

# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

17-21 Wardell Road, Alstonville NSW 2477

April 2024





# Acknowledgement of Country

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

Published by Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

First published: March 2024

Department reference number: D24/607496

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Homes NSW

Postal address: Locked Bag 5022, Parramatta NSW 2124

[www.nsw.gov.au/homes-nsw](http://www.nsw.gov.au/homes-nsw)

ABN 24 960 729 253

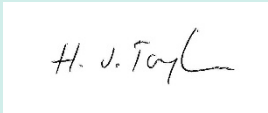

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The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by NSW Land and Housing Corporation (LAHC).

No	Date	Version	Change since last version	Pages
1	6.03.2024	1	Not applicable – initial version	-
2	9.04.2024	2	Various changes	All

## DOCUMENT SIGN-OFF


REF prepared by:	
Having prepared the Review of Environmental Factors: <ul style="list-style-type: none"><li>I have declared any possible conflict of interests (real, potential or perceived) to the A/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.</li><li>I do not consider I have any personal interests that would affect my professional judgement.</li><li>I will inform the A/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.</li></ul> Name: Howard Taylor Designation: Senior Planner, Homes NSW Signature:  Date: 9.04.2024	
REF reviewed and endorsed by:	
I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading. Name: Carolyn Howell Designation: Manager, Planning & Assessment, Homes NSW Signature:  Date: 12.04.2024	
REF authorised for issue by:	
Having authorised the issuing of this Review of Environmental Factors: <ul style="list-style-type: none"><li>I have declared any possible conflict of interest (real, potential or perceived) to the A/ Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.</li></ul>	

- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/ Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

Name: Ambrose Marquart

Designation: Acting Director, Portfolio Services, Homes NSW

Signature:



Date: 19.04.2024

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# 1 Executive Summary

The subject site is located at 17-21 Wardell Road, Alstonville, and is legally described as Lots 6, 7 & 8 in Deposited Plan 35468. The proposed seniors housing development is described as follows:

*Demolition of existing dwellings and structures, tree removal, and the construction of a 1 and 2-storey seniors housing development containing 7 x 1 bedroom and 6 x 2 bedroom independent living units, with associated landscaping and fencing, surface parking for 10 cars, and consolidation into a single lot.*

The proposed activity is in a prescribed zone and seniors housing is permitted on the land under the *Ballina Local Environmental Plan 2012* (BLEP 2012). Therefore, the proposed activity can be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 3, Part 5, Division 8 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Pursuant to Clause 108B of the Housing SEPP, the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108 have been considered and the proposed activity does not result in more than 40 dwellings on the site and does not exceed 9.5 metres in height.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument and is therefore permitted without consent under the provisions of Section 42(2) of the Housing SEPP.

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

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration *Good Design for Social Housing* and *NSW Land and Housing Corporation Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Ballina Shire Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts and
- Ballina Shire Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 24 November 2023.

Comments on the responses are provided in Section 7.1 of this REF. One submission was received from an occupier of adjoining land. Comments on the submission are provided in Section 7.2 of this REF.

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

### **State Environmental Planning Policy Amendment (Housing) 2023**

On 14 December 2023, amendments were made to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as *State Environmental Planning Policy Amendment (Housing) 2023*.

Clause 8(2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under sections 43A(1)(b)(i) and 108C(1)(b)(i) before the amending policy was made and further that the activity is determined before 20 December 2024. This activity for seniors housing satisfies both requirements and therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before *State Environmental Planning Policy Amendment (Housing) 2023* was made.

## 2 Introduction

This REF under Part 5 of the EP&A Act is for an activity involving the demolition of existing dwellings and associated structures, tree removal, and the construction of a 1 and 2-storey seniors housing development containing 7 x 1 bedroom and 6 x 2 bedroom independent living units, with associated landscaping and fencing, surface parking for 10 cars, and consolidation into a single lot at 17-21 Wardell Road, Alstonville.

The activity<sup>1</sup> will be carried out by, or on behalf of, LAHC and is considered '*development without consent*' under the Housing SEPP.

This REF has been prepared by LAHC to satisfy the provisions of Part 5 of the EP&A Act and Part 8 of the EP&A Regulation.

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

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### 2.1 Purpose of this Review of Environmental Factors (REF)

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Section 171 of the EP&A Regulation by:

- describing the existing environment;
- describing the proposed activity;
- analysing the potential impacts of the activity on the environment;
- identifying measures to mitigate those impacts;
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment; and
- recommending identified requirements to ensure the mitigating measures are implemented if the activity were to proceed.

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### 2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the BLEP 2012;
- it was determined that seniors housing is 'permitted with consent' in the R3 Medium Density Residential zoning pursuant to the BLEP 2012, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a site visit, desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by LAHC to determine the suitability of the site for the proposed

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<sup>1</sup> Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the EP&A Act.

development activity, particularly taking into account the existing site conditions, constraints and local context;

- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the REF; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

## 3 Existing Site & Locality

### 3.1 Existing Site and Immediately Adjoining Development

The site is located in the Ballina local government area (LGA) and comprises 3 residential allotments. A location plan is provided at **Figure 1**.

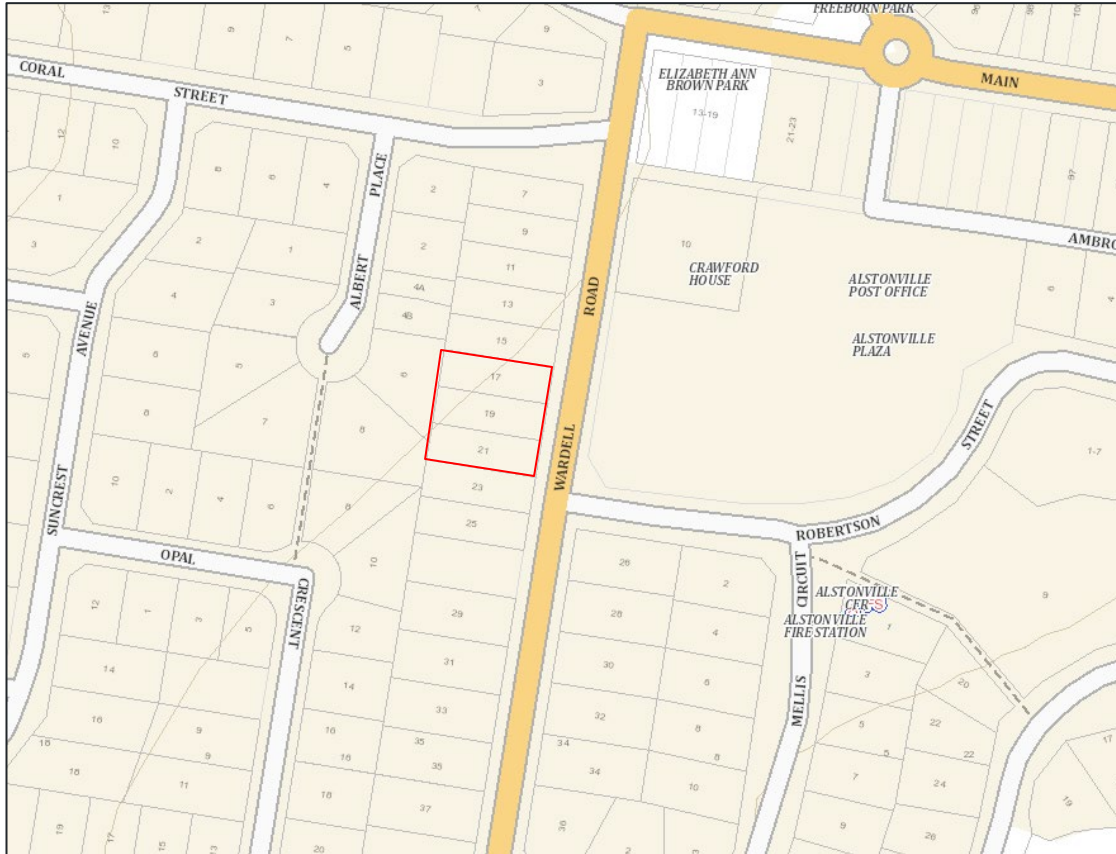


Figure 1 Location Plan (Source: SIX Maps)

The site is currently occupied by 3 single storey brick dwellings, 2 with tiled roofs and 1 with metal roof (refer to photographs at **Figure 2 – Figure 4**).





Figure 2 Development site – 17 Wardell Road (Source – BRS November 2023)



Figure 3 Development site – 19 Wardell Road (Source – BRS November 2023)





Figure 4 Development Site – 21 Wardell Road (Source – BRS November 2023)

The property immediately to the north of the site (15 Wardell Road) contains a single-storey brick with tile roof dwelling house (refer photograph at **Figure 5**). The property to the south (23 Wardell Road) contains a single-storey brick dwelling with metal roof (refer to photograph at **Figure 6**).



Figure 5 Adjoining development – 15 Wardell Road (Source – BRS November 2023)





Figure 6 Adjoining development – 23 Wardell Road (Source – BRS November 2023)

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## 3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos 13711, 13712 and 13713) dated 12 January 2024 are provided in **Appendix F**.

The site has a total area of 2,086.65m<sup>2</sup> and has frontage to the western side of Wardell Road. The site is square shaped and boundaries are a uniform length of 45.72m (refer to the submitted Detail Survey Plan in **Appendix D**).

The site falls from the rear north western corner down toward the front south eastern corner approximately 3m. An easement for stormwater drainage is not required for the development.

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

Of the 37 trees on and adjoining the site, there are 30 trees, shrubs and clumps located within the site; 1 within the adjoining property, 23 Wardell Road, and 6 trees sited along the southern boundary in shared ownership.

Water, sewer, electricity and telephone facilities are available to the site (refer to the submitted Detail Plan for the location of available services at **Appendix D**). All services are located along the road alignment of Wardell Road.

The section 10.7 certificates note that the site is has a low to very low risk of instability and recommends geotechnical investigations be conducted prior to development.

There are no encumbrances on title or on the Detail Survey Plan.

### 3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of brick and weatherboard construction with tile and sheet metal roofs, interspersed with more recent 2-storey dwelling houses and medium density developments (refer to photographs at **Figures 7 to 12**).



**Figure 7** More recent one and two storey multi unit development at 9 Robertson Street (east of the site) (Source – BRS November 2023)





**Figure 8** More recent one and two storey multi unit development at 14 Alston Avenue (east of the site) (Source – BRS November 2023)



**Figure 9** More recent multi unit development at 2 Norvell Grove (south of the site) (Source – BRS November 2023)





Figure 10 More recent multi unit development at 35 Green Street (northeast of the site) (Source – BRS September 2023)



Figure 11 More recent multi unit development at 45 Green Street (northeast of the site) (Source – BRS September 2023)



Figure 12 More recent two storey development at 34 Wardell Road (south of the site) (Source – BRS November 2023)

Surrounding land uses are predominantly residential with other surrounding land uses including commercial development and public open space. The site is located directly opposite the Alstonville Local Centre site comprising a Coles Supermarket, chemist, post office, takeaway food, cafes and other retail development (refer to photograph at **Figure 13**). The local centre extends to the north east of the site comprising a service station, cafes, medical services and community health centre. Elizabeth Ann Brown Park and Freeborn Park are located north east of the site approximately 100 metres and 200 metres respectively.





**Figure 13** Alstonville Local Centre (opposite the site) (Source – BRS November 2023)

Two bus stops are located on Main Street within 400m walking distance northeast of the site (refer to Detail Survey in **Appendix D**):

- Bus Stop ID 24771 (Alstonville Coach Stop, Main Street)
- Bus Stop ID 24772 (Main St before Ballina Road)

These stops are serviced by Buslines Bus Route 661. Route 661 connects Alstonville with Lismore and Ballina and is available both to and from the bus stops during daylight hours at least once each weekday. In addition, residents have access to facilities and services within Alstonville local centre, which is located within 400m walking distance of the site.

Identified Requirement (No. 76) is recommended to require the pathway upgrading identified in the Access Report and accompanying marked up survey plan to be undertaken so that the bus stops are accessible to seniors and people with a disability.

## 4 Project Description

The proposed activity can be described as follows:

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### 4.1 Demolition

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

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### 4.2 Removal of Trees

Of the 37 trees within and adjoining the site, 30 trees within the site are proposed to be removed.

Tree removal is recommended primarily to accommodate the proposed development or the individual species are recommended for removal as they are not considered to be significant or worthy of retention (refer to submitted Arboricultural Impact Assessment in *Appendix J*).

Appropriate tree plantings, including trees capable of reaching mature heights of 5m-10m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in *Appendix B*).

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### 4.3 Proposed Dwellings

The proposed housing represents a contemporary, high-quality design with 2 storey built form at the front of the site and single storey at the rear. The use of face brick for external walls and metal roof is generally consistent with the existing character of development in the vicinity.

Eight of the 13 proposed units will address Wardell Road (Units 1, 3, 7 & 8 on the ground floor and Units 4, 6, 9 & 10 on the first floor) with habitable rooms, ground floor patios and an upper-level balcony facing the street for passive surveillance.

Minor cut and fill is proposed to provide a level building platform. Retaining walls with a maximum height of approximately 1m are proposed to assist with stability of the site as shown on the Civil Plans (refer to *Appendix C*).

A variety of new landscape plantings, including trees capable of reaching a mature height of 5-10m are proposed to offset the tree removal and to enhance the appearance of the site. New plantings will consist of a mixture of native trees, shrubs and groundcovers and contribute to the streetscape.

Each unit will be provided with its own enclosed private open space area. All these spaces are directly accessible from the living areas.

A total of 10 surface car parking spaces will be provided on the site, including 3 accessible spaces.

Generally, stormwater will be collected via a series of stormwater pits and gutters on the site and connected to underground detention tank, with overflow from this tank discharged to an existing kerb inlet pit on Wardell Road. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

Metal fencing is proposed along the side and rear boundaries to a maximum 1.8m in height. To maintain privacy, an 11m long section of lattice to a maximum 300mm height is also proposed on top of the metal fence

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at the southern boundary, to a maximum combined height of 2.1m. A metal picket fence to a maximum height of 1.2m is proposed within the front setback area and to the private open space of each ground floor unit addressing the street. Horizontal metal fencing between 1.5m and 1.8m is proposed to the private open space areas of each ground floor unit addressing the internal parts of the site.

