

STATEMENT OF ENVIRONMENTAL EFFECTS

CONSTRUCTION OF SHOP TOP HOUSING, GROUP HOMES AND INFILL AFFORDABLE HOUSING

PROPERTY: 146-152 Johnston Street, Casino
OUR REF: 230176
DATE: January 2024



DOCUMENT AND PROJECT DETAILS

Document title:	Construction of Shop Top Housing, Group Homes and Infill Affordable Housing
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ATTACHMENTS

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Attachment 2	Architectural Design Plans <i>PTMA Architecture</i>
Attachment 3	Design Verification Statement <i>PTMA Architecture</i>
Attachment 4	Low Rise Housing Diversity Design Guide Review <i>PTMA Architecture</i>
Attachment 5	Detailed Site Investigation <i>Easterly Point Environmental</i>
Attachment 6	Environmental Noise Impact Assessment <i>Tim Fitzroy & Associates</i>
Attachment 7	Traffic Engineering Report <i>TTM Group</i>
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Attachment 9	Air Quality Assessment <i>Contaminated Site Investigation Australia Pty Ltd</i>
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Attachment 12	Basix Certificate, NatHERs Certificate & Energy Efficiency Report <i>Senica Consulting Group</i>
Attachment 13	Request to vary Development Control Plan <i>Newton Denny Chapelle</i>

1. Executive Summary

1.1 Development Application

Development consent is sought from Richmond Valley Council for the construction of a shop top housing development, group home and infill affordable housing. The proposed development is located at Lots 155-158 DP 834821, commonly known as 146-152 Johnston Street, Casino. The components of the development application are summarised below:

Lots 157 & 158 – Johnston Street

- Construction of shop top housing development comprising ground floor commercial space and four (4) residential units,
- Construction of group homes within the rear portion of the site,
- Construction of ten (10) parking spaces,
- Landscaping and associated civil works.

Lots 155 & 156 – Clark Street

- Construction of multi dwelling housing containing six (6) x 2-bedroom units utilised as in-fill affordable housing,
- Construction of six (6) parking spaces,
- Landscaping and associated civil works.

The proposal is inclusive of removal of existing vegetation, construction of carparking and associated civil works, earthworks, fencing and consolidation of existing lots to create two large lots. The proposal involves the construction of two new driveway crossings to service the development, one being off Johnston Street and one being off Clark Street.

The proposed development will be constructed and managed by Momentum Collective. Third Sector Australia Ltd, trading as Momentum Collective is a registered not for profit Community Housing Provider, community services and charitable organisation. The organisation was originally founded in 1979 and now trades as Momentum Collective. Previously known as Casino Neighbourhood Centre, Twin Towns Welfare Action Group, Tweed Heads Community Aid Council, Tweed Valley Fellowship, On Track Community Programs and S3A. Momentum Collective aims ‘to help people get a roof, a job, live a better life and engage with the community.’

The subject site is zoned E1 Local Centre under the Richmond Valley Local Environmental Plan (RVLEP 2012). The proposed shop top housing, group home and infill affordable housing is permissible with consent in the zone, and is generally compliant with the relevant provisions of the LEP, and relevant SEPPs. The proposal has also been assessed against the relevant provisions of the Richmond Valley Development Control Plan (DCP) and the Low Rise Housing Diversity Design Guide, and is generally compliant with the relevant controls. A variation request to the DCP is sought in relation to carparking and considered reasonable and justified in the circumstances.

It is noted Section 2.4 of the Low Rise Housing Diversity Design Guides states that ‘*The development application proposal is merit assessed. If the development application cannot meet the design criteria, then the consent authority is to be flexible in applying these provisions and allow reasonable alternative solutions that achieve the relevant objectives*’. There are a number of provisions in which

the development does not strictly meet the design criteria, however demonstrates compliance with the objective of the development standard. As a result, it is considered the proposal is consistent with the Design Guide.

In accordance with the Quantity Surveyors Report provided as part of this application, the development has an estimated Capital Investment Value greater than \$5 million. As such, the project meets the criteria to be considered Regionally significant Development as listed in Schedule 6, Item 5 of the *State Environmental Planning Policy (Planning Systems) 2021*, and is therefore required to be determined by the Northern Regional Planning Panel.

This report examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation. Based on the assessment completed, it is requested that the application be approved subject to reasonable and relevant conditions.



Plate 1: Artist impression of the proposed development

1.2 Site Details

The site details relevant to the proposed development are provided within **Table 1** below.

Table 1: Site Details

Property Address	146-152 Johnston Street, Casino
Property Description	Lots 155-158 DP 834821 Parish of North Casino County of Rous
Registered Owner	Third Sector Australia Ltd
Proponent	Momentum Collective
Applicant	Newton Denny Chappelle for and on behalf of the proponent
Local Authority	Richmond Valley Council

Site Area	Lot 155 – 803.9m ²
	Lot 156 – 803.9m ²
	Lot 157 – 833.m ²
	Lot 158 – 788.9m ²
Easements	No
Existing Land Use	Vacant commercial zoned land
Local Planning Instrument	Richmond Valley Local Environmental Plan 2012
Land Zoning	E1 Local Centre
Maximum Building Height	8.5 metres
Floor Space Ratio	Nil
Integrated Referrals	Nil
Concurrence	Essential Energy
	Transport for NSW

1.3 Purpose

This Statement of Environmental Effects (SEE) is intended to accompany the Development Application prepared by Newton Denny Chapelle for and on behalf of the proponent of the subject development being Momentum Collective.

The intent of this report is to describe the site, its existing and proposed uses and to address all the issues relevant to this application's assessment and subsequent determination.

This report should be read in conjunction with the following plans and technical assessments identified within **Table 2**, which support the development proposal.

Table 2: Accompanying Plans and Technical Assessments

Company	Plan/Report
Richmond Valley Council	Pre-lodgement Minutes
PTMA Architecture	Architectural Design Plans
	Design Verification Statement
	Low Rise Housing Diversity Design Guide Review
Easterly Point Environmental	Detailed Site Investigation
Tim Fitzroy & Associates	Environmental Noise Impact Assessment
TTM Group	Traffic Engineering Report
Manage Design Engineer Pty Ltd	Civil Engineering Plans
Contaminated Site Investigation Australia Pty Ltd	Air Quality Assessment
Blackwood Ecological Services	Ecological Assessment
Senica Consulting Group	Basix Certificate
	NatHERs Certificate
	Energy Efficiency Report
HMC Environmental Consulting Pty Ltd	Waste Management Plan
Newton Denny Chapelle	Statement of Environmental Effects
	Request to vary Development Control Plan

1.4 Pre-lodgement Meeting

A Development Assessment Panel (DAP) meeting was held with officers of Richmond Valley Council concerning the project on 16th May 2023 and 31st October 2023. A copy of the Minutes for each meeting is provided at **Attachment 1**. The DAP Meeting provided a range of information with respect to Council and State government requirements associated with the development application. This has been used as a guide to form the structure of the current report. The proposal has been designed in response to the comments raised and is generally compliant with the relevant provisions of the Richmond Valley LEP, and Richmond Valley DCP.

Table 3: Pre-lodgement Minutes

DAP Comment	Response
Comments from meeting held 16th May 2023	
Land use definitions – consider if separate land use definitions are required.	The proposal seeks consent for shop top housing, group home and infill affordable housing development.
Permissible on proposed site – plans are only conceptual at this stage	Noted.
Potentially a staged development, provide clear staging details in application	The proposal will be staged. Staging of the development will be determined based on available funding and the new cadastral boundaries following consolidation.
Safety and security to be addressed – adjoining premises including rear of site to be considered.	Refer to Section 4.3.9 .
Consider adjoining land uses and any potential conflicts with the use proposed.	The proposal has been designed having regard to the surrounding land uses, and is supported by a number of technical reports.
Short-term residences - access to services is key	The proposal will be operated and managed by Momentum Collective who provide access to key services to participants and clients.
Carparking to be considered	Carparking has been addressed in Section 3.4.2 and Section 4.3.9 . A request to vary the DCP is provided at Attachment 13 .
Location of driveway – will this remove the ability to park on the street?	Two driveways are proposed, one on Johnston Street, and one on Clark Street. No formalised parking is provided in either location, however it is noted informal parking is provided within Johnston Street. The proposal involves the relocation of the existing driveway access on Johnston Street. In this regard, it is considered no further parking will be removed from the area as a result of the relocated driveway.
Traffic study to be undertaken	A Traffic Engineering Report prepared by TTM Group is provided at Attachment 7 . Further consideration is provided at Section 4.6 .
Referral to TfNSW required as Johnston Street is a classified road – TfNSW have been reluctant in the past on approving driveways onto Johnston Street.	Noted. The driveway onto Johnston Street is existing and will be relocated as a result

DAP Comment	Response
	of this development. Access to this site is only available off Johnston Street.
The site is subject to the 1% AEP design flood. The brief supplied by NDC for the pre-lodgement stated “the minimum habitable floor level requirements of 22.6-22.8m AHD”, from review of formal flood modelling this statement is correct.	The proposal has been designed to comply with the updated minimum habitable floor level requirements provided in minutes dated 31 st October 2023.
Council has recently received final draft flood modelling for our new flood study. The 1% AEP design flood at 146-152 Johnston has been reviewed and compared against the current formal flood modelling available. It is noted that the levels are largely unchanged at this site and future adoption of the new flood study will not result in an increased minimum floor level requirement for 146-152 Johnston Street.	
TfNSW will be referred this application for assessment given the development has frontage to Johnston Street (Bruxner Hwy – State Road).	Noted.
Driveways are to be dual width (minimum 6.0m) heavy duty concrete aprons. TfNSW may have particular interest in the driveway proposed off Johnston Street (Bruxner Hwy - State Road).	Complies. Refer to architectural design plans provided at Attachment 2 .
Off-street parking must be in accordance with AS2890	Parking has been designed in accordance with AS2890.
The water connection arrangement for the proposed development will – likely be a master meter near a street frontage (owned and read by RVC) with internal sub-metering (private infrastructure) as needed by the owner.	Noted.
Sufficient hydrant coverage is required for the whole development site to satisfy fire-fighting requirements. a coverage of 90m from fire hydrant must be shown, if full coverage of the property cannot be achieved there will need to be some form of booster infrastructure on property in an accessible location that meets the fire-fighting flow rates and pressure. Plans must be provided by hydraulic engineer	Hydrant coverage is demonstrated with the architectural design plans provided at Attachment 2 .
The site has sewer infrastructure on property in 2 separate locations. The sewer main that extends into the site from the north along the rear of lot 155 DP 834821 only services the site and may be removed and capped at the manhole to suit the development. The sewer main on property 1.5m from the Clark Street boundary is very deep (say 4.9m deep) and has a clear zone of 4.0m, resulting in a clear zone requirement 5.5m from the Clark St boundary where no structure, footing, overhang etc is permitted. A Sewer zone of influence (ZOI) extends past this clear zone requirement at an angle of 45 degrees (starting 300mm below the sewer main), any structure subject to the sewer ZOI must have footings founded below the depth of the sewer ZOI. For reference, the closest structure is 4.5m from the sewer main, meaning the footings on the edge of the structure closest to the main would be required to be a minimum depth of 0.7m below natural ground.	Refer to Civil Engineering Plans provided at Attachment 8 .
All stormwater outflow must meet quality and quantity requirements outlined in the DCP and NRLG Specification. There is 2 potential Council systems where the stormwater outflow could be directed (dependant on invert levels), being the adjacent table drain or a stormwater pit some 100-120m from the development site. Site filling and shaping along with potentially splitting the internal stormwater network may result	Refer to Civil Engineering Plans provided at Attachment 8 .

DAP Comment	Response
in the potential to outflow to the table drain adjacent, if outflow to the table drain cannot be achieved it is anticipated that outflow would need to be directed to a Council stormwater pit some 100-120m from the development site.	
A Section 138 Roads Act application will be needed for any works in the road reserve. Concurrence from TfNSW will be required for works in the road reserve of Johnston St, TfNSW will require an ROL if there is any form of occupancy of the Johnston St roadway (likely includes traffic control signage).	Noted.
A Section 7.12 Levy is likely applicable for the development. However, under part (4) of Section 208 of the EP&A Regulation 2021 there is a list of items that do not form part of the proposed cost of works that will be levied under Section 7.12. Given the unique nature of the development, it would be appreciated if the applicant could provide detail on which parts of the development may meet this list of legislated exemptions, particularly for affordable housing.	Noted. Please see attached QS report prepared by Asset Advisory which provides an overall cost of the development. The QS report also provides separate figures for the commercial component of the development, and the community (affordable) housing component.
Section 64 contributions will apply to the proposed development. The site is currently determined to have 4.0ETs of water and sewer credits. The proposed development was not very detailed, hence cannot confirm the demand the development will have.	Noted.
Contaminated land	Refer to Detailed Site Investigation provided at Attachment 5 . Further consideration provided at Section 4.4.6 .
Boundary – potentially affected by unground pollution from neighbouring servo	
Consider setbacks/location from fuel vents/ air pollution from servo	Refer to Air Quality Assessment provided at Attachment 9 . Further consideration provided at Section 4.7 .
Air quality assessment and report needed	
Liquid trade waste required for commercial building such as shops	N/A Commercial component of the proposed shop top housing will be used entirely by Momentum Collective to provide their services to tenants and occupants.
Ensure there is access for servicing of grease trap etc	
Waste storage and collection – waste management plan to be provided	Refer to Waste Management Plan provided at Attachment 11 . Further consideration is provided at Section 4.9 .
Noise assessment required	Refer to NIA provided at Attachment 6 . Further consideration is provided at Section 4.5 .
Consider how mechanical ventilation will be positioned between the commercial and residential interface. Potential Noise and Fire Safety	
BCA assessment to be submitted with DA - required for multiple building classes to address fire separation	Architectural design plans have been designed in consultation with a certifier in relation to requirements for the BCA and emergency egress/access.
Consider emergency areas and access	
Council has the ability to be the certifying authority for the Construction Certificate	Noted.
Lodge S68 with DA	Noted.
Comments from meeting held 31st October 2023	
Would like a concept landscaping plan.	Refer to architectural design plans provided at Attachment 2 .
Change of land use, not sure if intensions align with the objectives (Development is permitted by SEPP in the zone).	Refer to Section 4.2 .
Infill affordable housing does not present well to the street, streetscape and front fencing details required.	Refer to architectural design plans provided at Attachment 2 .
Commercial properties should face the street along with signage.	

DAP Comment	Response
Ensure compliance on the individual subdivided lots.	Refer to architectural design plans provided at Attachment 2 .
Storm water swale around the front of the building (what is purpose)	Stormwater swale has been removed from design plans.
Bin storage area looks small.	Refer to Waste Management Plan provided at Attachment 11 .
Fencing fronting Clark Street, residential orientation	Refer to architectural design plans provided at Attachment 2 .
All under one DA is OK and to have under one ownership.	Noted.
Shared space where does it belong – Residential or Commercial	Refer to architectural design plans provided at Attachment 2 .
Subdivision done timely so CC can be issued without the new properties in place.	Noted. Consolidation of existing allotments to be undertaken separately. Development consent not required for consolidation.
Land use definition – Shop top housing? It is an open zone, possibly apply for integrated community housing.	The proposal seeks consent for shop top housing, group home and infill affordable housing development.
One owner, one DA, one CC no problem. But at OC it is better to have everything tidied up.	Noted.
Shop top housing in residential exempt from new Sustainable Buildings SEPP if total development under \$5m.	Please find attached Energy Efficiency Report prepared by <i>Senica Consulting Group</i> provided at Attachment 12 .
Will still need to report embodied emissions (as part of BASIX) and energy efficiency standards for the development, submit in portal as part of uploading application.	The commercial component of the shop top housing development does not exceed a cost of works of greater than \$5 million, and therefore Chapter 3 of the Sustainable Buildings SEPP is applicable to the development.
Contaminated land Arsenic – said the report was incorrect now has a clear soil test.	Refer to Detailed Site Investigation provided at Attachment 5 . Further consideration provided at Section 4.4.6 .
Carpark and commercial waste service	Refer to Waste Management Plan provided at Attachment 11 .
Number of bins on the street	
Bin storage area is a bit small	
Noise level for neighbours	Refer to NIA provided at Attachment 6 . Further consideration is provided at Section 4.5 .
Interface between class 6 & 3 – barriers between them look at sooner than later.	Noted.
Certification class 2 & 3 (RAB Act) competent person to look at design to make sure it is compliant.	Noted.
New certifiers regulations to have separation.	Noted.
Break into a few different stages makes it easier to process.	The proposal will be staged. Staging of the development will be determined based on available funding and the new cadastral boundaries following consolidation.
The site is subject to the 1 % AEP design flood. Levels have been previously supplied to NDC to utilise in preliminary design, however since this Council has formally adopted the Richmond Valley Flood Study 2023 on 19 September 2023. The new flood study has resulted in a change in the flood planning level (FPL – 1% CC design flood + 0.5m freeboard). The new formal FPL at 136-142 Johnston Street ranges from 23.0m to 23.1m AHD. It is to be noted that the lot proposed to front Clark St will have an	The proposal has been designed to comply with the updated minimum habitable floor level requirements provided in minutes dated 31 st October 2023.

DAP Comment	Response
FPL of 23.0m AHD, while the lot proposed to solely front Johnston St will have an FPL of 23.1m AHD.	
TfNSW will be referred this application for assessment given the development has frontage to Johnston Street (Bruxner Hwy - State Road).	Noted.
Driveways are to be dual width (minimum 6.0m) heavy duty concrete aprons. TfNSW may have particular interest in the driveway proposed off Johnston Street (Bruxner Hwy – State Road). The old driveway requiring relocation at Johnston Street will need to be removed and kerb rectified.	Complies. Refer to architectural design plans provided at Attachment 2 .
Off-street parking must be in accordance with AS2890.	Parking has been designed in accordance with AS2890.
Clark Street will likely need to be signposted as “no parking” for the properties frontage as the road is not wide enough to facilitate on-street parking.	Noted.
The water connection arrangement for the proposed development will likely be a master meter near a street frontage (owned and read by RVC) with internal sub-metering (private infrastructure) as needed by the owner.	Noted.
Sufficient hydrant coverage is required for the whole development site to satisfy fire-fighting requirements. a coverage of 90m from fire hydrant must be shown, if full coverage of the property cannot be achieved there will need to be some form of booster infrastructure on property in an accessible location that meets the fire-fighting flow rates and pressure. Plans must be provided by hydraulic engineer.	Hydrant coverage is demonstrated with the architectural design plans provided at Attachment 2 .
The site has sewer infrastructure on property in 2 separate locations. The sewer main that extends into the site from the north along the rear of lot 155 DP 834821 only services the site and may be removed and capped at the manhole to suit the development. The sewer main on property 1.5m from the Clark Street boundary is very deep (say 4.9m deep) and has a clear zone of 4.0m, resulting in a clear zone requirement 5.5m from the Clark St boundary where no structure, footing, overhang etc is permitted (ground covers and hardstand areas are fine, small vegetation may be permitted subject to the proposed root systems). A Sewer zone of influence (ZOI) extends past this clear zone requirement at an angle of 45 degrees (starting 300mm below the sewer main), any structure subject to the sewer ZOI must have footings founded below the depth of the sewer ZOI. For reference, the closest structure is 4.5m from the sewer main, meaning the footings on the edge of the structure closest to the main would be required to be a minimum depth of 0.7m below natural ground.	Refer to Civil Engineering Plans provided at Attachment 8 .
All stormwater outflow must meet quality and quantity requirements outlined in the DCP and NRLG Specification. There is 2 potential Council systems where the stormwater outflow could be directed (dependant on invert levels), being the adjacent table drain or a stormwater pit some 100-120m from the development site. Site filling and shaping along with potentially splitting the internal stormwater network may result in the potential to outflow to the table drain adjacent, if outflow to the table drain cannot be achieved it is anticipated that outflow would need to be directed to a Council stormwater pit some 100-120m from the development site.	Refer to Civil Engineering Plans provided at Attachment 8 .

DAP Comments	Response
A Section 138 Roads Act application will be needed for any works in the road reserve. Concurrence from TfNSW will be required for works in the road reserve of Johnston St, TfNSW will require an ROL if there is any form of occupancy of the Johnston St roadway (likely includes traffic control signage).	Noted.
There is overhead electricity in the Johnston Street road reserve adjacent to the development site, any works in the vicinity should take this into consideration. It is to be noted that Essential Energy have their own clearance requirements for their own infrastructure.	Noted.
A Section 7.12 Levy is likely applicable for the development. However, under part (4) of Section 208 of the EP&A Regulation 2021 there is a list of items that do not form part of the proposed cost of works that will be levied under Section 7.12. Given the unique nature of the development, it would be appreciated if the applicant could provide detail on which parts of the development may meet this list of legislated exemptions, particularly for affordable housing.	Refer to estimate cost of works. The proposed infill affordable housing has been provided a separate cost of works to the remaining portion of the development.
Section 64 contributions will apply to the proposed development. The site is currently determined to have 4.0ETs of water and sewer credits.	Noted.

1.5 Further Information

Should Council require any additional information or wish to clarify any technical matter raised by this proposal or submissions made to same, Council is requested to consult with **Mr Damian Chapelle** on (02) 6622 1011 or dchapelle@ndc.com.au prior to determination of this application.

2. Site Description

2.1 Location & Land Use

The subject site is located at 146-152 Johnston Street, Casino and is identified as Lots 155-158 DP 834821. The site has a combined total area of 3,230.1m². It is generally rectangular in shape and forms the corner allotment on the Johnston Street and Clark Street frontages.

