



STATEMENT OF ENVIRONMENTAL EFFECTS

Subdivision of Land and Infill Affordable Housing
Development

HUME COMMUNITY HOUSING
31-37 Phillip Street, Raymond Terrace

planning today, shaping tomorrow

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Revision No.: D

Revision Date: 5 August 2024

Project Revision History:

Version	Prepared By	Reviewed By	Issued To	Date
A	P. Smith	A. Cropley	SDA	12 July 2024
B	P. Smith		SDA & Hume	28 July 2024
C	P. Smith	A., Cropley	Hume & Homes NSW	2 August 2024
D	P. Smith	A. Cropley	Port Stephens Council	5 August 2024

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1 Introduction

1.1 Commission

EPM Projects (EPM) has been commissioned by Hume Community Housing (Hume / the client) to prepare a Statement of Environmental Effects (SEE) for the proposed subdivision of land to create two (2) allotments for in-fill affordable and social housing on land currently owned by the NSW Land and Housing Corporation (LAHC). The development also includes the construction of thirteen (13) two (2) storey townhouses for purposes of affordable and social housing. The proposed development is to be located at 31-37 Phillip Street, Raymond Terrace (the site).

The site is located in the Port Stephens Local Government Area (LGA) and this report is to accompany a development application (DA) to Port Stephens Council (Council).

1.2 Overview of Proposed Development

The proposed development comprises the demolition of three (3) dwelling houses and ancillary development and the subdivision of land to create two (2) allotments. The eastern allotment will be retained by LAHC with six (6) social housing units and the western allotment transferred to Hume with seven (7) affordable housing units, providing a total of thirteen (13), two (2)-storey townhouses as in-fill affordable and social housing, in addition to seven (7) car parking spaces. While the sites will be subdivided with LAHC and Hume owning one allotment each, the entire development will be operated by Hume for a period of not less than 30 years from occupation.

The site is zoned R2 Low Density Residential (the R2 zone) under the *Port Stephens Local Environmental Plan 2013* (the PSLEP), whereby Multi dwelling housing is permissible in the R2 zone.

1.3 Purpose of this Statement

The purpose of this report is to provide Council and relevant NSW State Government Agencies all pertinent information necessary to assess the subject development proposal and to determine the DA in accordance with section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021* (the Regulation). The proposed development is assessable pursuant to Part 4 of the EP&A Act.

Pursuant to section 4.33 of the EP&A Act, the social housing portion of the application is a crown DA. Section 4.32 of the EP&A Act defines a crown DA as a “development made by or on behalf of the crown”. The proposed social housing works are being undertaken on behalf of the NSW Land and Housing Corporation, which is a public authority. However, the affordable housing component of the application is not a crown DA as it is being undertaken by and on behalf of Hume Community Housing, and community housing providers are not identified as the “crown” under Section 294 of the EP&A Regulation.

Pursuant to section 4.44 of the EP&A Act, a crown DA is not integrated development under Division 4.8 of the EP&A Act. However, as the site is partially mapped as bushfire prone land, and therefore the affordable housing component will need to be referred to the Rural Fire Service, it is practical to consider the entire development as integrated development for the purpose of the referral.

The total Estimated Development Cost (EDC) for the development is \$6.09 million, which is broken down as:

- \$3.141 million + gst for the affordable housing component
- \$2.949 million + gst for the social housing component (Crown DA)

As the EDC of each component of the development is less than \$5 million, pursuant to Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, the proposal is not Regionally Significant Development, and will be determined by Port Stephens Council.

1.4 Consultation

Hume has coordinated two (2) pre-DA meetings with Port Stephens Council to discuss and refine the proposal in accordance with Council's input. Matters raised by Council that are addressed in this SEE are set out in the table below.

Table 1 Key Items Discussed in Pre-DA Meetings		
Matter/ Control	Description	Response
Meeting on 27 June 2023		
Housing SEPP	Address the requirements of Part 2, Division 1 of the Housing SEPP	Section 4.4.3
Design	Assess proposal against the Low Rise Housing Diversity Design Guide	Section 5.2
Use	Development must be used as affordable housing for a minimum of 15 years	Section 3.2.1
Environmental Constraints	Bush Fire Assessment required and Flood Assessment	Sections 4.3, 7.1.11 and 7.1.14
Port Stephens LEP	Demonstrate consistency with s2.1 multi-dwelling housing definition and zone objectives	Section 4.4.4
	Demonstrate consistency with s4.1 & 4.1B minimum subdivision lot size for multi-dwelling housing	Sections 4.4.4 and 7.1.1
	Demonstrate compliance with s4.3 height and s4.4 floor space ratio controls	Section 4.4.4
	Demonstrate compliance with S5.21 flood planning controls	Sections 4.4.4 and 7.1.11
	S7.1 if works are more than 2m in depth, or may lower water table by more than 2m, then an Acid Sulfate Soils Management Plan should be provided	Sections 4.4.4 and 7.1.12
Port Stephens DCP 2014	Demonstrate compliance with chapter B1 if tree removal is required	Sections 5.1 and 7.1.7
	Demonstrate compliance with chapter B4 and provide stormwater management plan, including DRAINS and MUSIC modelling for water quantity and quality assessment.	Sections 5.1 and 7.1.10
	Demonstrate compliance with B5 flooding	Sections 5.1 and 7.1.11
	Consider requirements of chapter B8 road network and parking, noting that Housing SEPP parking requirements take precedence. Submit a full Traffic Impact Assessment (TIA)	Sections 5.1 and 7.1.8
	Address requirements of chapter C1 subdivision	Sections 5.1 and 7.1.1
	Address requirements of chapter C5 multi-dwelling housing. Variations to the controls can be considered if sufficient justification is provided. Shadow diagrams and detailed landscape plans are to be provided	Sections 5.1 and 7.1.3
Meeting on 7 September 2023		
Private Open Space	Some POS is oriented towards the road, Council noted that landscaping and fencing should screen, and to avoid overlaps of POS with to screen. Clearly identify POS on plans	Sections 5.1 and 7.1.4
Waste Management	Incorporate provision for green bins, which will be implemented across the LGA from July 2023	Section 7.1.13
Parking	Proponent seeking to provide 7 parking spaces. Council can consider variation subject to comprehensive TIA. Provision should be made for future electric vehicle (EV) charging under NCC 2022	Section 7.1.8

Table 1 Key Items Discussed in Pre-DA Meetings		
Matter/ Control	Description	Response
Drainage & Water Quality	Capacity of existing cross-infrastructure should be taking into consideration – upgrading existing infrastructure may be more cost effective than implementing detention basins.	Section 7.1.10
Subdivision	If parking or stormwater is shared between allotments easements will need to be implemented. If needed, draft easements, right of way must be shown on the subdivision plan and outline maintenance arrangements covered by 88B would also be useful.	Section 7.1.1

2 Site Analysis

2.1 Site Location

Table 2 Property Details	
Address	31, 35 & 37 Phillip Street, Raymond Terrace
Lot and DP	Lots 129, 130 & 151, Deposited Plan (DP) 31774
Local Government Area	Port Stephens Council
Local Aboriginal Land Council	WORIMI
Site Area (from Survey)	1,775.9m ²

2.2 Site Description and Context

The site comprises three adjacent allotments which are legally described as Lots 129, 130 and 151 in Deposited Plan (DP) 31774. The site has primary frontage to Phillip Street (south) with secondary frontage to Windsor Street (east) (**Figure 1**).



Figure 1: Aerial image of the site (boundary in yellow) (Source: Nearmap 24 April 2024).

The site is irregular in shape with a gentle slope that falls approximately 1.2 metres across the site from 9.67m AHD in the north-western corner to 8.43m in the south-eastern corner. The site currently contains three (3) fibre-cement residential dwellings, ancillary structures, vegetation to the front and rear of the dwellings and fencing.

Vehicular access is provided from Phillip Street with another point of access from Windsor Street.

2.3 Surrounding Development

The surrounding area is generally characterised by low density residential dwellings, with the site to the west containing a multi-dwelling development. Further to the west is Raymond Terrace Cemetery and further to the south is the bushland of Kia Ora Park and the Raymond Terrace sewerage treatment plant (**Figure 2**).

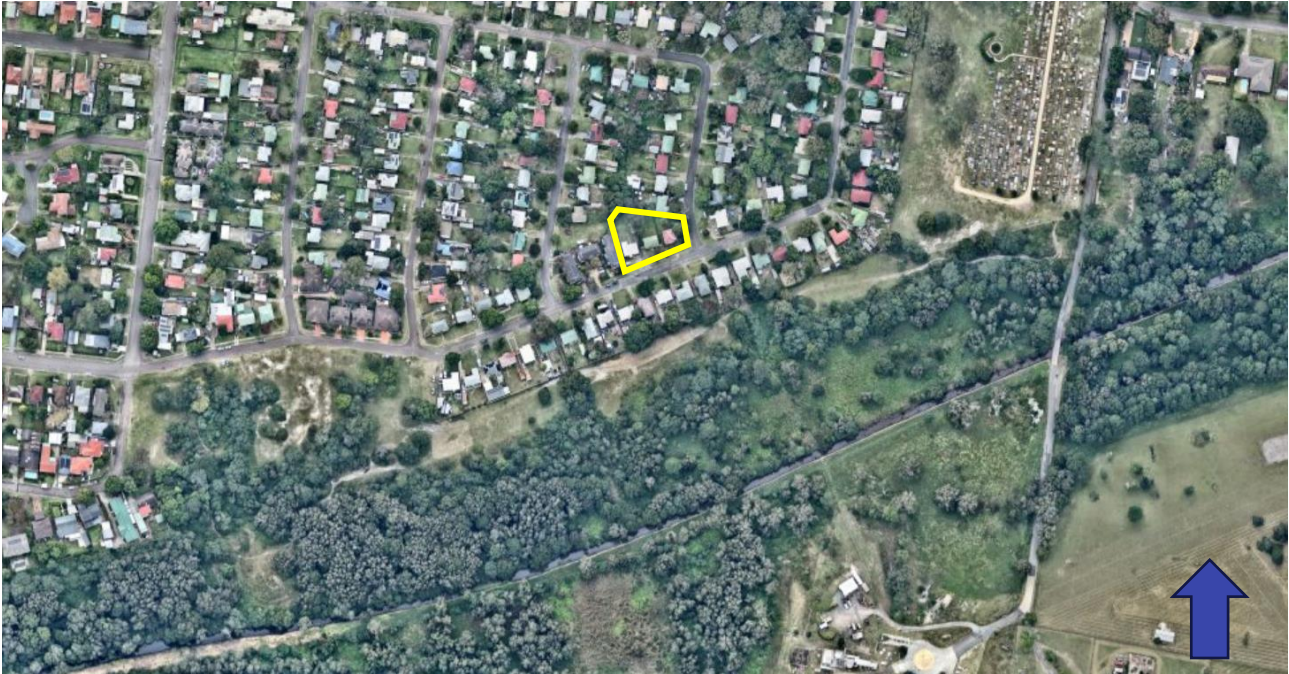


Figure 2: Surrounding development (Source: NearMap).

2.4 Site Considerations and Constraints

2.4.1 Zoning

The site is zoned R2 Low Density Residential (R2 zone) under the *Port Stephens Local Environmental Plan 2014* (PSLEP), and multi-dwelling housing is permitted with consent in the R2 zone (**Figure 3**).



Figure 3: Extract of zoning map (Source: ePlanning Spatial Viewer).

2.4.2 Height of Building

The sites have a maximum building height of 9m under the PSLEP (**Figure 4**).

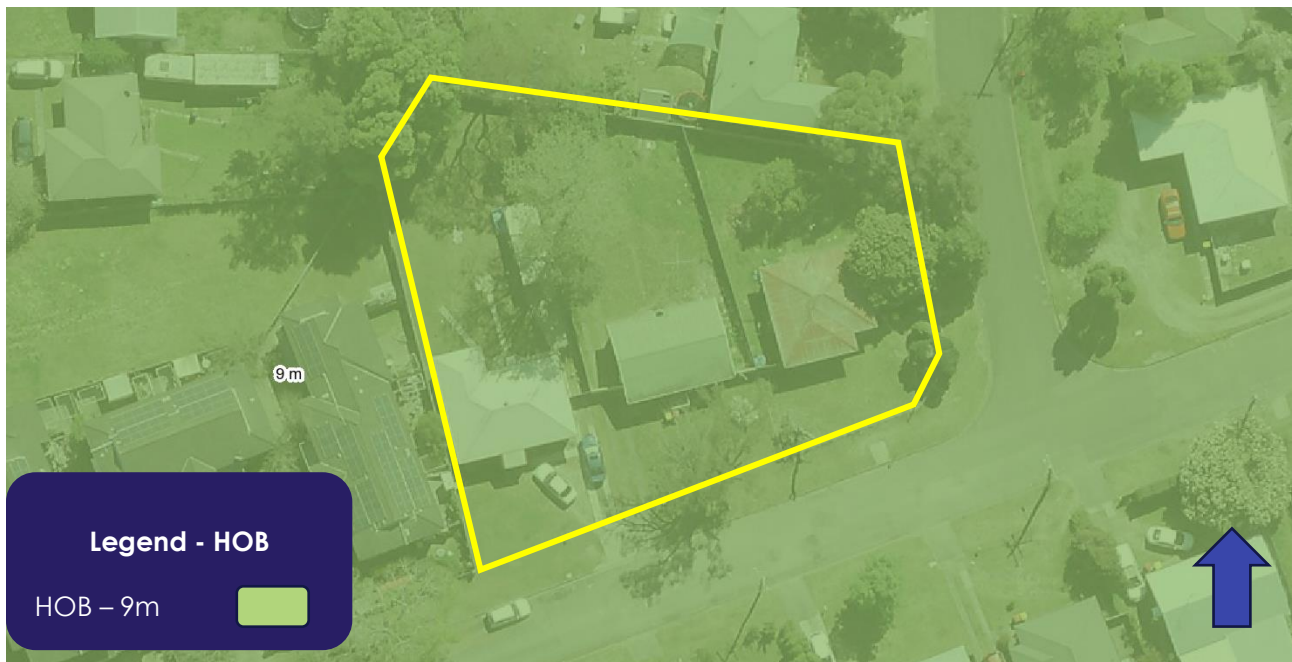


Figure 4: Extract of height of buildings map (Source: ePlanning Spatial Viewer).

