerathy Street, adjacent to the boundary and the carpark building envelope, and are growing over the existing sewer. It is recommended that these trees be removed and replaced as part of the proposed development.

As discussed above, tree removal is primarily recommended to accommodate the proposed development, particularly where encroachment would adversely impact the roots and crown, compromising the viability and stability of the affected trees. Trees proposed for removal have been assessed as having low to medium significance, with the exception of Trees 4 & 12 which are assessed as having high retention value. To compensate for the subject vegetation loss, sufficient replacement planting will be undertaken as part of the proposed landscaping plan, including trees capable of reaching a mature height of up to 15m. This is demonstrated in the Landscape Plan in **Appendix C**.

Eucalyptus angophoroides and *Eucalyptus globulus*, which reach mature heights of 20–25 metres, were initially proposed in the planting schedule. However, following Council's review, these species were deemed unsuitable for planting near adjoining structures. Based on the Landscape Architect's recommendation, relevant **Identified Requirement (No. 78)** has been imposed to ensure alternative, appropriate species are selected for the site. For a detailed response to Council's comment, refer to Section 7.1 of this report.

In addition to the tree replacement measures outlined above, Trees 2 and 3 (*Fraxinus* sp. – Ash), 6 (*Cotoneaster franchetii* - Cotoneaster), and 9 (*Prunus x blireana* – Pink Flowering Blossom), identified as having high retention value, will be retained as part of the proposed development. Trees to be retained on-site, within the road reserve, and on adjoining properties will be protected in accordance with the Arborist Report's recommendations.

Overall, 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 (Nos. 1, 18 – 20, and 36) are included in the **Activity Determination** and require the implementation of the Landscape Plan; and the tree protection measures as recommended in the Arboricultural Impact Assessment and Tree Management Plan.

8.10 Heritage (European / Indigenous)

Goulburn Mulwaree Council's Section 10.7(2) & (5) Planning Certificates (**Appendix P**) did not identify any heritage items on, or in vicinity of the site.

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search dated 11 March 2025 (**Appendix M**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of

cultural material during development activities cannot be ruled out, however, **Identified Requirements (Nos. 46 and 47)** 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 Goulburn Mulwaree 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.

Heritage Items within the Vicinity of the Site

The subject site is not in the vicinity of an item of environmental heritage nor a heritage conservation area.

Mitigation Measures

Identified Requirements (No. 46 and 47) have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation Report has been prepared by STS Geotechnics (*Appendix K*) and indicates the following:

- The subsurface conditions consist of topsoil overlying natural silty clays. The topsoil is present from the surface to depths of 0.2 to 0.3 metres. Firm, becoming very stiff with depth, natural silty clays underlie the topsoil to the maximum depth of drilling, 3.0 metres.
- No groundwater was observed during the fieldwork.

The report classifies the site as a *problem site (P)* due to the presence of trees and existing dwellings on site. However, provided that the recommendations of the report will be adopted through the imposition of identified requirements, the site can be classified as *highly reactive (H1)*.

The report provides recommendations on how excavation and foundation design are to be carried out on the site to limit risk of damage to adjoining properties and ensuring the structural integrity of the proposed development.

Contamination

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

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to Acid Sulfate Soils.

Salinity

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to salinity. Furthermore, the Geotechnical Investigation Report prepared by STS Geotechnics Pty Ltd (*Appendix K*) highlights the electrical conductivity values of 0.4 to 0.6 dS/m for the site as consistent with the presence of non-saline soils.

Mitigation Measures

Standard Identified Requirement (No.1) is recommended to require compliance with the recommendations of the Geotechnical Investigation prepared by STS Geotechnics Pty Ltd. **Standard Identified Requirement (No.17)** is also recommended to address any potential soil contamination occurrence.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

As detailed in *Appendix B* – Stormwater Management Plan Report and associated plans prepared by ENTEC Consultants, the nearest Council stormwater pit is located approximately 30 m north of the site at the Gerathy Street and Meehan Street intersection. A new inground drainage system will extend from this pit to the site's northern boundary, with a stormwater pit and pipe network installed in accordance with Council requirements. Overland flow during major storm events will be directed to Gerathy Street.

Stormwater from roof areas will be managed via a 35 kL combined below-ground rainwater retention and OSD tank, with 14.4 kL allocated to detention and 20.6 kL to reuse. This design supports safe maintenance access and water quality suitable for irrigation. Additional above-ground OSD will be located within the carpark, supported by a discharge control pit with an orifice plate to manage storm event outflows.

Water quality impacts will be mitigated through proprietary biofiltration system (e.g., pit inserts and tertiary 'jellyfish' filters) that remove pollutants prior to discharge into the public drainage system. The development demonstrates a neutral or beneficial effect on water quality.