The site is located within the north-eastern urban area of Casino, and is zoned E1 Local Centre pursuant to the Richmond Valley Local Environmental Plan 2012. The subject site is currently vacant and forms part of the existing commercial zoned area containing an existing service station, gym and commercial premises. An existing tree is located within Lot 156, with the remainder of the site being grassed area.

The subject site is bordered on all four frontages by the following uses:

- Single storey residential dwellings to the north;
- Clark Street road reserve to the east, with single storey residential dwellings further east;
- Existing commercial development to the west containing service station, commercial premises including laundromat, physio, gym, and bakery; and
- Johnston Street road reserve with an existing caravan park and residential zoned land further south.

Plate 2 provides an air view of the land, **Plate 3** identifies the site within the local context and **Plate 4** provides an extract of the deposited plan for the site.



Plate 2: Aerial view of subject site



Plate 3: Surrounding Land Uses

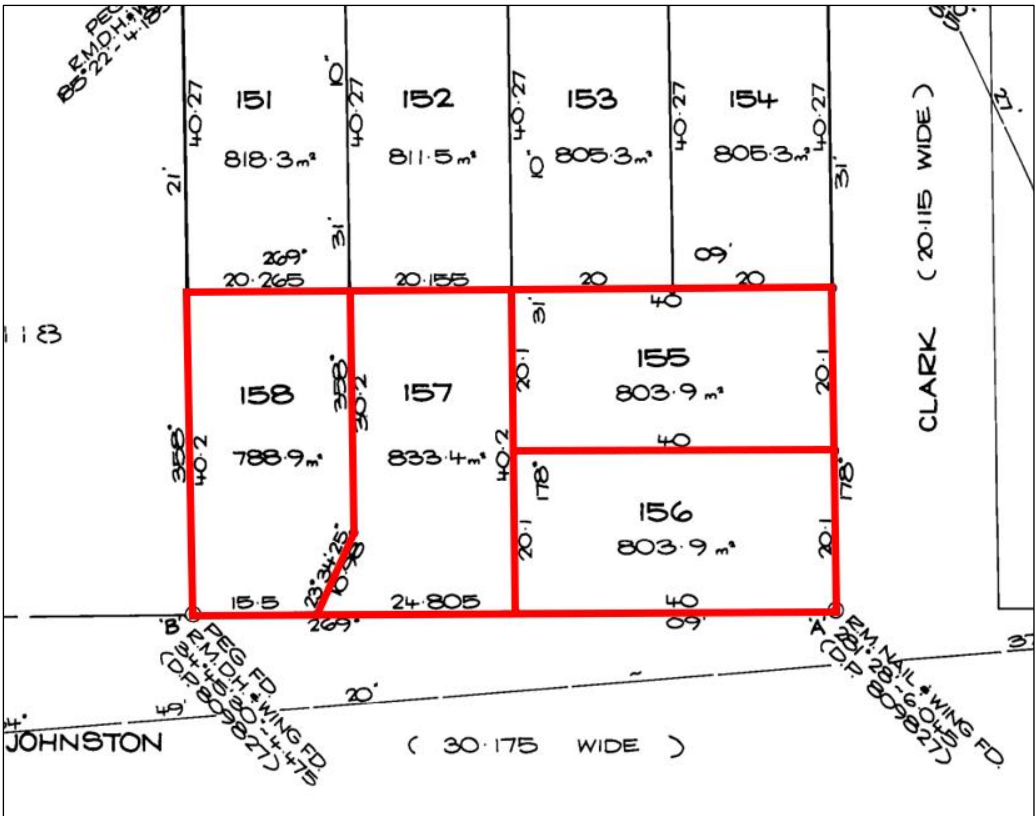


Plate 4: Extract from Deposited Plan

2.2 Photographic Plates

Plates 5 to 8 illustrate the site the subject of the current application.



Plate 5: View of subject site from corner of Clark Street & Johnston Street



Plate 6: View of Johnston Street/Clark Street intersection facing west & Existing Footpath



Plate 7: View of adjoining commercial development to west of site



Plate 8: View of subject site facing west

2.3 Site Analysis

Site inspection and searches of local government records indicate the key site characteristics as outlined within **Table 4** below.

Table 4: Site Analysis

Site Characteristics	Comment
Existing structures within the subject site	Vacant commercial zoned land
Easements	Nil
Topography within the subject site	Generally flat.
Vegetation within the subject site	Existing single tree located on Lot 156.
Infrastructure services	The subject site is connected to all essential infrastructure including water, sewer, NBN, telecommunications and electricity. The site has frontage to two public roads being Johnston Street & Clark Street.
Hazard Mapping	<ul style="list-style-type: none">• Flood Prone Land – the proposed development will comply with the required minimum habitable floor levels.
Adjoining land uses	Refer to above.
Biodiversity Conservation	The site is <u>not</u> identified on the Biodiversity Values Map. Clearing of existing tree is proposed to facilitate the development. Further consideration of the Biodiversity Conservation Act is provided at Section 4.8 .

2.4 Consent Register

A search of Council's records indicated the following existing development applications on the land:

Table 5: Existing Applications

Consent Number	Proposal
DA2021/0033	Construction of centre-based child care facility for a maximum of 100 children, car parking comprising 25 spaces and associated works

3. Development Proposal

3.1 Description of Proposal

Development consent is sought from Richmond Valley Council for the construction of a shop top housing development, group home, and infill affordable housing. The proposed development is located on Lots 155-158 DP 834821, being land known as 146-152 Johnston Street, Casino.

As detailed above, the proposed development is located across four (4) existing lots. The proposal involves the consolidation of Lots 155 & 156 into one larger allotment, and Lots 157 & 158 into a separate larger allotment. Whilst consolidation does not require development consent, it is noted within this application as it results in components of the current development application being located on separate allotments. In this regard, the development demonstrates compliance with the relevant standards for each development on the separate allotments.

As detailed within **Section 1.1** of this report, the proposed development will be constructed and managed by Momentum Collective. In this regard, the site will be entirely managed by Momentum Collective in accordance with the current management practices and will provide secure and affordable homes and support accommodation to Momentum tenants and occupants.

The components of the development application are summarised below:

Lots 157 & 158 – Johnston Street

- Construction of shop top housing development comprising ground floor commercial space and four (4) residential units,
- Construction of group homes within the rear portion of the site,
- Construction of ten (10) parking spaces,
- Landscaping and associated civil works.

Lots 155 & 156 – Clark Street

- Construction of multi dwelling housing containing six (6) x 2-bedroom units utilised as in-fill affordable housing,
- Construction of six (6) parking spaces,
- Landscaping and associated civil works.

The project is inclusive of vegetation removal, infrastructure servicing including stormwater management, sewer and water servicing, landscaping, and internal access footpaths. Each element of the development is described in more detail below.

The proposed development will be constructed of a variety of materials including face brickwork, painted cladding, weatherboard cladding, colorbond cladding and colorbond corrugated roof.

Reference should also be made to *PTMA Architecture* design set within **Attachment 2** of this report, which provide detailed design of the proposed development.

3.2 Shop Top Housing & Group Homes

As detailed within **Section 3.1** above, the proposed development involves the construction of a shop top housing development and group homes located on Lots 157 & 158 DP834821. The project is inclusive of parking, waste management, landscaping and associated civil works.

Shop Top Housing

The proposed development involves the construction of a shop top housing development within the front portion of the site. The shop top housing development generally comprises the following components:

Ground Floor Commercial:

- Entry court,
- Reception,
- Staff room,
- 2 x consult rooms,
- Conference room,
- Kitchen,
- Kid spaces,
- Living / communal area, and
- 2 x bathrooms.

First Floor Residential

- 2 x 1 bedroom units containing:
 - Bedroom,
 - Kitchen / living / dining,
 - Bathroom,
 - Deck.
- 2 x 2 bedroom units containing:
 - 2 bedrooms,
 - Kitchen / living / dining,
 - Bathroom,
 - Toilet,
 - Deck.

As detailed within the design plans provided at **Attachment 2**, ground floor access to the shop top housing development is located within the site, behind the proposed boundary fencing. In this regard, no direct access is proposed from the street frontage. A pedestrian footpath is provided from the street frontage along the western façade leading to the entry court. Internal access is provided to the first-floor residential units via two internal staircases.

As detailed within **Section 3.1** of this report, the proposed development will be constructed and managed by Momentum Collective. In this regard, the proposed commercial space provided within the ground floor of the shop top housing development will be entirely utilised by Momentum Collective as commercial office space. There is no intention for the ground floor to be commercially tenanted, with the space being entirely dedicated to the provision of existing services offered by Momentum Collective.

The residential component of the shop top housing development will be utilised as short stay accommodation. The site will be entirely managed by Momentum Collective in accordance with the current management practices. In this regard, the residential units will not be rented through standard real estate practices.

The proposed shop top housing is two storeys in nature and provides a maximum building height of 8.4 metres, which is below the maximum building height provision of 8.5 metres. A setback of 2.75-3 metres is provided to the front boundary, with a setback of 1.5 metres provided to the nearest side boundary. The setbacks provided are compliant with the requirements of the DCP for the E1 Local Centre zone.

Group Homes

The proposed development involves the construction of a group home located within the rear portion of the site. As detailed within the design plans provided at **Attachment 2**, the proposed group home provides three individual units, of which, two units provide 2 bedrooms, and one unit being 1 bedroom. The breakdown of unit types and the layout of each unit types is outlined in **Table 6**.

Table 6: Group Home Units Layout

Unit Type	Unit Numbers	Unit Layout
1BR	2	<ul style="list-style-type: none">• Open planned kitchen / living / dining• 1 x bedroom• Bathroom,• Outdoor terrace
2BR	1 & 3	<ul style="list-style-type: none">• Open planned kitchen / living / dining,• 2 x bedrooms,• Bathroom,• Toilet, and• Outdoor terrace.

The group home is provided within communal laundry facilities which will be available for use by all three (3) units.

The proposed group home is single storey in nature and provides a maximum building height of 6.2 metres, which is below the maximum building height provision of 8.5 metres. A 2.3 metre setback is provided to the rear boundary, with a setback of greater than 1.5 metres provided to the nearest side boundary. The setbacks provided are compliant with the requirements of the DCP for the E1 Local Centre zone, and are also consistent with setbacks for residential dwellings.

The group home is provided internal access pathways to connect the residents to the services provided within the commercial component of the shop top housing building located at the front of the property, and the proposed parking area.

A Basix Certificate is provided at **Attachment 12**.

Carparking for the proposed shop top housing and group homes is located along the western boundary of the property, with a new direct driveway access being provided from Johnston Street. A total of ten (10) parking spaces, including 1 accessible space is provided. Internal pathways are provided to connect the proposed units to the parking area, and to the existing pedestrian footpath which is provided along the southern (Johnston Street) frontage of the property. A parking area is provided at the front of the property for a service van / deliveries.

A communal bin storage area is provided within the carparking area. The shop top housing development and group home units will include adequate internal storage for household waste prior to it being taken to the communal waste storage area.

3.3 Infill Affordable Housing

As detailed within **Section 3.1** above, the proposed development involves construction of multi dwelling housing development containing six (6) x 2-bedroom units to be utilised as in-fill affordable housing located on Lots 155 & 156 DP834821. The project is inclusive of parking, waste management, landscaping and associated civil works.

The proposed infill affordable housing is lodged pursuant to Section 16 of the *State Environmental Planning Policy (Housing) 2021*. A detailed assessment of the relevant provisions of the SEPP is provided at **Section 4.4.2** of this report.

The proposed units are single storey in nature and provide a maximum building height of 6.4 metres, being below the maximum building height of 8.5 metres. The proposed units each provide two (2) bedrooms and generally comprises the following components:

- 2 bedrooms,
- Open plan living / kitchen / dining,
- Bathroom,
- Laundry,
- Outdoor terrace.

As detailed within the design plans provided at **Attachment 2**, the proposed units are provided in two separate cluster buildings, each building containing three (3) units, identified on the design plans as Cluster Building 02 and Cluster Building 03. The proposal has been designed to address the Clark Street frontage, and be sympathetic to the existing residential dwellings within Clark Street. Cluster Building 03 provides direct frontage to Clark Street, with the front access to the dwellings fronting the street. Cluster Building 02 is located towards the rear of the lot, however aims to address the Clark Street frontage and proposed parking area.

Carparking for the proposed units is located within the north-eastern corner of the property, with a new direct driveway access being provided from Clark Street. A total of six (6) parking spaces, including 1 accessible space is provided. Internal pathways are provided to connect the proposed units to the parking area, and to the existing pedestrian footpath which is provided along the southern (Johnston Street) frontage of the property.

As detailed within **Section 3.1** of this report, the proposed development will be constructed and managed by Momentum Collective. In this regard, the site will be entirely managed by Momentum Collective in accordance with the current management practices and will provide homes for Momentum Collective tenants. As a result, Momentum Collective's management practices will manage who are offered accommodation within the infill affordable housing development to ensure the homes are appropriately tenanted.

A communal bin storage area is provided within the carparking area. Individual units will include adequate internal storage for household waste prior to it being taken to the communal waste storage area.

The proposed units have been designed with regard to the *State Environmental Planning Policy (Housing) 2021*, the Richmond Valley Development Control Plan and the Low Rise Housing Diversity Design Guide. A Design Verification Statement as required by the LRHDDG is provided at **Attachment 3**. Further assessment is provided at **Section 4.3** and **Section 4.4**.

3.4 Vehicle Access, Carparking & Services

3.4.1 Vehicle Access

Lots 155 & 156 – Clark Street

As detailed within **Section 3.3** above, the proposed infill affordable housing development located on Lots 155 & 156 will be provided a new driveway access off Clark Street, with a width of 6.5 metres. The driveway access is located within the north-eastern corner of the property. The location of the driveway will require the relocation of an existing stay wire associated with the existing overhead powerlines within Clark Street to be relocated, and as a result, the application is required to be referred to Essential Energy for review.

Lots 157 & 158 – Johnston Street

As detailed within **Section 3.2** above, the proposed shop top housing development and group home will be accessed from a new driveway crossing from Johnston Street.

An existing driveway crossing is provided from Johnston Street which currently comprises a layback kerb within the area of the driveway. This will be removed and reinstated to upright kerb and guttering to match the existing along Johnston Street.

The existing deposited plan for the subject site is accompanied by an 88B instrument which includes a restriction on the title relating to access in this location. The restriction is provided below, with the name of the person empowered to release, vary or modify the restriction being identified as *The Council of Casino*:

'No access shall be available to Johnston Street except within 10m of the common boundary of Lots 158 and 157.'

As detailed within **Section 3.1** above, the proposed development will result in the consolidation of the existing lots, to create two larger lots. As a result, the common boundary referenced in the restriction will no longer exist. The proposed driveway crossing is located within 10 metres from the previous common boundary between Lots 157 & 158, and therefore complies with the restriction on the title.

A Traffic Impact Assessment has been prepared by *TTM Group* provided at **Attachment 7** which incorporates details with respect to the vehicular access for the proposed development.

3.4.2 Parking

The proposed development provides two separate parking areas to service the two developments, one being access off Clark Street and one being accessed off Johnston Street. **Table 7** outlines the car parking provided as part of this development.

Table 7: Carparking Provision

Component	Required	Provided
Lots 155 & 156 – Clark Street		
Car Parking	<u>Infill Affordable Housing</u> as per Housing SEPP 2021	6 spaces
	Section 18(G) (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or	Including one (1) accessible space.
	Required: 6 spaces	
Lots 157 & 158 – Johnston Street		
Car Parking	<u>Shop top housing</u> 1 per dwelling, plus 1 visitor space per 10 dwellings	In accordance with the DCP, a total of fourteen (14) parking spaces are required. As detailed within the design plans, a total of 10 parking spaces are provided including 1 accessible space, and therefore results in a shortfall of 4 spaces.
	Required: 5 spaces	
	<u>Commercial premises</u> 1 per 30m ² (>1,000m ²)	
	Required: 8 spaces	
	<u>Group home</u> 1 per 10 beds, plus 1 per 2 supervisors or carer	A request to vary the Development Control Plan is provided at Attachment 13 , which is considered reasonable and justified having regard to the circumstances of the case, and use of the subject site.
	Required: 1 space	

3.4.3 Infrastructure Services

Attachment 8 provides Civil Drawings for Roadworks, Stormwater Drainage, Sewer & Water Reticulation prepared by *Manage Design Engineer Pty Ltd*. As indicated, the project will be serviced by connection to the existing reticulated infrastructure services as follows:

- **Roads** – The property maintains road frontages on two (2) property boundaries. Works will be required in the Clark Street and Johnston Street road reserves associated with the proposed driveway crossovers which will require a Section 138 approval.
- **Water** – The site will be connected to reticulated water supply.
- **Sewer** – The subject site maintains existing connections to reticulated sewer. The proposal will continue to be serviced by reticulated sewer.
- **Stormwater** – Stormwater infrastructure is proposed to be provided to convey stormwater from the site to the existing street system. A pit and pipe system is proposed with stormwater being direct to the existing swale within Johnston Street with underground detention tanks also provided.
- **Electricity & telecommunications** – The electricity and telecommunication services will be provided to the site in accordance with supplier requirements.

3.5 Earthworks

As detailed within the civil engineering plans provided at **Attachment 8**, earthworks are proposed to facilitate the development. The proposed earthworks involve both cut and fill, with a maximum cut depth of 0.6 metres, and a maximum fill depth of 1 metre. The proposal will involve cut of 35.6m³, whilst a total of 1,033.2m² of fill is proposed.

3.6 Landscaping

The proposed development incorporates landscaping works along the frontages and within the development site to provide softening to the streetscape and landscaped open space to the development.

As detailed within the landscape concept plans provided at **Attachment 2**, significant landscaping is provided along the frontage of Johnston Street and Clark Street to soften the visual impact of the fencing along these boundaries. **Plate 9** provides an excerpt of the concept landscaping plan which indicates the extent of landscaping proposed within the development and along both street frontages. A detailed landscape plan for the development will be provided as part of the Construction Certificate documentation.



Plate 9: Concept Landscaping Plan

3.7 Vegetation Removal

As detailed within **Section 3.1** of this report, the proposed development is inclusive of removal of existing vegetation. An existing Forest Red Gum is located within existing Lot 156, which is required to be removed to facilitate the construction of the proposed infill affordable housing development. No other significant vegetation is provided at the site.

An Ecological Assessment has been prepared by *Blackwood Ecological* and is provided at **Attachment 10**. Further consideration is provided at **Section 4.8**.

3.8 Signage

The proposed development incorporates signage panels of uniform size and placement within the building form in relation to the commercial component of the shop top housing only. The signage will relate to the use of the commercial component only, which will be managed by Momentum Collective. The signage panels are identified in the design plans provided at **Attachment 2**.

3.9 Land Use Budget

The development provides the construction of a shop top housing development comprising ground floor commercial space and four (4) residential units within first floor, group home comprising three (3) units being 1 and 2 bedrooms, and infill affordable housing comprising six (6) 2-bedroom units. Details of the proposed land use budget are provided within **Table 8** below.

Table 8: Building Budget

Building Component	Budget Details
Overall Site	
Site Area	3,230.1m ² (total combined site area)
Site coverage	1,499m ² (46%)
Proposed GFA	1,259m ²
Landscaped Area	1,281m ² (39%)
Proposed Maximum Building Height	8.4m
Car Parking	16 spaces
Lots 155 & 156 – Clark Street – Infill Affordable Housing Development	
Site Area	1,607.8m ²
Site coverage	540m ² (33.5%)
Proposed GFA	540m ²
Landscaped Area	761m ² (47.33%)
Proposed Maximum Building Height	6.4m
Car Parking	6 spaces
Lots 157 & 158 – Johnston Street – Shop Top Housing & Group Home	
Site Area	1,622.3m ²
Site coverage	773m ² (47.6%)
Proposed GFA	752m ²
Landscaped Area	543m ² (33.47%)
Proposed Maximum Building Height	Shop top housing – 8.4m
	Group Home – 6.2m
Car Parking	10 spaces

3.10 Architectural Design Plans

The proposed development is illustrated within the following plans prepared by *PTMA Architecture* and provided at **Attachment 2**.