2.4.3 Bushfire

The sites are bushfire prone land, being mapped as Vegetation Buffer across the majority of the three (3) sites (**Figure 5**).



Figure 5: Extract of bushfire prone land map (Source: ePlanning Spatial Viewer).

2.4.4 Flooding

The sites are mapped as flood prone land and flood planning area (**Figure 6**).



Figure 6: Extract of flood prone land map (Source: Port Stephens Council mapping).

3 Proposed Development

3.1 Summary of Proposed Development

The proposal will result in a multi-dwelling residential development, which can be described as:

- Demolition of three (3) dwelling houses and ancillary development
- Subdivision of land to create two (2) allotments
- Construction of six (6) 2-storey, 2-bedroom townhouses for social housing and ancillary works on the eastern allotment
- Construction of seven (7) 2-storey, 2-bedroom townhouses for affordable housing, at-grade parking for seven (7) vehicles, and ancillary works on the western allotment

3.2 Description of Works

3.2.1 Social and Affordable Rental Housing

The land is currently owned by the NSW Government, and specifically the NSW Land and Housing Corporation (Homes NSW). Hume Community Housing (Hume), a registered community housing provider, has entered into a partnership with Homes NSW to replace the three (3) existing detached social housing dwellings, with six (6) attached social housing dwellings to be owned by Homes NSW and seven (7) affordable housing dwellings to be owned by Hume. Hume will operate the affordable housing within the definition of State Environmental Planning Policy (Housing) 2022 for at least 15 years.

Hume Community Housing will manage all 13 dwellings in accordance with relevant legislative requirements.

3.2.2 Subdivision of Land

The land is currently owned by the proposal involves the subdivision of land to create two allotments (**Figure 7**). The eastern allotment (pink) will be 684.54m² and will be retained by the Land and Housing Corporation and be utilised for the social housing component. The western allotment (purple) will be 1,108m² for the affordable housing component, and will be transferred to Hume Community Housing prior to occupation.

An easement to drain is proposed along the northern and eastern boundaries of the eastern allotment benefitting the western allotment.

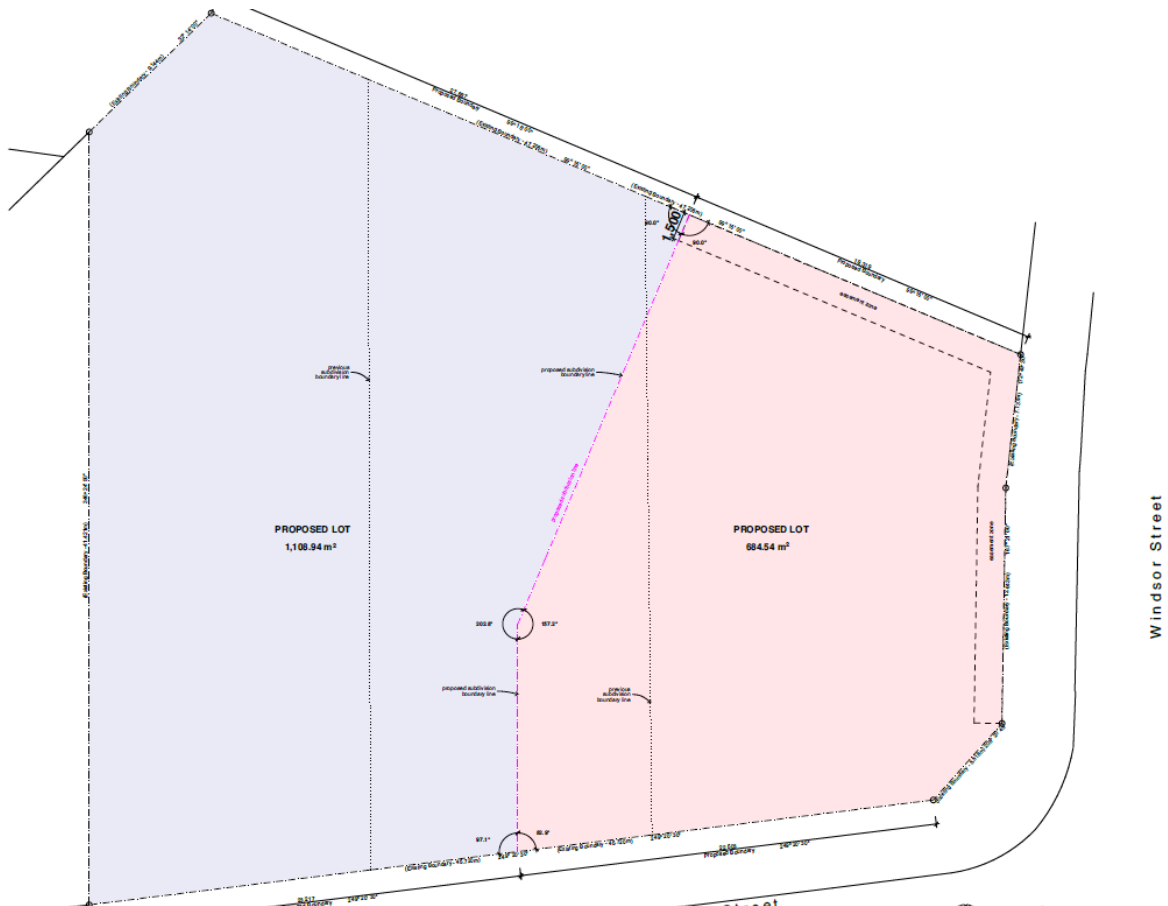


Figure 7: Extract of subdivision plan (Source: Stanton Dahl Architects).

3.2.3 Demolition and Site Preparation

The extent of demolition is shown on the demolition plans prepared by Stanton Dahl Architects (see **Figure 8**). The proposed works includes the following:

- Demolition of the three fibre-cement dwellings and ancillary structures
- Demolition of boundary fences between the three allotments
- Removal of ten (10) trees

The proposal involves minor benching works involving fill up to a depth of 495mm, and cut to a depth of 250mm. Small retaining walls are proposed along the northern and southern boundaries.

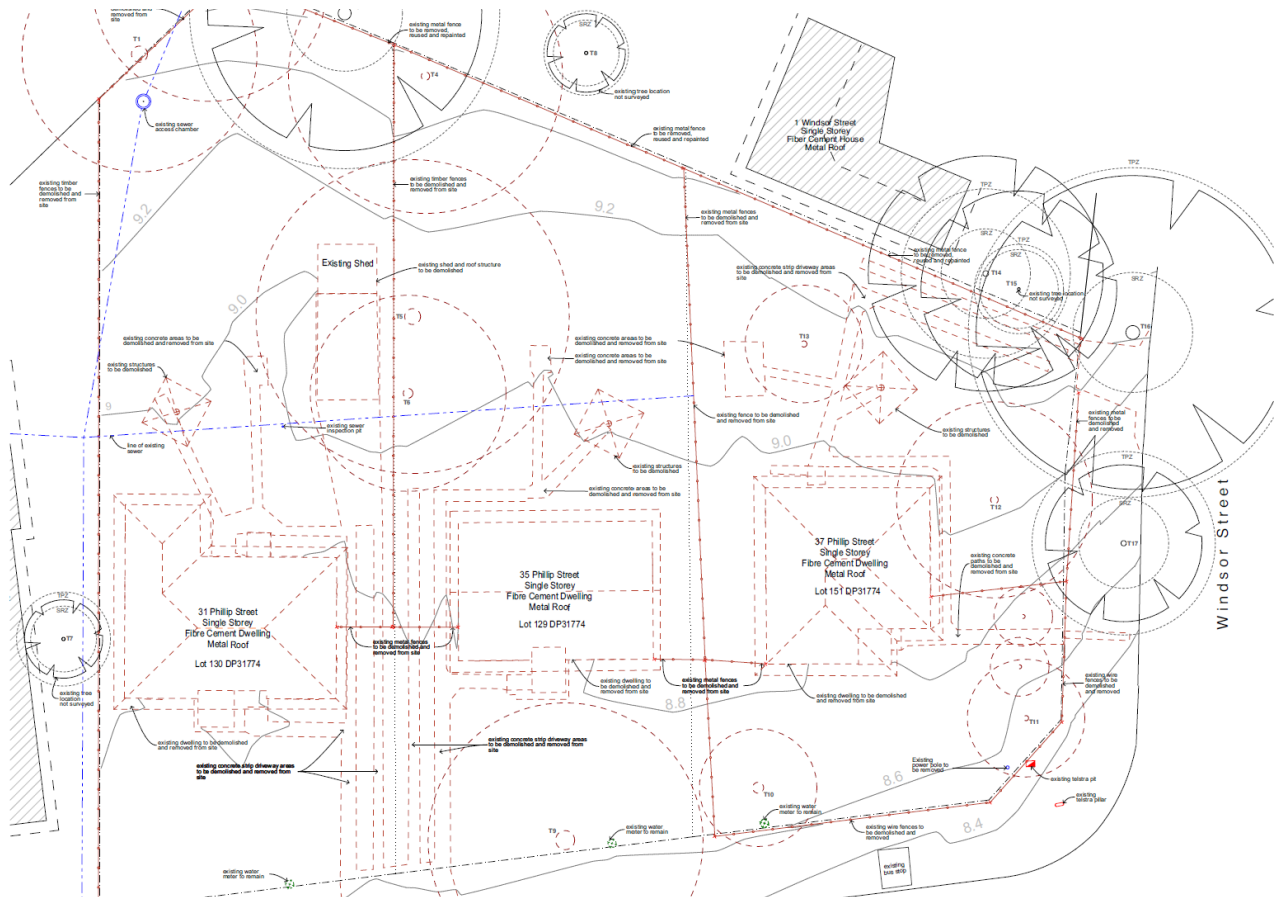


Figure 8: Extract demolition plan (Source: Stanton Dahl Architects).

3.2.4 Tree Removal

A total of ten (10) trees are proposed to be removed as part of the proposal, noting that three (3) of these trees are exempt from requiring development consent as they are fruit trees. All other trees will be protected in accordance with the recommendations of the Arboricultural Report prepared by Abacus Tree Services and provided with this DA. Details of the trees proposed for removal are set out in the table below.

Tree #	Species (common name)	Diameter at Breast Height	Vigour	Age Class	Height (m)	Useful Life Expectancy (years)	Reason
1#	Camphor Laurel	820	Good	Young Mature	14	15-40	Dwellings within Tree Protection Zone (TPZ)
2#	Camphor Laurel	540	Good	Mature	19	15-40	Dwellings within TPZ
4##	Loquat	330	Good	Mature	19	15-40	Exempt species
5	Silky Oak	810	Good	Mature	20	15-40	Within development footprint
6	Silky Oak	495	Good	Young Mature	11	15-40	Within development footprint
9	White Mahogany	975	Fair	Mature	8	5-15	Dwellings within TPZ
10	Banksia	560	Poor	Over Mature	4	<5	End of life
11	Leyland Cypress	260 (multiple stems (MS))	Good	Mature	4	15-40	Dwellings within TPZ

Table 3 Trees to be removed

12##	Mango	320, 390, 300	Good	Mature	8	15-40	Within development footprint
13##	Lemon	315 MS	Good	Mature	4.5	15-40	Within development footprint

Notes:

Trees 1 and 2 are located on 11 Edinburgh Street, Raymond Terrace

Trees 4, 12 and 13 are exempt species and do not require development consent for their removal, they are listed for illustrative purposes only.

3.2.5 Townhouse Developments

Architectural plans have been prepared by Stanton Dahl Architects and are provided with this application. The proposed development comprises a total of 13 x 2-storey townhouses across two allotments (**Figure 9**).



Figure 9: Birdseye perspective of development from corner of Phillip and Windsor Streets (Source: Stanton Dahl Architects).