Figures 14 to 16 include extracts from the architectural plans illustrating the proposed development.

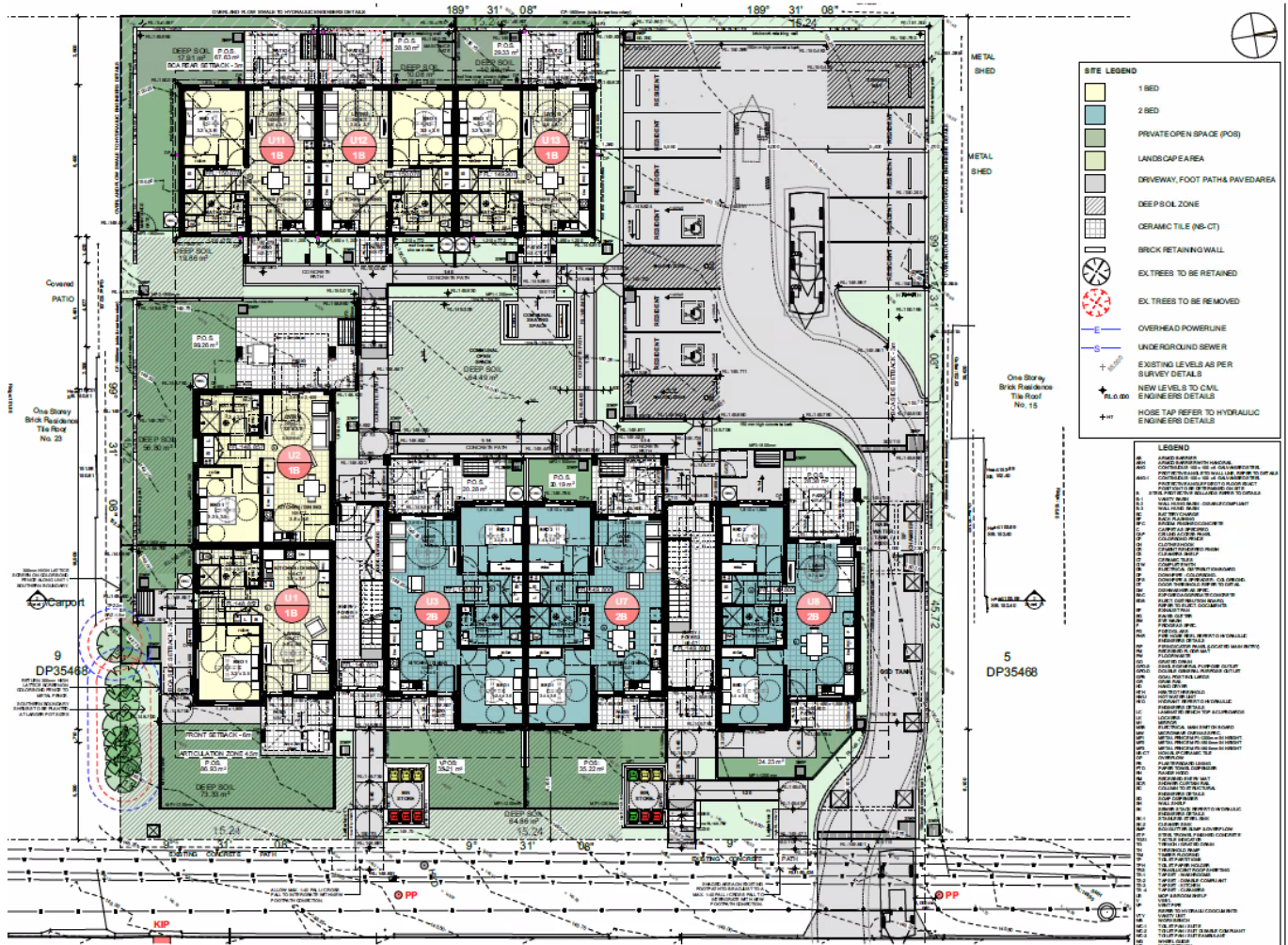
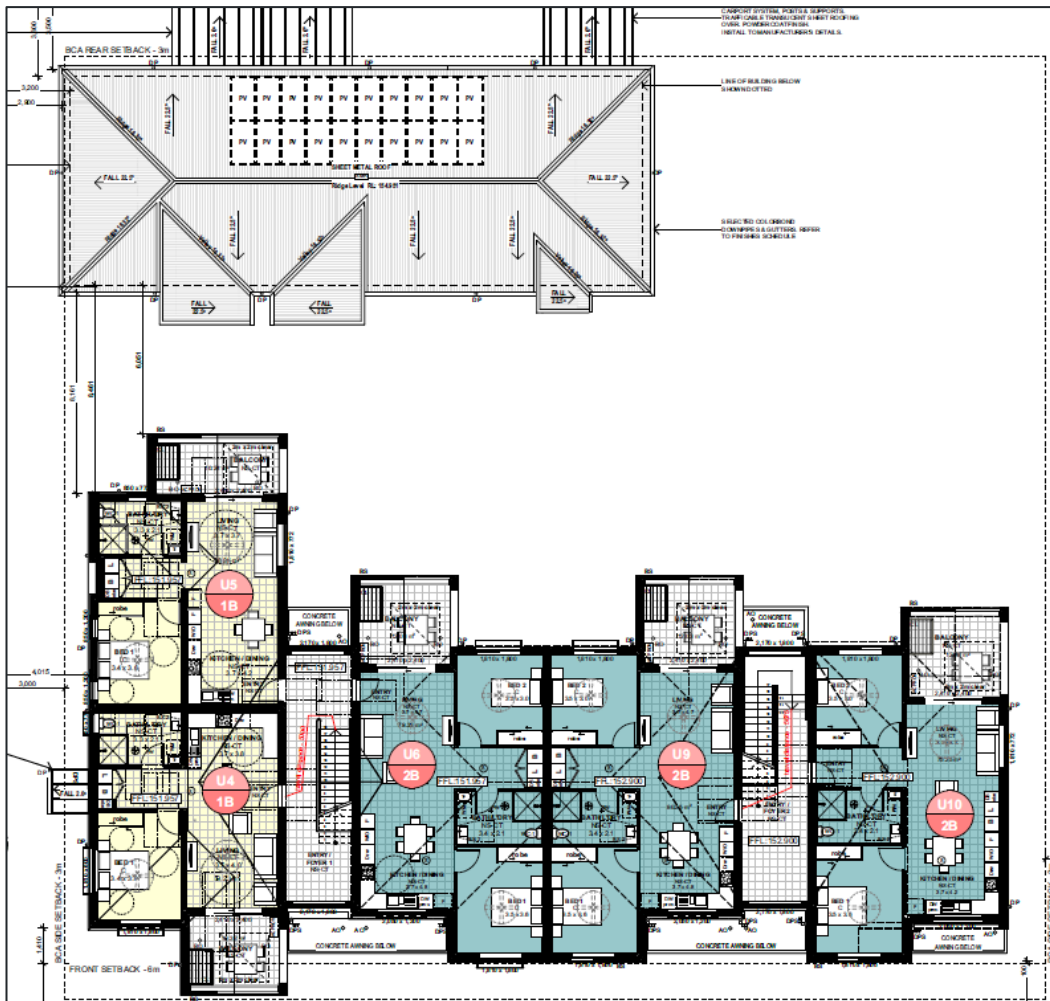


Figure 14 Site and Ground Floor Plan (Source - DTA Architects 2024)



**Figure 15** First Floor Plan (Source - DTA Architects 2024)



**Figure 16** Streetscape (Source - DTA Architects 2023)



## 4.4 Supporting information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
<b>Architectural – Appendix A</b>				
Cover Page	1 of 17	C	20.02.2024	DTA Architects
Block Analysis Plan	2 of 17	B	29.11.2023	DTA Architects
Site Analysis Plan	3 of 17	C	20.02.2024	DTA Architects
Demolition Plan	4 of 17	C	20.02.2024	DTA Architects
Development Data	5 of 17	C	20.02.2024	DTA Architects
Site and Ground Floor Plan	6 of 17	C	20.02.2024	DTA Architects
First Floor Plan	7 of 17	C	20.02.2024	DTA Architects
Roof Plan	8 of 17	B	29.11.2023	DTA Architects
Elevations	9 of 17	C	20.02.2024	DTA Architects
Elevations	10 of 17	B	29.11.2023	DTA Architects
Sections	11 of 17	B	29.11.2023	DTA Architects
Shadow Diagrams - (June 21 <sup>st</sup> 9am)	12 of 17	B	29.11.2023	DTA Architects
Shadow Diagrams - (June 21 <sup>st</sup> 12pm)	13 of 17	B	29.11.2023	DTA Architects
Shadow Diagrams - (June 21 <sup>st</sup> 3pm)	14 of 17	B	29.11.2023	DTA Architects
Shadow Elevations	15 of 17	B	29.11.2023	DTA Architects
View from Sun Diagrams	16 of 17	C	20.02.2024	DTA Architects
Perspectives	17 of 17	B	29.11.2023	DTA Architects
<b>Landscape Plan – Appendix B</b>				
Landscape Plan	1 of 1	C	15.02.2024	Ray Fuggle & Associates
<b>Civil Plans – Appendix C</b>				
Cut and Fill Plan	1 of 1	A	22.09.2023	MSL Consulting Engineers
Specification Sheet	1 of 5	E	23.02.2024	MSL Consulting Engineers
Site Drainage Plan	2 of 5	E	23.02.2024	MSL Consulting Engineers
OSD Section and Stormwater Details	3 of 5	E	23.02.2024	MSL Consulting Engineers
Stormwater Details	4 of 5	E	23.02.2024	MSL Consulting Engineers
Sediment Control Plan	5 of 5	E	23.02.2024	MSL Consulting Engineers
<b>Detail Survey – Appendix D</b>				
Detail Survey	1 of 3	2	05.09.2022	RPS Australia East Pty Ltd
Detail Survey	2 of 3	2	05.09.2023	RPS Australia East Pty Ltd
Detail Survey	3 of 3	2	01.06.2023	RPS Australia East Pty Ltd
<b>Notification Plans – Appendix E</b>				
Notification – Cover Page	N01 of 07	A	20.09.2023	DTA Architects
Notification – Site & Landscape Plan	N02 of 07	A	20.09.2023	DTA Architects
Notification – Development Data	N03 of 07	A	20.09.2023	DTA Architects
Notification – Elevations	N04 of 07	A	20.09.2023	DTA Architects
Notification – Elevations	N05 of 07	A	20.09.2023	DTA Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Notification – Schedule of Finishes	N06 of 07	A	20.09.2023	DTA Architects
Notification – Shadow Diagrams	N07 of 07	A	20.09.2023	DTA Architects
<b>Access Report – Appendix H</b>				
Access Report	22358-DA	R1.2	21.09.2023	Ai Consultancy
<b>AHIMS Web Search – Appendix I</b>				
AHIMS Search	-	-	12.10.2023	NSW Department of Planning and Environment
<b>Arborist's Impact Assessment – Appendix J</b>				
Arboricultural Impact Assessment Report	-	Version 3	05.03.2024	Arbor Ecological
<b>BASIX – Appendix K</b>				
BASIX Certificate	1372310M_03	-	19.10.2023	Greenview Consulting Pty Ltd
<b>BCA report – Appendix L</b>				
BCA Compliance Assessment 1-10	P230105	3	21.09.2023	BCA Vision
BCA Compliance Assessment 11-13	P230105	3	21.09.2023	BCA Vision
<b>NatHERS Certificate – Appendix N</b>				
Nationwide house energy rating scheme – class 2 summary	0008991880	-	19.10.2023	Greenview Consulting Pty Ltd
NatHERS Thermal Performance Specification	-	-	-	Greenview Consulting Pty Ltd
<b>Geotechnical Investigation Assessment - Appendix P</b>				
Geotechnical Investigation	22/3061	-	September 2022	STS Geotechnics Pty Ltd
<b>Waste Management Plan – Appendix R</b>				
Waste Management Plan	-	-	21.09.2023	DTA Architects
<b>Traffic and Parking Impact Assessment - Appendix S</b>				
Traffic Impact Assessment	-	2	29.08.2023	ParkTransit Pty Ltd

#### Section 10.7 Planning Certificates – Appendix F

Lot 8 DP 35468, Cert no. 13711, dated 12.01.2024 – Ballina Shire Council

Lot 7 DP 35468, Cert no. 13712, dated 12.01.2024 – Ballina Shire Council

Lot 6 DP 35468, Cert no. 13713, dated 12.01.2024 – Ballina Shire Council

#### Notification letters & consultation – Appendix G

#### Design compliance certificates – Appendix M

Architect's Certificate of Building Design Compliance, dated 22.09.2023 – DTA Architects

Certificate of Landscape Design Documentation Compliance, dated 22.09.2023 – Ray Fuggle & Associates

Certificate of Civil Design Documentation Compliance, dated 22.09.2023 – MSL Consulting Engineers Pty Ltd

#### Housing for Seniors Checklist – Appendix O

Seniors Living Urban Design Guidelines, LAHC Design requirements & Good design for social housing, prepared by DTA Architects, undated.