Table 9: Architectural Design Plans

Project No.	Drawing No.	Description	Revision	Date
0197:001-B	TPL 0-01	DWG Register + 3D	a	20Dec23
0197:001-B	TPL 0-02	3D Overall Views	a	20Dec23
0197:001-B	TPL 0-03	3D Views Detail – Core + Cluster	a	20Dec23
0197:001-B	TPL 0-04	3D Views Detail – CHIFF Entry	a	20Dec23
0197:001-B	TPL 0-05	3D Views Detail – Courts + Play	a	20Dec23
0197:001-B	TPL 1-00	Site Context – Photos (A1)	a	20Dec23
0197:001-B	TPL 1-01	Site Context	a	20Dec23
0197:001-B	TPL 1-02	Site Plan	a	20Dec23
0197:001-B	TPL 1-03	Site Plan – Levels	a	20Dec23
0197:001-B	TPL 1-04	Site Plan – Roof	a	20Dec23
0197:001-B	TPL 1-05	Site – Shadow Diagrams (Winter)	a	20Dec23
0197:001-B	TPL 1-10	Landscape Concept A1	a	20Dec23
0197:001-B	TPL 1-10A	Landscape (Colour)	a	20Dec23
0197:001-B	TPL 1-11	Lscp Part – Clark St Dwy Frontage	a	20Dec23
0197:001-B	TPL 1-12	Lscp Part – Cnr Clark + Johnston	a	20Dec23
0197:001-B	TPL 1-13	Lscp Part – Johnston Dwy	a	20Dec23
0197:001-B	TPL 1-14	Lscp Part – Rear NW	a	20Dec23
0197:001-B	TPL 2-01	Building Plans – CORE GROUND	a	20Dec23
0197:001-B	TPL 2-02	Building Plans – CORE UPPER	a	20Dec23
0197:001-B	TPL 2-11	Cluster 01 (Core + Cluster)	a	20Dec23
0197:001-B	TPL 2-21	Cluster 02 (CHIFF)	a	20Dec23
0197:001-B	TPL 2-22	Cluster 03 (CHIFF) Clark St	a	20Dec23
0197:001-B	TPL 4-00	KEY Elev+Sect	a	20Dec23
0197:001-B	TPL 4-01	Site Elev South – JOHNSTON ST	a	20Dec23
0197:001-B	TPL 4-02	Site Elevation East CLARK ST	a	20Dec23
0197:001-B	TPL 4-03	Site Elevation East SERVICE STN	a	20Dec23
0197:001-B	TPL 4-04	Site Elevation – NORTH	a	20Dec23
0197:001-B	TPL 5-01	Detail – North Bdy (solar access)	a	20Dec23
0197:001-B	TPL 9-01	SITE AERA Plan – GROUND	a	20Dec23
0197:001-B	TPL 9-02	SITE AREA Plan – UPPER	a	20Dec23
0197:001-B	TPL 9-03	SITE AREA Plan – ROOF AREAS	a	20Dec23
0197:001-B	TPL 9-04	SITE AREA Plan – Landscape	a	20Dec23

4. Statutory Assessment

4.1 Introduction

Section 4 documents the range of planning controls applicable in the subject case pursuant to Section 4.15(1)(a) of the Act and tabulates the effect of these instruments in the circumstances of the development proposal described at Section 3. Section 4 also examines policy adopted by Council or other authority applicable in the subject matter which, whilst relevant, are not controls within the meaning of Section 4.15(1)(a).

4.2 Richmond Valley Local Environmental Plan 2012

4.2.1 Introduction

Table 10 summarises the provisions of the Richmond Valley Local Environmental Plan 2012 and its applicability to the current application.

Table 10: RVLEP2012 Applicability

Richmond Valley Local Environmental Plan 2012		Applicable
<u>Part 2: Permitted or prohibited development</u>		
2.1	Lane use zones	<input type="checkbox"/>
2.2	Zoning of land to which Plan applies	<input type="checkbox"/>
2.3	Zone objectives and Land Use Table	<input checked="" type="checkbox"/>
2.4	Unzoned land	<input type="checkbox"/>
2.5	Additional permitted uses for particular land	<input type="checkbox"/>
2.6	Subdivision – consent requirements	<input type="checkbox"/>
2.7	Demolition requires development consent	<input type="checkbox"/>
2.8	Temporary use of land	<input type="checkbox"/>
2.9	Canal estate development prohibited	<input type="checkbox"/>
<u>Part 4: Principal development standards</u>		
4.1	Minimum subdivision lot size	<input type="checkbox"/>
4.1AA	Minimum subdivision lot size for community title schemes	<input type="checkbox"/>
4.1A	Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental protection zones	<input type="checkbox"/>
4.1B	Minimum lot sizes for dual occupancies	<input type="checkbox"/>
4.1C	Exceptions to minimum lot size for dual occupancies	<input type="checkbox"/>
4.2	Rural subdivision	<input type="checkbox"/>
4.2A	Exceptions to minimum lot sizes for certain rural subdivisions	<input type="checkbox"/>
4.2B	Erection of dual occupancies and dwelling houses on land in Zone RU1, R5 and E3	<input type="checkbox"/>
4.2C	Exceptions to minimum subdivision lot size for lot boundary adjustments	<input type="checkbox"/>
4.3	Height of buildings	<input checked="" type="checkbox"/>
4.4	Floor space ratio	<input type="checkbox"/>
4.5	Calculation of floor space ratio and site area	<input type="checkbox"/>
4.6	Exceptions to development standards	<input type="checkbox"/>
<u>Part 5: Miscellaneous provisions</u>		
5.1	Relevant acquisition authority	<input type="checkbox"/>
5.1A	Development on land intended to be acquired for public purposes	<input type="checkbox"/>
5.2	Classification and reclassification of public land	<input type="checkbox"/>
5.3	Development near zone boundaries	<input type="checkbox"/>
5.4	Controls relating to miscellaneous permissible uses	<input type="checkbox"/>

5.5	Controls relating to secondary dwellings on land in a rural zone	<input type="checkbox"/>
5.6	Architectural roof features	<input type="checkbox"/>
5.7	Development below mean high water mark	<input type="checkbox"/>
5.8	Conversion of fire alarms	<input type="checkbox"/>
5.9	Dwelling house or secondary dwelling affected by natural disaster	<input type="checkbox"/>
5.10	Heritage conservation	<input checked="" type="checkbox"/>
5.11	Bushfire hazard reduction	<input type="checkbox"/>
5.12	Infrastructure development and use of existing buildings of the Crown	<input type="checkbox"/>
5.13	Eco-tourist facilities	<input type="checkbox"/>
5.14	Siding Spring Observatory – maintaining dark sky	<input type="checkbox"/>
5.15	Defence communications facility	<input type="checkbox"/>
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	<input type="checkbox"/>
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	<input type="checkbox"/>
5.18	Intensive livestock agriculture	<input type="checkbox"/>
5.19	Pond-based, tank-based and oyster aquaculture	<input type="checkbox"/>
5.20	Standards that cannot be used to refuse consent – playing and performing music	<input type="checkbox"/>
5.21	Flood planning	<input checked="" type="checkbox"/>
5.22	Special flood considerations	<input checked="" type="checkbox"/>
5.23	Public bushland	<input type="checkbox"/>
5.24	Farm stay accommodation	<input type="checkbox"/>
5.25	Farm gate premises	<input type="checkbox"/>
<u>Part 6: Additional local provisions</u>		
6.1	Acid sulfate soils	<input checked="" type="checkbox"/>
6.2	Essential services	<input checked="" type="checkbox"/>
6.3	Earthworks	<input checked="" type="checkbox"/>
6.4	Protection of historic New Italy village area	<input type="checkbox"/>
6.5	(Repealed)	<input type="checkbox"/>
6.6	Terrestrial biodiversity	<input type="checkbox"/>
6.7	Landslide risk	<input type="checkbox"/>
6.8	Riparian land and watercourses	<input type="checkbox"/>
6.9	Drinking water catchments	<input type="checkbox"/>
6.10	Wetlands	<input type="checkbox"/>
6.11	Airspace operations	<input type="checkbox"/>
6.12	Development in areas subject to aircraft noise	<input type="checkbox"/>
6.13	Development of The Glebe, Coraki	<input type="checkbox"/>
6.14	Rural workers' dwellings	<input type="checkbox"/>
6.15	Location of sex services premises	<input type="checkbox"/>

4.2.2 Zoning and Permissibility

As detailed within **Plate 10** below, the subject site is zoned E1 Local Centre pursuant to the Richmond Valley Local Environmental Plan 2012.



Plate 10: RVLEP Land Zone Map

Clause 1.2 – Aims of the Plan

The aim of the plan set out under Clause 1.2 are as follows:

- (2) The particular aims of this Plan are as follows—
- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to encourage the proper management, development and conservation of natural and man-made resources,
 - (b) to support and encourage social and economic benefits within Richmond Valley,
 - (c) to ensure that suitable land for beneficial and appropriate uses is made available as required,
 - (d) to manage appropriate and essential public services, infrastructure and amenities for Richmond Valley,
 - (e) to minimise the risk of harm to the community through the appropriate management of development and land use.

Comment: The proposed development involves the construction of a shop top housing, group home and multi dwelling housing for use as infill affordable housing development within a E1 Local Centre zoned area. As a result, the proposed development aims to achieve the desired strategic outcome of the area while encouraging social and economic benefits within Richmond Valley.

Clause 2.3 – Zone Objectives and Land Use Table

Comment: The site is zoned E1 – Local Centre pursuant to the Richmond Valley Local Environmental Plan (LEP) 2012. Shop top housing, group homes and multi dwelling housing are permissible with development consent in the zone. The relevant planning definitions pursuant to the Dictionary within the LEP are provided below:

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

Note—Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home means a permanent group home or a transitional group home.

Note—Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or permanent group home means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or transitional group home means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note—Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

As detailed above, shop top housing, group homes and multi dwelling housing is permissible with development consent in the E1 Local Centre zone. The proposal is considered to comply with the land use definitions provided above.

The relevant zone objectives of the E1 Local Centre zone are addressed below, together with the proposal's response:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

Comment: The proposal relates to the construction of a shop top housing development comprising ground floor commercial space and four (4) residential units within first floor, group home comprising three (3) units being 1 and 2 bedrooms, and infill affordable housing comprising six (6) 2-bedroom units. The proposed development is considered to be consistent with the objectives of the E1 Local Centre zone. The proposed development provides commercial space to be utilised by Momentum Collective for office space that serves the needs to people who live at the site and utilises the ground floor of the shop top housing development, provides opportunity for employment, and provides residential development that is appropriately designed to support the transition of the streetscape, whilst being sympathetic to the surrounding residential land uses.

4.2.3 Applicable Provisions

Clause 4.3 – Height of Buildings

Comment: Pursuant to Clause 4.3 and the associated *Height of Buildings Map*, the maximum height for buildings on the subject site should not exceed 8.5m (as measured from ground level existing to the highest point of the building). The proposed development provides a maximum building height of 8.4 metres (shop top housing) and 6.2-6.4 metres (group home & infill affordable housing).

Clause 5.10 – Heritage Conservation

Comment: The subject site is not mapped as containing a heritage item, or being within a heritage conservation zone pursuant to Schedule 5 of the RVLEP.

Clause 5.21 – Flood Planning

Comment: Clause 5.21 requires the consent authority consider the impacts of development on the flood behaviour in the area. The following comments are made with respect to the assessment criteria contained in Clause 5.21(2) & (3):

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—	
(a) is compatible with the flood function and behaviour on the land, and	The subject site is mapped as being within the 1 in 100 year flood planning event. The proposed development involves minor earthworks to facilitate compliance with the required minimum habitable floor levels. The subject site is mapped as being low hazard and therefore the proposed development is not considered likely to result in any adverse impacts on the flood function and behaviour on the land.
(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and	As detailed above, the proposed development is located on flood prone land. The subject site is mapped as being within the low hazard categories, and therefore it is not considered likely the proposed development will result in detrimental increases in the potential flood affectation of other properties.

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and	The proposed development is not considered to have any adverse impacts on the safe occupation and efficient evacuation of people from the area in the event of a flood. The proposal is not considered to result in the existing evacuation routes capacity to be exceeded. The subject site will operate in accordance with existing Momentum Collective operational management practices, including triggers for evacuation of the property in the event of a flood.
(d) incorporates appropriate measures to manage risk to life in the event of a flood, and	
(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	The subject site is not located within close proximity to an existing watercourse or river bank.
(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—	
(a) the impact of the development on projected changes to flood behaviour as a result of climate change,	The proposed development is not considered likely to result in any changes to flood behaviour as a result of climate change. The 1 in 100 year flood event including climate change identifies the property as being a low hazard.
(b) the intended design and scale of buildings resulting from the development,	The proposed development has been designed to comply with the minimum habitable floor levels provided by Council. The design and scale of the buildings are not considered to result in any adverse impacts on flooding.
(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,	As detailed above, the proposed development has been designed to comply with the minimum habitable floor level requirements. The subject site will also be managed in accordance with Momentum Collective’s operational management practices, including triggers for evacuation of the property in the event of a flood.
(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	In the event of a flood that was to impact the property, the landowners would determine whether to modify, relocate or remove the development.

Clause 5.22 – Special flood considerations

Comment: Clause 5.22(2) identifies development in which the clause applies as being:

- (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—
 - (i) cause a particular risk to life, and
 - (ii) require the evacuation of people or other safety considerations.

The proposed development involves a group home which is included within the definition of sensitive and hazardous development in accordance with Clause 5.22.

Clause 5.22(3) provides the following requirements the consent authority must have regard to:

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—
 - (a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and

Comment: The proposal involves the construction of shop top housing, group home and multi dwelling housing to be utilised as infill affordable housing. The proposed development will be constructed to comply with the minimum habitable floor levels. The subject site will be managed by Momentum Collective's current operational management requirements including provision for triggers to evacuate the site in the event of a flood. Additionally, the proposed group home provides temporary accommodation and therefore it is considered occupants of the group home will have a small amount of personal belongings. The group home is not proposed as specialised housing for elderly or physically handicapped persons.

(b) incorporates appropriate measures to manage risk to life in the event of a flood, and

Comment: In the event of a flood above the 1 in 100 year event that may affect the property, residents would be required to evacuate in accordance with the instructions issued by the Local Emergency Response, NSW SES, and Momentum Collective's operational management policies. Additionally, the proposed group home provides temporary accommodation and therefore it is considered occupants of the group home will have a small amount of personal belongings. The group home is not proposed as specialised housing for elderly or physically handicapped persons.

(c) will adversely affect the environment in the event of a flood.

Comment: The proposal will be constructed to comply with the minimum habitable floor level requirements. The proposal does not involve any 'hazardous' development, and relates to residential style development only. As a result, it is not considered to proposed development will result in any adverse impacts on the environment in the event of a flood.

Clause 6.1 – Acid Sulfate Soils

Comment: The subject site is not mapped as containing acid sulfate soils.

Clause 6.2 – Essential Services

Comment: The proposed development will be provided all relevant essential services as detailed within **Section 3.4.3** of this report.

Clause 6.3 – Earthworks

Comment: As described in **Section 3**, the proposed development involves earthworks to facilitate the construction of the proposed new shop top housing, group home and infill affordable housing development. Reference should be made to the comments provided against the relevant heads of consideration below.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Comment: The subject is located approximately 330 metres north of the existing Richmond River. The proposed earthworks relate to the construction of the shop top housing, group home and infill affordable housing development. The proposed earthworks are not considered likely to result in any adverse impacts on the drainage patterns and soil stability in the locality. The proposal involves stormwater management works which will deal with stormwater from the development. Appropriate erosion and sediment control measures will be in place during demolition and construction to ensure works are managed appropriately.

(b) the effect of the development on the likely future use or redevelopment of the land,

Comment: The proposed works facilitate the development of the site as proposed. The earthworks associated with the proposed development will not adversely impact the redevelopment of the site in the future.

(c) the quality of the fill or the soil to be excavated, or both,

Comment: A Detailed Site Investigation has been prepared by *Easterly Point Environmental* and is provided at **Attachment 5**. The Detailed Site Investigation concluded the site is considered suitable for the proposed development. Further consideration is provided at **Section 4.4.6**.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The proposed excavation earthworks will have no material impact upon the future development of adjoining lands. Accordingly, no adverse visual or amenity impacts are expected as the result of the earthworks. Construction works will be undertaken in accordance with conditions of consent, and to ensure minimal impact on the surrounding area.

(e) the source of any fill material and the destination of any excavated material,

Comment: Any fill material brought to site will be VENM. Any excavated material will be disposed of at any appropriately licenced facility to take such waste.

(f) the likelihood of disturbing relics,

Comment: An AHIMS search was undertaken in December 2023 which did not identify any Aboriginal places or sites being identified on the site.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,

Comment: The subject site is not mapped as being within a drinking water catchment, or within close proximity to an environmentally sensitive area. As detailed above, the subject site is located within approximately 330 metres to the Richmond River, located to the south. Due to the physical separation of the site to the river, and erosion and sediment control measures proposed to be implemented during construction, no adverse impact on the existing river is considered likely as a result of the development.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Works will be undertaken in accordance with conditions of development consent. Appropriate erosion and sediment control measures will be implemented during construction to ensure works are managed appropriately.

4.3 Richmond Valley Development Control Plan 2021

4.3.1 Introduction

The Richmond Valley Development Control Plan (DCP) applies to the Richmond Valley Council Local Government Area and as such the subject site. The provisions contained within the DCP are intended to form a guideline under which development can take place that meet the underlying objectives of the Richmond Valley Local Environmental Plan. Where demonstrated, scope exists to allow meritorious assessment through alternate solutions where practicable. **Table 11** below summarises the application of the Richmond Valley Development Control Plan.

Table 11: Richmond Valley DCP Applicability

Richmond Valley Development Control Plan 2021		Applicable
<u>Part A: Residential Development</u>		<input type="checkbox"/>
A-1	Dwelling houses in the R1 General Residential and RU5 Village zones <i>Reference should be made to Section 4.4.2 and the assessment against State Environmental Planning Policy (Housing) 2021.</i>	<input type="checkbox"/>
A-2	Dwelling houses in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input type="checkbox"/>
A-3	Dual Occupancies in the R1 General Residential and RU5 Village zones	<input type="checkbox"/>
A-4	Dual Occupancy in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input type="checkbox"/>
A-5	Secondary dwellings in the R1 General Residential, RU5 Village and R5 Large Lot Residential zones	<input type="checkbox"/>
A-6	Ancillary residential development in R1 General Residential and RU5 Village zones	<input type="checkbox"/>
A-7	Ancillary residential development in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management zones	<input type="checkbox"/>
A-8	Multi-dwelling Housing and Residential Flat Buildings <i>Refer to Section 4.3.3 for assessment of the Low Rise Housing Diversity Design Guide</i>	<input checked="" type="checkbox"/>
A-9	Shop Top Housing	<input checked="" type="checkbox"/>
A-10	Seniors Housing and Affordable Housing	<input checked="" type="checkbox"/>
A-11	DCP Explanatory Notes	<input type="checkbox"/>
<u>Part B: Commercial Development</u>		<input checked="" type="checkbox"/>
<u>Part C: Industrial Development</u>		<input type="checkbox"/>
<u>Part D: Rural Land Uses</u>		<input type="checkbox"/>
D-1	Roadside Stalls	<input type="checkbox"/>
D-2	Kiosks	<input type="checkbox"/>
D-3	Intensive Livestock Agriculture	<input type="checkbox"/>
<u>Part E: Visitor Accommodation, Caravan Parks and Manufactured Home Estates</u>		<input type="checkbox"/>
E-1	Eco-tourist Facilities	<input type="checkbox"/>
E-2	Bed and Breakfast Accommodation	<input type="checkbox"/>
E-3	Serviced Apartments	<input type="checkbox"/>
E-4	Hotel and Motel Accommodation	<input type="checkbox"/>
E-5	Backpackers Accommodation	<input type="checkbox"/>
E-6	Farm Stay Accommodation	<input type="checkbox"/>
E-7	Manufactured Home Estates, Caravan Parks and Camping Grounds	<input type="checkbox"/>
<u>Part F: Signage</u>		<input checked="" type="checkbox"/>
<u>Part G: Subdivision</u>		<input type="checkbox"/>
<u>Part H: Natural Resources and Hazards</u>		<input type="checkbox"/>
H-1	Flood Planning	<input checked="" type="checkbox"/>

H-2	Acid Sulfate Soils (ASS)	<input type="checkbox"/>
H-3	Natural Resources (NRS)	<input type="checkbox"/>
Part I: Other Considerations		<input type="checkbox"/>
I-1	Environmental Heritage	<input type="checkbox"/>
I-2	Development in, on, over or under a Public Road	<input type="checkbox"/>
I-3	Building Setbacks	<input checked="" type="checkbox"/>
I-4	Car Parking Provisions	<input checked="" type="checkbox"/>
I-5	Landscaping Guidelines	<input type="checkbox"/>
I-6	Animal Boarding and Training Establishments	<input type="checkbox"/>
I-7	Noise Impact Assessment (NIA)	<input checked="" type="checkbox"/>
I-8	Social Impact Assessment (SIA)	<input type="checkbox"/>
I-9	Water Sensitive Urban Design (WSUD)	<input checked="" type="checkbox"/>
I-10	Crime Prevention through Environmental Design (CPTED)	<input checked="" type="checkbox"/>
I-11	Land Use Conflict Risk Assessment (LUCRA)	<input type="checkbox"/>
I-12	Context and Site Analysis	<input type="checkbox"/>
I-13	Use of Shipping Containers	<input type="checkbox"/>
I-14	Sex Service Premises, Restricted Premises and Home Occupations (Sex Services)	<input type="checkbox"/>
I-15	Lane Widening and Access to Narrow Streets	<input type="checkbox"/>
I-16	Historic New Italy Village Area	<input type="checkbox"/>

4.3.2 Part A-8 – Multi Dwelling Housing & Residential Flat Buildings

Part A-8 of the Richmond Valley DCP provides the development standards for multi dwelling housing and residential flat building developments within the Richmond Valley Local Government Area. **Table 12** summarises the applicable standards and demonstrates where compliance is achieved, or a variation sought for the proposal.