Seven (7) dwellings on the western allotment will be for infill affordable housing, and six (6) dwellings on the eastern allotment will be for social housing. The townhouses are laid out as follows:

- Ground floor (**Figure 10**)
 - Kitchen
 - Living room
 - Toilet facilities
 - Internal laundry facilities
 - Stairwell to first floor
 - Patio area
 - Porch for nine (9) of the dwellings

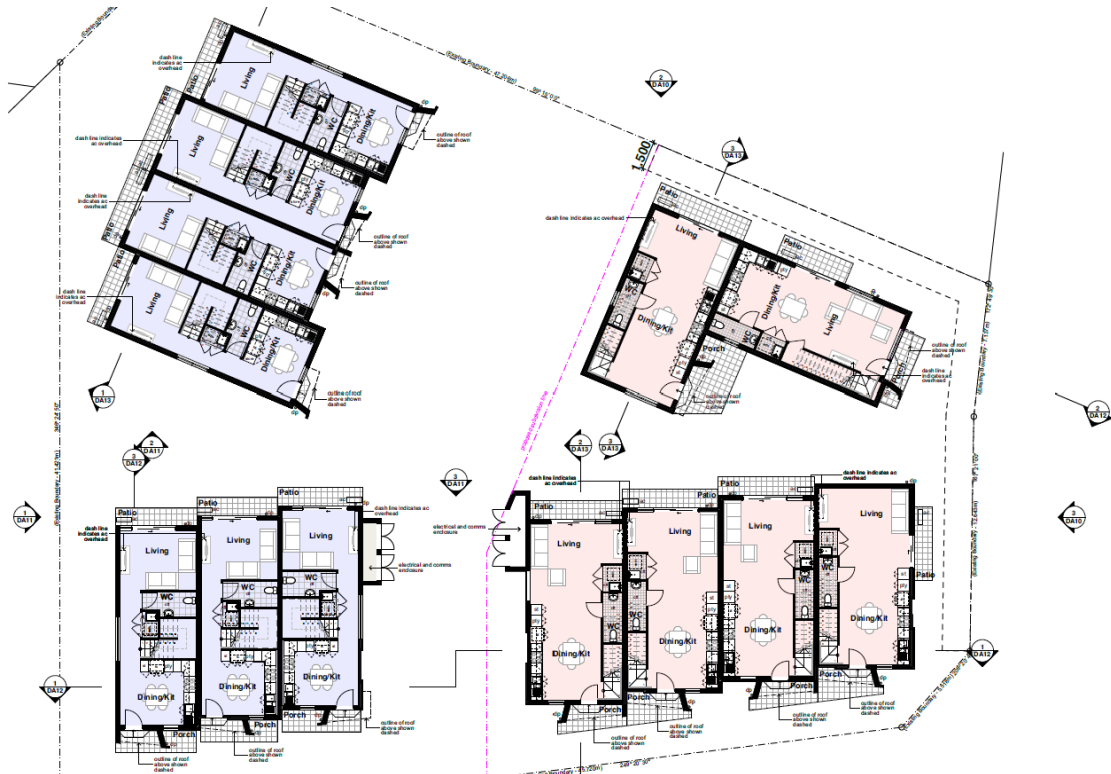


Figure 10: Extract of ground floor plan (Source: Stanton Dahl Architects).

- First floor (**Figure 11**)
 - Master bedroom with built-in robe
 - Second bedroom with built-in robe
 - Shared bathroom with shower
 - Hallway

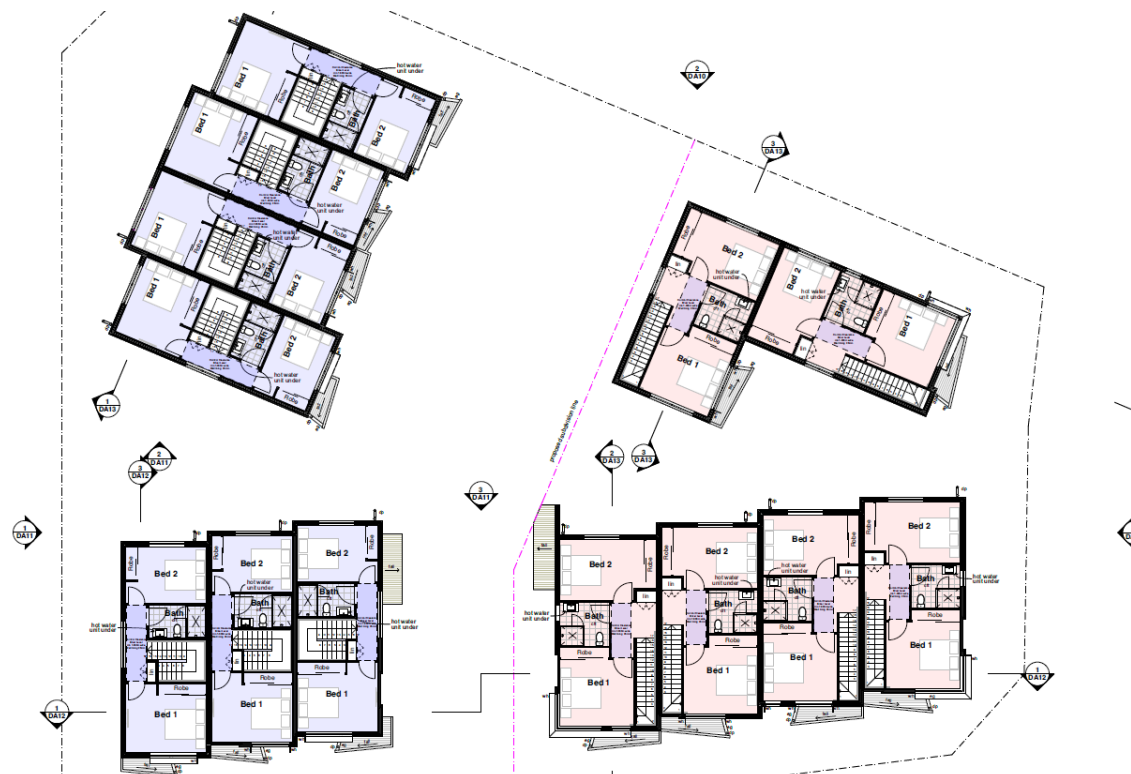


Figure 11: Extract of first floor plan (Source: Stanton Dahl Architects).

3.2.6 Landscape

Landscape plans for the infill housing development have been prepared by Botanique Design and provided with this application, and extract is at **Figure 13**. The landscape design will result in planting of 11 new trees with mature heights of between 4 and 12 metres in addition to shrubs, groundcovers, grasses and feature plants. Proposed tree species include Blueberry Ash, Crepe Myrtle, Water Gum and Weeping Lilly Pilly.



Figure 12: Extract of landscape plan (Source: Beautique Design).

3.2.7 Stormwater

Stormwater infrastructure is proposed for each allotment to operate independently (**Figure 13**). Proposed works include:

- Affordable housing (western allotment)
 - 20m³ OSD tank located below ground with a maximum depth of approximately 550mm; and covering an area of approximately 40.5m²
 - 10kL rainwater tank
- Social housing (eastern allotment)
 - 9.4m³ OSD tank located below ground with a maximum depth of approximately 775mm; and covering an area of approximately 12.7m²
 - 5kL rainwater tank
- Both allotments will be fitted with water quality measures

An easement to drain is proposed to benefit the western allotment to allow overflow from the OSD tank along the northern boundary to Windsor Street.

3.2.8 Infrastructure and Services

3.2.9 Ecologically Sustainable Development & BASIX

3.2.10 Access and Parking

3.2.11 Waste Management

- Eastern allotment – behind the building line on Windsor Street, the waste storage area for the six (6) social housing dwellings will facilitate:
 - Three (3) 240L general waste bins
 - Three (3) 240L recycling bins and
 - Two (2) 240L green waste bins
- Western allotment – behind the building line of Phillip Street, the waste storage area for the seven (7) affordable housing dwellings will facilitate:
 - Four (4) 240L general waste bins
 - Four (4) 240L recycling bins and
 - Two (2) green waste bins

4 Statutory Requirements

The following statutory instruments, documents and matters have been considered in this SEE:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Rural Fires Act 1997*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Housing) 2021*
- *Port Stephens Local Environmental Plan 2013*

The applicable provisions from each of the above are considered below.

4.1 Environmental Planning & Assessment Act 1979

4.1.1 Evaluation

Section 4.14 of the EP&A Act provides that development consent cannot be granted for the carrying out of development for any purpose on bush fire prone land unless the consent authority is satisfied that the development confirms to the specification and requirements of Planning for Bush Fire Protection and a Certificate has been provided by a person who is recognised by the NSW Rural Fire Service as a qualified bushfire consultant in bush fire risk.

In this regard, a Bushfire Certificate is provided with this application along with a Bushfire Impact Assessment. This is discussed further in **Section 7.1.14** of this SEE.

Section 4.15(1) of the EP&A Act outlines matters that a consent authority must consider in determining a development application. Matters as are of relevance to the proposed development are discussed in **Table 1** below:

Table 4 Matters for Consideration under Section 4.15	
Section	Discussion
4.15(1)(a)(i) Any environmental planning instrument (EPI)	All applicable environmental planning instruments are addressed at Section 4.3 .
4.15(1)(a)(iii) Any development control plan	The Port Stephens Development Control Plan 2014 is addressed at Section 5.1 .
4.15(1)(a)(iiia) Any planning agreement	There are no planning agreements applicable to the proposed development.
4.15(1)(a)(iv) The regulations (as prescribed for the purposes of this section)	See Section 4.2 below.
4.15(1)(b) Likely impacts	The likely impacts of the proposed development, including but not limited to environmental impacts on both the natural and built environments, and social and economic impacts in the locality are addressed at Section 7.1 .
4.15(1)(c) Site suitability	The suitability of the site for the proposed development is addressed at Section 7.2 .
4.15(1)(d) Submissions	EPM understands that Council will notify the proposed development to adjoining and nearby landowners in accordance with Council's <i>Communication and Engagement Strategy 2022</i> . Should any submissions be received by way of objection to the proposal, the applicant seeks to be provided a copy of the submission(s) and be afforded an opportunity to provide a response to the matters raised.

Table 4 Matters for Consideration under Section 4.15	
Section	Discussion
4.15(1)(e) The public interest	The public interest of the proposed development is considered in detail at Section 7.3 .

4.2 Environmental Planning and Assessment Regulation 2021

Division 1 of Part 3 of the EP&A Regulation sets out the requirements for the making of development applications. This SEE and the information set out in the supporting documentation complies with the requirements of Division 1 of Part 3 of the EP&A Regulation.

4.3 Rural Fires Act 1997

Section 100B of the *Rural Fires Act 1997* (RF Act) provides that a bush fire safety authority may be issued by the Commissioner for the subdivision of bush fire prone land that could lawfully be used for residential purposes. A bush fire certificate has been provided with this application, which confirms that the development has been assessed in accordance with the requirements of *Planning for Bushfire Protection*. This is discussed further in **Section 7.1.14** of this SEE.

4.4 State Environmental Planning Policies

4.4.1 State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP)

Schedule 6(4) of the PS SEPP provides that Crown development over \$5 million is regionally significant development. The proposal has an estimated development cost of >\$5 million. However, only the social housing component is being carried out “on behalf of the Crown” and therefore Crown development. The affordable housing component is being carried out on behalf of Hume Community Housing and is not Crown development.

Schedule 6(5) of the PS SEPP provides that private infrastructure and community facilities, which includes affordable housing, over \$5 million is regionally significant development.

The Quantity Surveyor has provided costings for each element of the development as follows:

- S6(4) Crown Development – social housing: \$2,949,000 + gst
- S6(5) Private Infrastructure & Community Facilities – affordable housing: \$3,141,000 + gst

Therefore, neither component of the development triggers regionally significant development, and the application can be determined by Port Stephens Council.

4.4.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The *State Environmental Planning Policy (Sustainable Buildings) 2022* (the SB SEPP) encourages the design and construction of more sustainable buildings across NSW and provides sustainability standards for residential development. An assessment of the proposed development against the SB SEPP is provided in the following table.

Table 5 State Environmental Planning Policy (Sustainable Buildings) 2022		
Provision of SEPP	Assessment	Consistent
Chapter 2 2.1 Standards for residential development – BASIX		
(1) Schedule 1 sets out the standards that apply to BASIX development	A BASIX Certificate and Thermal Performance Specification sheet have been prepared by GreenView Consulting and provided with this application, which demonstrate compliance.	Yes
(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions	Embodied emissions have been quantified and will be entered into the NSW Planning Portal.	Yes

Table 5 State Environmental Planning Policy (Sustainable Buildings) 2022

Provision of SEPP	Assessment	Consistent
attributable to the development have been quantified.		

4.4.3 State Environmental Planning Policy (Housing) 2021

The *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) helps to facilitate development of affordable and diverse housing in the right places and for every single stage of life. An assessment of the proposed development against the Housing SEPP is provided in Table 6.