## **Titles and Deposited Plans – Appendix Q**

Title Search, Folio: 6/35468, Search date 23.07.2021, First Schedule: New South Wales Land and Housing Corporation

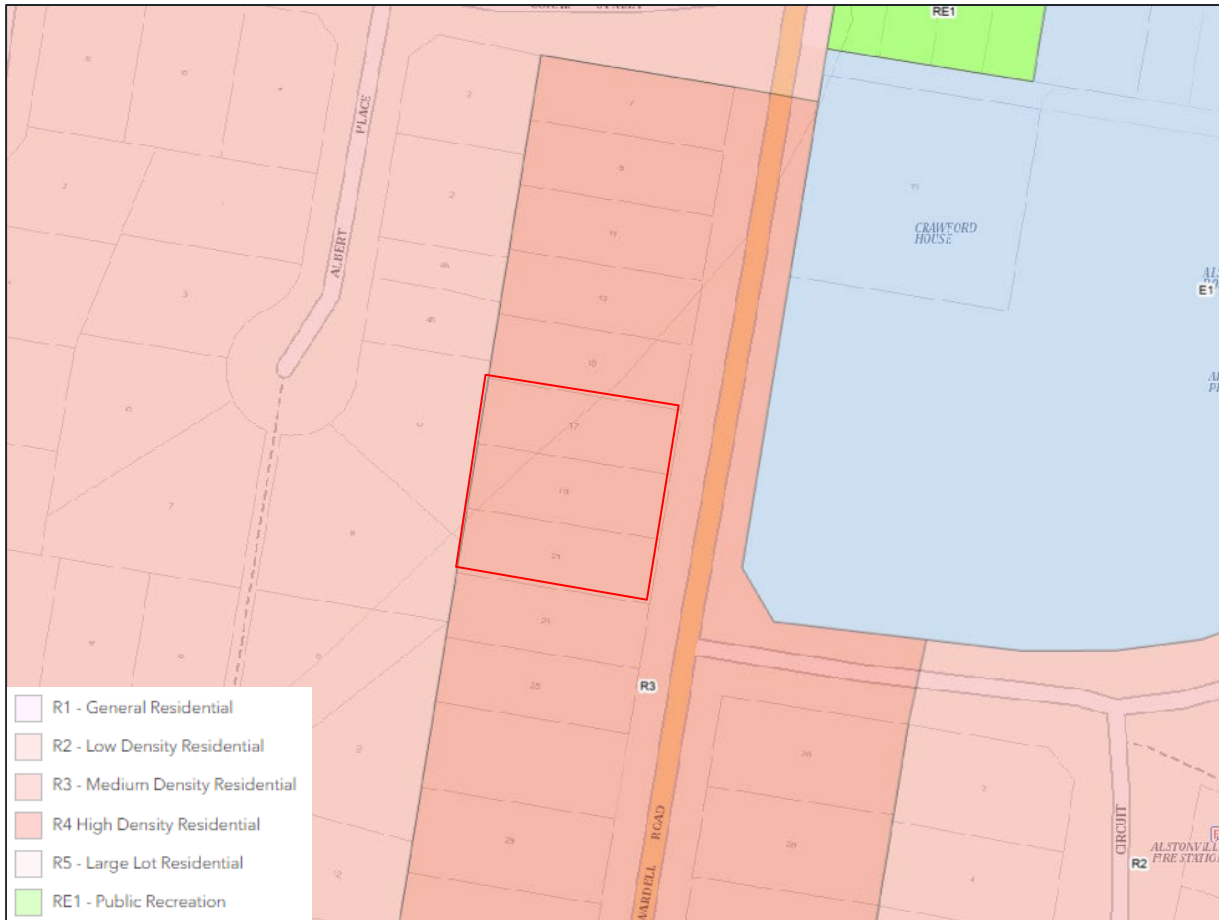
Title Search, Folio: 7/35468, Search date 23.07.2021, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 8/35468, Search date 23.07.2021, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 35468, Search Date 23.07.2021

## 5 Zoning and Permissibility

The site is zoned R3 Medium Density Residential under *Ballina Local Environmental Plan 2012* (BLEP 2012) (**Figure 17**). The proposed development is defined as ‘seniors housing’ under the provisions of BLEP 2012 and is permitted with consent in the R3 zone.



**Figure 17** Extract of Land Zoning map (Source - eSpatial Viewer)

The relevant objectives of the R3 zone, as set out in BLEP 2012 are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To provide development that is compatible with the character and amenity of the surrounding neighbourhood.
- To encourage housing and infrastructure that supports the ageing population.
- To provide for development that meets the social and cultural needs of the community.
- To encourage development that achieves the efficient use of resources such as energy and water.

The density of the proposed development complies with that envisaged for the site under the BLEP 2012, has been sympathetically designed to fit within its context and complement the surrounding area, provides seniors housing that meets the identified needs of the community and is supported by a valid BASIX certificate. The proposal is therefore consistent with the relevant objectives of the R3 zone.

Section 108B of the Housing SEPP permits seniors housing development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. **Table 5** in subsection 6.5 of this REF demonstrates compliance with the relevant provisions of Division 8 of the SEPP.



## 6 Planning and Design Framework

### 6.1 Environmental Planning and Assessment Act 1979

#### 6.1.1 Duty to consider environmental impact [Section 5.5]

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

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

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

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<b>Sub-section 3</b> <b>Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.</b>	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ).

### 6.2 Biodiversity Conservation Act 2016 (BC Act)

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

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

### 6.3 Other Acts

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

## 6.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 3** and **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

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

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA regulation 2021.

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

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

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

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

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

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

## 6.4.2 Strategic Planning Framework

### North Coast Regional Plan 2041

The North Coast Regional Plan 2041 came into effect December 2022. The vision of the plan is to provide *healthy and thriving communities, supported by a vibrant and dynamic economy that builds on the region's strengths and natural environment*. It is a 20 year plan that identifies 20 objectives focused around the following three goals:

- Liveable, sustainable and resilient;
- Productive and connected;
- Growth Change and Opportunity.

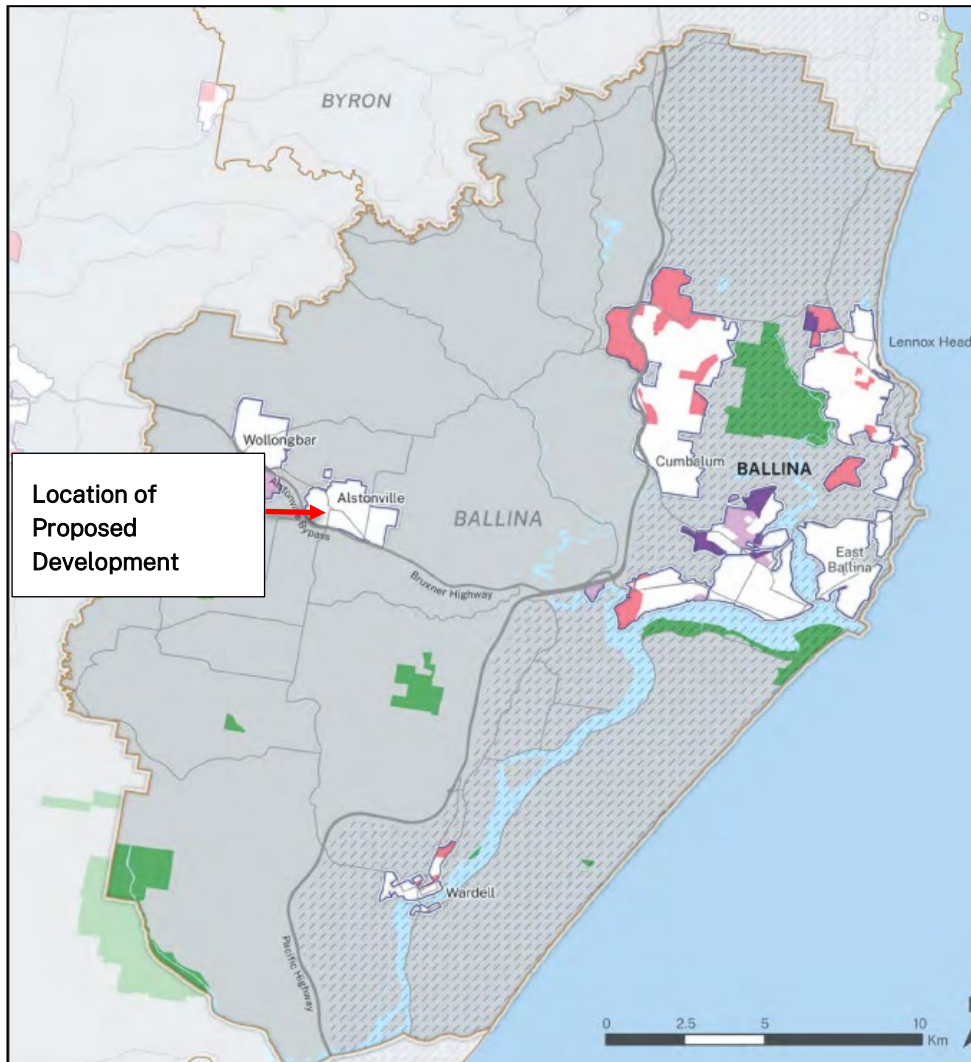
Objective 1 of the regional plan is to 'provide well located homes to meet demand' which endeavours to improve the coordination and delivery of new housing through the following strategies:

- Strategy 1.2 - Local Council plans are to encourage and facilitate a range of housing options in well located areas;
- Strategy 1.4 - Councils in developing their future housing strategies must prioritise new infill development to assist in meeting the region's overall 40% multi-dwelling / small lot housing target and are encouraged to work collaboratively at a subregional level to achieve the target.

Further, Objective 2 of the regional plan is to 'provide for more affordable and low cost housing' through the following action:

- Action 3 - Establish Housing Affordability Roundtables for the Mid North Coast and Northern Rivers subregions with councils, community housing providers, State agencies and the housing development industry to collaborate, build knowledge and identify measures to improve affordability and increase housing diversity.

The site is located within an urban growth area as depicted in **Figure 18**.



**Figure 18** Extract from North Coast Regional Plan - Urban Growth Area Map for Ballina LGA (Source - North Coast Regional Plan)

This proposal, which will expand the supply of affordable housing through the development of 13 new seniors housing units within a well located area is consistent with the objectives of the regional plan.

### **Ballina Community Strategic Plan 2022 - 2032**

The Ballina Community Strategic Plan 2022 – 2032 is a 10 year plan that establishes the communities' goals and strategies to achieve them. The plan focusses on the same focus areas as the Local Strategic Planning Statement. An outcome of the community engagement process identified that the community wanted high liveability across the Ballina Shire. The plan identified the following outcomes in response:

- Support residential development that delivers services close to home;
- Facilitate connectivity and provide affordable infrastructure; and

- Seek to provide a balance between development, natural environment and social amenity.

The proposed development for 13 seniors living units is not in conflict with the Ballina Community Strategic Plan 2022 – 2032 and will provide new affordable housing within the LGA.

### Ballina Shire Local Strategic Planning Statement 2020-2040

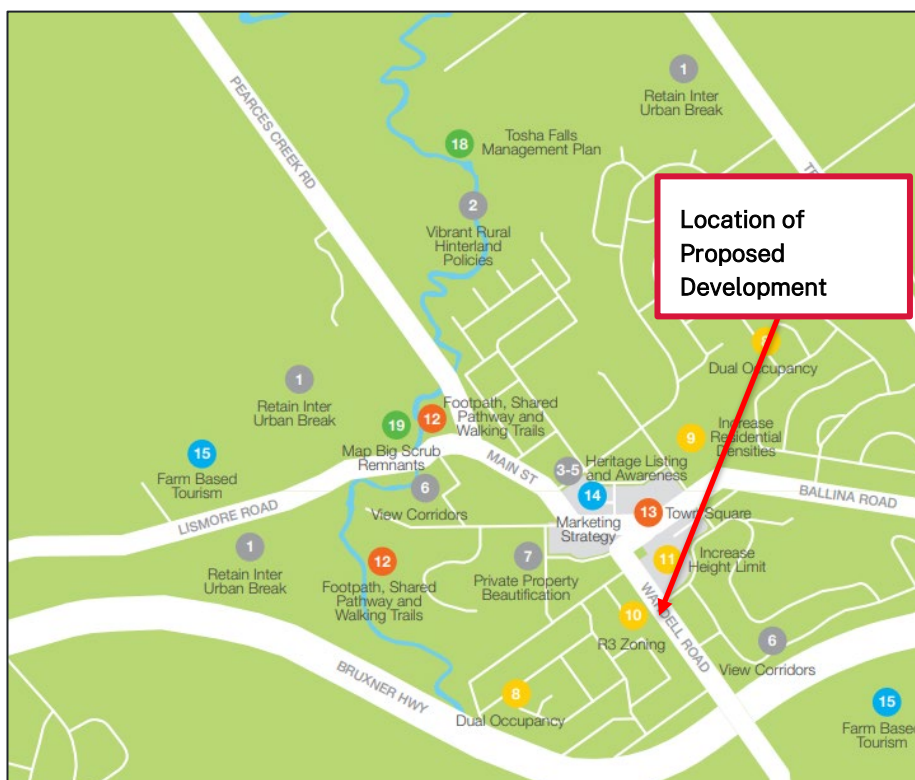
The Ballina Shire Local Strategic Planning Statement is a 20 year plan that identifies 14 Planning Priorities for the LGA, focused on connected community, prosperous economy, engaged leadership and healthy environment.

Notably, Priority 6 seeks to incorporate housing choice options including infill development when preparing placed based strategic plans.

The proposed development of 13 seniors living units is consistent with the planning priority by increasing the provision of affordable and seniors living units through infill development.

### Alstonville Strategic Plan 2017 – 2037

The Alstonville Strategic Plan 2017 – 2037 is a place based strategic plan aimed to guide future development in Alstonville. One of the 5 visions for the Alstonville Village is ‘providing new housing opportunities that are affordable and provide choice for people to meet changing life needs. In the vicinity of the proposed development, the plan seeks increased R3 zoning to allow for an increase in permitted densities, as shown in Figure 19.



**Figure 19** Extract from Alstonville Strategic Plan - Alstonville Locality Map (Source - Alstonville Strategic Plan)



### 6.4.3 Activities in catchments [Section 171A]

The site is not located within a regulated catchment as defined in Part 6.2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP). No further assessment is required.

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## 6.5 State Environmental Planning Policy (Housing) 2021

### Savings and Transitional Provisions

On 14 December 2023, amendments were made to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as *State Environmental Planning Policy Amendment (Housing) 2023*.

Clause 8(2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under section 43A(1)(b)(i) and 108C(1)(b)(i) before the amending policy was made and further that the activity is determined before 20 December 2024. This activity for seniors housing satisfies both requirements and therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before *State Environmental Planning Policy Amendment (Housing) 2023* was made.

### 6.5.1 Development without Consent

#### Demolition

The proposed activity includes demolition of existing structures on the site. Section 42(2)(a) of the Housing SEPP permits LAHC to undertake demolition as ‘*development without consent*’ provided the land the structures are located on is ‘non-heritage land’ and is not ‘identified in an environmental planning instrument as being within a heritage conservation area’. The subject site contains neither of these heritage notations and therefore demolition can be undertaken by LAHC as ‘*development without consent*’. A waste management plan has been prepared, and there are several Identified Requirements recommended in the Activity Determination which deal with site safety and environmental protection during demolition and construction.