Table 12: Part A-8 – Multi Dwelling Housing & Residential Flat Building

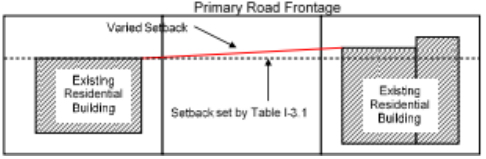
Part A-8 – Multi Dwelling Housing & Residential Flat Buildings		
Part A-8.1 – Controls Common to Multi Dwelling Housing and Residential Flat Buildings		
A-8.1.1 Hazards & Constraints	The development design must take into account any hazards or constraints applying to the land	<p>All applicable hazards and constraints have been addressed within this report and attached reports. Specifically:</p> <p>Flood – The subject site is mapped as being affected by the 1 in 100 year flood event. A compliant minimum habitable floor level is provided.</p> <p>Contaminated Lands – Refer to Section 4.4.6.</p> <p>Native Vegetation – A single tree is proposed to be removed as part of this application. Further consideration is provided at Section 4.8.</p> <p>Heritage – Clause 5.10 of the RVLEP 2012 has been addressed earlier in this report with no issues raised.</p> <p>Easements – the land is not subject to any easements, however sewer mains are present on the site. The development is clear of the existing sewer mains.</p>

		<p>Aircraft Noise – The development is proposed on an existing residential lot.</p> <p>Classified Road/Rail Corridor – The subject site adjoins Johnston Street which is a classified road. Access to the proposed multi dwelling housing component of the development to be used as infill affordable housing is from Clark Street.</p>
A-8.1.2 Water, Stormwater & Sewage	<p>Stormwater</p> <ol style="list-style-type: none"> 1. All dwellings must connect to Council’s stormwater infrastructure. 2. A Stormwater Management Plan must be prepared as part of the development application. It is recommended to contact Council early in the design progress regarding stormwater requirements, which may vary depending on site characteristics and the form of development 	<p>Comment</p> <p>Stormwater management for the affordable housing site is detailed within the civil engineering plans provided at Attachment 8. As detailed within the civil engineering plans, stormwater management is proposed to include:</p> <ul style="list-style-type: none"> • 4x underground stormwater detention tanks, • Pit and pipe infrastructure to direct the stormwater to the existing swale within Johnston Street.
	<p>Sewage</p> <ol style="list-style-type: none"> 3. Multi dwelling and residential flat building development is only permitted on sites serviced by reticulated town sewer. 4. The proposal must comply with Councils sewage management requirements. These requirements vary depending on the site and scale of the development. It is recommended that consultation with Council occur early in the design process. 	<p>Comment</p> <p>The subject site is connected to Council’s reticulated sewer system.</p>
	<p>Water Supply</p> <ol style="list-style-type: none"> 5. Multi dwelling and residential flat development is only permitted on sites serviced by reticulated town water. 6. It is recommended that early consultation with Council occurs to ensure that the reticulated water system in the locality can adequately service the proposed development. 7. In bushfire prone areas additional firefighting water supply may be required where the development cannot be serviced by a fire hydrant. 	<p>Comment</p> <p>The subject site is connected to Council’s reticulated water supply.</p>
A-8.1.3 Earthworks & Retaining Walls	<p>Applications involving earthworks and retaining walls must:</p> <ol style="list-style-type: none"> (a) provide details of the extent of all cut and fill, and (b) where fill is greater than 600mm high provide geotechnical certification to verify the structural stability of any fill material, and (c) not redirect the flow of any surface water or ground water in a concentrated manner 	<p>Comment</p> <p>As detailed within the civil engineering plans provided at Attachment 8, earthworks are proposed to facilitate the development. The proposed earthworks involve both cut and fill, with a maximum cut depth of 0.6 metres, and a maximum fill depth of 1 metre. The proposal will</p>

	<p>onto an adjoining property, and</p> <p>(d) be located outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and</p> <p>(e) have footings extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and</p> <p>(f) have adequate drainage lines connected to the existing stormwater drainage system for the site, and</p> <p>(g) retaining walls must be of masonry construction and have engineering certification if:</p> <ul style="list-style-type: none"> • 900mm or higher in height, or • if located within 900mm of a boundary, and (h) if the fill is imported to the site— be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997 	<p>involve cut of 35.6m³, whilst a total of 1,033.2m² of fill is proposed.</p>
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Part A-8.1 – Controls Common to Multi Dwelling Housing and Residential Flat Buildings

<p>A-8.2.1 Adoption of the Low Rise Housing Diversity Guide for Development applications</p>	<p>Richmond Valley Council adopts the objectives and design criteria established for Multi Dwelling Housing contained in the Department of Planning, Industry and Environment’s Low Rise Housing Diversity Design Guide for Development Applications (July 2020), (section 2.4 Multi Dwelling Housing) except as modified by the local provisions outlined below.</p>	<p>See Section 4.3.3 below for assessment of relevant provisions.</p>						
<p>A-8.2.2 Minimum Lot Size and Width Design Criteria</p>	<p>1. The minimum lot dimensions are as indicated in the following table:</p> <table border="1" data-bbox="411 1406 898 1523"> <thead> <tr> <th colspan="2">Minimum Dimensions</th> </tr> </thead> <tbody> <tr> <td>Minimum Lot Size</td> <td>1000m²</td> </tr> <tr> <td>Minimum Lot Width</td> <td>20m</td> </tr> </tbody> </table> <p>2. Where a variation is proposed to minimum lot size or width, Council must be satisfied that:</p> <ol style="list-style-type: none"> a) The development provides safe and efficient vehicle and pedestrian access and allows vehicles to leave the site in a forward direction; and b) The development provides adequate vehicular parking, storage space and waste storage areas; and c) The development achieves a high standard of resident amenity and would have no greater impact on adjoining 	Minimum Dimensions		Minimum Lot Size	1000m ²	Minimum Lot Width	20m	<p>Comment</p> <p>The proposed multi dwelling housing to be utilised as infill affordable housing is located on Lots 155 & 156 which have a combined area of 1,607.8m², with a street frontage to Clark Street of 40.2 metres and to Johnston Street of 40 metres.</p> <p>N/A</p> <p>The proposed development does not involve a variation to the minimum lot width or size.</p>
Minimum Dimensions								
Minimum Lot Size	1000m ²							
Minimum Lot Width	20m							

	<p>development that would otherwise be the case; and</p> <p>d) The development is compatible with the streetscape and the landscape setting of the locality and complies with the minimum landscaped area requirement.</p> <p>Note. A smaller or narrower site width may not allow for the full gross floor area to be realised.</p>							
<p>A-8.2.3 Maximum Building Height</p>	<p>As established by the <i>Richmond Valley LEP 2012</i>.</p>	<p>Comment</p> <p>A maximum building height of 8.5 metres applies to the subject land. The proposed multi dwelling housing development provides a maximum building height of 6.4 metres.</p>						
<p>A-8.2.4 Setbacks to Streets</p>	<p>Primary Road Frontage</p> <p>1. The setback of the dwelling from the street is the lesser of the following:</p> <p>a) the distance defined below:</p> <ul style="list-style-type: none"> i. 6 metres, and ii. Garages, carports with enclosure or part enclosure on any side, and sheds must be 1.0 metre behind the building line. <p>OR</p> <p>(b) the established street setback provisions below:</p> <ul style="list-style-type: none"> i. The average distance of the setbacks of the nearest dwelling houses or dual occupancies located within 40m of the development and having the same primary road boundary, measured as follows: 	<p>Comment</p> <p>A setback of 5.5 metres is provided to Clark Street.</p> <p>The proposal utilises the established street setback provisions of the DCP with the average setback of the nearest dwellings being 5 metres. In this regard, the proposal is compliant with the front setback requirements.</p>						
	<p>Secondary or Parallel Road Frontages, including Setbacks to Lanes</p> <p>2. Where the development is located on land having frontage to more than 1 road alignment whether those roads are formed or unformed or lanes, the following setback applies to any secondary or parallel road frontage:</p> <table border="1" data-bbox="411 1787 898 1933"> <thead> <tr> <th>Zone</th> <th>Minimum Setback</th> </tr> </thead> <tbody> <tr> <td>Zone R1 – General Residential Zone</td> <td>3 metres</td> </tr> <tr> <td>Zone RU5 – Village</td> <td>3 metres</td> </tr> </tbody> </table>	Zone	Minimum Setback	Zone R1 – General Residential Zone	3 metres	Zone RU5 – Village	3 metres	<p>Comment</p> <p>The proposed development provides a 3-metre setback to Johnston Street.</p>
Zone	Minimum Setback							
Zone R1 – General Residential Zone	3 metres							
Zone RU5 – Village	3 metres							
	<p>Setbacks from Public Reserves</p> <p>3. Setback from public reserve: 3 metres</p>	<p>N/A</p> <p>The development is not located adjacent a public reserve.</p>						

	<p>Road subject to Widening</p> <p>4. The Front Building Line Setback to a road subject to widening shall be increased by width of land to be resumed by the widening as follows:</p> <p>a) Lane Widening proposed in Chapter I-15 of this DCP—the setback shall be increased by 3 metres to accommodate the proposed widening,</p> <p>b) land identified as Classified Road (SP2) on the Richmond Valley LEP 2012 Land Reservation Acquisition Map—the setback shall increase by the width of identified resumption.</p>	<p>N/A</p> <p>Clark Street and Johnston Street is not subject to road widening</p>
	<p>Foreshore Building Line</p> <p>5. Notwithstanding any other setback provision, development on a lot containing a foreshore building line shall be behind that foreshore building line.</p>	<p>N/A</p> <p>The subject site is not subject to the foreshore building line requirements.</p>
A-8.2.5 Gross Floor Area	<p>1. The following maximum gross floor area applies for all development on the site:</p> <p>a) M1 Density Areas – 50% of lot area</p> <p>b) M2 Density Areas– 80% of lot area</p> <p>c) H1 High density Areas – 80% of lot area</p>	<p>Comment</p> <p>The subject site is mapped within the M1 Low Medium Density Residential which provides a maximum gross floor area of 50% of the area of the lot.</p> <p>The proposed multi dwelling housing development to be utilised as infill affordable housing provides a gross floor area of 540m² being 33.5% of the lot (Lots 155 & 156)</p>
A-8.2.6 Landscaped Area	<p>1. The following minimum landscaped area applies for all development on the site:</p> <p>a) M1 Density Areas – 30% of lot area</p> <p>b) M2 Density Areas – 20% of lot area</p> <p>c) H1 High Density Areas – 20% of lot area</p>	<p>Comment</p> <p>The subject site is mapped within the M1 Low Medium Density Residential which provides a minimum landscape area of 30% of the area of the lot.</p> <p>As detailed within the design plans, the proposed development located on Lots 155 & 156 provides a total landscaped area of 761m² being 47.33% of the lot.</p>
A-8.2.7 Principal Private Open Space	<p>1. The area of principal private open space provided for each dwelling is:</p> <p>a) At least 16m² with a minimum length and width of 3m for a 1 or 2 bedroom dwelling;</p> <p>b) at least 25m² with a minimum length and width of 3m for a dwelling containing 3 or more bedrooms (or 2 bedrooms and a study).</p>	<p>Comment</p> <p>Each unit is provided with an area of private open space with a minimum area of 16m².</p>
	<p>2. The principal private open space is located behind the front building line.</p> <p>3. The principal private open space is located adjacent to the living room,</p>	<p>Comment</p> <p>The private open space provided to the dwellings is located behind the building line, and is located directly adjacent a</p>

		dining room or kitchen to extend the living space. 4. A minimum of 8m ² of the private open space should be paved and covered to provide shade and protection from rain.	living area. Each unit includes a terrace that complies with the minimum requirement of 8m ² of private open spaces that is paved and covered.
A-8.2.8	Car Parking	1. Minimum parking requirements are: a) 1 per dwelling (<150 m ² GFA), plus b) 1.5 per dwelling (>= 150 m ² GFA), plus c) 1 visitor space per 4 dwellings.	N/A Refer to carparking requirements under Section 18 of SEPP (Housing) 2021 for infill affordable housing.
A-8.2.9	View Sharing	1. Where views from other dwellings or public spaces are likely to be impacted, the applicant may be required to submit a view loss assessment. 2. View loss and opportunities for view sharing is to be considered in accordance with the Land and Environment Court Planning Principals.	N/A The proposed development is not considered likely to have any adverse impacts on view sharing given the location.

4.3.3 Low Rise Housing Diversity Design Guide

Part A-8 of the Richmond Valley DCP adopts the objectives and design criteria established for Multi Dwelling Housing contained in the Department of Planning, Industry and Environment’s Low Rise Housing Diversity Design Guide for Development Applications (July 2020), (section 2.4 Multi Dwelling Housing) except as modified by the local provisions outlined below. **Table 13** summarises the applicable standards and demonstrates where compliance is achieved, or a variation sought for the proposal.

It is noted **Section 2.4** of the Design Guides states that ‘*The development application proposal is merit assessed. If the development application cannot meet the design criteria, then the consent authority is to be flexible in applying these provisions and allow reasonable alternative solutions that achieve the relevant objectives*’. As detailed within **Table 13** below, there are a number of provisions in which the development does not strictly meet the design criteria, however demonstrates compliance with the objective of the development standard. As a result, it is considered the proposal is consistent with the Design Guide.

Table 13: Low Rise Housing Diversity Design Guide

Element	MDHC Requirement	Comment
Section 2.4 Multi Dwelling Housing		
2.4A Building Envelopes	1. Where the LEP or DCP does not include a maximum building height, that height of buildings is: <ul style="list-style-type: none"> R1, R2, or RU5 zoned land: 9m R3 zoned land: 11m 	N/A A maximum building height of 8.5 metres is stipulated by the Richmond Valley Local Environmental Plan
	2. The maximum number of storeys (excluding basements) are: <ul style="list-style-type: none"> R1, R2, or RU5 zoned land: 2 R3 zoned land: 3 	Comment The proposed multi dwelling housing is single storey in nature.

	<p>3. On R1, R2, or RU5 zoned land the maximum height of building on the rear 40% of the site is: 5.4m</p>	<p>Comment</p> <p>The subject site is zoned E1 Local Centre.</p> <p>The proposed multi dwelling housing development provides a maximum building height of 6.4 metres.</p>								
	<p>4. Refer to the DCP for front setback or envelope controls.</p>	<p>Refer to Section 4.3.2 for comments on front setback.</p>								
	<p>5. R2 zoned land - Where the DCP does not contain front setback controls the following apply:</p> <ul style="list-style-type: none"> • Where existing dwellings are within 40m - average of the two closest dwelling houses, dual occupancies or multi dwelling housing (terraces), or • Where no existing dwellings are within 40m the front setback is 3.5m. 	<p>N/A</p> <p>The subject site is zoned E1 Local Centre.</p>								
	<p>6. R3 zoned land - Where the DCP does not contain front setback controls the setback to primary road is 3.5m.</p>									
	<p>7. Where the DCP does not contain setback controls for secondary roads the following apply:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Lot Area (m²)</td> <td style="width: 70%;">Setback</td> </tr> <tr> <td>0 - 900</td> <td>2m</td> </tr> <tr> <td>>900 - 1500</td> <td>3m</td> </tr> <tr> <td>>1500</td> <td>5m</td> </tr> </table>	Lot Area (m ²)	Setback	0 - 900	2m	>900 - 1500	3m	>1500	5m	<p>Refer to Section 4.3.2 for comments on secondary road setbacks.</p>
Lot Area (m ²)	Setback									
0 - 900	2m									
>900 - 1500	3m									
>1500	5m									
	<p>8. Setback from classified road: 9m.</p> <p>Objective 2.4A-2</p> <p>The development provides a setback from the front boundary or public space that:</p> <ul style="list-style-type: none"> • defines the street edge; • creates a clear threshold and transition from public to private space; • assists in achieving visual privacy to ground floor dwellings from the street; • contributes to the streetscape character and landscape; and • relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing. 	<p>Consistent with design standard objective</p> <p>The subject site adjoins Johnston Street to the south which is a classified road. A setback of 3 metres is provided to Johnston Street from the multi dwelling housing infill affordable housing development.</p> <p>Whilst not consistent with the development standard, the proposal is compliant with the requirements of the DCP with respect to setbacks to secondary road frontages.</p> <p>In addition, it is considered the proposal is consistent with the objectives of the standard being that:</p> <ul style="list-style-type: none"> • The street edge is clearly defined by virtue of the existing road configuration, kerb and guttering, and pedestrian footpath. • The proposal creates a clear threshold and transition between public and private 								

		<p>space.</p> <ul style="list-style-type: none"> • The units are orientated to front Clark Street. Fencing and landscaping is provided along the Johnston Street frontage to ensure visual privacy is provided to the units. • As detailed above fencing is provided along Johnston Street to maintain visual and acoustic privacy, and provide security to the residents of the units. As detailed within the concept landscaping plan, significant landscaping is proposed along the Johnston Street frontage to soften the visual impact on the streetscape.
	9. Setback from public reserve: 3m.	<p>N/A</p> <p>The development is not located adjacent a public reserve.</p>
	<p>10. Where the DCP does not contain side setback controls the side setback is 1.5m</p> <p>Development that is 10m behind the front building line and greater than 4.5m above ground level (existing) - $s = h - 3m$</p> <p>'s' is the minimum setback in metres 'h' is the height of the part of the building in meters.</p>	<p>Comment</p> <p>A side setback of 1.5 – 2 metres is provided to the multi dwelling housing units.</p>
	11. Refer to the DCP for rear setbacks or envelope controls.	<p>N/A</p> <p>DCP does not provide rear setback requirements.</p>
	<p>12. Where the DCP does not contain rear setback controls the rear setback is 6m.</p> <p>Objective 2.4A-4</p> <p>The development provides a rear boundary setback that provides opportunity to retain and protect or establish significant landscape trees in deep planting areas.</p>	<p>Consistent with design standard objective</p> <p>The proposed development provides a setback of 1.5-2 metres to the rear and side boundaries to Cluster Building 02 being the rear most building on the site.</p> <p>In this regard, as a result of the design of the development, which provides communal/shared landscaped and open space areas, internal common terraces, and private open space for each dwelling which are orientated towards the front of the dwellings, the proposal has not nominated a 'rear' boundary, and treats both</p>

		<p>boundaries as 'side setbacks'. This also results from the interconnected nature of the infill affordable housing and shop top housing / group home development being that both developments will be owned and operated by Momentum Collective.</p> <p>Whilst the proposal is not compliant with this requirement, it is considered the development remains consistent with the objective of the standards. In this regard, significant landscaping is provided throughout the site, including along both side boundaries, which includes significant areas of deep soil planting zones.</p>										
	13. The setback to a lane is 0m.	<p>N/A</p> <p>The subject site does not enjoy frontage to a laneway.</p>										
2.3B Gross Floor Area / Floor Space Area	<p>14. Where the LEP or DCP do not contain an FSR or Gross floor area the following maximum gross floor area applies to all buildings on a lot:</p> <ul style="list-style-type: none"> • R1, R2, or RU5 zoned land - 50% of lot area • R3 zoned land - 80% of lot area <p>Note: For the purpose of this Design Criteria the lot area excludes any new street or lane</p>	Refer to Section 4.3.2 for gross floor area requirements.										
2.4C Landscaped Area	15. Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is:	Refer to Section 4.3.2 for landscaping requirements.										
	16. The minimum dimension of any area included in the landscaped area calculation is 1.5m.	<p>Comment</p> <p>The proposed multi dwelling housing development provides landscaping in compliance with Part A-8 of the DCP, with at least 50% of the area forward of the building line being landscaped.</p>										
	17. At least 50% of the area forward of the building line is to be landscaped area.											
	18. An ongoing maintenance plan is to be provided as part of the landscape plan.	<p>Comment</p> <p>An ongoing maintenance plan will be submitted as part of the Construction Certificate application.</p>										
19. Minimum soil standards for plant sizes are provided in accordance with the Table below.	<p>Comment</p> <p>A detailed landscape plan demonstrating compliance with these requirements will be provided as part of the Construction Certificate.</p>											
<table border="1"> <thead> <tr> <th>Tree size</th> <th>Height</th> <th>Spread</th> <th>Min. soil area</th> <th>Min soil depth</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Tree size	Height	Spread	Min. soil area	Min soil depth						
Tree size	Height	Spread	Min. soil area	Min soil depth								

	<table border="1"> <tr> <td>Large trees</td> <td>>12m</td> <td>>8m</td> <td>10x10</td> <td>1.2m</td> </tr> <tr> <td>Medium trees</td> <td>8-12m</td> <td>4-8m</td> <td>6x6m</td> <td>1m</td> </tr> <tr> <td>Small trees</td> <td>5-8m</td> <td><4m</td> <td>3.5x3.5m</td> <td>0.8m</td> </tr> <tr> <td>Shrubs</td> <td>-</td> <td>-</td> <td>-</td> <td>0.5-0.6m</td> </tr> <tr> <td>Groundcover</td> <td>-</td> <td>-</td> <td>-</td> <td>0.3-0.45m</td> </tr> <tr> <td>Turf</td> <td>-</td> <td>-</td> <td>-</td> <td>0.2m</td> </tr> </table>	Large trees	>12m	>8m	10x10	1.2m	Medium trees	8-12m	4-8m	6x6m	1m	Small trees	5-8m	<4m	3.5x3.5m	0.8m	Shrubs	-	-	-	0.5-0.6m	Groundcover	-	-	-	0.3-0.45m	Turf	-	-	-	0.2m	
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	<p>20. If the DCP does not specify tree planting of a particular size or species the following is to be provided:</p> <ul style="list-style-type: none"> • Front: 1 tree with mature height of 5m if primary road setback is greater than 3m. • Rear: 1 tree with mature height of 8m 	<p>Comment Refer to the concept landscape plans provided at Attachment 2.</p>																														
	<p>21. Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).</p>	<p>Comment The proposed development involves the removal of an existing tree located with Lot 156. An Ecological Assessment is provided at Attachment 10, with further consideration provided at Section 4.8.</p>																														
	<p>22. Landscape features including trees and rock outcrops are retained where they contribute to the streetscape character or are located within the rear setback.</p>																															
	<p>23. The landscape plan is to provide for a combination of tree planting - for shade, mid height shrubs, lawn and ground covers</p>	<p>Comment Refer to the concept landscape plans provided at Attachment 2.</p>																														
	<p>24. The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region.</p>	<p>Comment Refer to the concept landscape plans provided at Attachment 2. A detailed landscape plan demonstrating at least 50% of the overall plantings will be native to the region will be provided at Construction Certificate stage.</p>																														
2.4D Local Character and Context	<p>25. Provide in the Design Verification Statement a description how the built form of the development contributes to the character of the local area using the guidance in Section 3D Local Character and Context</p>	<p>Comment A Design Verification Statement is provided at Attachment 3 of this report.</p>																														
2.4E Public Domain Interface	<p>26. The front door of each dwelling is directly visible from the street.</p> <p>27. Each dwelling has a habitable room that faces the street or public space.</p> <p>Objective 2.4E-1 Provide activation and passive surveillance to the public streets</p>	<p>Consistent with design standard objective Due to the design of the development, with two separate buildings containing three units each, and one building being located towards the rear of the site, two dwellings within the multi dwelling housing development do not provide a front door or habitable room that is visible from the street. In this regards, all units within the front building provide a</p>																														