Table 6 State Environmental Planning Policy (Housing) 2021

Provision of SEPP	Assessment	Consistent
15 Objective of Division – affordable housing must: <ul style="list-style-type: none"> Create mixed & balanced communities Develop & maintain a socially diverse residential population Be made available to very low, low, and moderate income households Must be rented to qualified tenants at appropriate rate of gross household income Used for affordable housing Be managed and maintain their continued use for affordable housing Consist of dwellings constructed to a standard that is consistent with other dwellings in the area 	<p>The proposal will be operated as a combination of social and affordable housing. Accordingly, it will be made available to a combination of income households. All tenants will be qualified under either social or affordable housing regulations. The development will be managed by Hume Community Housing for the purposes of social and affordable housing for a minimum period of 30 years.</p> <p>The townhouses are consistent with other multi-dwelling housing in the area.</p>	Yes
Chapter 2, Part 2, Division 1 – In-fill affordable housing 15C Development to which division applies Permissible, affordable housing (that comprises >10% of the development) in an accessible area	<p>Multi dwelling housing is permissible with consent in the R2 zone under Port Stephens LEP. The affordable housing component will be more than 50% of the development.</p> <p>However, the development is not in an accessible area as defined in Schedule 10 of the Housing SEPP, as it is >400 metres to the nearest bus stop used by a regular service that has at least 1 bus per hour servicing the bus stop between 6am and 9pm Monday to Friday and 8am to 6pm on weekends. Accordingly, this division does not apply to the development.</p> <p>Notwithstanding, an assessment has been prepared against the key controls for reference.</p>	No – not in an accessible area
19 Non-discretionary development standards—the Act, s 4.15 a) a minimum site area of 450m ² ,	Both allotments are >450m ²	Yes
b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area,	<p>Western allotment – 35m² x 7 units = 245m² is the lesser measurement. Landscaping proposed is 313m²</p> <p>Eastern allotment – 30% of site = 205m² which is the lesser measurement. Landscaping proposed is 164.6m²</p>	Yes – western lot No eastern lot
c) a deep soil zone on at least 15% of the site area, where (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	<p>Western allotment – 15% = 167.87m² and 184.73m² is provided, of which >65% is at the rear of the site</p> <p>Eastern allotment – 15% = 102m² and 84.6m² is provided, of which 62m² is at the rear of the site, which is just under the requirement of 66m².</p>	Yes – western lot Slightly under but generally meets the objective
d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3		Yes – western lot

Table 6 State Environmental Planning Policy (Housing) 2021		
Provision of SEPP	Assessment	Consistent
hours of direct solar access between 9am and 3pm at mid-winter,	Western allotment – 86% dwellings receive 3 hours sunlight in both living and POS Eastern allotment 83% dwellings receive 3 hours sunlight in living but 50% receive it in POS	Yes living – eastern lot No POS – eastern lot
e) the following number of parking spaces for dwellings used for affordable housing— a. for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,	Western allotment – 7 parking spaces Eastern allotment – 0 parking spaces	Yes - western No - eastern
h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide, • 2-bedroom dwellings – 90m ²	Western allotment – 80.54m ² – 80.36m ² Eastern allotment – 88.41m ² – 88.87m ²	No - western Generally consistent - eastern
20 Design requirements (1) Development consent must not be granted to development for the purposes of multi dwelling housing under this division unless the consent authority has considered the <i>Low Rise Housing Diversity Design Guide</i> , to the extent to which the guide is not inconsistent with this policy.	An assessment against the principles of the Low Rise Housing Diversity Design Guide is provided in Section 5.2	See Section 5.2
3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The proposal is considered to be compatible with the desirable elements of the character of the local area and its desired future character.	See discussion at Section 7.1.2
21 Must be used for affordable housing for at least 15 years (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. (2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	The affordable housing component on the western allotment will be managed by Hume Community Housing, which is a registered community housing provider, for a period of 30 years. This section does not apply to the social housing development on the eastern allotment.	Yes

4.4.4 Port Stephens Local Environmental Plan 2013

Table 7 provides a summary assessment of the proposed development against the relevant provisions of the LEP.

Table 7 Port Stephens Local Environmental Plan 2023 (PS LEP)

Provision PS LEP	Assessment	Consistent
2.1 Land Use Zones R2 Low Density Residential	Development for the purposes of multi dwelling housing is permissible with consent in the R2 zone under the PSLEP	Yes
2.3 Zone objectives and Land use Objectives of zone <ul style="list-style-type: none"> To provide for the housing needs of the community within a low-density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To protect and enhance the existing residential amenity and character of the area. To ensure that development is carried out in a way that is compatible 	The proposed works align with the R2 zones objectives as the new multi dwelling housing development will provide for the housing needs of the community whilst maintaining the amenity and character of the area.	Yes
4.1 Minimum subdivision lot size 500m ²	The allotments are both in excess of 500m ²	Yes
4.1B Minimum lot sizes for dual occupancies, multi-dwelling housing and residential flat buildings	The proposed western allotment (affordable housing) is 1,108.94m ² and complies. The proposed eastern allotment (social housing) is 684.54m ² and is non-compliant with this clause. However, it is compliant with Clause 19(a) of the Housing SEPP, which provides a minimum lot size of 450m ² for affordable housing	Yes – western allotment
		No but social housing consistent with Housing SEPP min. lot size
4.3 Height of building – 9m	The proposal has a height of 6.9m	Yes
4.4 Floor space ratio – n/a	The sites are not mapped as being subject to a maximum floor space ratio control within the PSLEP Floor Space Ratio map.	N/A
4.6 Exceptions to development standards	The proposal includes a variation to Clause 4.1B minimum lot size for the social housing component. An assessment has been provided under this Clause to seek a variation to this development standard.	Refer to Section 6
5.21 Flood Planning a) development compatible with flood function & behaviour b) will not adversely affect flood behaviour c) will not adversely affect the safe occupation and efficient evacuation of people d) incorporates appropriate measures to manage risk to life in the event of a flood e) will not adversely affect the environment or cause avoidable erosion, siltation or destruction of riparian vegetation	<p>The southern half of the site is mapped as Flood Planning Level – Low Hazard Flood Fringe area. The Flood Impact Assessment prepared by Greenview identifies the site as predominately being with hazard classification H1, which is “generally safe for vehicles, people and buildings. Therefore the development is considered compatible with the flood function of the site.</p> <p>The proposed new solid obstructions (buildings) are predominately located outside the 1% AEP flood extent or is similar to the existing footprint of existing buildings, so will not have any significant effect on flood behaviour.</p> <p>The development will be constructed at or above the minimum habitable floor level of 9.2m AHD, and will be safe for occupants to remain in their dwellings in the event of a flood.</p> <p>Flood risk mitigation measures are set out in the Flood Impact Assessment.</p> <p>The development will not adversely affect the environment or cause avoidable erosion, siltation or destruction of riparian vegetation. The site is subject to overland flows, not riverine flooding.</p> <p>See further discussion at Section 7.1.11 of this SEE.</p>	Yes

5 Non-statutory Requirements

5.1 Port Stephens Development Control Plan 2014

Table 8 provides a summary assessment of the proposed development against the relevant provisions of the PSDCP.

Table 8 Port Stephens Development Control Plan 2014					
Provision of PSDCP		Assessment		Consistent	
Part B – General Provisions					
B1 Tree Management		An Arboricultural report has been provided with this application to support the proposed tree removal and tree protection for the development.		Yes	
B2 Natural Resources – land within 500m of land that contains items of environmental significance.		The site is within 500m of land mapped as containing NSW Biodiversity Values and wetlands. Stormwater management plans have been provided that detail water quantity and quality measures, that will ensure there are not unacceptable impacts to biodiversity or wetland areas.		Yes	
B4 Drainage and Water Quality		Stormwater management plans have been prepared as part of this DA. The proposal includes on-site detention tanks and rainwater tanks which include MUSIC and DRAINS modelling to demonstrate that the development will not result in unacceptable water quality or quantity impacts. This is discussed further at Section 3.2.7 of this SEE.		Yes	
B5 Flooding Development on flood prone land		The site is partially mapped as flood prone land, accordingly, a Flood Impact Assessment has been carried out by Greenview Consulting and provided with this application. The assessment confirms that the site is within a "low hazard flood fringe" which is suitable for residential development. The minimum habitable floor level will be 9.2m AHD, which is consistent with Council's requirements. The FIA concludes that the proposal achieves the requirements of this DCP.		Yes	
B8 Road Network and Parking		A Traffic Impact Assessment has been prepared by Greenview Consulting and provided with this application. The assessment confirms the development will not result in unacceptable traffic impacts. The eastern allotment is compliant with car parking. The western allotment has no provision for car parking, however, adequate parking is located on the street within 30 metres of the development. This is discussed further in Section 7.1.8 of this SEE.		Western allotment - Yes	
				Eastern allotment - No	
Part C Development Types					
C1 Subdivision Objective To ensure all new lots have a size and shape appropriate to their proposed use, and to allow for the provisions of necessary services and other requirements.		The proposed subdivision shape is suitable for the facilitation of appropriate development typologies. The lot sizes of 1108m² and 684m² are in excess of the minimum lot size of 500m².		Yes	
C5 Multi Dwelling Housing					
C5.A Landscaping – site > 250m² Deep Soil Planting – 20% Location – 50% of landscaping behind building line Landscaping dimensions – at least 1.5m wide and 3m long.		A Landscape Plan and Details and Specification Sheet have been prepared by Botanique Design and are provided with this application.		Western allotment is generally consistent. Eastern allotment has reduced provision.	
		Control	Affordable (west)		Social (east)
		Deep Soil	16.6%		11.22%
		Landscaping	28.2%		24.1%

Table 8 Port Stephens Development Control Plan 2014

Provision of PSDCP	Assessment			Consistent
Corner lots – provide landscaping to both street frontages	Corner lots	n/a	Yes	
C5.B Building Height HOB – 9m as per LEP Building height – minimum floor to ceiling heights of 2.4m.	As shown on the Architectural Plans prepared by Stanton Dahl Architects (Appendix A), the floor to ceiling heights will exceed 2.4m.			Yes
C5.C Setbacks Front setbacks – <ul style="list-style-type: none"> • minimum 4.5m from the front property line, or • the existing average building line (whichever is less). Secondary frontage setback: <ul style="list-style-type: none"> • minimum 3m • open veranda, porch or deck - 2m Side setbacks: <ul style="list-style-type: none"> • Ground level - 900mm • Upper levels (above 5.5m) - 3m. Rear setbacks: <ul style="list-style-type: none"> • Ground level – 3m, • Upper levels – 4m. 	Dwellings on the western allotment are: <ul style="list-style-type: none"> • Setback 4.5m from Phillip St boundary & porches are setback >2m • Setback 3m rear boundary • Generally setback 3m from western side boundary, with the exception of Unit H4, which has a minor encroachment into the side setback. • Setback >6m from eastern side boundary Dwellings on the eastern allotment are: <ul style="list-style-type: none"> • Setback 3m from Phillip St boundary • Setback 4.5m from Windsor St boundary • Setback 3m from rear boundary • Setback a minimum of 900mm from western side boundary 			Western allotment – generally consistent
				Eastern allotment – partially consistent
C5.D Natural Ventilation The buildings orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.	The design maximises opportunities for cross ventilation utilising prevailing breezes from the north-west (warm breezes) and the south-east (cool breezes)			Yes
C5.E Streetscape and privacy Dwellings that have street frontage provide direct and legible pedestrian access from the street to the front entry. The front door entrance of each dwelling must be sheltered. Privacy screens, high-light windows or opaque glass to prevent overlooking of adjoining properties. Building colours should adopt a colour scheme to express building massing, articulation and detailed facade elements. The facade of each dwelling within a building should be identifiable as such to indicate that the building consists of separate dwellings.	All dwellings that have street frontage have legible and direct pedestrian access to their front entry. Front doors are sheltered. Privacy screens will be implemented on all required windows. Colour scheme has been selected to express building façade elements Each individual dwelling is easily identifiable through the use of different colours and window and door shapes, whilst complimenting one another.			Yes
C5.F Noise Window and door openings are generally oriented away from noise sources. Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.	As shown on the Architectural Plans prepared by Stanton Dahl Architects (Appendix A), windows and doors have generally been designed to be orientated away from noise sources.			Yes
C5.G Car parking and garages Where a common driveway is to be provided it is to have a minimum width of 3.6m.	The driveway provided on the western allotment is 3.5m wide, which is consistent with the relevant Australian Standards			Yes – meets Australian Standards
C5.H Private open space	The architectural plans provide all townhouses have a minimum private open space (POS) area of 16m ² . With regard to minimum dimensions of 4x4m:			Generally consistent

Table 8 Port Stephens Development Control Plan 2014

Provision of PSDCP	Assessment	Consistent
Minimum of 16m ² of ground floor private open space for each dwelling containing one or two bedrooms that: <ul style="list-style-type: none"> • has minimum dimensions of 4m x 4m; • has direct access from internal living areas; • is not located within a front setback; and • has a northerly aspect 	<ul style="list-style-type: none"> • Western allotment – all units comply • Eastern allotment – five units comply 	
C5.H Solar Access – between 9am and 3pm on 21 June	Overshadowing diagrams prepared by the architect demonstrate compliance with this control.	Yes
Minimum 50% of adjoining neighbours POS has 3 hours	Western allotment – all units comply	Yes
Development living rooms and POS - 2 hours	Eastern allotment – 5/6 (83%) comply with solar access to living areas and 4/6 (66%) comply with solar access to POS	Generally consistent
C5.I Site facilities and services Plant equipment to be located and shielded to minimise noise impacts to adjoining units. Adequately screened waste storage and recycling areas are to be provided behind the building line or setback of a dwelling. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <ul style="list-style-type: none"> • 8m³ for two-bedroom units 	<p>Waste storage areas are appropriately screened and located behind the building lines.</p> <p>Storage is not consistent with this control, however, it is consistent with the LAHC Design Guidelines (Appendix 18), which provide a minimum of a linen cupboard 600 x 450mm and broom cupboard 600 x 450mm; and wardrobes, 2.4m x 1.8m x 0.6m deep in primary bedroom and 2.4m x 1.5m x 0.6m in other bedrooms.</p>	<p>Generally consistent</p> <p>Storage doesn't strictly comply with DCP control, but it complies with LAHC design guidelines.</p>

5.2 Land and Housing Corporation Design Guidelines

The Land and Housing Corporation (LAHC) Design Guidelines (**Appendix 18**) informs the design and development of the LAHC social housing property portfolio. These requirements apply to all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters. The document is a benchmark tool to establish minimum requirements and enable project-specific innovation.