Further, the notification requirements of section 43 of the Housing SEPP mimic those in 108C of the Housing SEPP. Details of compliance with 108C are detailed in Table 5 below.

#### Development for Seniors Housing

The Housing SEPP is very specific in terms of the matters that LAHC must consider in determining whether or not to proceed with a seniors housing development that meets the thresholds for self-approval under the SEPP. There are locational and detailed design requirements that also need to be considered. These are discussed below.

Section 108B of the Housing SEPP permits seniors housing to be carried out by LAHC as ‘*development without consent*’ subject to the provisions set out under that section.

**Table 5** Compliance with relevant provisions under Chapter 3, Part 5, Division 8 of the SEPP for ‘seniors housing development without consent’ carried out by LAHC.

Provision	Compliance
108A – Development to which Division applies This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is permissible with consent within the R3 Medium Density Residential zone under the BLEP 2012.
(b) in a prescribed zone or an equivalent land use zone.	The R3 zone is also a prescribed zone under the SEPP. Part 5, Division 8 of the SEPP therefore applies.
108B – Seniors housing permitted without development consent (1) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent if -	
(a) the relevant authority has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	Consideration of the development standards are provided in <b>Table 6</b> and <b>Table 7</b> below.
(b) the development will not result in a building with a height of more than- (i) 9.5m, or (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m and the servicing equipment complies with section 84(3) – 11.5m, and	The maximum building height of the proposal is 8.5m.
(c) the seniors housing will not contain more than 40 dwellings on the site.	The development is for 13 dwellings on the site.
(2) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> not applicable to the site or development.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
108C – Requirements for carrying out seniors housing (1) Before carrying out development to which this Division applies, a relevant authority must –	
(a) request the council to nominate a person or persons who must, in the council’s opinion, be notified of the development, and	Advice was sought from Ballina Shire Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 27 April 2023. Council provided a response on 3 May 2023 requesting 5 additional properties to be notified.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Ballina Shire Council of the proposed development activity was sent on 26 October 2023. Letters notifying occupiers of adjoining land of the proposed development activity were sent on the 24 October 2023.



Provision	Compliance
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC's notification by email dated 24 November 2023. Comments on the response are provided in Section 7.1 of this REF. One submission was received from an adjoining land owner. Comments on the submission are provided in Section 7.2 of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in <b>Appendix O</b> and subsection 6.5.3 of this REF. These conclude that the development complies with all relevant development provisions relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 6.5.3 of this report. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints, site and locality characteristics and specific LAHC design requirements and policies.
(d1) if the relevant authority is the Aboriginal Housing Office — consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable – the relevant authority is LAHC.
(e) if the relevant authority is the Land and Housing Corporation — consider the relevant provisions of — (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to subsections 6.5.4 and 6.5.5 of this REF and Certificate of Building Design Compliance in <b>Appendix M</b> which indicate that the Design Requirements have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in <b>Table 10</b> .
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.
108D - Exempt development Development for purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of a relevant authority in relation to seniors housing	Noted.
108E - Subdivision of seniors housing not permitted Development consent must not be granted for subdivision of seniors housing.	No subdivision proposed.

The Housing SEPP requires LAHC to consider the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108. Consideration of these sections of the SEPP is demonstrated in the **Table 6** and **7** below.

**Table 6** Compliance with section 84(2) (c) (iii), 85, 88, 89 of the Housing SEPP 2021

Provision	Compliance
<p>84 Development standards—general</p> <p>(2) Development consent must not be granted for development to which this section applies unless—</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted—</p> <p>(iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p>	<p>NA. Proposed development is a maximum of 2 storeys.</p>
<p>85 Development standards for hostels and independent living units</p> <p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p> <p>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.</p> <p>Note— Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the Building Code of Australia.</p>	<p>The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in <b>Table 7</b> below.</p> <p>Noted.</p>
<p>88 Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live in the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</p> <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>Identified Requirement no. 73 is recommended to achieve compliance.</p>
<p>89 Use of ground floor of seniors housing in business zones</p>	<p>NA. The proposed development is in an R3 medium density residential zone.</p>

**Table 7** Non-Discretionary standards for Independent Living units (Section 108)

Development Standard	Required	Comment
Building Height:	9.5m or less	Complies – maximum height 8.5m.

Development Standard	Required	Comment
Density and Scale:	Floor Space Ratio 0.5:1 or less	Complies – 0.48:1
Landscaped Area:	Minimum 35m <sup>2</sup> per dwelling (13 x 35m <sup>2</sup> = 455m <sup>2</sup> )	Complies – 608m <sup>2</sup>
Deep Soil Zone:	Minimum 15% of area of site (15% x 2086.66m <sup>2</sup> = 313m <sup>2</sup> )	Complies – 318.6m <sup>2</sup> or 15.2%
	Minimum 65% to be preferably located at rear of site (65% x 313m <sup>2</sup> = 203.5m <sup>2</sup> )	Does not comply.  180m <sup>2</sup> or 57.5% provided at rear of site (refer discussion below)
	Minimum dimension 3m	Complies – Minimum dimension 3m.
Solar Access:	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9am and 3pm at mid-winter	Complies.  85% (11 units) achieve 2 hours of direct solar access to their living and private open space areas between 9am and 3pm mid-winter.
Private Open Space:	Ground level:	
	Minimum 15m <sup>2</sup> per dwelling	Complies.  Minimum 28.5m <sup>2</sup>
	One area minimum 3m x 3m, accessible from living area	Complies.  Minimum 3m x 3m
	Upper level/s:	Complies.
	1 bedroom: Minimum 6m <sup>2</sup> Minimum dimensions 2m	Minimum 10.24m <sup>2</sup> Minimum 2m
	2 or more bedrooms: Minimum 10m <sup>2</sup> Minimum dimensions 2m	Minimum 12.03m <sup>2</sup> Minimum 2m
Car parking:	Minimum 1 car parking space for each 5 dwellings	Complies – 10 car parking spaces for 13 dwellings, including 3 accessible parking spaces.

## Non-Compliance with Deep Soil Zone Standard

The development proposes an overall deep soil zone of 318.2m<sup>2</sup>. The development is required to provide a deep soil zone of 313m<sup>2</sup>. Under the development standard set out in section 108(2)(f) of the Housing SEPP, 65% of the deep soil zones are to be located at the rear of the site, if practicable. In this instance, the development proposes 180m<sup>2</sup> or 57.5% to the rear of the site, representing a shortfall of 23.45m<sup>2</sup>.

The variation to the control is considered acceptable in this instance as it was not practicable to locate more deep soil zone to the rear of the site due to the requirement to provide a level building platform, which is achieved with the provision of retaining walls at the perimeter of the site that encroach into the deep soil zones.

Based on the design of dwellings to address the street, the development proposes a communal carpark at the rear, north western portion of the site. The design of a shared carpark for the development allows for one centralised access that assists in reducing the visual prominence of the car park and minimises hardstand areas. The development is therefore in keeping with the design principles contained within the *Seniors Living Policy: Urban Guidelines for Infill Development* document. Namely, the following design principles:

- 2.04 Locate the bulk of the development towards the front of the site to maximise the number of dwellings with frontage the public street;
- 2.05 Have developments more modest in scale towards the rear of the site to limit impacts on adjoining neighbours;
- 2.07 Retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape;
- 2.22 Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages.

Based on the above, the proposed development has been designed in a way that is most responsive to the site and surrounds. The development responds to the location of the land whilst reducing the bulk and scale of the development from Wardell Road allowing for high level amenity.

To further improve the amount of landscaping provided at the rear an identified requirement has been recommended to replace hardstand adjacent to the western most car space and the western side of the turning bay. Identified Requirement No. 84 requires these areas to be landscaped with suitable species consistent with the current planting schedule. The kerb is to be relocated to be adjacent with edge of the parking space and turning bay respectively.

The variation is therefore not considered to have any adverse effects on the development, adjoining development or environment. The total deep soil planting proposed exceeds the amount required and will allow for infiltration of rainwater to the water table, reduced stormwater runoff, healthy and supported growth of landscaping, management of air quality and improved residential amenity across the whole of the site.

## 6.5.1 Development Standards for Accessibility

Consideration of the development standards for accessibility set out in section 85 and Schedule 4 is demonstrated in **Table 8** below.

It should be noted that pursuant to section 85(2), LAHC is exempt from the siting standards for wheelchair access and access to common area / facilities set out below in relation to a unit or part of a unit that is located above the ground floor in a multi-storey building.

**Table 8** Accessibility and useability standards [Schedule 4]

Development Standard (Sch 4)	Required	Comment
<b>2. Siting Standards:</b>		
Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	100% of ground floor units have accessible paths of travel in accordance with AS1428.1 to the front boundary as confirmed by the access report prepared by Ai Consultancy ( <b>Appendix H</b> ).
'Sloping' sites i.e. with gradients entirely or partially >1:10	% of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater),	Not applicable as the site does not have a gradient of more than 1 in 10.

Development Standard (Sch 4)	Required	Comment
	to have wheelchair access by a continuous accessible path of travel as per AS1428.1 to driveway or public road that is accessible to all residents	
Common areas	All common areas and facilities to have wheelchair accessibility as per AS1428.1	All common areas have accessible paths of travel in accordance with AS1428.1 as confirmed by the access report prepared by Ai Consultancy ( <i>Appendix H</i> ).
<b>3. Security:</b>		
Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide min 20 lux at ground level	All lighting will be designed as per requirements at construction documentation stage (Identified Requirement No. 74 imposed to ensure compliance).
<b>4. Letterboxes:</b>		
	To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS1428.1)	Letterboxes have been provided in two locations adjacent to the Wardell Road pedestrian entries. Letterboxes are suitably located to comply with this clause as confirmed by the submitted Access Report prepared by Ai Consultancy ( <i>Appendix H</i> ).
<b>5. Private car accommodation:</b>		
Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890.6 and at least 10% of the total number of car parking spaces (or at least 1 space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8m	3 accessible car parking spaces are provided, which meet the requirements of AS2890.6. Further, an additional 2 parking spaces are capable of being widened to achieve 3.8m width. Compliance indicated as per the Access Report prepared by Ai Consultancy ( <i>Appendix H</i> ).
Garages	Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date	Not applicable, as the proposal does not incorporate garages.
<b>6. Accessible entry</b>		
Accessible entry (every entry, whether front entry or not):	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	The entry doors to all ground floor and first floor units are suitably detailed as per the submitted Access Report ( <i>Appendix H</i> ).  Threshold details will be required to be reviewed at construction documentation stage (Identified



Development Standard (Sch 4)	Required	Comment
		Requirement No. 72 imposed to ensure compliance).
<b>7. Interior: general</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Internal doorways must have a minimum clear opening that complies with AS1428.1 Internal corridors must have a minimum unobstructed width of 1,000mm Circulation space at approaches to internal doorways must comply with AS1428.1	All internal doors and corridors within each ground floor dwelling are suitably design detailed as per the access report prepared by Ai Consultancy ( <i>Appendix H</i> ).
<b>8. Bedroom</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	At least one bedroom within each dwelling must have: (a) an area sufficient to accommodate a wardrobe and a bed sized as follows: (i) in the case of a dwelling in a hostel-a single - size bed, (ii) in the case of a self-contained dwelling - a queen size bed, and (b) a clear area for the bed of at least: (i) 1,200mm wide at the foot of the bed, and (ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any other obstruction, and (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and (d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be, and (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and (f) wiring to allow a potential illumination level of at least 300 lux	The bedroom layout in each ground floor dwelling is suitably detailed for compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Report prepared by Ai Consultancy ( <i>Appendix H</i> ).  Further detailed information relating to electrical information will be required to be assessed at construction documentation stage (Identified Requirement No. 72 recommended to ensure compliance).
<b>9. Bathroom</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	At least 1 bathroom within a dwelling must be on the ground (or main)	The bathroom layout in each ground floor dwelling is suitably detailed for

Development Standard (Sch 4)	Required	Comment
	<p>floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS1428.1:</p> <ul style="list-style-type: none"> <li>(a) a slip-resistant floor surface,</li> <li>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS1428.1,</li> <li>(c) a shower that complies with AS1428.1, except that the following must be accommodated either immediately or in the future: <ul style="list-style-type: none"> <li>(i) a grab rail,</li> <li>(ii) portable shower head,</li> <li>(iii) folding seat,</li> <li>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</li> <li>(e) a double general power outlet beside the mirror</li> </ul> </li> </ul> <p>The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility</p>	<p>compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Report prepared by Ai Consultancy (<i>Appendix H</i>).</p> <p>Further detailed information relating to fixtures and fittings will be required to be assessed at the construction documentation stage (Identified Requirement No. 72 imposed to ensure compliance).</p>
<b>10. Toilet</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>A dwelling must have at least 1 toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS4299</p>	<p>Toilets in ground floor dwellings are suitably detailed for compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Report prepared by Ai Consultancy (<i>Appendix H</i>). Identified Requirement No. 72 imposed to ensure compliance.</p>
<b>11. Surface finishes</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>Balconies and external paved areas must have slip-resistant surfaces</p>	<p>Slip resistance to balconies &amp; external paved areas is readily capable of compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Report prepared by Ai Consultancy (<i>Appendix H</i>). Identified</p>

Development Standard (Sch 4)	Required	Comment
		Requirement No. 72 imposed to ensure compliance.
<b>12. Door hardware</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299	The door hardware throughout the ground floor dwellings is readily capable of compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Report prepared by Ai Consultancy ( <i>Appendix H</i> ). Identified Requirement No. 72 imposed to ensure compliance.
<b>13. Ancillary items</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Switches and power points must be provided in accordance with AS4299	The switches and power points throughout the ground floor dwellings are readily capable of compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Report prepared by Ai Consultancy ( <i>Appendix H</i> ). Identified Requirement No. 72 imposed to ensure compliance.
<b>15. Living and dining room</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A living room in a self-contained dwelling must have:  (a) a circulation space in accordance with clause 4.7.1 of AS4299, and  (b) a telephone adjacent to a general power outlet.  A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux	The living room layout in each ground floor dwelling is readily capable of compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Report prepared by Ai Consultancy ( <i>Appendix H</i> ). Identified Requirement No. 72 imposed to ensure compliance.
<b>16. Kitchen</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A kitchen in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS4299, and	The kitchen layout in each ground floor dwelling is suitably detailed for compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Report

Development Standard (Sch 4)	Required	Comment
	(b) a width at door approaches complying with clause 7 of this Schedule, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS4299: (i) benches that include at least one work surface at least 800mm in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and (d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and (e) general power outlets: (i) at least one of which is a double general power outlet within 300mm of the front of a work surface, and (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed	prepared by Ai Consultancy ( <i>Appendix H</i> ). Identified Requirement No. 72 imposed to ensure compliance.
<b>17. Access to kitchen, main bedroom, bathroom and toilet</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level	Not applicable, as dwellings are not multi-storey.
<b>18. Lifts in Multi storey buildings</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	Not applicable, as application is made on behalf of a Social Housing Provider.
<b>19. Laundry</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A self-contained dwelling must have a laundry that has:	The laundry layout in each ground floor dwelling is readily capable of compliance with this clause subject to review of the finer design details

Development Standard (Sch 4)	Required	Comment
	(a) width at door approaches that complies with cl.7 of this Schedule, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300mm, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling	at the construction documentation stage as per the Access Report prepared by AI Consultancy ( <b>Appendix H</b> ). Identified Requirement No. 72 imposed to ensure compliance.
<b>20. Storage for Linen</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299	To be detailed in the detailed design phase as per the submitted Access Report prepared by Ai Consultancy (refer to Identified Requirement No. 72).
<b>21. Garbage</b>		
	A garbage storage area must be provided in an accessible location.	Garbage storage areas are located at the front of the site, each connected by an accessible path of travel.