		<p>front door and habitable room visible from Clark Street, whilst one (1) unit within the rear unit building provides a front door and habitable room that is visible from Clark Street.</p> <p>Whilst the proposal is not fully compliant with this requirement, it is considered the development remains consistent with the objective of the standards, being that the proposal provides activation of the street by way of direct access to Clark Street into front courtyards, and provides passive surveillance to public streets within two thirds of the development and it is therefore considered the non-compliance is acceptable in the circumstances of the case.</p>
	<p>28. Private courtyards within the front setback are only located within the articulation zones and / or behind the required front building line.</p> <p>Objective 2.4E-2 Front fences and walls do not dominate the public domain instead they respond to and compliment the context and character of the area (including internal streets).</p>	<p>Consistent with design standard objective</p> <p>The three units provided within the front building are provided with courtyards within the front setback and articulation zone area. Whilst not consistent with the development standard, the proposal is considered consistent with the objectives of the standard being that the design of the front fencing has been undertaken to minimise dominance of the streetscape, with landscaping provided forward of the fencing to soften the streetscape. In this regard, fencing is setback off the front boundary to enable landscaping to be provided wholly within the property boundaries.</p>
	<p>29. Front fences:</p> <ul style="list-style-type: none"> • Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal). • Average height no greater than 1.2m. • Have a consistent character with other front fences in the street. • Are not to be constructed of solid metal panels or unfinished timber palings. 	<p>Consistent with design standard objective</p> <p>Fencing along the front property boundary is provided with a height of 1.2 metres. Higher fencing of 1.5 metres is provided along the front façade, which is setback into the property to enable landscaping to be provided, which provides</p>

	<p>Objective 2.4E-2 Front fences and walls do not dominate the public domain instead they respond to and compliment the context and character of the area (including internal streets).</p>	softening of the streetscape, and articulation to the fence line. As a result, the proposed landscaping is considered to minimise the impact of the proposed fencing on the streetscape and soften the front façade of the development.
	<p>30. High solid walls are only used to shield a dwelling from the noise of classified roads. The walls are to have a maximum height of 2.1m and be setback at least 1.5m from the property boundary. Landscape planting is to be provided between the wall and the boundary, with a mature height of at least 1.5m.</p>	<p>Comment High fencing is provided along Johnston Street being a classified road. Fencing heights range from 1.5 metres to 2 metres, with landscaping provided forward of the fencing to soften the impact on the streetscape. A setback of 1.5 metres is provided to the fencing from the boundary.</p>
	<p>31. Retaining walls greater than 600mm within the front setback are to be softened by planting for a minimum depth of 600mm on the low side of the retaining wall.</p>	<p>Comment As detailed within the Civil Engineering Plans provided at Attachment 8, retaining walls are proposed along the northern and western property boundaries with a height of up to 0.8m high. No retaining walls are proposed within the front setbacks.</p>
	<p>32. Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface using any of the following design solutions:</p> <ul style="list-style-type: none"> • Habitable room windows facing the public domain. • Street access, pedestrian paths and building entries. • Paths, low fences and planting that clearly delineate between communal/ private open space and the adjoining public open space. • Walls fronting the public spaces are to have openings not less than 25% of the surface area of the wall. 	<p>Comment The subject site does not adjoin a public park, open space, or bushland. The site is a corner site being on the corner of Johnston Street and Clark Street. The proposal has been designed to provide habitable rooms facing the public domain, street access and pedestrian paths to provide connectivity and fencing and landscaping to provide an integrated front façade design.</p>
2.4F Pedestrian and Vehicle Circulation	<p>33. Vehicle circulation and parking complies with AS2890.1.</p>	<p>Comment Vehicle circulation and parking complies with AS2890.1.</p>
	<p>34. Dwellings are to be connected by new internal streets and lanes which are overlooked by windows from habitable rooms and or private open space.</p>	<p>Comment The proposed development provides a new driveway and common parking area. No new streets or lanes are provided. Windows are provided to habitable rooms which enable</p>

		surveillance of the proposed parking and entrance area.
35. Where new streets or lanes are created:	<ul style="list-style-type: none"> Lanes: shared or pedestrian surfaces with a width of common area including landscape - minimum 6m. Streets: width of common area including landscape - minimum 12m. 	<p>N/A</p> <p>No new streets or lanes are proposed as part of the development.</p>
36. Where less than 20 car spaces are provided reduce carriageway width to 3.5m, with passing areas as required by AS 2890.1.		<p>Comment</p> <p>The parking area is provided a width of 11.4 metres and enables turning of vehicles to enter and exit in a forward direction.</p>
37. Internal vehicle circulation must be:	<ul style="list-style-type: none"> at least 1m setback from a fences; at least 1m setback from another dwelling; at least 2.5m setback from a window in a habitable room if the window exceeds 1m²; and the setbacks should contain plants to soften edges. 	<p>Comment</p> <p>The proposed car parking has been designed to provide compliance with this provision.</p>
38. Terminate driveways and streets with trees, open space or the window of a dwelling - not a garage or car space.		<p>Comment</p> <p>The proposed parking area terminates in front of a proposed dwelling.</p>
39. Streets to be designed to accommodate appropriate service vehicles likely to access the site.		<p>N/A</p> <p>No new streets or lanes are proposed as part of this development.</p>
40. Where on street parking is currently available in front of the development, the proposed driveways are located so that at least one car space remains.		<p>N/A</p> <p>Formalised street parking is not provided in this locality.</p>
41. Car parking not associated with a dwelling must be:	<ul style="list-style-type: none"> setback from a fence is to be at least 1m setback from another dwelling is to be at least 1m setback from a habitable room window is to be at least 3m if the window exceeds 1m². <p>The setbacks should contain plants.</p>	<p>Comment</p> <p>All parking is located within a central parking area.</p>
42. New streets and lanes	<ul style="list-style-type: none"> maximum length of a dead end laneway - 40m. minimum width between structures - 6m. 	<p>N/A</p> <p>No new streets or lanes are proposed as part of this development.</p>
43. Provide safe shared spaces for vehicles, cyclists and pedestrians by including measures that reduce vehicle speeds such as changes in pavement texture at entries or key nodes, reduce demarcation between pedestrian and vehicle spaces.		<p>Comment</p> <p>The proposed development provides a common parking area. Footpaths and pedestrian access are provided adjacent the parking area to enable safe shared spaces between vehicles, cyclists and pedestrians.</p>
44. Pedestrian paths that are separated from an internal road or lane by a kerb or landscaped area are		<p>N/A</p> <p>The proposed development</p>

	to be provided where there are more than 20 dwellings.	does not include more than 20 dwellings.
	45. Where pedestrian circulation is separated from vehicle circulation the paths are still to function like streets with pavement at least 1.5m wide, clearly identifiable dwelling entrances and clear lines of sight to create a legible and safe network.	Comment The proposed development provides a common parking area. Footpaths and pedestrian access are provided adjacent the parking area to enable safe shared spaces between vehicles, cyclists and pedestrians.
	46. Roads and pedestrian spaces are to have lighting designed in accordance with A1158.3.1 that avoids light spill into private spaces.	Comment The proposed development does not include outdoor lighting.
	47. Basement car parking not to protrude more than 1m above finished ground level except at the entrance to the car park.	N/A The proposal does not include basement parking.
	48. Basement car park entrances to have a maximum width of 3.5m where there are less than 10 dwellings being serviced by the car park.	
	49. The maximum height of the car park entry is to be 2.7m.	
	50. Where driveways are adjacent a tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist.	N/A The proposed driveway and parking area are not located adjacent an existing tree.
2.4G Orientation, Siting and Subdivision	51. The minimum lot size for carrying out multi dwelling housing is: <ul style="list-style-type: none"> the minimum dimensions for multi dwelling housing specified in a environmental planning instrument or DCP that applies to the land, or if an environmental planning instrument or DCP does not specify a minimum lot dimension - 600m2 and width measured at the building line of 20m. 	Refer to Section 4.3.2 for compliance with minimum lot size provisions.
	52. Each dwelling is to have a frontage to an existing public street or new pedestrian or vehicle street or lane.	Comment Each dwelling maintains frontage to Clark Street pedestrian pathways and the proposed parking area.
	53. The frontage measured at the building line is to be at least 5m.	Comment The subject site provides a frontage of 40.2 metres.
	54. Dwellings should be orientated away from side boundaries and towards the front and rear of the lot or towards new internal streets.	Comment Dwellings are orientated towards Clark Street and internal to the site.
	55. A window that is more than 3m from the boundary to a living room of an adjoining dwelling is to receive more than 3 hours of direct sunlight between 9am and 3pm on the winter solstice (June 21). If the window currently receives less than 3hrs - direct sunlight is not reduced.	Comment Shadow diagrams are provided within the architectural plan set which demonstrate the proposal does not result in any impacts on adjoining properties.

	Note: Direct sunlight is measured consistent with Design Criteria 63 and is only required to one window serving the living room.	
	56. Where the location of the living room of an adjoining dwelling cannot be verified the proposed development is accommodated within a building envelope defined by a 35° plane springing from 3.6m above the boundary.	
	57. Unless a dwelling is over a basement, the ground floor is not more than 1.3m above ground level, and no more than 1m below ground level.	Comment The proposed dwellings are located on ground and are not raised, other than to comply with minimum habitable floor level requirements.
	58. Dwellings are located to step with the topography.	Comment The subject site is flat, with earthworks proposed to provide the required dwelling sites.
	59. All lots must have access to reticulated water and sewer, electricity, telecommunications, and where available gas.	Comment All units will have access to reticulated water and sewer, electricity, and telecommunications, as required by the relevant authorities.
	60. Basement car parking should not be provided within the setbacks described in 2.4A.	N/A The proposed development does not involve basement parking.
	61. The minimum separation between two or more buildings containing dwelling on the same lot is 3m. Note: Greater separation may be required for privacy.	Comment A setback of 7.5 metres is provided between each building of units.
	62. Provide a break of 3m between buildings more than 45m long.	Comment No building proposed as part of the development is more than 45 metres long.
2.4H Solar and Daylight Access	63. The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice (June 21). Note: Direct sunlight is achieved when 1m ² of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy 2 hours direct sunlight, 8 periods of 15 minutes will need to be achieved - however the periods do not need to be consecutive.	Comment As detailed within the plan set provided at Attachment 1 , the living room & private open space of each dwelling in both cluster receive a minimum of 2 hours direct sunlight between 9am and 3pm on the winter solstice.
	64. Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road.	Comment All rooms provide windows to enable direct sunlight.
	65. No part of a habitable room is to be more than 8m from a window	Comment Each unit provides windows to habitable rooms, with no part of the room more than 8 metres

		from the window.
	66. No part of a kitchen work surface is to be more than 6m from a window or skylight.	Comment Kitchen work surfaces are provided no further than 6 metres from a window.
	67. Courtyards are to be: <ul style="list-style-type: none"> • Be fully open to the sky; and • Have a minimum dimension of one third of the perimeter wall height, an area of 4m². 	Comment Open courtyards are provided to three units within the development.
	68. A window is visible from 75% of the floor area of a habitable room.	Comment As detailed within the architectural design plans, a window is visible from 75% of the floor area of each habitable room.
2.4I Natural Ventilation	69. Natural ventilation is available to each habitable room	Comment Each habitable room is provided with natural ventilation, with each dwelling being naturally cross ventilated.
	70. Each dwelling is to be naturally cross ventilated.	
2.4J Ceiling Height	71. Minimum ceiling heights are: <ul style="list-style-type: none"> • 2.7m to ground floor habitable rooms. • 2.7m to upper level living rooms. • 2.4m to upper level habitable rooms (excluding living rooms). The ceiling height is measured from finished floor level to finished ceiling level. Objective 2.4J-1 Ceiling height achieves sufficient natural ventilation and daylight access and provides spatial quality.	Comment The proposed development provides a minimum ceiling height of 2.7 metres.
2.4K Dwelling Size and Layout	72. Dwellings are required to have the following minimum internal floor areas: <ul style="list-style-type: none"> • 1 bed 65m² • 2 bed 90m² • 3+ bed 115m² 	Complies The proposed units are all two bedroom and provide internal floor areas of 90m ² .
	73. The minimum internal areas outlined above only contain one bathroom. The minimum area of each additional bathroom is 5m ² added onto the minimum dwelling area.	N/A Each unit type provides a single bathroom only.
	74. The minimum area of any additional bedroom is 12m ² . The area of each additional bedroom is then added to the minimum internal floor area contained in Design Criteria 72.	N/A Each unit type provides two bedrooms only.
	75. Kitchens should not be part of a circulation space such as a hallway	Comment Each unit type does not provide the kitchen with a circulation space.
	76. One bedroom has a minimum area of 10m ² excluding space for a wardrobe.	Comment All bedrooms are provided with a minimum of 10m ² floor area, excluding wardrobes.

	77. Bedrooms have a minimum dimension of 3m in any direction (excluding wardrobe space).	Comment All bedrooms in each unit type provide a minimum dimension of 3 metres.
	78. Combined living and dining rooms are to have a minimum area of: <ul style="list-style-type: none"> • 1 and 2 bed 24m² • 3+ bed 28m² 	Comment As detailed within the architectural design plans, each unit maintains a combined living and dining area of a minimum of 24m ² .
	79. Living room or lounge rooms are to have a minimum width of 4m (excluding fixtures).	Comment Living rooms provided in each unit type provides a width of greater than 4 metres.
2.4L Principal Private Open Space	80. The area of principal private open space provided for each dwelling is at least 45m ² with a minimum dimension of 5m.	Refer to Section 4.3.2 for compliance with private open space provisions.
	81. Provide a consolidated paved area of 12m ² with minimum dimension of 3m.	
	82. The principal private open space is located behind the front building line.	
	83. The principal private open space is to be located adjacent to the living room, dining room or kitchen to extend the living space.	
	84. 8m ² of the private open space should be covered to provide shade and protection from rain.	
2.4M Storage	85. In addition to storage in kitchens, and bedrooms, the following storage with a minimum dimension of 500mm is provided: <ul style="list-style-type: none"> • 1 bed 6m³ • 2 bed 8m³ • 3+ bed 10m³ 	Comment As detailed within the architectural design plans, each unit is provided a minimum of 8m ³ of storage.
	86. At least 50% of the required storage is to be located inside the dwelling.	Comment All storage is located within the dwellings.
	87. Storage not located in dwellings is secure and clearly allocated to specific dwellings if in a common area.	Comment No storage is provided external to the dwellings.
2.4N Car and Bicycle Parking	91. Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.	Comment Sufficient space is provided within each unit to provide storage for at least 1 bicycle.
	92. Basement car parking is not to protrude more than 1m above finished ground level except at the entrance to the car park.	N/A Basement parking is not proposed as part of this development.
	93. The maximum dimensions of any basement car park entry is to be 2.7m high by 3.5m wide.	
	94. Where a driveway is adjacent an existing tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist.	N/A The proposed driveway and parking area are not located adjacent an existing tree.

	<p>95. The setback of a car space from a primary, secondary or parallel road is to be at least:</p> <table border="1" data-bbox="395 264 970 448"> <thead> <tr> <th>Setback of dwelling from road</th> <th>Maximum width of garage door openings</th> </tr> </thead> <tbody> <tr> <td>>4.5m</td> <td>1m behind the building line</td> </tr> <tr> <td><4.2m</td> <td>5.5m</td> </tr> </tbody> </table>	Setback of dwelling from road	Maximum width of garage door openings	>4.5m	1m behind the building line	<4.2m	5.5m	<p>Comment Parking is provided 6 metres from the front boundary.</p>						
Setback of dwelling from road	Maximum width of garage door openings													
>4.5m	1m behind the building line													
<4.2m	5.5m													
	<p>96. The maximum width of all garage doors facing a primary or secondary road:</p> <table border="1" data-bbox="395 533 970 757"> <thead> <tr> <th>Lot Width</th> <th>Maximum Width of Garage Door Openings</th> </tr> </thead> <tbody> <tr> <td>12m - 15m</td> <td>3.2m</td> </tr> <tr> <td>>15m - 20m</td> <td>6m</td> </tr> <tr> <td>>20m - 25m</td> <td>9.2m</td> </tr> <tr> <td>>25m</td> <td>12m</td> </tr> </tbody> </table>	Lot Width	Maximum Width of Garage Door Openings	12m - 15m	3.2m	>15m - 20m	6m	>20m - 25m	9.2m	>25m	12m	<p>N/A The proposal does not include any garage doors.</p>		
Lot Width	Maximum Width of Garage Door Openings													
12m - 15m	3.2m													
>15m - 20m	6m													
>20m - 25m	9.2m													
>25m	12m													
<p>2.40 Visual Privacy</p>	<p>97. Orientate living room windows, primary private open space to the street or rear.</p>	<p>Comment Living areas and private open space have been orientated to the street and internal to the development as a result of the overall design of the development.</p>												
	<p>98. At least one windows for each habitable room is provided without the need for a privacy screen.</p>	<p>Comment Privacy screens are not proposed as part of this development.</p>												
	<p>99. A privacy screen is required when:</p> <table border="1" data-bbox="395 1198 986 1563"> <thead> <tr> <th>Distance from Boundary</th> <th>Finished Floor Level Above Ground Level (Existing)</th> </tr> </thead> <tbody> <tr> <td><3m</td> <td>1 - 3m</td> </tr> <tr> <td><6m</td> <td>>3m</td> </tr> <tr> <th>Distance from Windows in Dwelling on Same Lot</th> <th>Finished Floor Level Above Ground Level (Existing)</th> </tr> <tr> <td><6m</td> <td>1 - 3m</td> </tr> <tr> <td><12m</td> <td>>3m</td> </tr> </tbody> </table> <p>Note: This does not apply to bedroom windows that have an area less than 2m² or windows that have a frontage to a road or public open space.</p>	Distance from Boundary	Finished Floor Level Above Ground Level (Existing)	<3m	1 - 3m	<6m	>3m	Distance from Windows in Dwelling on Same Lot	Finished Floor Level Above Ground Level (Existing)	<6m	1 - 3m	<12m	>3m	<p>Comment Privacy screens have not been provided as part of the development.</p>
Distance from Boundary	Finished Floor Level Above Ground Level (Existing)													
<3m	1 - 3m													
<6m	>3m													
Distance from Windows in Dwelling on Same Lot	Finished Floor Level Above Ground Level (Existing)													
<6m	1 - 3m													
<12m	>3m													
	<p>100. A privacy screen is required at the edge of that part of a terrace, deck, balcony or verandah that is parallel or faces towards a side or rear boundary</p> <table border="1" data-bbox="395 1854 986 2085"> <thead> <tr> <th>Distance from Boundary</th> <th>Finished Floor Level Above Ground Level (Existing)</th> </tr> </thead> <tbody> <tr> <td><3m</td> <td>1 - 3m</td> </tr> <tr> <td><6m</td> <td>>3m</td> </tr> <tr> <th>Distance from Windows in</th> <th>Finished Floor Level Above Ground Level (Existing)</th> </tr> </tbody> </table>	Distance from Boundary	Finished Floor Level Above Ground Level (Existing)	<3m	1 - 3m	<6m	>3m	Distance from Windows in	Finished Floor Level Above Ground Level (Existing)	<p>Comment Privacy screens have not been provided as part of the development.</p>				
Distance from Boundary	Finished Floor Level Above Ground Level (Existing)													
<3m	1 - 3m													
<6m	>3m													
Distance from Windows in	Finished Floor Level Above Ground Level (Existing)													