The dwellings have been designed in accordance with these requirements, key requirements are set out in **Table 9** below.

Table 9 Assessment against LAHC Design Guidelines

LAHC Design Guideline	Assessment	Consistent
Dwelling Configuration		
Minimum areas and configuration: <ul style="list-style-type: none"> - 2-bedroom townhouse = 70m² - WC & handbasin on alternate level from bathroom - Open plan kitchen/ living/ dining - Single bathroom including laundry 	The dwellings all have an area > 70m ² , and have a WC with handbasin on the ground floor and bathroom on the upper level. All dwellings have an open plan kitchen/living/dining, and contain a laundry	Yes
Private open space <ul style="list-style-type: none"> - Minimum area 15m², with a minimum dimension of 3m 	All dwellings meet the POS requirements	Yes
Minimum dimensions <ul style="list-style-type: none"> - 3.6m living - 3m bedroom - 10m² minimum for primary bedroom 	All dwellings comply with these requirements	Yes

Table 9 Assessment against LAHC Design Guidelines

LAHC Design Guideline	Assessment	Consistent
Ceiling heights <ul style="list-style-type: none"> - 2.7m on ground floor - 2.4m on upper levels 	All dwellings comply with these requirements	Yes
Solar access <ul style="list-style-type: none"> - 70% of dwellings to receive a minimum of 2 hours solar access to living and POS in mid-winter - Avoid dwellings that achieve less than 15 minutes solar access to living and POS in mid-winter 	5 out of 6 dwellings (83%) achieve 2 hours solar access to living spaces and 4 out of 6 dwellings (67%) of dwellings achieve 2 hours solar access to POS in mid-winter All dwellings achieve 30-minutes solar access to living and POS in mid-winter	Yes
Deep soil <ul style="list-style-type: none"> - Prioritise appropriately sized and located deep soil, connected where possible with deep soil in the public domain or on neighbouring sites 	Deep soil areas have been achieved and are co-located adjacent to the public domain and neighbouring sites where possible, as well as facilitating tree planting in POS.	Yes
Landscaping & Tree Canopy <ul style="list-style-type: none"> - Provide low maintenance, drought tolerant landscaping - Select species (preferably endemic natives) that are appropriately scaled for the application - Plant out boundary setbacks to achieve amenity for neighbours and residents 	Landscape plans specify low-maintenance, local plant species. Boundary planting is proposed along Philip St and Windsor Street	Yes

5.3 Low Rise Housing Diversity Design Guide

Council has requested an assessment against the *Low Rise Housing Diversity Design Guide* (LRHDD Guide). Notwithstanding that the development has been designed in accordance with the LAHC Design Guidelines above, an assessment of relevant sections within Chapter 2.4 Multi-Dwelling Housing to supplement Council's DCP controls is contained in **Table 10** below.

Table 10 Assessment against LRHDD Guide

Provision of LRHDD Code	Assessment	Consistent
2.3B Floor Space Ratio – 0.5:1	The western allotment has FSR of 0.51:1 which is generally consistent with the LRHDD control.	Yes
	There is no FSR control under PS LEP for this site. The eastern allotment has an FSR of 0.78:1 which is inconsistent with the LRHDD control. However, the dwellings generally meet the design intent of the LAHC Design Guidelines.	No – but generally complies with LAHC Design Guidelines
2.4C Landscaped Area – 30%	Western allotment – 28.2%. A deviation of <10% is generally consistent	Yes
	Eastern allotment – 24% but generally meets the LAHC Design Guidelines	No – but generally complies with LAHC Design Guidelines
2.4K Dwelling size and layout <ul style="list-style-type: none"> • 2 bed townhouse – min 90m² 	The dwellings are between 80.36m ² and 88.87m ² , which does not comply with the LRHDD Code, but	No - but complies with LAHC

Table 10 Assessment against LRHDD Guide

Provision of LRHDD Code	Assessment	Consistent
<ul style="list-style-type: none"> Bedrooms must have min dimension of 3m in any direction (excluding wardrobe) Living/dining combine – 24m² 	they exceed the minimum requirements of the LAHC Design Guidelines.	Design Guidelines

6 Clause 4.6 variation

The proposal is seeking to request to vary a 'non-discretionary' development standard pursuant to clause 4.6 of the PS LEP. The variation request addresses the proposed development's non-compliance with the minimum lot size for multi-dwelling housing applicable to the site under Clause 4.1B of the PS LEP.

6.1 The Guide

This request to vary a development standard has been prepared generally in accordance with the *Guide to Varying Development Standards* (the Guide), prepared by the NSW Department of Planning and Environment, dated November 2023. **Table 11** below provides a checklist from Section 3.1 of the Guide to demonstrate that the requirements for a written variation request have been met.

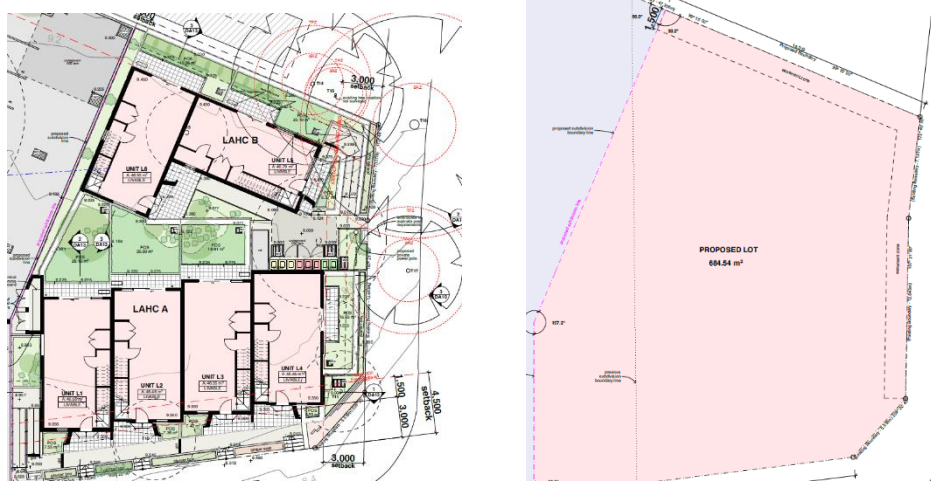
Table 11 Checklist for Written Requests (Section 3.1 of the Guide)		
Variation Request Requirements	Addressed?	Comments
The control to which the variation relates must be a development standard as defined in the Environmental Planning and Assessment Act 1979 (EP&A Act)	Yes	The minimum lot size for multi dwelling housing control requested to be varied is a development standard as defined by the EP&A Act.
If the variation relates to the subdivision of land, the variation must be consistent with any relevant limits identified in clause 4.6(6) of the Standard Instrument LEP.	N/A	The variation request does not relate to the subdivision of land in any of the zones listed under clause 4.6(6) of the PS LEP.
The development standard being varied must not be specifically excluded from the operation of clause 4.6. Exclusions are listed in clause 4.6(8) and in some circumstances, within the development standard.	Yes	The minimum lot size for multi-dwelling housing control is not excluded from the operation of clause 4.6 of the CLEP.
The written request must be lodged as part of the DA.	Yes	This written request forms part of a DA for a proposed development at the site.
The written request must satisfy the 2 tests set out in clause 4.6(3): <ul style="list-style-type: none"> clause 4.6(3)(a) – compliance with the development standard is unreasonable and unnecessary in the circumstances clause 4.6(3)(b) – there are sufficient environmental planning grounds to justify contravention of the development standard. 	Yes	The two (2) tests are addressed at Section 6.2 of this report.
The written request must include sufficient information for the consent authority to understand the relevant aspects of the proposed development and the totality of the proposed variation to the development standard.	Yes	The variation has been prepared in accordance with the Guide and includes sufficient information for Council to understand the relevant aspects of the proposed development and the totality of the proposed variation to the development standard.

The eastern allotment of the proposed development has an area of 684.81m². Clause 4.1B of PS LEP provides a minimum lot size of 750m² for multi-dwelling housing. This represents a variation of 8.7% to the development standard.

6.2 Planning Instrument, Development Standard and Proposed Variation

In accordance with the Guide, **Table 12** provides a summary of the planning instrument applicable to the proposed development, the development standard proposed to be varied and details of the variation.

Table 12 Planning Instrument, Development Standard and Proposed Variation

Questions and matters to address	Discussion						
What is the environmental planning instrument/s you are seeking to vary?	Port Stephens Local Environmental Plan 2013						
What is the site's zoning?	R2 Low Density Residential (the R2 zone)						
Identify the development standard to be varied.	<p>The variation request is for the development standard imposed under clause 4.1B of PS LEP</p> <p><i>"Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings</i></p> <p><i>(1) The objective of this clause is to achieve planned residential density in certain zones.</i></p> <p><i>(2) Despite clause 4.1, development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.</i></p> <table><tr><th>Column 1</th><th>Column 2</th><th>Column 3</th></tr><tr><td>...Multi dwelling housing</td><td>R2 Low Density Residential zone</td><td>750 square metres</td></tr></table>	Column 1	Column 2	Column 3	...Multi dwelling housing	R2 Low Density Residential zone	750 square metres
Column 1	Column 2	Column 3					
...Multi dwelling housing	R2 Low Density Residential zone	750 square metres					
Identify the type of development standard.	Numerical.						
What is the numeric value of the development standard in the EPI?	Minimum lot size for multi-dwelling housing is 750m ²						
What is the difference between the existing and proposed numeric values? What is the percentage variation?	<p>Proposal: 685m²</p> <p>PS LEP c4.4: 750m²</p> <p>Difference = 65 m², which represents a percentage variation of 8.7% between the proposal and the development standard.</p>						
Visual representation of the proposed variation	<p>A visual representation of the proposed variation is presented below.</p> <div></div> <p>Figure 14: Proposed site plan (left), proposed subdivision plan (right) (Source: Stanton Dahl Architects).</p>						

6.3 Justification for the proposed variation

In accordance with the Guide and Clause 4.6 of PSLEP, the following subsections detail how compliance with the minimum lot size for multi-dwelling housing standard is unreasonable or unnecessary, the environmental planning grounds which justify the variation.

6.3.1 How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case (cl4.6(3)(a))

Each social housing dwelling is just under 90m², which is well in excess of the minimum dwelling size of 70m² for 2-bedroom townhouses set out in the LAHC design guidelines (see **Table 9**), and generally consistent with the minimum dwelling size in the LRHDD Guide (see **Table 10**). In addition, each dwelling has private open space achieving or exceeding both LAHC's minimum requirement of 15m², and PS DCP's requirement of 16m². With regard to solar access, 83% of dwellings (L1, L2 & L4-L6) achieve a minimum of 2-hours to living spaces and 67% (L1 & L4-L6) achieve a minimum of 2 hours to private open space. Furthermore, the LAHC Guidelines state:

Avoid any dwellings receiving less than 15 mins of solar access to living areas and private open space. The non-conforming units achieve a minimum of 15 minutes solar access to living (L3) and POS (L2 & L3) in accordance with LAHC's

In this regard, Unit L3 achieves 30 minutes solar penetration to the living space, and both L2 & L3 achieve 30 minutes solar penetration to the POS.

The proposed social housing dwellings do not result in any adverse overshadowing of the proposed affordable housing dwellings located to the west due to the location of the driveway and carpark. There are no visual privacy impacts.

With regard to landscaping, the proposed design includes planting of nine (9) new trees, in addition to shrubs, ground covers and grasses. Where possible, deep soil has been prioritised adjacent to existing areas of deep soil in the public domain and neighbouring sites. The dwellings achieve the minimum POS requirements for resident amenity, in addition to boundary planting along Phillip Street and Windsor Street for neighbour amenity.

While on-site car parking is not proposed for the social housing dwellings, the Traffic Impact Assessment confirms that there are 12 on-street parking spaces available within 30 metres of the site; accordingly, the development will not generate unacceptable parking or congestion impacts for the neighbourhood. In addition, there is a bus stop in front of the development that provides a limited bus service, and a second bus stop approximately 450 metres level walk to the west of the site, which has a regular service running at least hourly throughout the day.

The development will achieve a high level of amenity for residents on a well-located site proximate to employment opportunities, retail, transport and social infrastructure. The development will result in a positive impact to the streetscape with modern, well-designed dwellings and low-maintenance landscaping along the boundaries as well as tree planting in deep soil areas to increase local canopy coverage. The minor non-compliance (8.7%) with the minimum lot size for multi-dwelling housing development standard will not result in unacceptable environmental impacts, and is supportable in this circumstance.