## 6.5.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

The *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG) (March 2004) has been prepared to assist in the design and assessment of applications for development under the Housing SEPP and is used for all Part 5 applications, excluding group homes and boarding houses.

The SLUDG outlines the design issues, principles and better practices that must be considered when designing a development for assessment under the Housing SEPP. There are 5 sections in the document, each corresponding to a key issue when designing development under the Housing SEPP. These include:

- Improving neighbourhood fit;
- Improving site planning and design;
- Reducing impacts on streetscape;
- Reducing impacts on neighbouring properties; and
- Improving internal site amenity.

Section 108C(1)(d) of the Housing SEPP requires the relevant authority to take into account the relevant provisions of the SLUDG when assessing a proposed seniors housing development under Chapter 3 Part 5, Division 8 of the Housing SEPP.

An assessment of the design of the activity against the SLUDG is provided at **Appendix O**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 9**.

**Table 9** Seniors Living Urban Design Guidelines departures



Guideline Requirement	Response
2.08 Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid block deep-soil planting?	All vegetation wholly within the site is to be removed to facilitate the proposed development. More suitable vegetation is proposed to screen and buffer the proposal from neighbouring properties and to increase privacy between residents of the development and adjoining residential development. Refer to Landscape Plan at <b>Appendix B</b> for further detail.
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	Driveways and paths are concrete to meet LAHC's maintenance and durability requirements.
3.06 Setback upper levels behind the front building façade?	Upper levels are not setback further than the front building façade to simplify construction. A mix of materials and finishes allow for a varied façade that works well within the streetscape.
3.22 Vary the alignment of driveways to avoid a 'gun barrel' effect?	Landscaping is proposed along the length of the driveway to soften and reduce the visual impact of the driveway. It is noted that car parking spaces are located to the rear behind the building to reduce visual impact.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	Driveways and paths are concrete to meet LAHC's maintenance and durability requirements. Parking is not allocated to individual units.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	Driveway gates to common parking areas are not consistent with the LAHC Design Standards for maintenance reasons.
4.03 Set upper storeys back behind the side or rear building line	Upper floors have not been setback to simplify construction.

### 6.5.3 Good Design for Social Housing

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

Clause 108C(1)(e)(i) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing* (September 2020) when assessing a proposed seniors housing development under Chapter 3 Part 5, Division 8 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Each goal is individually addressed below, and detailed responses are provided by the architect in the Housing for Seniors Checklist in **Appendix O**.

#### Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe. The floor plan design allows for future adaptation to accommodate the changing needs of tenants over time and allowing them to age in place and affect the character of the unit with their own furnishings.

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a high NatHERS rating with an average of 8.3 stars which exceeds the minimum targets set by LAHC (**Appendix M**). A photovoltaic system has

been incorporated to offset energy use in the development. PV solar panels are positioned on the north and west facing roof elevations to maximise solar gains.

Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species at ground floor level. High quality landscaping across the site will enhance the amenity for residents, and the communal open space area will encourage social interaction in a peaceful landscaped setting. Further, the proposal is within walking distance to Alstonville Plaza which may further encourage increased social interaction for residents.

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

### **Belonging**

The form and materiality of the proposed development have been selected to respond to the style and character of the local area and will make a high quality contribution to the streetscape. The use of predominantly exposed brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time.

The development has been designed to reduce bulk and scale through façade treatments, balcony projections and hip and gable roof forms.

The pedestrian entries and foyers have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces. The incorporation of lighting, visual surveillance and fencing assist in the provision of a good sense of security for residents.

The mixed unit sizing caters to the needs of a diverse range of tenants and meets the requirements for seniors housing to cater for seniors and people with a disability and their household members.

### **Value**

The development meets sustainability targets, with the development achieving an average NatHERS rating of 8.3 stars. The scheme will incorporate sustainable features including insulation, glazing, clothes lines, native plantings, ceiling fans, water efficient fittings, abundant natural light, natural cross ventilation and is a design that can be modified to accommodate the changing needs of tenants. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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

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

### **Collaboration**

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

The design and assessment process involved close collaboration with a number of stakeholders, including input from Ballina Shire Council.

## **6.5.4 Land and Housing Corporation Design Requirements**

The *NSW Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to

all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.

Section 108C(1)(e)(ii) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the LAHC Design Requirements when assessing a proposed seniors housing development under Chapter 3 Part 5, Division 8 of the Housing SEPP.

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

### 6.5.5 Housing SEPP Design Principles

The proposed activity is located in an established urban area. Known natural environmental considerations affecting the subject land, including land slip, can be appropriately managed and are not considered to pose a hazard to the development. The existing and approved uses of land immediately adjoining the proposed development is for residential purposes.

A site analysis was undertaken as part of the design process. The impact of the bulk, scale and built form is considered to be compatible with the existing uses and the future character of the area. There are services, facilities and infrastructure that will be available to meet the demands arising from the proposed activity.

The Housing SEPP articulates a range of design principles that the LAHC must consider in determining whether or not to proceed with a proposed seniors housing activity. **Table 10** below demonstrates how the principles have been considered in the design of the proposal.

**Table 10** Response to Design Principles (Part 5, Division 8)

Neighbourhood amenity and streetscape [section 99]
Seniors housing should be designed to – (a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and
N/A no residential care facility proposed.
(b) recognise the desirable elements of – (i) the location's current character, or (ii) for precincts undergoing a transition – the future character of the location so new buildings contribute to the quality and identity of the area, and
The existing character is predominantly single storey residential development of varying age and architectural style. Face brick or weatherboard clad dwellings with pitched roofs are prominent features of housing in the immediate area. Dispersed throughout the neighbourhood are more recent additions including larger two storey dwellings and medium density housing. Contemporary residential development in the locality of the proposed development is suggestive of a transition of character in the Alstonville suburb and likely future development.  The proposal is generally compatible in form, scale and character with existing and more contemporary residential development in the Alstonville locality.
(c) complement heritage conservation areas and heritage items in the area, and
The site is not located within a heritage conservation area nor are there any heritage items that adjoin the site.  However, there are two locally significant heritage items in the vicinity of the site known as 'Crawford House' (No. I27) and adjoining 'Elizabeth Ann Brown Park' (No. I12) to the north.  The proposed development is located approximately 40m south from the curtilage of the nearest heritage item (Crawford House), which is screened by significant trees. Elizabeth Brown Park directly adjoins the northern boundary of Crawford House and is generally obscured from view from the site by significant trees. As such, the proposal is not considered to impact the heritage significance of these heritage items.

(d) maintain reasonable neighbourhood amenity and appropriate residential character by –

- (i) providing building setbacks to reduce bulk and overshadowing, and
- (ii) using building form and siting that relates to the site's land form, and
- (iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and
- (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and

The development has been designed to reflect the desirable characteristics of the area which include landscaped front setbacks, prominent entry points and face brick to external elevations.

The proposed building setbacks are generally compatible with the streetscape character of the locality and are consistent with Council's DCP requirements. Orientation and location of units and spaces within the development are designed to maximise privacy and solar access to adjoining residences to minimise the proposed buildings' impact on neighbours. The proposal retains more than 2 hours solar access to the living areas and private open spaces of neighbouring dwellings in mid-winter (refer to shadow diagrams and shadow elevations in Appendix A).

The development is below the height limit permitted under the Housing SEPP and complies with the maximum height under the BLEP 2012.

The footprint of the development is stepped to follow the topography of the site and to address the access requirements for seniors housing under the Housing SEPP.

(e) set back the front building on the site generally in line with the existing building line, and

The building line is setback generally in alignment with existing development in Wardell Road.

(f) include plants reasonably similar to other plants in the street, and

The proposed landscape design incorporates substantial plantings throughout the development site which will enhance the streetscape and provide landscaped spaces for residents to enjoy. Vegetation species have been selected from Ballina Shire Council's Urban Garden Guide where appropriate, to complement existing vegetation within the surrounding locality. The scheme incorporates a mix of low maintenance ground covers, native shrubs and feature trees which will create a pleasant environment for residents and attract animal and birdlife. Larger shade trees are proposed that will grow to a mature height of 5-10m.

Extensive landscaping is proposed within the front setback of the proposal which will assist in reducing visual impact from the street. Landscaping within the side and rear setbacks will assist in reducing visual impact to adjoining residential development.

(g) retain, wherever reasonable, significant trees, and

Due to the development footprint and site constraints, 30 trees within the site are proposed for removal. As outlined above, the Arboricultural Impact Assessment (Appendix J) found that trees and shrubs to be removed are mostly landscape plantings with varying levels of maintenance and care and generally readily replaceable with new landscape plantings. Substantial replacement planting is proposed to compensate for the loss of existing vegetation. This will include 5 large (5m mature height) feature trees within the front setback and 2 large shade trees (10m mature height) in the common open space and at the eastern extent of the car park.

(h) prevent the construction of a building in a riparian zone.

The site is not located within or adjacent to a riparian zone.

#### Visual and acoustic privacy [section 100]

Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by –

- (a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

The proposed development has been designed to maintain visual and acoustic privacy to adjoining properties and within the development. Design solutions include appropriate building setbacks, building heights (single storey development at the rear of the site), dwelling layouts, placement and sizing of window openings and location of landscaping, particularly at the side and rear boundaries.

The buildings have generally been designed so that high use areas such as living rooms and private open space areas are oriented to the street or to face internally overlooking car parking spaces to reduce any overlooking into neighbouring properties and minimise privacy impacts. Where windows and balconies are proposed, adequate setbacks have been maintained and privacy screening provided to restrict direct overlooking where appropriate.

Bedrooms, where possible, are located away from driveways, parking and paths to reduce noise levels from vehicle and pedestrian movements.

Boundary fencing to a height of 1.8m will assist with mitigation of visual and acoustic impacts associated with the internal hard stand car parking. Perimeter landscaping will also act as a visual and acoustic buffer between the car parking areas and adjacent development.

#### Solar access and design for climate [section 101]

The design of seniors housing should —

- (a) for development involving the erection of a new building — provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

Of the 13 units proposed, 11 or 85% will receive a minimum of 2 hours sunlight between 9am and 3pm on June 21 to their living and private open space areas which exceeds the targets set under the Housing SEPP (refer to solar access diagrams in *Appendix A*).

Overshadowing of neighbouring properties is minimal, with adequate solar access maintained to living and private open space areas of neighbouring dwellings in mid-winter.

Solar access to the private open space of adjoining sites to the west and north are maintained throughout the day in mid-winter (Refer to shadow diagrams at *Appendix A*). Solar access to the adjoining residency to the south (23 Wardell Road) will occur throughout the day. Shadow elevations prepared for the adjoining residency confirm that solar access to the living areas will be maintained from midday to 3pm. Overshadowing to neighbouring properties is therefore considered minimal, and at least 3 hours solar access is maintained to living spaces and private open space of neighbouring dwellings in mid-winter.

Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 8.3 stars. Landscaping will also assist in microclimate management.

#### Stormwater [section 102]

The design of seniors housing should aim to —

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.

Stormwater catchment design, including on site stormwater detention and a rainwater tank, have been provided and incorporated into the design to achieve Council requirements.

Impervious surfaces have been minimised in the design where possible to reduce the potential impact from stormwater and to maximise provision of landscaping and deep soil zones. Soft landscaping has been maximised in the landscape design.

Site stormwater will be captured and drained as shown on the submitted stormwater management plans (Appendix C), with a 4kL rainwater tank provided to facilitate water re-use.

#### Crime prevention [section 103]

Seniors housing should —

- (a) be designed in accordance with environmental design principles relating to crime prevention, and
- (b) provide personal property security for residents and visitors, and
- (c) encourage crime prevention by —
  - (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and



- (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and
- (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

The principles of Crime Prevention Through Environmental Design have been applied to the design to manage the safety of residents.

Site planning provides territorial reinforcement by establishing clear entry points and boundaries through fencing and landscaping.

Central entry points to the site provide a secure progression from public to private spaces and will create a safe environment for residents. All entry points to the site and units are designed to have maximum casual surveillance over all approaches whilst not imposing on privacy, through windows and balconies etc.

Eight units address the street and provide passive surveillance of public areas as well as the pedestrian and vehicle entry points. Units have been designed to allow for general surveillance of common areas including walkways to each block, the communal car park and the communal open space area.

Ground floor unit entry doors to the building fronting Wardell Road are accessed via entry pathways from the street whilst upper storey units are accessed via shared foyers. All units will be provided with door viewers to enable residents to view approaches to their dwelling without having to open the door.