	<table border="1"> <tr> <td>Dwelling on Same Lot</td> <td></td> </tr> <tr> <td><6m</td> <td>1 - 2m</td> </tr> <tr> <td><12m</td> <td>>2m</td> </tr> </table> <p>Note: This does not apply to a terrace, deck, balcony or patio that has an area less than 3m² or has a frontage to a road or public open space.</p>	Dwelling on Same Lot		<6m	1 - 2m	<12m	>2m	
Dwelling on Same Lot								
<6m	1 - 2m							
<12m	>2m							
	101. Where privacy screens are provided to windows, they must not cover part of the window required to meet the minimum daylight or solar access requirements or restrict ventilation.	<p>Comment</p> <p>The proposed development does not include any privacy screens.</p>						
2.4P Acoustic Privacy	102. Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.	<p>Comment</p> <p>No objection is raised to a condition being included as part of the consent to ensure compliance with this provision.</p>						
2.4Q	103. Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion.	<p>N/A</p> <p>The subject site is not within 20 ANEF contour</p>						
	<p>104. Dwellings that are within 100m of a classified road or 80m from a rail corridor are to have LAeq measures are not exceeding:</p> <ul style="list-style-type: none"> In any bedroom: 35dB(A) between 10pm-7am. Anywhere else in the building (other than a kitchen, garage, bathroom or hallway): 40dB(A) at any time. <p>This can be achieved by:</p> <ul style="list-style-type: none"> A full noise assessment prepared by a qualified acoustic engineer Complying with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of <i>Draft Guide to Infrastructure Development Near Rail Corridors Busy Roads</i>. 	<p>Comment</p> <p>The proposed development is located adjacent Johnston Street being a classified road. A Noise Impact Assessment has been prepared by <i>Tim Fitzroy & Associates</i>, and is provided at Attachment 6. The NIA has assessment road noise impacts (of the Bruxner Highway (Johnston Street) on users of the proposed residential and commercial buildings as per Section 2.120 of the Transport and Infrastructure SEPP 2021 and relevant Development near Rail Corridors and Busy Roads – Interim Guideline.</p> <p>The NIA determined the majority of facades comply with traffic noise criteria. For facades that exceed the façade criteria, construction measures have been provided.</p>						
2.3R Architectural Form and Roof Design	105. Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and responds and provides a cohesive design response. Note: Refer to Section 3 for guidance.	<p>Comment</p> <p>A Design Verification Statement is provided at Attachment 3 of this report.</p>						
	106. The roof design is integrated harmoniously with the overall building form.	<p>Comment</p> <p>The roof form is considered to integrate with the overall building form.</p>						

	107. Skylights and ventilation systems are integrated into the roof design.	Comment Any skylights or ventilation systems will be integrated into the roof design.
2.4S Visual Appearance & Articulation	108. Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area. Note: Refer to Section 3 for guidance.	Comment A Design Verification Statement is provided at Attachment 3 of this report.
	109. The development may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road. The following elements can be located in the articulation zone: <ul style="list-style-type: none"> • An entry feature or portico. • A balcony, deck, pergola, terrace or verandah. • A window box treatment. • A bay window or similar feature. • An awning or other feature over a window. • A sun shading feature. • An eave. 	Comment The proposal provides landscaping and courtyards within the articulation zone.
2.4T Pools and Detached Development	110. Swimming pools and spas are to have a maximum height above ground level (existing): <ul style="list-style-type: none"> • At the water line – 1.2m, • At the top of the coping - 1.4m, and • Where the coping is more than 300mm wide – 600mm. 	Comment The proposal does not include a swimming pool or detached development.
	111. Swimming pools and spas are to be located in the rear yard with a minimum setback of 1m from any side or rear boundary.	
	112. The swimming pool pump must be located in an enclosure that is sound proofed.	
	113. Maximum height above ground level (existing) - 4.5m	
	114. A detached studio with a frontage to a rear lane or parallel road may have a height of 6m.	
	115. Maximum floor area for each dwelling: <ul style="list-style-type: none"> • generally: 45m² • detached studios: 36m² 	
	116. Where the DCP does not contain setbacks for detached development, side setbacks are the same as for the dwelling except for the following: <ul style="list-style-type: none"> • side setback: 0.9m, or • side setback with wall height less than 3.3m: 0m, and adjoining lot building is <0.9m from boundary and building wall is of masonry construction with no windows, • side setback of detached studio with frontage to a lane: 0m • side setback of detached studio without a frontage to a lane: 	

	<table border="1"> <tr> <th>Lot Width at building line</th> <th>Rear setback</th> </tr> <tr> <td>0 - 18m</td> <td>900mm</td> </tr> <tr> <td>>18m</td> <td>1.5m</td> </tr> </table>	Lot Width at building line	Rear setback	0 - 18m	900mm	>18m	1.5m			
Lot Width at building line	Rear setback									
0 - 18m	900mm									
>18m	1.5m									
	<p>117. Where the DCP does not contain setbacks for detached development, rear setbacks are:</p> <table border="1"> <tr> <th>Lot Area</th> <th>Rear setback</th> </tr> <tr> <td>0 - 900m²</td> <td>900mm</td> </tr> <tr> <td>>900-1500m²</td> <td>1.5m</td> </tr> <tr> <td>>1500m²</td> <td>2.5m</td> </tr> </table> <p>118. The maximum floor level of a detached deck, patio, pergola or terrace that is less than 0.9m from the side boundary is 0.6m above ground level (existing).</p>	Lot Area	Rear setback	0 - 900m ²	900mm	>900-1500m ²	1.5m	>1500m ²	2.5m	
Lot Area	Rear setback									
0 - 900m ²	900mm									
>900-1500m ²	1.5m									
>1500m ²	2.5m									
2.4U Energy Efficiency	<p>119. Provide an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothesline for each dwelling.</p> <p>120. Any clothes drying area should be screened from public and communal areas</p>	<p>Comment Sufficient area is provided for clothes drying that is screen from the public.</p>								
2.4V Water Management & Conservation	<p>122. Detention tanks are to be located under paved areas, driveways or in basements</p>	<p>Comment Stormwater management for the affordable housing site is detailed within the civil engineering plans provided at Attachment 8. As detailed within the civil engineering plans, stormwater management is proposed to include:</p> <ul style="list-style-type: none"> • 4x underground stormwater detention tanks, • Pit and pipe infrastructure to direct the stormwater to the existing swale within Johnston Street. 								
2.4W Waste Management	<p>123. Provide storage space for the type and number of bins designated in council's waste policy (or DCP).</p> <p>124. Where waste storage is provided in a communal area, access to this waste area is to be provided for all residents without crossing a private lot.</p> <p>125. Where waste storage is provided in the basement car park, a maximum ramp gradient of 1:6 is to be provided to the waste collection point.</p> <p>126. Where a rear lane has provision for waste collection trucks used by council, the collection point is to be from the rear lane.</p> <p>127. Despite any requirements in council's waste policy, on-site waste vehicle access is not required where:</p> <ul style="list-style-type: none"> • there are less than 20 dwellings, or • the development is Torrens title subdivided <p>128. Where vehicle access is not provided to the site, any communal on-site collection point is to:</p> <ul style="list-style-type: none"> • be less than 10m from the street boundary, 	<p>Comment Sufficient area is provided within each dwelling footprint for the storage of bins.</p> <p>A private waste contracting agreement is proposed to be undertaken with Richmond Waste. Richmond Waste have confirmed the bins can be serviced both street side, or the vehicle nosing into the site and servicing directly from the waste storage area. A Waste Management Plan has been prepared outlining the required waste management and is provided at Attachment 11.</p>								

	<ul style="list-style-type: none"> • be located on a surface with a gradient less than 1:20 • not require access through a security door or gate (unless this is permitted by council waste policy). • have path that connects the collection area to the street boundary with a gradient less than 1:8 and free of steps for the transfer of bins to the collection vehicle <p>129. If the waste collection point is used for permanent storage of bins, it is to be screened from view from the public domain and any structure to have height no greater than 1.3m, if forward of the building line.</p> <p>130. Storage areas for rubbish and recycling bins are to be provided:</p> <ul style="list-style-type: none"> • Within garages; • In screened enclosure that is part of the overall building design; or • In the basement car park. <p>131. Communal waste areas are to be located at least 3m from any bedroom or living room window.</p>	
<p>2.4X Universal Design</p>	<p>132. All dwellings are to include the Liveable Housing Design Guideline’s Silver level universal design features.</p> <p>Objective 2.4X-1</p> <p>Universal design features are included in dwelling design to promote flexible housing for all community members</p>	<p>Consistent with design standard objective</p> <p>The project architect has advised the dwelling have been designed to be finished to meet or exceed as many of the silver standards as practical, not all design features have been achievable. For example:</p> <ul style="list-style-type: none"> • 6 out of 7 of the features are provided to all 6 dwellings, • 7 out of 7 features are provided to 2 of the 6 dwellings to the front door, and • 7 out of 7 features are provided to a further 2 of the 6 dwellings to the rear door. <p>As a result of the above, it is considered the proposal is consistent with the objective of the design standard being that all universal design standards have been included in the dwelling design where possible to promote flexible housing to all members of the community.</p>
<p>2.4Y Communal Areas & Open Space</p>	<p>133. Where more than 10 dwellings are proposed a communal space with minimum area of 5% of the site area with a minimum dimension of 8m is to be provided for active communal open space.</p>	<p>Comment</p> <p>The proposed development does not provide more than 10 dwellings and therefore</p>

	134. The active communal open space is at least 3m from a habitable room of a dwelling on the lot.	communal space is not required. Notwithstanding, communal terraces and a landscape / play area is provided for communal use.
	135. The active communal open space is to receive at least 2hrs of direct sunlight between 9am and 3pm at the winter solstice (June 21) to 50% of the required area.	
	136. Communal areas and open space are visible from habitable rooms and private open space while maintaining visual privacy.	
	137. Where communal open space is provided, it has a direct connection to the internal street along the longest edge.	
	138. Public through site links should have direct line of site between public streets.	
	139. Daylight and natural ventilation is provided to all common circulation above ground.	
	140. Provide lighting to common spaces.	

4.3.4 Part A-9 Shop Top Housing

The relevant parts of Part A-9 Shop Top Housing of the Richmond Valley Development Control Plan are discussed below within **Table 14** below.

Table 14: Part A-9 Shop Top Housing

Chapter A Residential Development		
Part A-9 – Shop Top Housing		
A-9-1 Height of Buildings	<p>(1) The maximum height a structure may be built is shown in the Height of Buildings Map in Richmond Valley Local Environmental Plan 2012.</p> <p>a) Generally the maximum height is 8.5m.</p> <p>b) Some areas of Evans Head and South Casino have 9.5m maximum.</p> <p>c) (c) The High density area in proximity to the Casino CBD has a 14m maximum</p>	<p>Comment</p> <p>As detailed within Section 4.2.3, the maximum height for buildings on the subject site should not exceed 8.5m (as measured from ground level existing to the highest point of the building). The proposal provides a maximum building height of 8.4 metres.</p>
A-9.2 Building Setbacks, Footprint & Floor Space Ratio	(1) Density on the Ground Floor Commercial component as per Part B – Commercial Development.	Comment Part B – Commercial Development does not provide density provisions.
	(2) Zone B1 – Neighbourhood Centre—development is required to most closely align with residential development and the surrounding area. If there are commercial examples to draw upon nearby, and generally the streetscape is dominated by similar ‘older’ style development, higher density ‘shopfront’/‘awning’ development may be acceptable if the design aligns closely.	Comment The overall design of the development has been designed to provide a commercial style development from the Johnston Street frontage whilst meeting the needs of Momentum Collective and the end use of the site.
	(3) Zone B2 & B3—As per Part B – Commercial Development for first 2 storeys	
	(4) Density Area H1 – High Density—there is likely to be little or no examples of the ideal form to follow, however the podium style	N/A The subject site is not located within the H1 High Density area.

Chapter A Residential Development

Part A-9 – Shop Top Housing

	<p>typology described within Chapter A-4.3 will be considered atop Commercial density.</p>	
	<p>(5) Setbacks for residential development shall have regard to the existing and desired character of the locality and the amenity of residents of the building and nearby residential properties, and the setbacks of the ground floor commercial development. Guidance can be found in Part I-3 of this DCP.</p>	<p>Comment The subject site is zoned E1 Local Centre, which provides a zero (0) building line setback for shop top housing – where located above ground floor commercial development. The proposed development provides a setback of 2.75 metres to the ground floor, and 3 metres to the first-floor residential component. The setbacks are considered consistent with the surrounding residential dwellings, and provides a greater setback than required for the E1 zone.</p>
	<p>(6) The residential component should also comply with the provisions of the Apartment Design Guide – Part 4 designing the building.</p> <p><u>Developments exceeding 3 storeys</u> Developments exceeding three storeys may only be proposed within areas with a building height limit of 14 metres within and near the Casino CBD area. The Density provisions apply to residential flat buildings will be applied to development 3 storeys or greater. Setbacks and apartment design will need to be designed to comply with the requirements of the Apartment Design Guide. Any building height three (3) storeys and higher as a stand-alone development must be set back a minimum of six (6) metres from the side and rear boundaries, from the ceiling height of the second storey up. When proposed within a commercial area, lesser or even zero building line setback from the side boundaries may be permissible dependent upon dominant adjacent building bulk and form. Council reserves the right to ultimate resolution as to the proposal’s built form and setbacks.</p>	<p>The proposal does not trigger the requirements of SEPP 65 as the development is less than 3 storeys in height.</p>
<p>A-9.3 Visual & Amenity Impacts</p>	<p>Visual and Amenity Impact considerations include:</p> <p>a) Bulk form</p> <ul style="list-style-type: none"> • Overall scale & height, • Roof forms & pitch • Materials of external front walls 	<p>Comment The proposed shop top housing has been designed having regard to potential visual and amenity impacts. a) <u>Bulk form</u> The proposed development has been designed in accordance with the RVDCP,</p>

Chapter A Residential Development

Part A-9 – Shop Top Housing

	<ul style="list-style-type: none"> • Street setbacks & spacings between building. <p>b) Character</p> <ul style="list-style-type: none"> • Overall architectural style • Maintaining or continuing existing horizontal lines • Finishes & decorative detail • Architectural elements <p>c) Reducing continuous walls, Windows or structures (entranceways, porticos, windows including bay windows, balconies etc.) are to be used to break up the façade. Any section of front façade may not exceed five metres without a building element to disrupt continuous wall area. In addition, any side wall may not exceed 14 metres in length without a recess, or building element, in the wall to break the continuity and lessen visual and ‘bulky’ impacts.</p> <p>d) Amenity The design of the shop top housing development is to have regard amenity controls in Part B – Development in Commercial Centres to ensure that the impact of commercial development on the residential component is minimised and the development as a whole does not unreasonably impact on the amenity of any nearby sensitive land uses such as residential accommodation.</p>	<p>other relevant standards, and to be consistent with the comments provided by Council in pre-lodgement meetings. The proposal provides an architecturally designed building, which incorporates a number of materials along external walls and interesting design features. As detailed above, the proposal complies with the maximum building height provision and provides setbacks in excess of those required within the E1 Local Centre zone.</p> <p>b) <u>Character</u> As detailed above, the proposed development has been architecturally designed, and provides a number of architectural elements to provide an interesting façade. As detailed within the design plans, the development is provided with significant landscaping along the front façade to soften the visual impact on the streetscape, and screen the proposed boundary fencing. The ground floor commercial component has been designed to reflect a common commercial shop front along the Johnston Street frontage, whilst ensuring the design brief for the project and end use is met.</p> <p>c) <u>Reducing continuous walls</u> The proposal does not provide any continuous walls in excess of 14 metres.</p> <p>d) <u>Amenity</u> The proposed development has been designed to reduce any adverse impacts on surrounding land uses. A Noise Impact Assessment has been prepared by <i>Tim Fitzroy & Associates</i> and is provided at Attachment 6. The NIA determined the proposed development does not result in any impacts on adjoining sensitive receivers.</p>
<p>A-9.4 Driveways and Access</p>	<p>2. Generally one (1) access per street or lane frontage is appropriate. In instances where there is ample width to the development lot, two (2) accesses may be permitted if the development has frontage to appropriately constructed and dimensioned streets or laneways.</p>	<p>Comment The proposed development provides a single access point from Johnston Street.</p>

Chapter A Residential Development

Part A-9 – Shop Top Housing

<p>A-9.5 Parking</p> <p>Car</p>	<p>Car Parking Requirements</p> <p>Residential Shop Top Housing: 1 per dwelling, plus, 1 visitor space per every 10 dwellings (or part thereof)</p> <p>Required: 5 spaces</p> <p>Commercial: Parking must be provided at the rates required for commercial development in Part B of this DCP.</p> <p><u>Commercial premises</u> 1 per 30m² (>1,000m²)</p> <p>Required: 8 spaces</p>	<p>Comment</p> <p>A total of fourteen spaces are required to service the shop top housing development and group home located on Lots 157 & 158.</p> <p>As detailed within the design plans, a total of 10 parking spaces are provided including 1 accessible space, and therefore results in a shortfall of 4 spaces. A request to vary the DCP is provided at Attachment 13, which is considered reasonable and justified having regard to the circumstances of the case and use of the subject site.</p>
	<p>Accessibility – Car Parking</p> <p>Car parking provision for mobility impaired must be provided minimum one (1) per development and located closest to the most suitable entranceway.</p> <p>Unit development must provide one (1) mobility impaired space per five (5) units, or as prescribed by most recent Australian Standards and requirements.</p>	<p>Comment</p> <p>One (1) accessible parking space are provided.</p>
<p>A-9.6 Earthworks</p>	<p>Applications involving earthworks and retaining walls must:</p> <p>(a) provide details of the extent of all cut and fill, and</p> <p>(b) where fill is greater than 600mm high provide geotechnical certification to verify the structural stability of any fill material, and</p> <p>(c) not redirect the flow of any surface water or ground water in a concentrated manner onto an adjoining property, and</p> <p>(d) be located outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and</p> <p>(e) have footings extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and</p> <p>(f) have adequate drainage lines connected to the existing stormwater drainage system for the site, and</p> <p>(g) retaining walls must be of masonry construction and have engineering certification if:</p> <ul style="list-style-type: none"> ➤ 900mm or higher in height, or ➤ if located within 900mm of a boundary, and (h) if the fill is imported to the site—be 	<p>Comment</p> <p>As detailed within the civil engineering plans provided at Attachment 8, earthworks are proposed to facilitate the development. The proposed earthworks involve both cut and fill, with a maximum cut depth of 0.6 metres, and a maximum fill depth of 1 metre. The proposal will involve cut of 35.6m³, whilst a total of 1,033.2m² of fill is proposed.</p>

Chapter A Residential Development

Part A-9 – Shop Top Housing

	free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.	
A-9.7 Overshadowing, Solar Access & Orientation	<p>Overshadowing</p> <p>(1) The proposed development must maintain adequate solar access to adjoining residential accommodation, in accordance with the provisions of this DCP for the relevant form of adjoining development.</p> <p>(2) Council may require a shadow diagram if it suspects there will be excessive overshadowing of an adjacent lot or public land.</p>	<p>Comment</p> <p>Shadow diagrams are provided within the architectural design plans demonstrating the proposed shop top housing does not result in impacts on adjoining residential developments.</p>
	<p>Solar Access</p> <p>(3) Consideration should also be given to the orientation of design elements and the location of central living rooms and open space areas within any proposed development to maximise:</p> <p>Energy Conservation - Development should orientate living areas to best maximise conservation of heat gained from solar access, and utilise predominating breezes and other natural light, wind, water occurrences to provide maximum efficiency within dwellings reducing the need for artificial energy usage.</p> <p>Sunlight Infusion - Important daytime living areas within a dwelling should be orientated toward the northernmost areas of the design to provide warmth and light.</p> <p>Solar Power Generating Equipment - North-facing roofing should have consideration for the ideal slope, surface area, orientation and structural integrity to facilitate the immediate or possible future installation of Solar Power receptacles (Solar Hot Water Systems and Photovoltaic Cells).</p>	<p>Comment</p> <p>The residential units have been designed to provide solar access to each unit. A Basix Certificate is provided at Attachment 12, demonstrating compliance with energy efficiency requirements.</p>
	<p>Orientation</p> <p>(4) The proposed development should be orientated in a way to benefit street and front yard surveillance (as satisfying CPTED principles, see below). The orientation of the development should also have regard for the other existing elements within the streetscape, and the way and style in which they are orientated.</p>	<p>Comment</p> <p>The development is orientated to both the Johnston Street frontage and has been designed with regards to CPTED principles.</p>
A-9.8 Safety & Security	Safety considerations and principles are particularly important for residential design. Safety and security considerations are	Refer to Section 4.3.9 .

Chapter A Residential Development		
Part A-9 – Shop Top Housing		
	referred to as Crime Prevention Through Environmental Design (CPTED) and are outlined in detail in Chapter – I-10.	
A-9.9 Additional Notes & Provisions	Prior to construction, a dwelling must have a Waste Management Plan submitted and approved in accordance with Richmond Valley Council Waste Minimisation and Management Policy.	A Waste Management Plan has been prepared by HMC Environmental Consulting Pty Ltd and is provided at Attachment 11 .

4.3.5 Part A-10 Seniors Housing & Affordable Housing

Part A-10 of the Richmond Valley DCP provides guidance for Seniors Housing & Affordable Housing within the Richmond Valley Local Government Area. Part A-10 outlines the relevant State Environmental Planning Policies and other sections of the DCP including Part I-3 that are applicable to Seniors Housing and Affordable Housing.

In this regard, **Section 4.4.2** provides an assessment against the relevant provisions of State Environmental Planning Policies (Housing), whilst **Section 4.3.9** provides an assessment against Part I-3 of the DCP.

4.3.6 Part B Commercial Development

The relevant parts of Part B Commercial Development of the Richmond Valley Development Control Plan 2021 are discussed below within **Table 15**.