The objectives of the development standard are achieved notwithstanding the non-compliance

The subdivision achieves compliance with Clause 4.1 minimum lot size in the R2 low density residential zone (R2 zone), as it exceeds 500m². However, it is not consistent with Clause 4.1B, which sets out that multi-dwelling housing should have a minimum lot size of 750m² in the R2 zone. The proposed deviation from the development standard is 8.7% (65m²). The objective of the minimum lot size controls under clause 4.1 of the PS LEP is:

4.1(1)(a) To ensure that lot sizes are able to accommodate development that is suitable for its purpose and that is consistent with relevant development controls

In this regard, the development is well designed to achieve positive amenity and streetscape outcomes and is consistent with the minimum design guidelines set out by LAHC for social housing. Over 70% of the dwellings achieve a minimum of 2 hours solar access to living spaces (5 of the 6

dwellings), with the remaining dwelling' living space having more than 15 minutes solar access in mid-winter. 67% of dwellings achieve a minimum of 2 hours solar access to their POS (4 of the 6 dwellings), with the POS of the remaining two dwellings having 30-minutes solar access in mid-winter. This achieves the solar penetration requirements of the LAHC design guidelines. The site is a corner allotment that is located to the south and east of adjacent development, and the buildings will not result in unacceptable overshadowing impacts for these neighbours.

The objective of the minimum lot size for dual occupancies, multi dwelling housing and residential floor building development standard under clause 4.1B(1) of the PS LEP is as follows:

4.1B (1) The objective of this clause is to achieve planned residential density in certain zones

Multi-dwelling housing is permissible with consent in the R2 zone. The proposed social housing development is consistent with the LAHC design guidelines to achieve good amenity outcomes for residents and surrounding neighbours. The non-compliance with the development standard represents less than a 10% deviation. In addition to positive amenity outcomes, the social benefits achieved from provision of additional social housing in the locality are considered to outweigh the benefits of strict compliance with the development standard in this circumstance.

Are there sufficient planning grounds to justify contravening the development standard? (cl4.6(3)(b))

The proposed development demonstrates sound architectural design and maintains amenity within the locality, in addition to the positive social benefits achieved for the community through the provision of six (6) modern 2-bedroom townhouses for social housing. The proposed dwellings have been designed in a manner to not result in adverse impacts for neighbouring development or the streetscape, thus avoiding overshadowing impacts. The façade design and materiality, along with landscape design will result in a visually attractive streetscape. In this regard, the proposal is considered to 'promote good design and amenity of the built environment', consistent with the objects of the EP&A Act (s 1.3(g)).

The proposed development only seeks to vary the minimum lot size for multi-dwelling housing development standard by 65m² (8.7%). Despite this minor deviation, the development achieves good amenity for future residents and makes a positive contribution to the streetscape. The minor non-compliance will not be visually discernible from the streetscape and will therefore have no design or amenity impacts.

In addition, as described in **Table 7**, the proposed development is consistent with the objectives of the R2 zone under the PS LEP as it provides for additional social housing within a low density residential environment, that will protect the existing character and amenity of the area. The proposed development has been designed to be compatible with the flood risk of the area.

6.3.2 Is there any other relevant information relating to justifying a variation of the development standard?

The development will be of a consistent height, bulk, scale and design with the proposed affordable housing development on the western allotment, as well as the multi-dwelling housing development at 15-29 Phillip Street. The proposed lot size exceeds the minimum lot size development standard in the R2 zone (500m²), and this proposal is seeking a minor variation (8.7%) to the minimum lot size development standard for multi-dwelling housing (750m²). The provision of additional social housing in the LGA, that is consistent with LAHC development guidelines and has good amenity outcomes, will result in positive social impacts for the community.

6.3.3 Conclusion

The site is well located for social housing, being proximate to parklands, Raymond Terrace town centre (for retail and employment opportunities), schools and other community infrastructure. Social housing is in high demand in the LGA, and this development will double the amount of social housing currently available on the site, in addition to the provision of seven (7) affordable rental housing dwellings. which will have a positive social impact for low income earning residents in the locality. The development proposes an 8.7% departure from the minimum lot size requirement for multi-dwelling housing for the social housing component (eastern allotment).

The proposed development will result in six (6) modern 2-bedroom townhouses for social housing that achieve or exceed the design requirements of the LAHC design guidelines. The development will make a positive contribution to the streetscape, and is generally consistent in height, bulk and scale with other multi-dwelling housing along the same block. The development will not result in unacceptable environmental impacts. Accordingly, compliance with the development standard is unnecessary in the circumstances.

7 Environmental Planning and Impact Assessment

The following subsections consider the environmental impact associated with the proposed development including relevant matters for consideration under section 4.15 of the EP&A Act.

7.1 Likely Impacts of the Development

7.1.1 Subdivision and Siting

The proposed subdivision involves the amalgamation of three (3) existing residential allotments to create two (2) larger residential allotments to support multi-dwelling housing. The subdivision of land is consistent with the minimum lot size requirements under PS LEP and is of a shape that will facilitate the current development without constraining future development on the site.

An easement is proposed along the northern and eastern boundaries of the site to benefit the western lot for stormwater drainage from the on-site detention tank at the rear of the carpark.

The site is well-located in Raymond Terrace and is proximate to parklands, schools, and is 2km south-east of Raymond Terrace town centre, which contains a wide variety of commercial and retail offerings. The site is immediately adjacent to a bus stop, and there is another bus stop with a more regular (hourly) service located within 500m of the site.

7.1.2 Streetscape and Visual Impacts

The development will present to the street frontage as two-storey attached residential dwellings, which is consistent with surrounding development. The building adopts a contemporary architectural language that is consistent with the residential character of the area. A light colour scheme has been selected for the façades with white face brick combined with different cladding materials (**Figure 15**). Bright accent colours differentiate dwellings to provide a clear identity and visual interest.

Articulation of the entry porticos breaks up the building massing and clearly identifies the entry to each residence. The design of the new building will be complimented by the landscape design. The western allotment will be setback 4.5 metres from Phillip Street in consistency with development standards. The eastern allotment has a reduced setback along Phillip Street of 3 metres to provide better private open space and solar access to the dwellings. It is considered that the reduced setback will not result in unacceptable impacts to the street frontage.

Elevations of the frontage to Phillip Street and Windsor Street are provided at **Figure 16** and **Figure 17**.



Figure 15: Area of landscaping (green) and deep soil zones (brown) for the proposed development (Source: Stanton Dahl Architects).

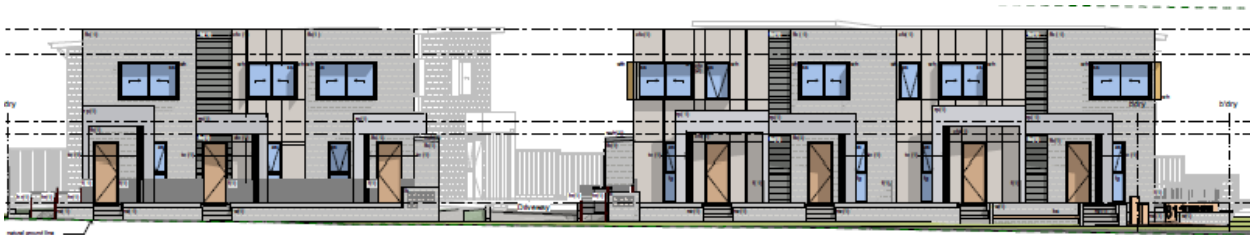


Figure 16: Phillip Street – southern elevation (Source: Stanton Dahl Architects).

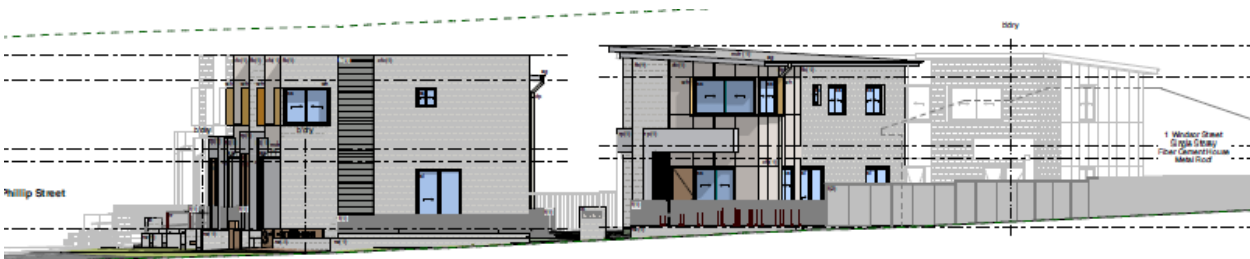


Figure 17: Windsor Street – eastern elevation (Source: Stanton Dahl Architects).

7.1.3 Built Form

The dwellings have been designed in accordance with the LAHC Design Guidelines (**Appendix 18**). They are all two-bedroom townhouses, and the design is drive by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters. The key design principles are:

Good for tenants: considers the needs of tenants, has low running costs and is flexible to adapt to future requirements

Whole of life cycle approach: considers operation and maintenance efficiency

Mixed tenure: aim to create an enduring, high-quality property portfolio that is a source of pride for tenants...is indistinguishable from private housing and is well-located within diverse communities

Sustainability and resilience: environmentally, culturally, socially and economically sustainable, and resilient to anticipate future challenges

Quality homes: create a sense of dignity by providing housing that tenants are proud to call their home.

The dwellings meet the objectives of the Design Guidelines and provide open plan ground floor with kitchen, living and dining, as well as WC, separate laundry, porch and patio out to the private open space (**Figure 18**).

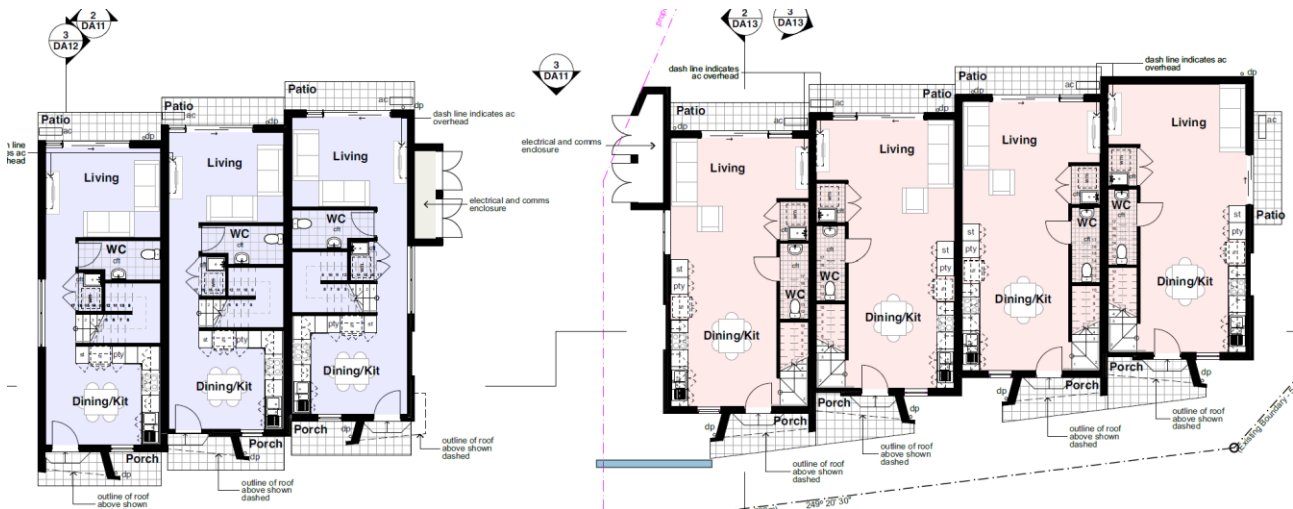


Figure 18: Extract of ground floor layouts (Source: Stanton Dahl Architects).

The upper level provides two bedrooms with built-in wardrobes, with Bedroom 1 being slightly larger than Bedroom 2. There is also a full-size bathroom and a linen closet (**Figure 19**).

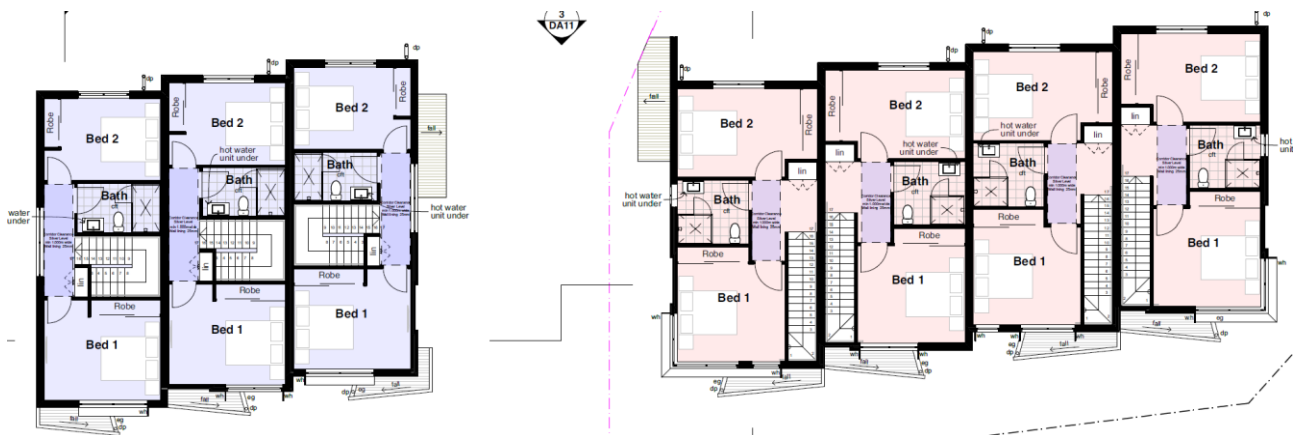


Figure 19: Extract of first floor layouts (Source: Stanton Dahl Architects).