Fencing will be constructed along the side and rear boundaries, and all areas of private open space are fenced to create security and delineate between public and private spaces.

#### Accessibility [section 104]

Seniors housing should –

- (a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

Two bus stops are located on Main Street within 400m walking distance northeast of the site (refer to Detail Survey in Appendix D):

Bus Stop ID 24771 (Alstonville Coach Stop, Main Street)

Bus Stop ID 24772 (Main St before Ballina Road)

These stops are serviced by Buslines Bus Route 661. Route 661 connects Alstonville with Lismore and Ballina and is available both to and from the bus stops during daylight hours at least once each weekday. In addition, residents have access to facilities and services within Alstonville local centre, which is located within 400m walking distance of the site. Identified requirement (No. 76) is recommended to require the pathway upgrading identified in the Access Report and accompanying marked up survey plan to be undertaken so that the bus stops are accessible to seniors and people with a disability.

Clearly defined pedestrian paths are provided throughout the site, with clear visual lines. Driveways and parking are clearly defined and are to be well lit for safety, with landscaping and varied forms of surface finishes to create a pleasing environment.

The proposed development will provide an attractive and safe environment for pedestrians and motorists with convenient access to car parking areas for residents. Car parking is provided for residents within the site, including 3 accessible parking spaces and accessible pathways are provided between the car parking area, the internal lobbies and entries to dwellings. There is ample street parking within the local road network for visitors.

#### Waste management [section 105]

Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.

The waste storage areas will accommodate general waste, recycling and green waste in accordance with the waste generation rates specified in Council's DCP. All waste is to be collected by Council, with bins taken to the kerb by a resident or LAHC maintenance contractor. It is noted that the majority of green waste from site landscaping will be removed by a nominated contractor, with green waste from tenants to be disposed of via green waste bins provided.

## 6.6 Other State Environmental Planning Policies

**Table 11** below outlines applicability of, and compliance with, other State Environmental Planning Policies (SEPPs).

Table 11 Compliance with other applicable State and Environmental Planning Policies

### SEPP (Sustainable Buildings) 2022

A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to *Appendix K*).

### SEPP (Transport and Infrastructure) 2021

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

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

### SEPP (Biodiversity and Conservation) 2021

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

The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 30 trees, shrubs and clumps (refer to Arboricultural Impact Assessment Report at Appendix J).

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

An assessment of the proposed tree removal has been undertaken within Section 4.2 of this REF.

### SEPP (Resilience and Hazards) 2021

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

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The Section 10.7(2) & (5) Planning Certificates have not identified the site as being potentially contaminated.

Notwithstanding, the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination and these are considered in the following table:

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes since the 1950's.  Identified Requirements attached to the Activity Determination require any evidence of contamination to be appropriately managed at that time.

(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	Each lot currently contains a single storey detached dwelling and associated structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection has been undertaken which indicated that the site is unlikely to have been associated with potentially contaminating activities.
(g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the 1950's.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard identified requirement (No. 17) has been recommended to cover the unlikely possibility of discovering site contamination during demolition / construction works.
(i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM Act or a site regulated by the EPA under the CLM Act.

A recommended Identified Requirement (No. 17) requires implementation of management measures in the unlikely event of contamination prior or during construction works.

## 6.7 Ballina Local Environmental Plan 2012 (BLEP 2012)

Compliance with the relevant provisions / development standards set out in the BLEP 2012 is demonstrated in **Table 12** below.

Table 12 Ballina Local Environmental Plan 2012

Relevant Provisions / Development Standards for Seniors Housing			
Clause	Provision / Development Standard	Required	Provided

Relevant Provisions / Development Standards for Seniors Housing			
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres)	Maximum building height is 8.5m
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site is not mapped as containing a maximum floor space ratio on the Floor Space Ratio Map.	Proposed FSR is 0.48:1
7.4	Drinking Water Catchment	<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following –</p> <ul style="list-style-type: none"> <li>a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following – <ul style="list-style-type: none"> <li>i. the distance between the development and any waterway that feeds into the drinking water storage,</li> <li>ii. the on-site use, storage and disposal of any chemicals on the land,</li> <li>iii. the treatment, storage and disposal of waste water and solid waste generated or used by the development,</li> </ul> </li> <li>b) the cumulative impacts of development on water quality and quantity in the catchment,</li> <li>c) any appropriate measures proposed to avoid the impacts of the development,</li> <li>d) any comments that have been provided in relation to the development by the relevant water supply authority or local or county council exercising water supply functions under Division 2 of Part 3 of Chapter 6 of the <u>Local Government Act 1993</u>,</li> </ul>	<p>The subject site is identified as being within a drinking water catchment on Council's Drinking Water Catchment Map.</p> <p>The proposed development is unlikely to have any adverse impact on the quality and quantity of water entering the drinking water storage.</p> <p>The proposed development is located approximately 570m from a waterway.</p> <p>The proposed development is for residential purposes only and does not seek any potentially contaminating land uses.</p> <p>Waste water will discharge to the existing sewerage system.</p> <p>During construction, appropriate erosion and sediment control measures will be installed to mitigate any potential impacts on surrounding water bodies.</p> <p>Standard Identified Requirement (No 6) requires stormwater management for the site to be designed in accordance with Council's policies and technical guidelines; and standard identified requirement (No. 29) requires LAHC to obtain the water service authority's requirements prior to any work commencing on the site.</p>



## Relevant Provisions / Development Standards for Seniors Housing

- |  |  |  |  |
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|  |  | e) whether or not the development would be more suitably carried out on an alternative site. |  |
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## 6.8 Ballina Shire Development Control Plan 2012

*Ballina Shire Development Control Plan 2012* (BDCP 2012) does not contain specific development controls for seniors housing. As such, the building setbacks for Residential and Tourist Development have been used for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 13** below.

The general controls for all development set out in BDCP 2012 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 13 Ballina Shire Development Control Plan 2012

### Compliance with controls for Residential and Tourist Development

#### Residential and Tourist Development

Clause	Requirement	Proposed
<b>C. Element – Building Envelope</b>	<p>i) Residential accommodation and tourist and visitor accommodation in Zone R2 Low Density Residential and Zone R3 Medium Density Residential must be contained within a building envelope measured as follows:</p> <ul style="list-style-type: none"> <li>below a plane measured over the land at 45° from a point 1.8 metres above the side and rear boundaries,</li> <li>below a plane measured over the land at 45° from a point 1.8 metres above the side and rear boundaries</li> <li>where the subject site has a frontage to a secondary street, below a plane measured over the land at 45° from a point 1.8m above a parallel line measured 2.0m inside the secondary street boundary,</li> <li>where the subject site has a frontage to a public reserve, below a plane measured over the land at 45° from a point 1.8m above the boundary to the public reserve, and</li> <li>below a plane measured 8.5 metres above ground level.</li> </ul>	The proposed development sits within the building envelope as demonstrated in the architectural plans prepared by DTA Architects contained within <b>Appendix A</b> .
	<p>ii) The external walls of a residential accommodation or tourist and visitor accommodation must be setback a minimum of 900mm from the side and rear boundaries of the site (excluding internal</p>	The proposed minimum side setback of 3.2m is compliant with the DCP control. The proposed minimum rear setback of 3.8m is compliant with the DCP control.

## Compliance with controls for Residential and Tourist Development

	<p>strata title boundaries), subject to consideration of impact on privacy, private open space and solar access to adjoining properties;</p> <p>iii) The external walls of garages, sheds and similar detached outbuildings with a floor area greater than 50m<sup>2</sup> must be setback a minimum of 2 metres from the side and rear boundaries of the site (excluding internal strata title boundaries);</p> <p>iv) For dual occupancies, semi-detached dwellings, attached dwellings and multi dwelling housing developments and any residential accommodation or tourist and visitor accommodation that share a common wall, the building height plane as applied from side and rear boundaries of the site (excluding internal strata title boundaries), secondary frontages and public reserves applies to those parts of the development which interface with adjoining properties and public land.</p>	<p>N/A. No garages, sheds or detached outbuildings proposed.</p> <p>N/A. The proposal does not share a common wall with development on adjoining lots.</p>
<b>D. Element – Articulation Zone</b>	<p>i) The following building elements associated with residential accommodation or tourist and visitor accommodation in Zone R2 Low Density Residential and Zone R3 Medium Density Residential may project forward of the building line or setback to the primary street frontage by up to 1.5m in front:</p> <ul style="list-style-type: none"> <li>• an entry feature or portico,</li> <li>• a balcony, deck, pergola, terrace or verandah,</li> <li>• a window box treatment,</li> <li>• a bay window or similar feature, an eave.</li> </ul> <p>ii) Up to 25% of the articulation zone, when viewed from above, may include building elements. An awning or other feature over a window and a sunshade feature and eaves are not included in the maximum area calculation of building elements.</p> <p>iii) New dwellings are to be designed to address the street, provide an easily identifiable entrance for pedestrians and contribute to the streetscape.</p>	<p>The patio of ground floor Unit 1 projects forward of the front building line by up to 1.5m.</p> <p>The balcony of upper storey Unit 4 and window treatment of Unit 6 project forward of the front building line by up to 1.5m.</p> <p>A total of 9.4% or 5.63m<sup>2</sup> of the articulation zone includes building elements.</p> <p>The majority of dwellings in the development address the street. The building form addressing Wardell Road comprises two easily identifiable main pedestrian access points from the street. The architectural style of the proposed development will make a positive contribution to the streetscape.</p>

### Compliance with controls for Residential and Tourist Development

<b>E. Element – Building Lines</b>	i)	Residential accommodation and tourist and visitor accommodation buildings and all ancillary development on a lot must be setback behind the building line specified on the Building Line Map (except as specified in items (iii) or (iv) below).	<p>The site is mapped as having a 6m building line on Council's Building Line Map.</p> <p>The proposed building line setback of 6m to Wardell Road is compliant with the DCP control.</p>
	ii)	Where a building line is not specified in (i) and the land is within Zone R2 Low Density Residential or Zone R3 Medium Density Residential, the building line specified in Table 4.1 applies.	N/A. The site is identified on Council's Building Line Map.
	iii)	Where an encroachment forward of the building line specified in (i) or (ii) is sought, variation to the standard may be granted where an alternate building line can be established on the basis of the average distance of the building lines of the nearest 2 buildings (either residential accommodation or tourist and visitor accommodation) having a boundary with the same primary road and located within 40m of the lot on which the residential accommodation or tourist and visitor accommodation building is to be erected.	N/A. The proposal does not encroach the building line, except within the articulation zone as specified above.
	iv)	Variations to the building line specified in (i) or (ii) may be granted in relation to secondary road frontages on corner lots in accordance with Table 4.2	N/A. The proposal does not have a secondary frontage.

### General and Environmental Considerations

<b>3.5 Land Slip/Geotechnical Hazard</b>	i)	Where there is potential for a development to result in impacts on or be impacted by the stability of the subject site or surrounding locality, a geotechnical report prepared by an appropriately qualified and experienced professional may be required to accompany the development application. Such a report must certify that the stability of the site will be maintained during the course of, and following the development, and that the site is not subject to risk of land movement activity originating from other land;	<p>The Section 10.7(2) &amp; (5) Planning Certificates issued by Council for the subject site indicate that the land is within an area identified as having a low to very low risk of instability according to a study commissioned by Council and conducted by Coffey &amp; Partners Pty Ltd in March 1986.</p> <p>In relation to soil classification, the structural engineer has advised that: <i>'the site may be re-classified to Moderately Reactive (M) classification. The site had been classified as a Problem Site (P) due to abnormal moisture conditions from existing trees and dwellings. As these are being removed the site can be re-classified and recommendations from Clause 5.2 of the report adopted.'</i></p> <p>Clause 5.2 of the Geotechnical Report sets out the requirements for</p>
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## Compliance with controls for Residential and Tourist Development

		<p>foundation design. Identified requirement (No. 1) requires the development to be carried out substantially in accordance with the recommendations contained in the Geotechnical Report.</p>
	<p>ii) The siting of buildings shall have particular regard to the slope of the land. Applications must demonstrate that the siting of buildings avoids steeper parts of the land that are or may be susceptible to erosion and potentially unstable. Buildings are to be sited to minimise earthworks required for the erection of structures and the provision of associated infrastructure such as roads and utility services; and</p> <p>iii) Construction methods should respond to the slope of the land and involve minimal cut and fill in accordance with the provisions of chapters 3 and 4.</p>	<p>The site and surrounding land is gently sloping. Retaining walls, sited wholly within the site are used along the northern, southern and western boundaries and within the centre of the site to assist with the stability of the site, as shown on the Architectural Plans (<i>Appendix A</i>).</p> <p>Given the topography of the site, site stability measures and low to very low risk of instability, the proposal is considered unlikely to impact on or be impacted by the stability of the site.</p>
3.6 Mosquito Management	<p>i) All windows, external doors and other openings in buildings for high-risk development comprising centre-based child care facility, residential accommodation, tourist and visitor accommodation, seniors housing, caravan parks (including manufactured home estates) or a respite day care centre, throughout Ballina Shire, must have insect screening installed. These screens must be maintained in good working order to prevent entry of mosquitoes into buildings. Self-closing doors may be a suitable alternative to screening in high traffic areas in non-residential developments.</p>	<p>The site is identified as 'Elevated Land (above 10m contour)' on Council's Mosquito Management Plan Map.</p> <p>All windows and doors are to be fitted with insect screens. An identified requirement is recommended to this effect (No. 79).</p>
	<p>ii) Where a building in (i) includes large openings which are impractical to effectively screen (such as bi-fold doors), the following provisions apply:</p> <ul style="list-style-type: none"> <li>• For the room/s containing the opening - when the opening is closed (as may be the case when mosquito activity is elevated) there is light and ventilation available to the room that meets the provisions of the BCA via other openings that are effectively screened as in 3.6.3i.</li> </ul>	N/A
	<p>iii) Tourist and visitor accommodation, centre-based child care facility, seniors housing, caravan parks (including manufactured</p>	N/A. The site is not mapped as 'Coastal Plans and Lowlands' or 'High Risk