Table 15: Part B Commercial Development

Chapter B Commercial Development		
A-9-1 Height of Buildings	The maximum building height at the site is 8.5 metres.	Comment As detailed within Section 4.2.3 , the maximum height for buildings on the subject site should not exceed 8.5m (as measured from ground level existing to the highest point of the building). The proposal provides a maximum building height of 8.4 metres.
B-3 Building Setbacks	Street Setbacks Other Zones Commercial Premises ➤ See Part I-3	Refer to comments in Section 4.3.9 .
	Side and Rear Setbacks All Other Zones Commercial Premises ➤ See Part I-3	
B-4 Streetscape & Character	(1) The design of a building must relate to its locality in terms of scale, form proportions and materials; and contribute to the development of an attractive streetscape and town character. (2) Proposed commercial development of a heritage item, or adjacent to a heritage item or proposed within the Casino heritage conservation area must comply with the	Comment The proposed development has been designed in accordance with the RVDCP, other relevant standards, and to be consistent with the comments provided by Council in pre-lodgement meetings. The proposal provides an architecturally designed building, which incorporates a

Chapter B Commercial Development

	<p>applicable heritage requirements in Part I-1 of this DCP.</p> <p>(3) Commercial development, particularly in the main streets and business districts, is to be consistent with existing streetscape elements, including:</p> <ol style="list-style-type: none"> i. Overall scale and setbacks ii. Roof form and pitch iii. Materials and colour of external walls, awnings, and embellishments such as decorative detail on gable ends iv. Scale and position of windows and other architectural features v. Landscaping <p>(4) New development shall incorporate active retail or office uses and provide direct and inviting access from the street level.</p> <p>(5) For commercial premises permitted in residential areas, the street setback and landscaping is to comply with the requirements applying for residential development in the street.</p>	<p>number of materials along external walls and interesting design features.</p> <p>As detailed above, the proposal complies with the maximum building height provision and provides setbacks in excess of those required within the E1 Local Centre zone.</p> <p>As detailed above, the proposed development has been architecturally designed, and provides a number of architectural elements to provide an interesting façade.</p> <p>As detailed within the design plans, the development is provided with significant landscaping along the front façade to soften the visual impact on the streetscape, and screen the proposed boundary fencing.</p> <p>The ground floor commercial component has been designed to reflect a common commercial shop front along the Johnston Street frontage, whilst ensuring the design brief for the project and end use is met.</p>
B-5 Access & Loading	<p>(1) Vehicular access, parking and loading/unloading must comply with:</p> <ol style="list-style-type: none"> (a) Australian Standard AS2890; and (b) Council's Vehicular Accessway Policy. 	<p>Comment</p> <p>Parking and access is provided in accordance with AS2890.</p>
	<p>(2) Loading areas for new developments should be located so as to:</p> <ol style="list-style-type: none"> (a) reduce on-street loading; and (b) be freely available for use at all times. 	<p>Comment</p> <p>The proposal provides an area for loading and unloading within the subject site.</p>
B-6 Car Parking	<p>Commercial premises 1 space per 30m² (<1,000m²)</p> <p>(2) On site parking is only permitted within the street setback where it is not inconsistent with the established development pattern in a commercial centre, and the landscaping requirements outline in this chapter are achieved.</p> <p>(3) For commercial premises in the R1 General Residential Zone or the residential precincts in the RU5 Zone, on site parking within the street setback is not supported unless the landscaped area requirements outlined below can be satisfied.</p>	<p>Comment</p> <p>A total of fourteen spaces are required to service the shop top housing development and group home located on Lots 157 & 158.</p> <p>As detailed within the design plans, a total of 10 parking spaces are provided including 1 accessible space, and therefore results in a shortfall of 4 spaces. A request to vary the DCP is provided at Attachment 13, which is considered reasonable and justified having regard to the circumstances of the case and use of the subject site.</p>
B-7 Amenity	<p>(1) Development in commercial centres which has an interface with residential accommodation and other sensitive uses such as parks, childcare centres and community facilities is to be compatible with its surroundings, having regard to:</p> <ol style="list-style-type: none"> (a) the physical impacts of the development 	<p>Comment</p> <p>As detailed within Section 4.2, the subject site is zoned E1 Local Centre. The property is surrounded by commercial land uses to the west, and residential land uses to the north and east. The proposed shop top housing development</p>

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	(including noise, odour, overshadowing, view loss, privacy, traffic and parking, loading, hours of operation, constraints on development of the adjoining sites), and (b) the visual impact (whether the proposal is in harmony with the buildings around it and the character of the street).	<p>including commercial ground floor development is considered to be compatible with the surrounding uses. Notwithstanding the above, the following comments are provided with regards to the potential amenity impact on the surrounding sensitive land uses:</p> <ul style="list-style-type: none"> • Due to the separation distance between the proposed shop top housing development and existing residential dwellings, overshadowing is not considered to be an issue. • The proposed development is not considered to result in view loss issues. • A Noise Impact Assessment has been prepared by <i>Tim Fitzroy & Associates (Attachment 6)</i>, which determined the proposal would not result in impacts on adjoining sensitive receivers. • A Traffic Engineering Report has been undertaken by <i>TTM Group (Attachment 7)</i>, which demonstrates the proposal complies with the relevant requirements for traffic engineering. • The proposed shop top housing development and commercial frontage has been architecturally designed to minimize visual impacts on the streetscape.
B-8 Safety & Security	The design of any proposed development needs to demonstrate compliance with the Crime Prevention Through Environmental Design (CPTED) guidelines.	Refer to Section 4.3.9 below.
B-9 Signage	All signage intended for the development in commercial centres must be outlined within formal application for the development. Part F of this DCP relates to signage. In addition, some forms of Business Identification Signage may be carried out as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	<p>Comment</p> <p>The proposed development incorporates signage panels of uniform size and placement within the building form. The signage will relate to the ground floor commercial component only, being operated entirely by Momentum Collective. The signage is not proposed to be illuminated or include variable messaging.</p>
B-10 Landscaping	<p>A landscaping component is also required in commercial centres in situations where adjoining uses and overall built form also incorporates landscaping. Where the proposed development adjoins residential development, particularly where car parking areas are required, landscaping shall be incorporated to screen these areas from adjoining land uses</p> <p>For commercial premises permitted in residential areas, a minimum of 50% of the</p>	<p>Comment</p> <p>As detailed within the architectural plan set provided at Attachment 2, a concept landscape plan is provided which demonstrates significant landscaping along the frontage of Johnston Street forward of the proposed building and carparking area.</p>

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	street setback is to be landscaped area.	
B-11 Stormwater, Sewage & Water	<p>Stormwater</p> <p>All urban lots are required to connect or maintain adequate connection to town infrastructure where provided and have consideration for Water Sensitive Urban Design principles. All stormwater is to be directed to the street drainage system, or to an inter allotment drainage easement where available.</p>	<p>Comment</p> <p>Stormwater management for the shop top housing and group home site is detailed within the civil engineering plans provided at Attachment 8. As detailed within the civil engineering plans, stormwater management is proposed to include:</p> <ul style="list-style-type: none"> • 4x underground stormwater detention tanks, • Pit and pipe infrastructure to direct the stormwater to the existing swale within Johnston Street.
	<p>Sewage</p> <p>All greywater and toilets are required to be connected to sewer infrastructure, where provided.</p>	<p>Comment</p> <p>The proposed development will be serviced by Council reticulated sewer.</p>
	<p>Liquid Trade Waste</p> <p>Where a commercial development generates liquid trade waste, mechanisms for disposal of liquid waste must be identified as part of the development application. Approval from Council is required to discharge liquid trade wastes into the sewerage system. Refer to Council's Policy - Discharge of Liquid Trade Waste to the Sewerage System. In areas not connected to the sewerage system, the development application must also demonstrate how liquid trade waste for the proposed development will be managed</p>	<p>N/A</p> <p>As detailed within Section 3.2, the commercial space proposed as part of this development will be wholly utilised by Momentum Collective to provide services to clients and participant in their care.</p> <p>Therefore, the proposal does not result in any requirement for a liquid trade waste approval.</p>
	<p>Water</p> <p>All commercial development is required to be connected to water infrastructure, where provided</p>	<p>Comment</p> <p>The proposed development will be connected to reticulated water.</p>
B-12 Earthworks & Retaining Walls	All earthworks and retaining walls proposed for the development must be detailed within the development application.	<p>Comment</p> <p>As detailed within the civil engineering plans provided at Attachment 8, earthworks are proposed to facilitate the development. The proposed earthworks involve both cut and fill, with a maximum cut depth of 0.6 metres, and a maximum fill depth of 1 metre. The proposal will involve cut of 35.6m³, whilst a total of 1,033.2m² of fill is proposed.</p>
B-13 Garbage Waste & Storage	<p>A garbage and waste storage area for recyclable and non-recyclable waste materials and receptacles for those materials must—</p> <p>(a) be provided as part of the development, and</p> <p>(b) be located entirely within the lot on which the development is being carried</p>	<p>Comment</p> <p>A Waste Management Plan has been prepared by HMC Environmental Consulting Pty Ltd and is provided at Attachment 11.</p>

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	<p>out and not on a road or road reserve, and</p> <p>(c) comply with the following appendices in the document entitled Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities (ISBN 978-1-74293-944-5), published by the NSW Environment Protection Authority in December 2012</p>	
B-14 Natural Hazards and Constraints	<p>Any development application shall consider the constraints of the land, including:</p> <ul style="list-style-type: none"> • Flooding • Acid sulfate soils • Contaminated Lands 	<p>Comment</p> <p>The subject site is mapped as containing flood prone land. The proposal has been designed to comply with the minimum habitable floor level requirements.</p>
B-15 Development over Roads	<p>Commercial Development often incorporates some form of development over public roads. This development may be in the form of Footway Activities (kerbside dining, footpath trading, erection of signage), erection of awnings and verandahs, flagpoles etc.</p>	<p>Comment</p> <p>The proposed development does not involve any works over public roads.</p>

4.3.7 Part F – Signage

Business identification signage forms part of the overall development as outlined in **Section 3.8** of this report. Two signage panels are provided within the elevation of the ground floor commercial component of the proposed shop top housing development. The signage will relate entirely to the ground floor commercial development, which will be operated by Momentum Collective.

In response to the controls applicable to Clause F.4 the following comments are provided:

All Signage Types & Wall Signs

- The signage will relate to the proposed commercial component of the shop top housing development;
- The signage is not considered to detract from the amenity or visual qualities of the streetscape and is consistent with existing signage in the area;
- The proposal will not obscure an architectural element of the building;
- The proposal relates to signage banner on the southern elevation;
- The sign will not be attached to a vehicle;
- The signage is not proposed to be illuminated;
- The signs will be wholly contained within the allotment and not located over a footpath;
- The signs will be attached to the building;
- The sign will not exceed 25% of the wall area.

4.3.8 Part H Natural Resources and Hazards

The relevant parts of Part H Natural Resources and Hazards of the DCP are discussed below within **Table 16**.

Table 16: Part H Natural Resources and Hazards

Element	DCP Requirement	Comment
Part H-1 Flood planning		
H-1.3 – Flood planning level		
C3	All development at or below the FPL must take into account flood hazards in the area, thereby reducing the risk to life and lowering the health, social and psychological trauma associated with flooding, a greatly reducing property damage. Additional requirements exist for more critical development.	Complies. The subject site is identified as being affected by the 1 in 100 year flood event. The proposed development has been designed to provide floor levels at or above the minimum habitable floor level requirements.

4.3.9 Part I Other Considerations

The relevant parts of Part I Other Considerations of the Richmond Valley Development Control Plan 2021 are discussed below within **Table 17**.

Table 17: Part B Commercial Development

Chapter I Other Considerations		
Part I-3 Building Setbacks		
I-3.3 Street Setbacks	<p>E1 Local Centre Shop Top Housing, Seniors Living, Boarding Houses</p> <ul style="list-style-type: none"> ➤ Zero—where located above ground floor commercial development, else ➤ 6 metres <p>All other development</p> <ul style="list-style-type: none"> ➤ Zero 	<p>Comment</p> <p><u>Shop top housing:</u> A setback of 2.75 metres is provided to the ground floor, whilst a setback of 3 metres is provided to the first-floor residential component.</p> <p><u>Multi Dwelling Housing (Infill Affordable Housing)</u> A setback of 5.5 metres is provided to Clark Street, whilst a setback of 3 metres is provided to Johnston Street.</p> <p><u>Group Home</u> The group home is located in the rear of the site behind the shop top housing development.</p>
I-3.4 Side Boundary & Rear Boundary Setbacks	<p>E1 Local Centre Shop Top Housing, Seniors Living, Boarding Houses See Part A – Residential Development</p> <p>All other development</p> <ul style="list-style-type: none"> ➤ Zero 	<p>Comment</p> <p><u>Shop top housing:</u> A side setback of 1.5 metres is provided to the nearest property boundary (east)</p> <p><u>Multi Dwelling Housing (Infill Affordable Housing)</u> A side setback of 1.5-2 metres is provided to the side property boundaries.</p> <p><u>Group Home</u> A setback of 1.5-2 metres is provided to the side and rear boundary.</p>

Chapter I Other Considerations		
Part I-4 Car Parking Provisions		
I-4.3 General Car Parking Rates	Lots 155 & 156 – Clark Street	
	<p><u>Infill Affordable Housing</u> as per Housing SEPP 2021</p> <p>Section 18(G) (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or</p> <p>Required: 6 spaces</p>	<p>Comment 6 spaces</p> <p>Including one (1) accessible space.</p>
	Lots 157 & 158 – Johnston Street	
	<p>Shop top housing 1 per dwelling, plus 1 visitor space per 10 dwellings</p> <p>Required: <u>5 spaces</u></p> <p>Commercial premises 1 per 30m2 (>1,000m2)</p> <p>Required: <u>8 spaces</u></p> <p>Group home 1 per 10 beds, plus 1 per 2 supervisors or carer</p> <p>Required: <u>1 space</u></p> <p><u>Total required: 14 spaces</u></p>	<p>DCP variation request 10 spaces provided.</p> <p>As detailed within Section 3.4.2 above, a total of 14 parking spaces are required for the shop top housing and group home development. As detailed within the attached architectural design plans, a total of ten (10) parking spaces are provided at the site, and therefore a request to vary the Development Control Plan is provided at Attachment 13. The variation is considered reasonable and justified having regard to the circumstances of the case and use of the subject site, with the following justification provided:</p> <ul style="list-style-type: none"> • The proposal provides a total of 246m² of gross floor area for the ground floor commercial component of the shop top housing development. In accordance with the DCP, this generates required parking of 8 spaces. • Having regard to the use of the commercial component, being entirely utilised for Momentum Collective to provide their current services and managed the operation of the site, it is considered the provision of 8 parking spaces is excessive. • Additionally, a significant portion of the ground floor commercial area provides communal space / kitchen / kids space etc. that would be used intermittently when clients first come to the site, and by residents of the upstairs residential development, and rear group home. As a result, in these instances, the users of the downstairs spaces would utilise the compliant parking provided for the residential components of the development.
Part I-7 Noise Impact Assessment		
I-7.4 Determining what NIA is required	<p>Development types which will require an extensive and comprehensive degree of Noise Impact Assessment accompanying the application:</p> <p>➤ Any other development Council's Planning or Environmental Health Officers interpret to likely present</p>	<p>Comment A Noise Impact Assessment has been undertaken by <i>Tim Fitzroy & Associates</i> and is provided at Attachment 6. Refer to Section 4.5 below.</p>

Chapter I Other Considerations		
	comparable noise impacts to those listed above.	
Part I-9 Water Sensitive Urban Design (WSUD)		
I-9 WSUD	<ul style="list-style-type: none"> • WSUD Principles • Water Quality controls • Stormwater Generation 	<p>Comment</p> <p>Civil Engineering Plans have been prepared by <i>Manage Design Engineer Pty Ltd</i> and is provided at Attachment 8 of this report. As detailed within the civil plans, stormwater will be dealt with in the following manner:</p> <ul style="list-style-type: none"> • 8x underground stormwater detention tanks across the two sites, • Pit and pipe infrastructure to direct stormwater to the existing swale within Johnston Street.
Part I-10 Crime Prevention through Environmental Design (CPTED)		
I-10.2 CPTED Principles	<ul style="list-style-type: none"> • Territorial reinforcement • Surveillance • Access control • Space/activity management 	<p>Comment</p> <p>The proposed development has been designed having regard to CPTED principles. In this regard, the following will be provided:</p> <ul style="list-style-type: none"> • Security fencing is provided to the entirety of the development, • Access to the development will be limited to those residing in the proposed residential units, and Momentum Collective staff utilising the commercial component of the shop top housing development. Momentum Collective will manage who is permitted to access the site. • Security cameras will be provided at the entrance and within the development.

4.4 State Environmental Planning Policies

4.4.1 Introduction

Table 18 summarises the State Environmental Planning Policies which apply to the land and form of development.

Table 18: SEPP Applicability

State Environmental Planning Policy (SEPP)	Applicable
SEPP (Biodiversity and Conservation) 2021	<input checked="" type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>
SEPP (Exempt and Complying Development Codes) 2008	<input type="checkbox"/>
SEPP (Housing) 2021	<input checked="" type="checkbox"/>
SEPP (Industry and Employment) 2021	<input checked="" type="checkbox"/>
SEPP No.65 – Design Quality of Residential Apartment Development	<input type="checkbox"/>
SEPP (Planning Systems) 2021	<input checked="" type="checkbox"/>
SEPP (Precincts – Central River City) 2021	<input type="checkbox"/>
SEPP (Precincts – Eastern Harbour City) 2021	<input type="checkbox"/>
SEPP (Precincts – Regional) 2021	<input type="checkbox"/>
SEPP (Precincts – Western Parkland City) 2021	<input type="checkbox"/>
SEPP (Primary Production) 2021	<input type="checkbox"/>
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>

4.4.2 SEPP (Housing) 2021

The Housing SEPP aims to provide for a range of housing types and encourages the development of housing that meets the needs of the more vulnerable members of the community. **Table 19** below outlines the relevant standards of the SEPP and the proposal's response.

Table 19: Housing SEPP

State Environmental Planning Policy (Housing) 2021	
Chapter 2, Part 2, Division 1 – Infill Affordable Housing	Comment
16 Development to which Division applies	
(1) This Division applies to residential development if—	
(a) the development is permitted with consent under another environmental planning instrument, and	Comment Multi dwelling housing development is permitted with consent in the E1 Local Centre zone.
(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and	Comment The proposed development will be utilised for affordable housing and managed by Momentum Collective.
(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and	N/A
(d) for development on other land—all or part of the development is within 800m walking distance of land within 1 or more of the following zones or an equivalent land use zone— (a) Zone E1 Local Centre, (b) Zone MU1 Mixed Use, (i) Zone B1 Neighbourhood Centre, (ii) Zone B2 Local Centre, (iii) Zone B4 Mixed Use.	Comment The subject site is zoned E1 Local Centre.
(2) In this Division, residential development carried out by, or on land owned by, a relevant authority is taken to be used for the purposes of affordable housing.	N/A The proposal is not being undertaken by a 'relevant authority'.
(3) In this section— residential development means development for the following purposes— (a) attached dwellings, (b) dual occupancies, (c) dwelling houses, (d) manor houses, (e) multi dwelling housing, (f) multi dwelling housing (terraces), (g) residential flat buildings, (h) semi-detached dwellings, (i) shop top housing.	Comment The proposal involves multi dwelling housing for the purposes of infill affordable housing.
17 Floor space ratio	
(1) The maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an additional floor space ratio of—	Comment The RVLEP does not stipulate a Floor Space Ratio requirement for the subject site.

(a) if the maximum permissible floor space ratio is 2.5:1 or less—	
(i) if at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing—0.5:1, or	
(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Y:1, where— AH is the percentage of the gross floor area of the building that is used for affordable housing. Y = AH ÷ 100 or	
(b) if the maximum permissible floor space ratio is more than 2.5:1—	
(i) if at least 50% of the gross floor area of the building will be used for affordable housing—20% of the maximum permissible floor space ratio, or	
(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Z% of the maximum permissible floor space ratio, where— AH is the percentage of the gross floor area of the building that is used for affordable housing. Z = AH ÷ 2.5	
(2) The additional floor space ratio must be used for the purposes of affordable housing.	
18 Non-discretionary development standards—the Act, s 4.15	
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—	
(a) a minimum site area of 450m ² ,	Complies
(b) for a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling,	Complies As detailed within the architectural design plans, a total of 761m ² of landscaped area is provided within the infill affordable housing site, which results in greater than 35m ² of landscaped area per dwelling.
(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,	N/A
(d) a deep soil zone on at least 15% of the site area, where—	Complies
(i) each deep soil zone has minimum dimensions of 3m, and	As detailed within the architectural design plans, a total of 280m ² of deep soil zones are provided within the infill affordable housing site which equates to a total of 17% of the site.
(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	
(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar	Comment As detailed within the design plans provided at

access between 9am and 3pm at mid-winter,	Attachment 2 , the proposed multi dwelling housing units are provided with at least 3 hours of sunlight.
(f) for a development application made by a social housing provider for development on land in an accessible area—	N/A The subject site is not located within an accessible area.
(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, or	
(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, or	
(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	
(g) if paragraph (f) does not apply—	Comment The proposal provides 6 x 2 bedroom dwellings, requiring a total of 6 parking spaces. The proposed development provides a total of 6 parking spaces within the infill affordable housing development.
(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, or	
(ii) for each dwelling containing 2 bedrooms—at least 1 parking space, or	
(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	
(h) for development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment,	N/A Proposal does not involve residential flat buildings.
(i) 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,	N/A The proposal does not involve dual occupancies, manor houses or multi dwelling housing (terraces). Notwithstanding the Low Rise Housing Diversity Design Guide has been addressed at Section 4.3.3 of this report in accordance with the requirements of the RVDCP.
(j) if paragraphs (h) and (i) do not apply, the following minimum floor areas—	Comment The proposal involves 2 bedroom dwellings which contain a minimum floor area of 90m ² .
(i) for each dwelling containing 1 bedroom—65m ² , or	
(ii) for each dwelling containing 2 bedrooms—90m ² , or	
(iii) for each dwelling containing at least 3 bedrooms—115m ² plus 12m ² for each bedroom in addition to 3 bedrooms.	
19 Design requirements	
(1) Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy—	
(a) the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004,	The proposed infill affordable housing development is considered to be consistent with the Seniors Living Policy Urban Design Guidelines for Infill Development.
(b) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the Low Rise Housing Diversity Design Guide.	N/A The proposal does not involve dual occupancies, manor houses or multi dwelling housing (terraces). Notwithstanding the Low Rise Housing

	Diversity Design Guide has been addressed at Section 4.3.3 of this report in accordance with the requirements of the RVDCP.
(2) Subsection (1) does not apply to development to which <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> applies.	N/A SEPP 65 does not apply to this development.
(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with—	Comment The proposed infill affordable housing development is considered to be consistent with the desirable elements of the character of the area. The proposed development has been designed to reflect the residential nature of Clark Street and be sympathetic to the residences adjoining the site, and located east of the Clark Street road reserve. Significant landscaping is provided along the street frontage to soften the visual amenity of the development to the streetscape and existing dwellings.
(a) the desirable elements of the character of the local area, or	
(b) for precincts undergoing transition—the desired future character of the precinct.	Comment The subject site is not located within a ‘precinct’ undergoing transition.
20 Continued application of SEPP 65 Nothing in this Policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> to residential development to which this Division applies.	N/A SEPP 65 does not apply to this development.
21 Must be used for affordable housing for at least 15 years (1) Development consent must not be granted 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—	
(a) the affordable housing component of the residential development will be used for affordable housing, and	Comment It is understood a condition of consent will be provided on any future development consent to ensure the site is used for affordable housing for a minimum of 15 years.
(b) the affordable housing component will be managed by a registered community housing provider.	
(2) Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by, or on behalf of, a public authority.	N/A The application is not made by or on behalf of a public authority.
Chapter 3, Part 2 – Group Homes	Comment
61 Development in prescribed zones (1) Development for the purposes of a permanent group home or a transitional group home on land in a prescribed zone may be carried out—	The proposed development is within the E1 Local Centre zone which permits dwellings and multi dwelling housing in the zone, and therefore is a prescribed zone under this Part in accordance with Section 60(b).