7.1.4 Private Open Space

Private open space (POS) is consistent with the minimum space requirements for each of the 13 dwellings. With the exception of Unit L4, none of the dwellings are reliant on the additional POS that is provided within the front setbacks; they have POS to the rear of their dwellings. As direct entry is provided to each dwelling from the street frontage, the space directly in front of their property is also POS.

7.1.5 Sustainability and Climate Resilience

The proposal has been designed in accordance with the bush fire and flooding constraints of the site, to ensure climate resilience. The proposal includes solar panels on the roof top of each dwelling to reduce the development's reliance on fossil fuels, and water and energy efficient fixtures and fittings. BASIX and Nathers Certificates for the dwellings are provided with this application to confirm the dwellings achieve the required sustainability objectives.

7.1.6 Solar Access and Overshadowing

Solar access and overshadowing diagrams have been prepared as part of the Architectural plan package. The overshadowing diagrams confirm that the development will not have an unacceptable impact on the solar access to POS or living spaces for neighbouring residents.

Solar access requirements differ between the LAHC Design Guidelines, the LRHDD Code and PS DCP but range between a minimum of 2-3 hours of solar penetration in mid-winter to the living area and private open space (POS). The sun diagrams demonstrate solar penetration into the POS and living space of the proposed dwellings in mid-winter. Most dwellings achieve the required solar penetration (**Figure 20**).

However, Unit L2 will comply with solar penetration to the living space, but not achieve the POS requirement and Unit L3 will only achieve approximately 15 minutes of solar penetration to the living or POS during mid-winter. The amenity of Unit L2 is considered to achieve the objectives of the solar penetration control due to the 3 hours of sun penetration to the living space in mid-winter. Solar compliance is achieved for 100% of dwellings on the western allotment and 83% of dwellings on the eastern allotment. With regard to Unit L3, the LAHC Design Guidelines indicate that dwellings that do not achieve a minimum of 15 minutes solar access should be avoided; Unit L3 achieves this minimum. Accordingly, the development is considered to provide suitable solar access.

Living Areas - Hume

Solar Access	9am	10am	11am	12pm	1pm	2pm	3pm	Total	Complies
Unit H1	Y	Y	Y	Y	Y	Y	Y	6 hrs	Y
Unit H2	Y	Y	Y	N	N	N	Y	3 hrs	Y
Unit H3	Y	Y	Y	Y	Y	N	N	4.5 hrs	Y
Unit H4	N	N	N	N	Y	Y	Y	2.5 hrs	Y
Unit H5	N	N	N	Y	Y	Y	Y	3.5 hrs	Y
Unit H6	N	N	N	Y	Y	Y	Y	3.5 hrs	Y
Unit H7	N	N	N	Y	Y	Y	Y	3.5 hrs	Y

The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21)

Living Areas - LAHC

Solar Access	9am	10am	11am	12pm	1pm	2pm	3pm	Total	Complies
Unit L1	Y	Y	N	N	Y	Y	Y	4 hrs	Y
Unit L2	N	Y	Y	Y	N	N	Y	3.5 hrs	Y
Unit L3	Y	N	N	N	N	N	N	0.5 hrs	N
Unit L4	Y	Y	Y	Y	N	N	N	3.5 hrs	Y
Unit L5	Y	Y	Y	Y	Y	Y	Y	6 hrs	Y
Unit L6	N	Y	Y	Y	Y	Y	Y	5.5 hrs	Y

The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21)

Private Open Space - Hume

Solar Access	9am	10am	11am	12pm	1pm	2pm	3pm	Total	Complies
Unit H1	Y	Y	Y	Y	Y	Y	Y	6 hrs	Y
Unit H2	Y	Y	Y	N	N	N	Y	3 hrs	Y
Unit H3	Y	Y	Y	Y	Y	N	N	4.5 hrs	Y
Unit H4	N	N	Y	Y	Y	Y	Y	4.5 hrs	Y
Unit H5	N	Y	Y	Y	Y	Y	Y	5.5 hrs	Y
Unit H6	Y	Y	Y	Y	Y	Y	Y	6 hrs	Y
Unit H7	Y	Y	Y	Y	Y	Y	Y	6 hrs	Y

The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21)

Private Open Space - LAHC

Solar Access	9am	10am	11am	12pm	1pm	2pm	3pm	Total	Complies
Unit L1	N	N	N	Y	Y	Y	Y	3.5 hrs	Y
Unit L2	N	N	N	N	N	N	Y	0.5 hrs	N
Unit L3	Y	N	N	N	N	N	N	0.5 hrs	N
Unit L4	Y	Y	Y	Y	Y	N	N	4.5 hrs	Y
Unit L5	Y	Y	Y	Y	Y	Y	Y	6 hrs	Y
Unit L6	N	N	N	N	Y	Y	Y	2.5 hrs	Y

The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21)

Figure 20: Solar penetration calculations for the proposed dwellings (Source: Stanton Dahl Architects).

7.1.7 Tree Removal and Landscaping

An Arborist Report prepared by Abacus Tree Services accompanies this DA. The report assessed seventeen (17) trees on the site and adjoining allotments and recommends that eleven (11) of those are to be removed before the commencement of building works as they are within the development envelope, or the development will encroach into the tree root zone to an unacceptable extent.

Six (6) trees are recommended to be retained and incorporated into the proposed development. The arborist report provides tree protection measures for the duration of construction.

The landscaped area and deep soil zones of the site are depicted in (**Figure 21**). Both the Phillip Street and Windsor Street frontages contain landscaped buffers in the front setback, which is consistent with the residential context of the area. The majority of deep soil area is located to the rear of the dwellings to support tree planting and other shrubs.

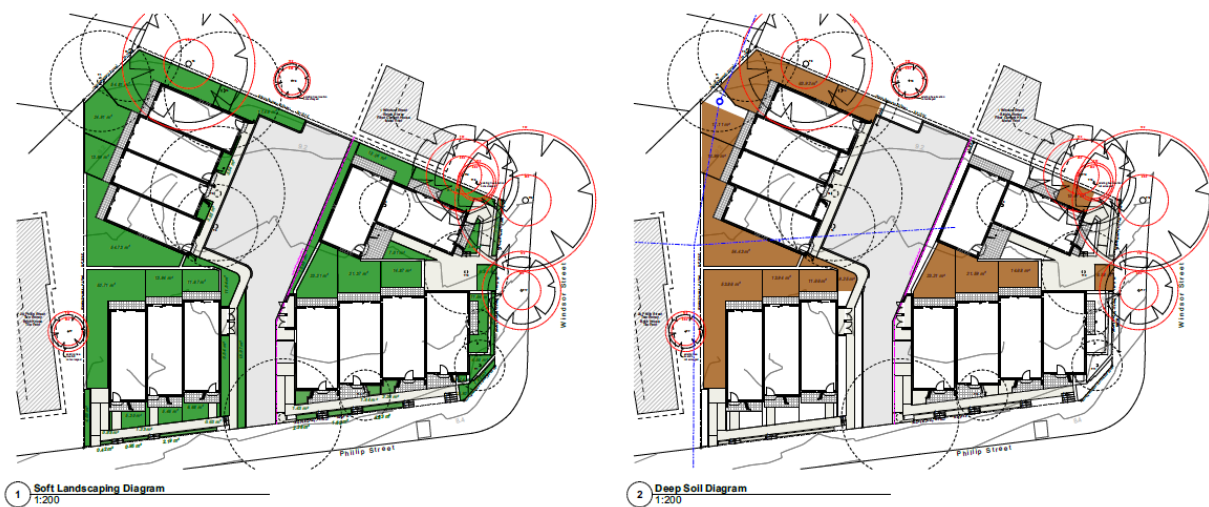


Figure 21: Area of landscaping (green) and deep soil zones (brown) for the proposed development (Source: Stanton Dahl Architects).

The development proposes planting of eleven (11) new trees as well as shrubs and various groundcovers, grasses and feature plants (**Figure 12**). Species selection is drought tolerant and appropriately scaled for the development to ensure landscaping is low-maintenance and visually appealing. The landscaping elements are considered to generate social and wellbeing benefits, and create an attractive street frontage, and therefore will not result in any adverse impacts.

7.1.8 Site Access, Traffic and Parking

A Traffic Impact and Parking Assessment (TIAP) has been prepared by Greenview Consulting for the proposed works to assess access, traffic and parking.

Access

Vehicle access is provided to the western allotment (only) via a 3.5-metre-wide driveway from Phillip Street to the off-street carpark. The driveway is designed in accordance with relevant Australian Standards. Swept path analysis confirms that a B99 vehicle can access and egress from the driveway to Phillip Street. A B85 can access and egress all proposed car parking spaces in an adequate number of manoeuvres.

There is no formal pedestrian access path along either Phillip Street or Windsor Street. Pedestrian access to the western allotment is provided directly from Phillip Street to units H1-H3. A separate pedestrian pathway is provided from Phillip Street to units H4-H7, which also connects units H1-H3 to the carparking area.

Pedestrian access to the eastern allotment is provided via a ramp at the south-western corner of the allotment to a pathway that connects to units L1-L4. Units L1-L4 also have direct access to Phillip Street via stairs. Units L5 and L6 are accessed via pedestrian pathways from Windsor Street.

All dwellings have clear, direct and accessible access from the street; and for the western allotment (only), from the carpark as well.

Traffic

Phillip Street and Windsor Street are both 7-metre-wide local roads, which accommodate two-way traffic flow and unrestricted car parking on both sides of the road. Traffic generation rates have been adopted from the RTA Guide to Traffic Generating Developments 2002, which provide that 13 x 2-bedroom units will generate 0.5 movements per unit in the AM and PM peaks. The forecast seven (7) trips in the morning and evening peaks are minor and will not give rise to noticeable impacts on the surrounding traffic environment.

Parking

Parking – Affordable Housing (western allotment)

A seven (7) space off-street car park provided for the seven (7) dwellings on the western allotment. This is compliant with the Port Stephens DCP requirements. The carpark has been designed in accordance with AS2890.1:2004 to ensure adequate dimension for each parking space, the circulation roadway widths and driveway, as well as a minimum of 300mm clearance to high objects from trafficable areas.

The BCA consultant has confirmed that as the development is Class 1B, the National Construction Code does not require provision for electric vehicle charging within the carpark.

Parking – Social Housing (eastern allotment)

No off-street parking is proposed for the eastern allotment. The TIAP has surveyed the local streets, and confirmed that 12 on-street parking spaces are generally available within 30 metres of the development. Accordingly, the development will not give rise to unacceptable parking impacts.

7.1.9 Noise and Vibration

An acoustic assessment has been prepared by PKA Acoustic Consulting. The assessment sets out the project noise trigger levels at residential boundaries (**Figure 22**) and confirms the development is capable of compliance with noise amenity criteria.

Receiver Type	Period	Measured RBL (L _{A90})	Acceptable Noise Levels L _{Aeq} (period)	NSW Noise Policy for Industry Criteria		Project Noise Trigger Levels L _{Aeq} 15min
				Amenity L _{Aeq} 15min	Intrusiveness L _{Aeq} 15min	
Residential (Sub-urban)	Day	34 dB(A)	55 dB(A)	53 dB(A)	39 dB(A)	39 dB(A)
	Evening	37 dB(A)	50 dB(A)	48 dB(A)	42 dB(A)	42 dB(A)
	Night	33 dB(A)	40 dB(A)	38 dB(A)	38 dB(A)	38 dB(A)

Figure 22: Project Noise Triggers at Residential Boundaries (Source: PKA Consulting).

7.1.10 Stormwater Management

Greenview Consulting has provided stormwater management plans for the development in accordance with the requirements of PS DCP (**Figure 13**). The design of the stormwater system has considered the pre-development impervious area to have been zero, to ensure run-off from post-development impervious area is captured. Each allotment contains an on-site detention (OSD) tank and a rainwater tank to collect run-off from impervious areas. Drains modelling was used to calculate the required size of the OSD tanks to ensure there will be no unacceptable impacts for neighbouring development or Council's stormwater system as a result of the development.

Water quality measures are proposed and are detailed in Greenview's plans, they include Ocean Protect infrastructure to remove pollutants from stormwater in the OSD tanks before it is released through an overflow system. Music modelling has been undertaken to confirm the proposed stormwater system achieves the objectives (**Figure 23**).

	Sources	Residual Load	% Reduction
Flow (ML/yr)	1.75	1.71	2.3
Total Suspended Solids (kg/yr)	220	43.3	80.3
Total Phosphorus (kg/yr)	0.472	0.129	72.7
Total Nitrogen (kg/yr)	3.71	1.71	53.8
Gross Pollutants (kg/yr)	36.3	3.49	90.4

Figure 23: MUSIC modelling (Source: Greenview Consulting)

7.1.11 Flooding

A Flood impact assessment has been prepared by Greenview Consulting, as the site is partially mapped as flood prone land. The Flood Impact Assessment has considered the proposal against the NSW Flood Risk Management Manual (2023), Port Stephens Council's flood studies, Section 5.21 of Port Stephens LEP and Section B5 of Port Stephens DCP.

The southern portion of the site is identified as "low hazard flood fringe area" in Council's flood study and is subject to shallow flooding. Consideration of the NSW Flood Risk Management Manual (2023) identifies the site as being predominately an H1 hazard area, which is generally safe for vehicles, people and buildings. The site has an adoptable minimum habitable floor level of 9.2m AHD, which will be achieved by the proposed development. This is considered to suitably mitigate the flood risk for occupants.