## Compliance with controls for Residential and Tourist Development

	<p>home estates) or respite day care centres (and residential developments where Council considers it necessary to minimise mosquito risk), on land identified as “Coastal Plains and Lowlands” or “High Risk Areas” on the Mosquito Management Map, must provide an effectively screened permanent (or with the capacity for effective temporary screening) outdoor area. This is unless a report from a consultant suitably qualified and experienced with mosquitoes and their management (or similar entomological experience) deems otherwise. Compliance with this requirement will enable nuisance-free outdoor activity in areas of either high-risk mosquito activity or during periods of peak mosquito activity.</p> <p>iv) Where rainwater tanks are installed, both the inlet and outlet (overflow) must be effectively screened with stainless steel or other durable materials to prevent entry to the tank by mosquitoes. Inlet filters must be readily removable for cleaning.</p> <p>v) Rainwater tanks installed with a charged stormwater system an in ground first flush system must be installed to allow the charged stormwater system to fully drain. Where it is not possible to provide a first flush system that fully drains all openings must also be adequately screened to prevent mosquito entry.</p> <p>vi) All screening and structures including tanks and pipes must be adequately maintained to prevent mosquito entry.</p>	<p>Areas’ on Council’s Mosquito Management Plan Map.</p> <p>The proposed rainwater tank is located below ground. Any required mosquito management strategies for inlets are to be installed. An identified requirement is recommended to this effect (No. 81).</p> <p>Rainwater tank to be gravity drained.</p> <p>Noted.</p>
<b>3.13 Drinking Water Catchment</b>	<p>i) Development must not adversely impact on the water supply associated with the catchment. This may be determined through the consideration of at least the following matters:</p> <ul style="list-style-type: none"> <li>• Type, extent and risk of any likely or potential pollutants or contaminants. (including consideration of chemicals such as fertilisers and pesticides, sediment, effluent and nutrients)</li> <li>• Volume and quality of stormwater runoff;</li> <li>• Variation to water flows in the catchment;</li> <li>• Loss or embellishment of catchment vegetation;</li> </ul>	<p>The subject site is located within a drinking water catchment on Council’s Drinking Water Catchment Map.</p> <p>The proposed development is located approximately 570m from a waterway. The proposed development is for residential development and is not considered a contaminating land use. The risk of pollutants from fertilisers and sediments is considered unlikely to have any adverse impacts on surrounding waterbodies. During construction, appropriate erosion and sediment control measures will be</p>

## Compliance with controls for Residential and Tourist Development

	<ul style="list-style-type: none"> <li>• Access and infrastructure requirements;</li> <li>• Distance between the proposed development and any waterway that feeds the drinking water supply;</li> <li>• Cumulative and incremental effects having regard for existing and approved uses within the catchment;</li> </ul>	<p>installed to mitigate any potential impacts on surrounding water bodies. Further, stormwater and sewer will be appropriately managed to minimise any adverse impacts of the proposed development on surrounding water bodies. The proposal seeks the removal of 30 trees, shrubs and clumps. More appropriate tree plantings, including trees capable of reaching mature heights of 5m-10m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees.</p> <p>The proposed development is compatible with surrounding land uses and considered an appropriate use of the site.</p>
ii)	<p>Details of proposed safeguards must demonstrate that the effective mitigation of the identified impacts can be achieved. The materials used, longevity of the measure, ongoing maintenance requirements and likelihood of success must be considered to determine the suitability of the proposed measure.</p>	
iii)	<p>The proposed development must not be of a type that could reasonably be carried out on an alternative site. Existing approvals, dwelling entitlements, compatibility with surrounding uses and zone objectives, scale and intensity and proximity to surface water or groundwater bores should be considered to determine whether the proposal is reasonable within the water supply area.</p>	
iv)	<p>Where development is located within the Emigrant Creek Dam or Marom Creek Dam catchments, the proposal is to be designed having regard for the Rous Water On-site Wastewater Management Guidelines as applicable at the time of application.</p>	<p>The site is not located within the Emigrant Creek Dam or Marom Creek Dam catchments.</p>

## 7 Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to the local council and to the adjoining occupiers are provided in **Appendix G**, together with a copy of the responses received from Council.

### 7.1 Council Notification

In accordance with sections 43A(1)(b)(i) and 108C(1)(b)(i) of the Housing SEPP, Ballina Shire Council was notified of the development by letter dated 26 October 2023 (refer to **Appendix G**). The notification response period formally closed on 15 November 2023 and Council responded to the notification by email dated 24 November 2023, which has been extracted in **Table 14** below. A response is provided in relation to the matters raised in Council's email and where appropriate, these matters have been addressed in the identified requirements in the Activity Determination.

**Table 14** Issues raised in Council submission

Issues raised	Response
Solar access to the living areas and private open space of unit 1, 2, 3, 4 and 6 should be improved to ensure a reasonable level of amenity is provided for residents (e.g. 3hrs minimum).	<p>The proposed development has been designed in accordance with the non-discretionary development standards for independent living units contained in the Housing SEPP. Section 108(2)(g) states the following –</p> <p><i>at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces</i></p> <p>The submitted Architectural Plans indicate 85% (11/13) of the proposed dwellings will receive a minimum of 2 hours sunlight between 9am and 3pm on June 21 to their living and private open space areas.</p> <p>In addition, the proposed development is consistent with the LAHC Design Requirements as no dwellings receive less than 15 mins of solar access to living areas and private open space.</p>
The proposed development exceeds the maximum building height of 8.5m allowable under the BLEP 2012. Compliance with this development control should be achieved.	The development proposes a maximum building height of 8.5m, which complies with the maximum building height of 9.5m allowed under the Housing SEPP.
The survey plan and arboricultural impact assessment report have identified that several trees, located on both private land will require to be removed.	<p>The proposal seeks the removal of 30 trees/shrubs/clumps on site and the retention of vegetation within neighbouring property.</p> <p>The southern side boundary fence has been re-aligned to enable trees 6 to 11, which straddle the boundary with 23 Wardell Road near the front of the site, to be retained. Tree 5, located wholly within 23 Wardell Road, is also proposed to be retained.</p>
Ensure that suitable mosquito screening is in place for the proposed development. Refer is made to Council's DCP 2012 Chapter 2 – General and Environmental Considerations Control 3.6 Mosquito Management identifies the specific requirements (available here: <a href="https://ballina.nsw.gov.au/files/bsdcp-2012-chapter-2-general-and-">https://ballina.nsw.gov.au/files/bsdcp-2012-chapter-2-general-and-</a>	All windows and doors are to be fitted with insect screens. Refer to Identified Requirement No. 79.

Issues raised	Response
environmental-considerations.pdf?v=1686822775)	
A detailed dilapidation report should be provided. This report should not just include Council assets but also the adjoining properties.	Noted. An Identified Requirement has been included to this effect (refer to Identified Requirement No.80).
The driveway width should allow for two-way traffic (due to the number of units). The driveway access is required to be 5.5m wide due to the configuration and age of residents.	<p>The proposed driveway arrangement is compliant with AS2890.1 as indicated in the Traffic Impact Assessment prepared by ParkTransit and contained in <i>Appendix S</i>.</p> <p>The driveway is classified as 'Category 1' under AS2890.1 which recommends the driveway's width should be within a range of 3.0-5.5m, as a combined entry exit. The driveway achieves a width in excess of 3m. It is also noted that the driveway crossover is 5.5m wide across the road reserve, allowing vehicles to pass if required.</p> <p>Further, the Traffic Impact Assessment Report did not raise any concerns about the design of the proposed driveway in relation to traffic safety.</p>
Landscaping design should consider Council's Ballina Shire Urban Garden Guide for suitable plantings, available here: Ballina Urban Garden Guide.pdf (nsw.gov.au)	The Landscape Plan ( <i>Appendix B</i> ) has been updated to identify, in red in the plant schedule, the plants selected from the <i>Ballina Urban Garden Guide</i> .
Consideration to place to the proposed bin storage towards the rear of the site.	The bin storage areas are retained within the front setback. This is considered a suitable design choice as they are appropriately screened from the street and are in an accessible location for both the residents and Council's collection.
All demolition work should be undertaken in accordance with AS 2601-1991 Demolition Code.	Standard Identified Requirement No. 48 has been applied to ensure compliance with AS2601-1991.
Ensure that any overlooking issues from the balconies located on the first floor is reduced if required by privacy screenings and/or vegetation screening.	<p>Generally, balconies have been treated with metal privacy screens and solid masonry walls to prevent overlooking of neighbouring units. However, it is noted that the balcony of Unit 10 may provide opportunity for overlooking of the adjoining property to the north. Accordingly, identified requirement (No. 78) is recommended requiring the provision of a fixed privacy screen measuring 1.65m high from finished first floor level along the northern edge of unit 10 balcony.</p> <p>To reduce potential for overlooking from the balcony of Unit 5, the First Floor Plan has been amended to extend the privacy screen of Unit 6 balcony.</p>
Contributions will be \$144,671.88.	<p>Noted.</p> <p>A detailed contributions table was requested from Council and is reproduced beneath this table.</p>
Only one water and sewer connection is permitted for the site	Noted. The hydraulic consultant has confirmed that the development will require only one water and sewer connection.



A Hydraulic Design is required and needs to be prepared and certified by a suitably qualified person.

Submission 7 December 2023:

- A Section 68 Application would be required to be lodged for the proposed works.
- Hydraulic Drawings prepared by a Hydraulic Consultant/ engineer, must be submitted with the Plumbing and Drainage Section 68 Application. Hydraulic drawings must address all hot, cold and rainwater water supply, Sanitary and stormwater drainage, trade waste plumbing and drainage and fire services (if required). The plans are to be designed in accordance with the National Construction Code, the Plumbing Code of Australia, AS3500 and other relevant Australian Standards.
- Where trade waste is included, the documentation is to include trade waste calculations and details of any pre-treatment devices.
- Where Fire Services are included, the documentation must be accompanied by a design compliance declaration completed by a registered design practitioner (fire services).
- In relation to inground drainage the documentation is to address the soil classification and ground stability for the purposes of supporting the inground drainage. A soil classification of A, S or M is considered stable. Where the soil classification is H1, H2, E or P the documentation must include methods of support and articulation to be installed within the drainage system to address the possible soil movement. These methods must be designed by a suitably qualified expert and a performance solution to address the requirements of the Plumbing Code of Australia Part C2P7 must be submitted to Fair Trading NSW for approval prior to the Section 68 approval can be issued. For further information please refer to Use of flexible joints in drains | NSW Fair

LAHC provided a copy of the proposed Hydraulics Plan for Council's review on 24 November 2023 and Council provided a response on 7 December 2023.

Pursuant to Section 69 of the *Local Government Act 1993*, Section 68 does not require the Crown to obtain the approval of a Council to do anything that is incidental to the erection or demolition of a building. However, any permits and inspections required by Council for plumbing and drainage works will be obtained during construction by LAHC's building contractor.

Trade waste will not be generated by the activity.

Fire services are to be included. An identified requirement (No. 82) is recommended requiring the design to be accompanied by a compliance declaration completed by a registered design practitioner.

The Geotechnical Investigation report notes that the site is currently classified as a Problem Site. However, the site can be reclassified to Moderately Reactive ('M') provided the recommendations in the report are adopted. In this regard, identified requirement (No. 1) requires the development to be carried out substantially in accordance with the Geotechnical Report, including its recommendations.

<p>Trading and Microsoft Word - 2017_07_31 Guideline to Install Code Compliant Work v1.2.docx (nsw.gov.au).</p> <ul style="list-style-type: none"> <li>An engineer will at a minimum be required to provide a statement that addresses the stability of the ground with reference to the installation of sanitary drainage services.</li> </ul>	
<p>The stormwater layout is to be amended to have one outlet only into the back of the existing road gully pit.</p>	<p>Stormwater plans prepared by MSL Consulting (<i>Appendix C</i>) have been amended to include a junction pit to the south-east corner, with a single connection from the site to Council's kerb inlet pit in Wardell Road.</p>

On 9 January 2024, LAHC requested Council to provide a detailed breakdown of the contributions referred to in their submission. On 11 January 2024, Council provided a detailed table of contributions, extracted below:

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
OS&CF Plan 2022 -Local Open Spaces	4311	equivalent residential allotment	\$4,209.00	0.0000	\$0.00
OS&CF Plan 2022 -Regional Open Spaces (all areas except CURA-A / Kinvara)	4311	equivalent residential allotment	\$1,391.00	0.0000	\$0.00
OS&CF Plan 2022 -Local Community Facilities	4216	equivalent residential allotment	\$1,644.00	0.0000	\$0.00
OS&CF Plan 2022 -Regional Community Facilities (all areas except CURA-A / Kinvara)	4216	equivalent residential allotment	\$1,113.00	0.0000	\$0.00
OS&CF Plan 2022 -Administration (all areas except CURA-A / Kinvara)	4219	equivalent residential allotment	\$125.00	0.0000	\$0.00
Roads Contribution Plan V4.2 (2021)	5208	equivalent residential allotment	\$13,791.00	4.8600	\$67,024.26
Roads Administration V4.2 (2021)	5209	equivalent residential allotment	\$207.00	4.8600	\$1,006.02
No CURA A 7.11 Contribution Applicable					
Alstonville Wastewater Services (DSP Area E)	3006	equivalent tenement	\$5,928.00	5.0000	\$29,640.00
Alstonville Water Supply (DSP Area E)	2006	equivalent tenement	\$3,873.00	3.4000	\$13,168.20
Rous Water 2016	5001	equivalent tenement	\$9,951.00	3.4000	\$33,833.40
No Car Parking Contribution Applicable					
<b>TOTAL</b>	<b>\$144,671.88</b>				

### Comment:

The Open Space and Community Facilities Plan and Roads Plan have been prepared by Ballina Shire Council under Section 7.11 of the EP&A Act and applies to development requiring consent and as such does not apply to this project which is “development without consent”.

Further, pursuant to a Ministerial direction under S.94E (s.7.17) of the EP&A Act, dated 14 September 2007, a consent authority may not impose a condition under Division 6 of Part 4 (Div.4.6 Crown Development) of the EP&A Act in relation to public amenities or public services on a consent for development for the purpose of any form of seniors housing as defined in State Environmental Planning Policy (Housing) 2021 (previously, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*).