The site is identified between the flood planning area and the PMF but is within Flood Planning Constraint Category 4. In accordance with Council's Flood Policy (Appendix J of the GMDCP 2009), no specific controls apply to the proposed residential use for this flood planning constraint category.

Overall, the proposed development has been designed to avoid adverse impacts on local hydrology and water quality.

Mitigation Measures

Identified requirements (Nos. 6-9) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

Identified Requirements (Nos. 79-86) are recommended in relation to Water NSW requirements.

8.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificates (*Appendix P*) issued by Goulburn Mulwaree Council for the subject site indicate that the land is not bushfire prone.

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Site Preparation / Construction

During site preparation/construction typical noise levels associated with building works will be generated within the hours of 7am to 5pm Monday to Saturday, with no work permitted on Sundays or public holidays.

During Occupation

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

The Architectural Plans (*Appendix A*) illustrate the provision of 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 by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an ongoing use Identified Requirement.

The building will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* with respect to noise transmission.

Mitigation Measures

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

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

Identified Requirements (Nos. 2, 58, 60, 73) 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 demolition of existing structures, excavation of the site and construction of the proposed development.

Mitigation Measures

Identified Requirements (Nos. 61, 64 and 65) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

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

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:

- Concrete and bricks will be transported to an approved building waste recycling facility.
- Any asbestos sheeting will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility.
- Metal will be transported to metal recyclers for sale and reuse.
- Timber, plasterboard and other salvageable materials will be resold to various salvage yards where appropriate or disposed of at an approved building waste collection facility.

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

During Construction

Construction material waste must be removed from the site to an approved waste management facility or shall be recycled as follows:

- Excavation Material – All excavation material is intended for reuse as fill on site. Any excavation material deemed not acceptable will be disposed of.
- Green waste – Mulched, composted in landscape.
- Concrete - Excess material removed by contractor to nominated waste transfer/recycling centre.
- Timber - Reuse for formwork, remainder removed from site and transported to a nominated waste facility/recycling centre.
- Plasterboard (offcuts) - Removal for recycling or return to supplier.
- Metal (roof sheet) - Recycled by appropriate sub-contractor.
- Other Waste - Recycled or disposed of by appropriate sub-contractor.

During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins in the garbage storage enclosure located towards the rear car parking area and placed on the street kerb by LAHC's maintenance contractor for weekly collection by Council's waste services.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins in the garbage storage enclosure located towards the rear car parking area and placed on the street kerb by LAHC's maintenance contractor for fortnightly collection by Council's waste services.

Green waste will be disposed of in Council's standard waste storage bins in the garbage storage enclosures located towards the rear car parking area and placed on the street kerb for fortnightly collection by Council's waste services. It is noted that Council endorsed the proposed operational waste management strategy on 17 January 2025.

Mitigation Measures

Identified Requirements (Nos. 34, 48-56) are recommended to ensure construction/demolition waste is appropriately managed and disposed of. A standard **Identified Requirement (No. 37)** is recommended to require the preparation of a final waste management plan for the demolition, site preparation, construction, and occupation phases of the development.

8.17 Resource Use & Availability

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal. Further, a photovoltaic solar system and a rainwater tank for water re-use will contribute to the project's sustainability. The recycling and reuse of materials during site preparation, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

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

Mitigation Measures

No additional mitigation measures are required.

8.18 Community / Social Effects

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

- assist the Minister in meeting the significant, long-standing and continually growing demand for social housing in the Goulburn Mulwaree 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 Goulburn Mulwaree local government area and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- the local sourcing of tradespeople and other construction-related professionals, where possible;
- 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 Sections 171-171A 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, GMLEP 2009, 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

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – CIVIL PLANS

APPENDIX C – LANDSCAPE PLANS

APPENDIX D – NOTIFICATION PLANS

APPENDIX E – SURVEY PLANS

APPENDIX F – BASIX CERTIFICATE

APPENDIX G – NATHERS CERTIFICATE

APPENDIX H – ACCESS REPORT

APPENDIX I – BCA REPORT

APPENDIX J – ARBORIST REPORT

APPENDIX K – GEOTECHNICAL INVESTIGATION REPORT

APPENDIX L – TRAFFIC IMPACT ASSESSMENT REPORT

APPENDIX M – WASTE MANAGEMENT PLAN

APPENDIX N – AHIMS SEARCH

APPENDIX O – RESPONSE LETTER TO COUNCIL LANDSCAPE COMMENTS

APPENDIX P – SECTION 10.7 CERTIFICATES

APPENDIX Q – CERTIFICATES OF TITLE & DEPOSITED PLANS

APPENDIX R – DESIGN COMPLIANCE CERTIFICATES

APPENDIX S – NOTIFICATION LETTERS & SUBMISSIONS