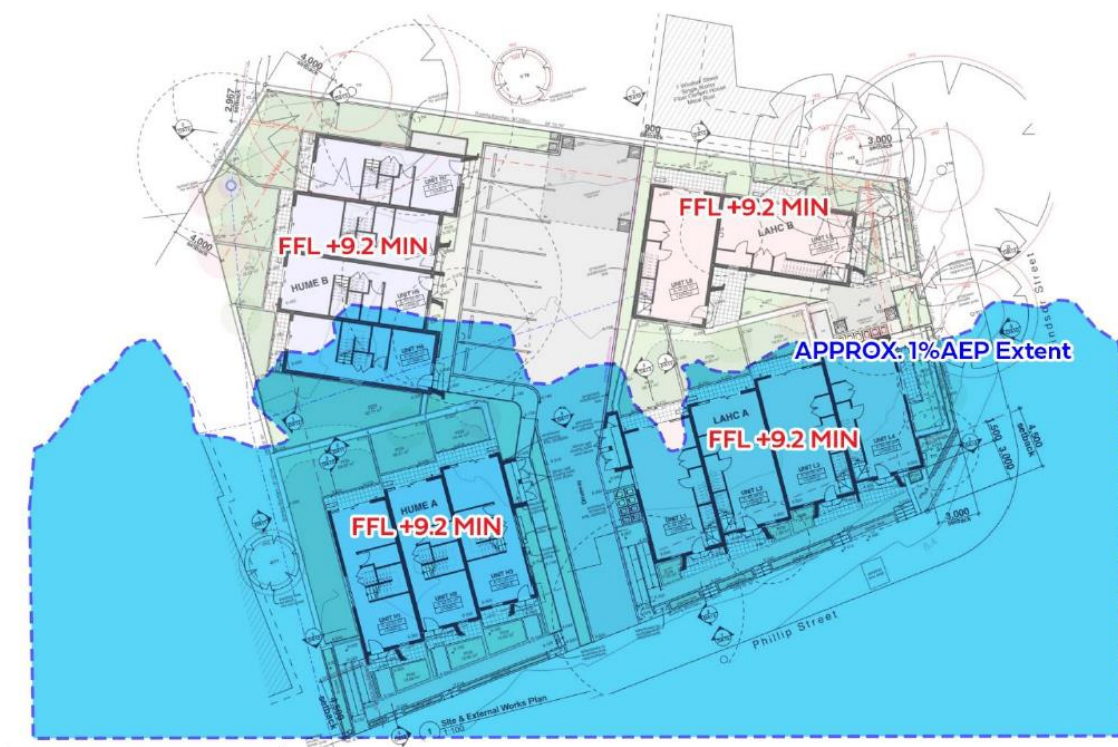


Figure 24: Flood mitigation and 1% AEP (Source: Greenview Consulting)

The flood engineer concludes that:

The subject site is approximately 50% flooded during the 1%AEP event to shallow depths.

The subject site has been classified as Low Hazard – Flood Fringe.

The proposed development attracts minimum floor levels controls and these should be set as recommended in this report.

The development as proposed achieves the requirements of Council's LPE 2013 Section 5.21 provided the recommendations of this report are adhered to.

The development as proposed achieves the requirements of Council's DCP Section B5 "Flooding" provided the recommendations of this report are adhered to.

Accordingly, the development is considered to suitably address the flood impact of the site, and will not generate unacceptable impacts for occupants, adjacent development or the environment.

7.1.12 Geotechnical & Acid Sulfate Soils

Testing was undertaken to assess existing site surface and subsurface conditions at four (4) boreholes (BH) and seven (7) Dynamic Cone Penetration test locations to determine considerations for the cut and fill required to facilitate the development which is <0.5m above and below existing ground level (**Figure 25**). The testing found topsoil fill in the first 0.1-0.3m depth, then marine sand with a depth of 1.9m to 5.7m and hardclay and bedrock below those levels.

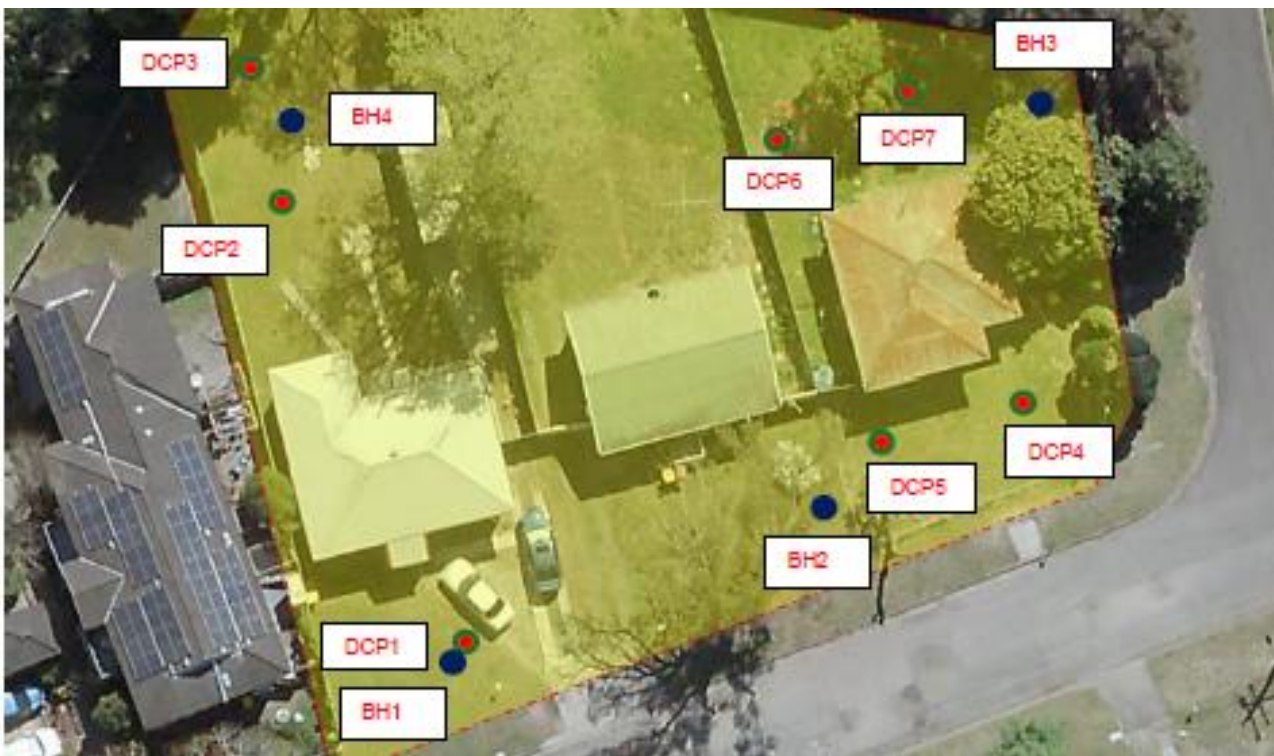


Figure 25: Geotechnical testing locations (Source: Neo Consulting Pty Ltd).

The geotechnical investigation found that some groundwater seepage was observed in BH2 at 1m below existing ground level (BEGL) due to recent rains prior to the investigations. However, groundwater was observed at depths between 5m and 6m during augering in BH1.

The site is mapped as being subject to Class 4 Acid Sulfate Soils (ASS). The construction involves slab on grade or foundation piers; and foundation piles are expected to proceed more than 2m BEGL, therefore a Potential Acid Sulfate Soils (PASS) Management Plan has been prepared. The Plan includes processes for soil neutralisation and neutralising acidic dewatering effluent. The Geotechnical report concludes:

Laboratory test results indicate that the soils have a 'Low' reaction rate, whilst several of the oxidised pH values were >4. Therefore, assuming the proposed works involve excavation for foundation piers up to 4m to 5m and site contains Potential Acid Sulfate Soils. As such, according to the Acid Sulfate Soils Management Advisory Committee (ASSMAC), a management plan presented above can be followed during construction.

7.1.13 Waste Management

A Waste Management Plan (WMP) has been prepared by Dickens Solutions and provided with this application. The WMP details the expected volumes and management requirements for waste generated at the demolition and construction stages of the proposed development. The plan also

includes assumptions of waste for the ongoing use of the building and the proposed provision of waste and recycling services on site. The proposed development will not result in any adverse waste outcomes.

7.1.14 Bushfire

As discussed in **Section 4.1**, the site is mapped as containing bushfire prone land and therefore Newcastle Bushfire Consulting has prepared a Bushfire Certificate for the development in accordance with the requirements of Section 4.14 of the EP&A Act.

The report concludes that the proposed development is capable of complying with the requirements of *Planning for Bushfire Protection 2019* subject to the implementation of the recommendations detailed in the Bushfire Assessment Report as follows:

1. *"The proposed building works shall comply with BAL-12.5 in accordance with AS3959 (2018) Construction of buildings in bushfire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and the additional construction requirements of Planning for Bush Fire Protection (2019) Section 7.5.2.*
2. *At the commencement of building works and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones.*
3. *Water, electricity and gas are to comply with Section 7 of Planning for Bush Fire Protection (2019).*
4. *Landscaping is to be undertaken in accordance with Planning for Bush Fire Protection (2019) Appendix 4 and managed and maintained in perpetuity.*
5. *It is recommended that the property owner and occupants familiarise themselves with the relevant bushfire preparation and survival information provided by the NSW RFS."*

7.1.15 Services and Utilities

Appropriate services and utilities are available to the site:

- Communications – a new pit will be provided for NBN connection to the dwellings.
- Power – existing power supply is suitable for the dwellings, and no substation or infrastructure upgrades are required to service the development.
- Water – suitable connections and pressure is available for potable water.
- Sewer – new sewer connections are proposed and will be designed prior to Construction Certificate.

7.1.16 Social Impacts

In-fill affordable and social housing are vital parts of a healthy community and the proposed multi dwelling houses will provide this much needed accommodation in the locality.

7.1.17 Crime and Safety

Crime Prevention Through Environmental Design is a crime prevention strategy that focuses on the planning, design and structure and neighbourhoods. It seeks to reduce the opportunities for crime through the use of design and place management principles. The four (4) key strategies of Crime Prevention Through Environmental Design (CPTED) are:

- Surveillance measures
 - the development achieves deterrence of crime by providing clear sight lines between public and private places to maximise natural surveillance
 - appropriate lighting
 - landscaping to make the development attractive without providing offenders a place to hide and entrap a victim
- Territorial reinforcement
 - Well used places reduce opportunities for crime and present as a deterrent to criminals

- The development does also clearly delineates itself as private space through landscaping, entry porticos and some fencing
- Access control is reinforced by fencing POS and clear and secure entry points

7.2 Suitability of the Site for the Development

The proposal is permissible with consent in the zone, and the land is currently used for a residential purpose. The development has been designed in accordance with the environmental constraints of the site including bush fire and flood, and suitable mitigation measures have been implemented into the design. The suitability of the site for use as multi dwelling housing for use as affordable and social housing is consistent with the zone objectives of providing a diversity of housing types, and the development will complement the locality's surrounding uses. The site is well located, being proximate to schools, child care facilities, parkland, Raymond Terrace town centre and employment district and public transport. Accordingly, the site is considered suitable for the proposed development.

7.3 The Public Interest

The proposed development is not contrary to the public interest as it involves the creation of additional social and affordable housing which is in high demand in the vicinity. The proposal will not result in adverse environmental impacts and provides positive social impacts that will service the needs of the community.

8 Conclusion

The proposed development comprises the demolition of three (3) dwelling houses and ancillary development and the subdivision of land to create two (2) allotments. The eastern allotment will be retained by LAHC with six (6) social housing units and the western allotment transferred to Hume with seven (7) affordable housing units, providing a total of thirteen (13), two (2)-storey townhouses as in-fill affordable and social housing, in addition to seven (7) car parking spaces. The proposed development is to be located at 31-37 Phillip Street, Raymond Terrace (the site).

The site is zoned R2 Low Density Residential (the R2 zone) under the Port Stephens Local Environmental Plan 2013 (the PSLEP), and multi dwelling housing is permissible in the R2 zone. The affordable housing component generally achieves compliance with all relevant development standards. The social housing component generally exceeds or achieves the design standards set out in the LAHC Design Guidelines for Social Housing, with the exception of on-site parking. However, the traffic assessment has confirmed that there are 12 on-street carparking spaces within 30 metres of the social housing development and therefore the development will not result in unacceptable parking impacts.

The social housing component on the eastern allotment is seeking a minor variation (8.7%) to the minimum lot size for multi-dwelling development standard (Clause 4.1B). A written Clause 4.6 variation request is included as part of this SEE; and concludes that the development meets the objectives of the development standard; is consistent with the LAHC Design Guidelines; will result in good amenity outcomes for residents and neighbours; and the provision of additional, high quality and well located social housing will have positive social impacts for the community. Therefore, compliance with the development standard is unnecessary in this circumstance.

The development has been designed in accordance with the bushfire and flood constraints of the site, will result in good amenity for future residents and the surrounding neighbourhood. Accordingly, the proposal is considered to satisfactorily respond to the opportunities and constraints of the site and the relevant legislation, is unlikely to result in adverse impacts in the locality and is therefore worthy of Council approval.