(a) without consent if the development—	N/A
(i) does not result in more than 10 bedrooms being within 1 or more group homes on a site, and	N/A
(ii) is carried out by or on behalf of a public authority, or	N/A
(b) otherwise—with consent.	Development consent is being sought for a group home.
(2) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , Part 2.2, Division 1 applies to development carried out by or on behalf of a public authority under subsection (1)(a) and, in the application of the Division, a reference in the Division to “this Chapter” is taken to be a reference to this section.	N/A Application is not proposed by or on behalf of a public authority.
62 Determination of development applications	
(1) A consent authority must not—	
(a) refuse consent to development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home, or	The proposed development involves the construction of a group home containing 3 units. The group home will be operated and managed by Momentum Collective being an existing community housing provider in the Northern Rivers region. There is considered to be a significant community need of the group home to provide diversity of housing and safe housing choices.
(b) impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.	Noted.
(2) This section applies to development for the purposes of a group home that is permissible with consent under this or another environmental planning instrument.	Group homes are permissible with consent under the Richmond Valley LEP and under this SEPP.

4.4.3 SEPP (Biodiversity and Conservation) 2021

Chapter 4 – Koala Habitat Protection 2021

Chapter 4 of the State Environmental Planning Policy (Biodiversity & Conservation) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas.

Chapter 4 of the SEPP applies to land within a local government area identified within Schedule 2 of the SEPP. The subject site is located within the Richmond Valley Council Local Government Area, which is identified within Schedule 2 of the SEPP, and therefore Chapter 4 is applicable to the development.

4.9 Development assessment process—no approved koala plan of management for land

Richmond Valley Council does not have an approved koala plan of management for the local government area. The subject site is not greater than 1 hectare in land area, and as there is not approved KPOM, this section is not applicable to the development application. Therefore, no further consideration of the Biodiversity & Conservation SEPP is considered warranted.

4.4.4 SEPP (Sustainable Buildings) 2022

Comment: A Basix Certificate has been prepared in relation to the residential components of the development and is provided at **Attachment 12**. The proposed development provides a cost of works of greater than \$5 million. Notwithstanding, Chapter 3 of the SEPP relating to the non-residential buildings is not considered to be applicable to the development, as the cost of works for the commercial component is less than \$5 million.

4.4.5 SEPP (Planning Systems) 2021

Comment: The current application involves the construction of a shop top housing development comprising ground floor commercial space and four (4) residential units within first floor, group home comprising three (3) units being 1 and 2 bedrooms, and infill affordable housing comprising six (6) 2-bedroom units with an estimated Capital Investment Value greater than \$5 million. As such, the project meets the criteria to be considered Regionally significant Development as listed in Schedule 6, Item 5, and is therefore required to be determined by the Northern Regional Planning Panel.

4.4.6 SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

The objective of Chapter 4 of SEPP (Resilience and Hazards) 2021 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 of the SEPP relates to contamination and remediation that should be considered in determining a Development Application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.

A Detailed Site Investigation has been prepared by *Easterly Point Environmental* and is provided at **Attachment 5**. The Detailed Site Investigation concluded:

Following from Easterly Point's investigation, it is apparent that some uncontrolled filling has occurred at the site. While chemical contamination was not identified, asbestos has been confirmed and appropriate management will be required during both the development stage and throughout occupation. This is likely to best be managed under the requirements of the WHS legislation, including the development of an asbestos register and an asbestos management plan.

While previous investigations recommended remediation based on the As detected in surficial soils (HMC 2020), Easterly Point has not been able to replicate their results, including after conducting an additional, surficial sampling program at a high sample density. Therefore, Easterly Point considers that the previously reported arsenic (and copper) in surface soils were an artefact of sampling, rather than related to actual site contamination. As no other contaminants beyond bonded asbestos have been identified, Easterly Point does not consider that a duty to report exists, but rather that the site should be managed under the WHS framework in regard to asbestos.

The site is considered to be suitable for the proposed development, noting that appropriate management should be incorporated into the site development and use, as recommended

herein. If unexpected findings are detected which are contrary to the current finding, appropriate controls and management should be conducted, and these should be specified in an unexpected findings protocol developed for the site.

It is therefore recommended that specific management protocols be developed for the development and ongoing use of the site, and that these include:

- a construction environmental management plan (CEMP) for any development;*
- an unexpected findings protocol (UFP) for incorporation into the CEMP, and any ongoing site management documentation; and*
- an asbestos register and an asbestos management plan (AMP).*

4.4.7 SEPP (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

Division 5 – Electricity Transmission or Distribution

Section 2.48 – Determination of development applications – other development

This Section states:

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out—

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is—

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

Comment: As illustrated below, the site is currently serviced by overhead power connection, within the Clark Street and Johnston Street Road reserves. The proposal requires the relocation of a slay wire to facilitate the construction of the new driveway from Clark Street. In such circumstances, it is assumed that the application will be referred to Essential Energy

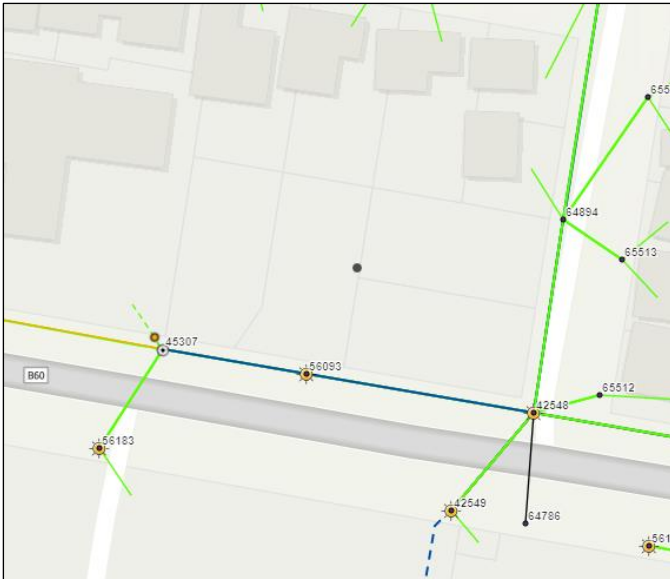


Plate 11: Essential Energy Network

All works will be completed in accordance with applicable Australian Standards and Essential Energy requirements.

Division 17 – Roads & Traffic

Section 2.122 – Traffic-generation development

Comment: The current application does not meet the triggers requiring referral of the application to the NSW RMS.

4.4.8 SEPP (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

Comment: Chapter 3 of the Industry & Employment SEPP applies to all signage, which can be displayed with or without development consent, under an Environmental Planning Instrument and is visible from any public place or public reserve. The Chapter’s aims and objectives seek to ensure signage is compatible with the desired amenity and visual character of an area.

The current proposal seeks consent for a signage panel for business identification signage located on the southern elevation of the proposed commercial component of the shop top housing development. The following table provides an assessment of the proposed signage against Schedule 5 of the Industry & Employment SEPP.

Table 20: Schedule 5 of Industry & Employment SEPP

Assessment Criteria	Comment
<p><u>Character of the Area</u></p> <ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage is compatible with the existing and future desired character of the area in the following ways:</p> <ul style="list-style-type: none"> • The scale and location of the proposed signage has been designed to provide an integrated and professional signage outcome for the site. • The signage will be directly compatible with the architectural form of the building.

	<ul style="list-style-type: none"> The signage is proportionate to the building façade on which it is proposed to be placed.
<p><u>Special Areas</u></p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<ul style="list-style-type: none"> The site is not located in a 'special precinct'. The proposed signage is located on the southern elevation and is orientated towards the front of the property facing Johnston Street within a commercial zoned site.
<p><u>Views and Vistas</u></p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<ul style="list-style-type: none"> The proposed signage is located on the façade of the proposed development and therefore do not compromise or obscure any important views. The proposal does not affect the viewing rights of other advertisers.
<p><u>Streetscape, Setting and Landscape</u></p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? 	<ul style="list-style-type: none"> The signage is appropriately scaled relative to the size of the proposed building. The signage relates to the proposed commercial portion of the shop top hosing development only which will be utilised by Momentum Collective and is not considered to generate unnecessary clutter.
<p><u>Site and Building</u></p> <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<ul style="list-style-type: none"> The dimensions of the proposed signs are appropriate given the size and overall scale of the building. The proposed signage has been appropriately positioned and proportioned to identify the principal entry points.
<p><u>Associated Devices and Logos with Advertisements and Advertising Structures</u></p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<ul style="list-style-type: none"> Any lighting and required safety devices will be concealed within the structure of the signs themselves.
<p><u>Illumination</u></p> <ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	<ul style="list-style-type: none"> The signage is not proposed to include illumination.

<p><u>Safety</u></p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<ul style="list-style-type: none"> • The proposal will not reduce the safety of users of adjacent roads, including cyclists and pedestrians, beyond what is existing. Illumination will be provided in accordance with the relevant Australian Standards.
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4.5 Noise Impact Assessment

A Noise Impact Assessment (NIA) has been prepared by *Tim Fitzroy & Associates* and is provided at **Attachment 6**. The NIA assessed the proposals impacts on surrounding sensitive receivers, as well as the impact of traffic noise from the adjoining Johnston Street road corridor on the proposed development.

In relation to noise impacts from the proposed development on surrounding sensitive receivers, the NIA determined:

As per the assumptions and variables stated, it is concluded that –

- *Noise emission levels from the expected sources at the development are predicted to meet the criteria at the closest sensitive receptors during all time periods.*
- *Mechanical plant must be acoustically screened to avoid direct line-of-sight to the neighbouring dwellings to the north or east. This may be readily achieved by positioning the plant generally as shown in Illustration 3.1.*

In relation to noise impacts on the proposed development from road traffic noise, the NIA determined:

It is concluded that –

- *A noise model has been constructed to predict the propagation of noise from Johnston and Clark Streets onto the proposed buildings. The model includes shielding effects from surrounding buildings and topography.*
- *Residential facades within the development have been assessed against the façade criteria. The majority of facades meet the criteria and no specific acoustic construction is recommended for these facades (see Table 4.4).*
- *The required traffic noise reduction levels (TNR) for the non-residential component of the development, and for the residential facades that exceed the façade criteria, have been calculated to achieve the appropriate internal noise goals. The required traffic noise reductions (TNR) are between 13 and 31 dB and construction to Category 2 and 3 under AS3671 is required (depending on the façade, see Table 4.5):*
 - *Category 2: Standard construction, except for lightweight elements such as fibrous cement or metal cladding or all-glass facades. Windows, doors and other openings must be closed. TNR of approximately 25 dB(A) is expected.*
 - *Category 3: Special construction, chosen in accordance with Clause 3.4. Windows, doors and other openings must be closed. TNR between 25 and 35 dB(A) is expected.*
- *Calculated STC / Rw ratings are presented in Table 4.5.*

It is recommended that the Rw requirements are confirmed once final detailed plans become available.

4.6 Traffic Engineering Report

A Traffic Engineering Report has been prepared by *TTM Group* and is provided at **Attachment 7**. The TIA determined:

The accesses to the development into the Johnston Street and Clark Street are compliant in accordance with Council requirements and Australian Standards. A 2-car queue space is provided for the Johnston Street crossover and a 1-car queue space is provided for the Clark Street crossover.

The proposed parking supply for the site is generally consistent with Richmond Valley Council accepted parking requirements and Australian Standards. Overall, TTM considers the proposed car parking arrangements for this development are adequate.

Assessment of the proposed development indicates that the development will not have a significant impact on the future road network. As such, no further mitigating road works are required.

Servicing for this development will be facilitated in the designated service bay between entry gate and the property line of Core & Cluster Housing. The largest design vehicle, a service van, can manoeuvre on site in order to enter and exit in a forward gear. Overall, the proposed service vehicle arrangements are considered adequate to meet the needs of the proposed development.

The current public transport infrastructure and proposed site provisions for pedestrian/bicycle facilities is considered adequate for the development.

Based on the assessment contained within this report, TTM see no traffic engineering reason why the relevant approvals should not be granted.

4.7 Air Quality Assessment

An Air Quality Assessment has been prepared by *Contamination Site Investigation Australia Pty Ltd* and is provided at **Attachment 9**. The Air Quality Assessment determined:

CSI Aus has undertaken an Air Quality Assessment that has focused on the potential contaminates arising from the sale of fuel on the neighbouring property. There are no onsite sources of contamination or airbourne pollutants. A desktop review of previous consultant reports and a site visit did not identify previous 'high risk' activities on the site that are likely to have contaminated surface soils or pose a risk to air pollution. Analytical results from air samples collected around the site did not report any exceedances of the human health criteria for residential use or commercial use. The distance between source and receptor is considered to be sufficient for local village land use and the proposed development.

Additional investigation of the site for contamination or air quality is not considered to be warranted and the land is as usable as any other parcel in an urban area with similar zoning.

4.8 Biodiversity Conservation Act 2016

As shown in **Plate 12** below, the subject site is not mapped on the Biodiversity Values Map.



Plate 12: Biodiversity Values Map

In accordance with the Biodiversity Conservation Act 2016, the subject site is provided a clearing threshold of 0.25 hectares. As detailed within **Section 3.7** above, the proposal requires the removal of a single existing Forest Red Gum located within existing Lot 156. An Ecological Assessment has been prepared by *Blackwood Ecological Services* and is provided at **Attachment 10**.

As detailed within the Ecological Assessment, *the proposed vegetation clearing will not exceed the area clearing threshold trigger or the Biodiversity Values map trigger.*

The Threatened Species 'test of significance' is a requirement to be undertaken for local developments below the biodiversity threshold to consider threatened species, ecological communities, and their habitats, through the development assessment process. Following an assessment of site habitats, the proposed development is considered highly unlikely to have a significant impact on any Threatened species or communities.

The Biodiversity Assessment Method (BAM) will not need to be applied.

4.9 Waste Management Plan

A Waste Management Plan has been prepared by HMC Environmental Consulting Pty Ltd and is provided at **Attachment 11**. The WMP determined during construction of the development, the following waste storage bins would be required:

- 1 x 6m³ skip bin for general waste (includes site office)
- 1 x 10m³ skip bin for co-mingled building waste to be sorted at facility.

At occupation stage, the WMP determined the following communal waste storages bins will be required:

Waste Type	Proposed Receptacle Size
General Waste	1 x 660L MGB serviced weekly 1 x 240L MGB serviced fortnightly
Co-Mingled Recycled Waste	1 x 660L MGB serviced weekly
Organic Waste	1 x 240L MGB serviced weekly

4.10 Section 4.15 Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of this application.

Table 21: Section 4.15 Matters for Consideration

S4.15 Matters for consideration	Response
(a) the provisions of: (i) any environmental planning instrument;	All relevant provisions of the Richmond Valley Local Environmental Plan 2012 have been considered within this report.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved);	No draft EPI is considered to adversely impact the application.
(iii) any development control plan;	The relevant provisions of the Richmond Valey DCP are addressed within Section 4.3 of this report.
(iiia) and planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4;	The subject land is not known to be subject to a planning agreement.
(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)	
1 Demolition of Structures	N/A
2 Land subject to a Subdivision Order	N/A
3 Dark Sky Planning Guideline	N/A
4 & 5 Application for a manor house or multi dwelling housing (terraces).	N/A
6 Residential building in Penrith City Centre	N/A
7	N/A
7A Repealed	N/A
8	N/A
(v) (Repealed)	
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;	
Context and setting	The subject land is zoned E1 Local Centre. The proposal relates to the construction of a new shop top housing development, group home and

S4.15 Matters for consideration	Response
	<p>infill affordable housing, which provides an architectural designed buildings within an existing commercial precinct of Casino. The development is consistent with the requirements of the relevant requirements of the RVLEP, DCP and SEPP and is considered to be consistent with the general development pattern in the locality. The application is supported by a number of technical reports which demonstrate the proposed development is able to be undertaken in accordance with the relevant legislation, policies and standards.</p>
<p>Access, transport and traffic</p>	<p>The proposal is consistent with the scale of development foreshadowed in Council’s planning policies and is not expected to adversely impact on the function of the local road network. A Traffic Engineering Report has been prepared by <i>TTM Group</i> and is provided at Attachment 7. The TIA determined the proposal is suitable for the location in terms of traffic engineering.</p>
<p>Utilities</p>	<p>All necessary services will be connected to the proposed development as discussed in Section 3 of this report.</p>
<p>Heritage</p>	<p>The site is not identified on Schedule 5 of the RVLEP2012 as containing an Item of Environmental Heritage.</p>
<p>Flora and fauna</p>	<p>The proposal involves removal of an existing Forest Red Gum at the site. An Ecological Assessment has been prepared by <i>Blackwood Ecological Services</i>, with further consideration provided at Section 4.8 of this report.</p>
<p>Natural hazards</p>	<p>The subject site is mapped as flood prone land. The proposed development complies with the minimum habitable floor level requirements. Further consideration is provided at Section 4.2.3.</p>
<p>Site design and internal design</p>	<p>As demonstrated within this report, the proposed development has been designed having regard to the surrounding development, architectural character of the existing Casino locality, requirements of the RVLEP, DCP and SEPP Housing. In this regard, the proposed is considered suitable for the area, and provides an architecturally designed development within an existing site in Casino.</p>

S4.15 Matters for consideration	Response
(c) The suitability of the site for the development:	
Does the proposal fit within the locality?	The proposal for the construction of shop top housing, group home and infill affordable housing development is consistent with Councils planning framework. Furthermore, the design is compatible with existing and likely future developments within the surrounding locality.
Site attributes conducive to the development?	The subject site is a vacant commercial site adjoined by commercial and residential development. The site is not mapped as bushfire prone, and is not impacted by land contamination. Flooding has been considered in the design, with the proposal complying with the minimum habitable floor level requirements. The site provides vehicle and pedestrian connection to the wider Casino locality. The proposed development has been designed to respond to the surrounding existing land uses, and architectural character of the Casino locality. The application is supported by a number of technical reports which demonstrate the proposal is able to be undertaken within minimal impact on the surrounding locality.
(d) Any submissions made in accordance with this Act or the regulations;	The proposal is compliant with the relevant legislation, as addressed within this report. Council will consider any submissions to the application as part of the assessment process.
(e) The public interest.	This project has been designed to be compatible with the existing and desired future amenity of the locality and will support the use of the land for residential and commercial purposes. In addition, the development is largely consistent with the development controls for the locality. The application is supported by a range of technical reports which demonstrate the proposals compliance with the relevant legislation, policies and standards. As such, the proposal is considered to be in the public interest.

5. Conclusion

This Town Planning report when read in conjunction with the accompanying documents successfully addresses the issues relevant to Council's assessment of this application.

In consideration of the issues and information provided, approval of the Development Application is warranted in the manner prepared, subject to the application of reasonable and relevant conditions.

The grounds for this approval are summarised below:

- The application accords with the relevant provisions of the Richmond Valley Local Environmental Plan 2012;
- The proposal adequately addresses the relevant provisions of the Richmond Valley Development Control Plan, and Section 2.4 of the Low Rise Housing Diversity Design Guide for Development Applications. A variation to the DCP in relation to carparking is provided, and is considered reasonable and justified in the circumstances of the case;
- The proposal adequately addresses the relevant provisions of the State Environmental Planning Policy (Housing) 2021;
- The proposal has been designed to accord with the building form and scale of surrounding development in the area; and
- The proposal is considered to be in the public interest.



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