Identified Requirement (No. 83) has been included requiring the payment of the following Section 64 contributions set out in Council's submission:

- Alstonville Wastewater Services (DSP Area E) – \$29,640

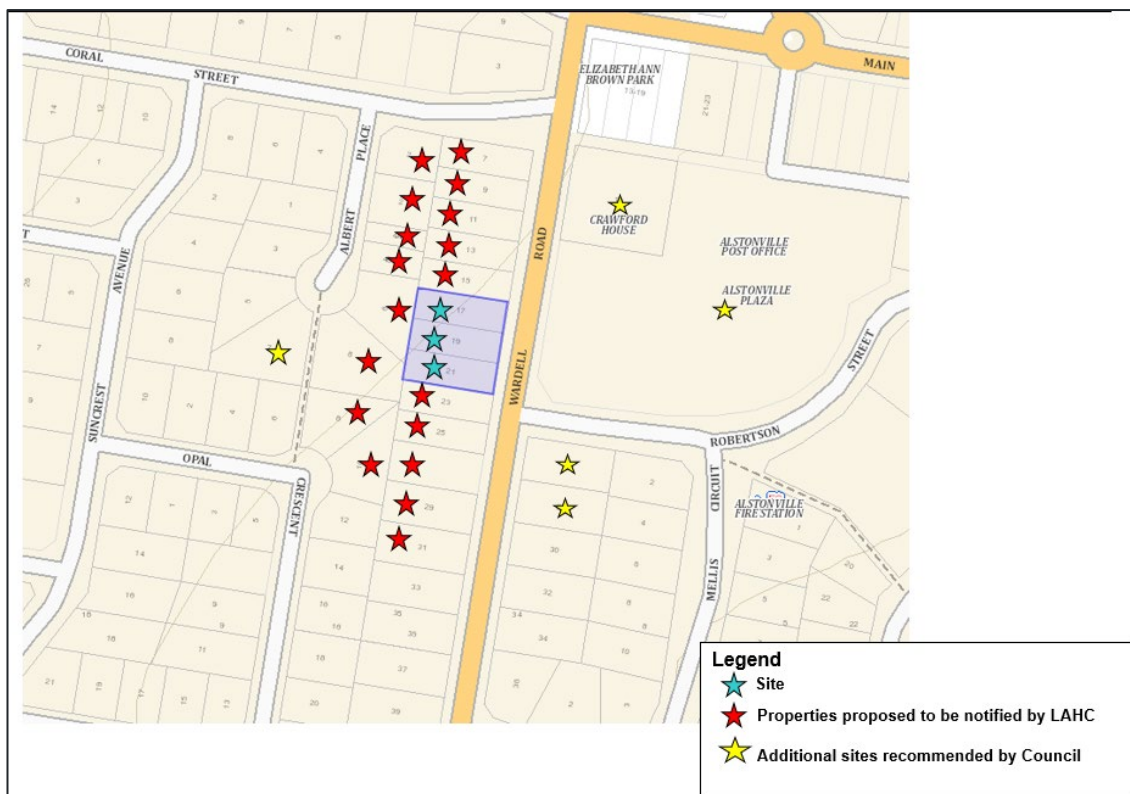
- Alstonville Water Supply (DSP Area E) – \$13,168.20
- Rous Water 2016 – \$33,833.40

Total amount = \$76,641.60

## 7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under sections 43(1)(a) and 108C(1)(a) of the Housing SEPP, Ballina Shire Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

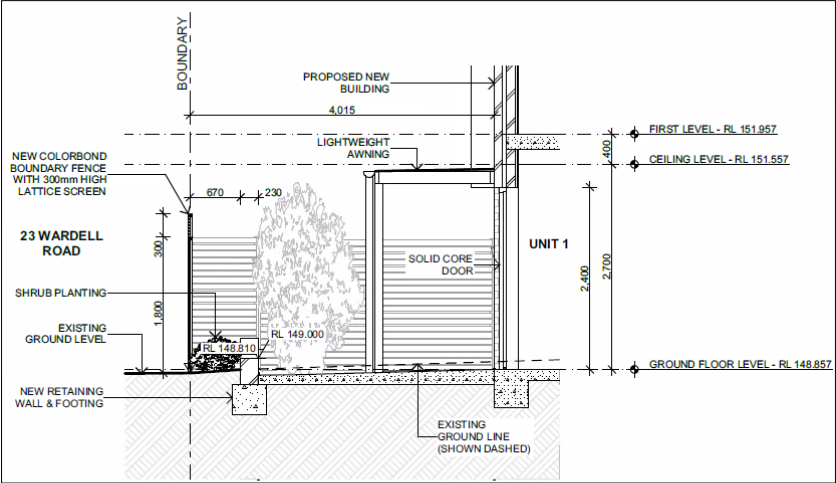

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 27 April 2023. Council provided an email response on 3 May 2023 requesting 5 additional properties be notified of the development. It is noted that Council did not nominate any property owners to be notified. **Figure 20** illustrates the properties in which the occupiers were notified of the development, including the additional properties advised by Council for inclusion.



**Figure 20** Map of Properties Notified of the Proposed Development (Source: LAHC)

Under sections 43(1)(b)(ii) & (iii) and 108C(1)(b)(ii) & (iii) of the Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 24 October 2023. A copy of a sample notification letter is provided at **Appendix G**. The notification response period formally closed on 13 November 2023. Submissions were received from the owner of 23 Wardell Road and the issues raised in the submission are discussed in **Table 15**.

Table 15 Issues raised in the submissions

Issues raised	LAHC response
Privacy from the door to Unit 1 and the upper storey windows	<p><u>Door to Unit 1:</u></p> <p>The finished floor level of Unit 1 and adjoining clothes drying area is at or below existing ground levels. Accordingly, the 1.8m high boundary fence with 300mm lattice on top is considered adequate to maintain privacy to the adjoining property as shown in the following cross section detail:</p> <div><p>The diagram is a cross-section of Unit 1 and its boundary with 23 Wardell Road. It shows a 'NEW COLORBOND BOUNDARY FENCE WITH 300mm HIGH LATTICE SCREEN' on the left, with a height of 1,800mm. To the right of the fence is 'SHRUB PLANTING'. The 'PROPOSED NEW BUILDING' has a 'LIGHTWEIGHT AWNING' and a 'SOLID CORE DOOR' leading to 'UNIT 1'. The unit's height is 2,400mm. Levels are indicated: 'FIRST LEVEL - RL 151.957', 'CEILING LEVEL - RL 151.557', and 'GROUND FLOOR LEVEL - RL 148.857'. The existing ground level is shown as a dashed line. Other labels include 'BOUNDARY', '23 WARDELL ROAD', 'NEW RETAINING WALL &amp; FOOTING', and 'EXISTING GROUND LEVEL'. Dimensions for the fence and building are provided.</p><div><div>N02</div><div>-</div></div><div>UNIT 1 - POS SECTION DETAIL</div><div>1:50</div></div> <p><u>Upper storey windows – Unit 4 Bedroom and bathroom</u></p> <p>Sill heights of 1.665m and 1.8m above finished floor level are proposed for the bathroom and Unit 4 bedroom windows, respectively. In addition, obscure glazing is proposed for the bathroom window. The sill heights together with obscure glazing are considered adequate to maintain privacy.</p> <p><u>Upper storey windows – Unit 5 bedroom</u></p> <p>Obscure glazing to a height of 1.665m above finished floor level will prevent overlooking from these bedroom windows:</p> <div><p>The diagram is a floor plan of Units 2 and 5. Unit 2 is on the left, and Unit 5 is on the right. Unit 5 has two bedrooms, each with a window. The sill height for these windows is indicated as 1.665m. The plan also shows a bathroom window with 'LOWER TRANSOM - OBSCURE GLAZING'. The unit is labeled 'UNITS 2 &amp; 5' at the top.</p></div>



Issues raised	LAHC response
Height of fence in relation to existing ground levels at the boundary	The new 1.8m high metal boundary fence will generally follow natural ground levels at the boundary.
Retaining wall heights along the southern boundary and their location	The proposed retaining walls are constructed within the site so that existing ground levels at the southern boundary can be maintained.
Loss of trees will impact birdlife	<p>Concerns were raised about the loss of trees and the impact this may have on birdlife; and the removal of trees 6 to 11 located along the southern boundary.</p> <p>The 30 trees within the site that are proposed to be removed will be replaced with 355 shrubs and 7 trees. Of these replacement plantings, 105 shrubs and 1 tree have been selected from the <i>Ballina Shire Urban Garden Guide (Guide)</i>. The Guide notes that:</p> <p><i>‘Locally occurring and Australian plants have been selected that are well suited to the different landscapes within the shire. They provide valuable habitat for fauna such as birds and butterflies.’</i></p> <p>The southern side boundary fence has been re-aligned to enable trees 6 to 11, which straddle the boundary with 23 Wardell Road near the front of the site, to be retained.</p>
Accuracy of Survey	<p>For the purposes of preparing the Part 5 documentation, a survey was prepared by a registered surveyor using known survey markers and the property Title.</p> <p>A full boundary survey will be undertaken prior to the commencement of works.</p>
Development will result in additional stormwater run-off	Stormwater design for the development, which includes on-site stormwater detention, will be managed in accordance with Council policies and technical guidelines to ensure stormwater is captured and directed to Council’s stormwater infrastructure in Wardell Road.

## 7.3 Notification of Specified Public Authorities

The development is “seniors housing” under section 108A of the Housing SEPP. As required by section 108B(2) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

## 8 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 6.5.6 of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

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### 8.1 Neighbourhood Character

Notwithstanding the local shopping centre located directly across from the site, the site is located within an established residential area characterized predominantly by one and 2-storey detached dwelling houses and some medium density development. These dwellings tend to sit within lightly landscaped and turfed allotments and have predominately tiled or sheet metal, pitched roofs. The character of the area is evolving, with a number of newer, two-storey dwellings, dual occupancy developments and multi-unit developments interspersed throughout the locality. These dwellings take a more contemporary form and introduce new design features to the area, including rendered finishes and muted grey, brown and white tones.

The proposed development represents a contemporary, high quality design. The bulk and scale of the proposed development will deliver a built form outcome consistent with the planning controls for the locality. The 1 and 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality. Further, the proposal is in keeping with the desired future development of the locality as per the Alstonville Strategic Plan 2017-2037 which seeks a change in zoning of surrounding land to increase permitted densities.

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are compatible with surrounding dwellings. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

#### **Mitigation Measures**

No mitigation measures are required.

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### 8.2 Bulk and Density

The proposed development is generally compatible with the bulk and scale of surrounding development in the locality of Alstonville. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development has been designed with a stepped front setback with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a floor space ratio of 0.48:1 and a maximum height of 8.5m which is consistent with a medium-density residential area. The FSR and 1 & 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R3 Medium Density Residential zone which seeks to provide for the housing needs of the community, including seniors housing.

Further to the above, the proposed development is generously setback from all boundaries and will provide appropriate deep soil areas, which will minimise its perceived bulk. The proposal includes new plantings of native species within the front, side and rear setbacks to soften the bulk of the development.

The reasonable floor space ratio in conjunction with generous setbacks and landscaped deep soil areas demonstrates the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site. As such, no mitigation measures are required.

#### **Mitigation Measures**

No mitigation measures required.

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## **8.3 Streetscape**

The architectural style of the proposed development is generally compatible with the evolving form and treatment of development in the surrounding locality. The street façade is articulated with several distinct pitched roof forms to replicate the block and lot pattern in the street. Landscaping within the front setback is consistent with existing dwellings in Wardell Road. In addition, the hard stand car parking area will be obscured from street view, resulting in a built form that has been designed with consideration of the surrounding dwellings.

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

The built form has been designed to address the street frontage through incorporation of street facing windows and doors, as well as courtyards and balcony within the front setback, improving casual surveillance of the street.

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.4 Visual Impact**

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

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

Substantial new landscaping is proposed including flowering feature trees and a native canopy tree that will soften the visual impact of dwellings when viewed from the public domain. The rear and side setbacks will also be landscaped adding to the long-term visual amenity of the surrounding properties and further improving the appearance of the site from the street.

#### **Mitigation Measures**

No mitigation measures are required.

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## 8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered site landscaping, new 1.2-1.8m high fencing, adequate site setbacks and strategic placement of windows so as to avoid direct overlooking of neighbours. In particular:

- Single storey dwellings to the rear
- The balcony associated with Unit 4 is orientated toward Wardell Road with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents.
- Balconies associated with Units 5, 6 and 9 are oriented internally toward the car park and communal open space reducing privacy impacts to neighbouring development; Balconies have been treated with a combination of fixed privacy screens and solid masonry walls to prevent internal overlooking;
- Windows within first floor units that face common side boundaries have been treated with high sills or obscure glazing to maintain privacy;
- Ground floor private open space associated with Unit 1 is oriented toward Wardell Road with 1.2m high fencing and landscaping, including trees and shrubs, proposed within the front setback to provide privacy for future residents.
- The remaining ground floor private open space areas are orientated toward the rear boundary fence, the internal car park, or the communal open space with 1.5m – 1.8m high fencing and landscaping to provide privacy for future residents.
- Metal fencing 1.8m high, at the side and rear boundaries will maintain visual privacy to adjoining properties;
- Lattice up to 400mm in height and fixed to the top of the metal fence along a section of the southern boundary will maintain privacy to the adjoining property to the south;
- Side and rear setbacks comply with the BDCP 2012. Landscaping has been provided within the side and rear setbacks to provide a visual buffer between the windows and balconies on the subject site and adjoining properties; and
- The proposed dwellings have been designed in accordance with the requirements of the Building Code of Australia for sound and impact transmission so that acceptable noise levels between dwellings and adjoining properties are achieved.

### Mitigation Measures

Identified Requirement (No. 78) is recommended requiring a fixed privacy screen a minimum 1.65m high, along the northern side of Unit 10 balcony.

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## 8.6 Solar Access

Proposed living and open space areas have been carefully sited to maximise solar access. The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings' living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*.

The submitted Architectural Plans (*Appendix A*) indicate that 85% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter to their living areas and private open spaces in accordance with section 108 of the Housing SEPP.

### Mitigation Measures

No mitigation measures required.

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## 8.7 Overshadowing

The development has been designed with consideration given to minimise overshadowing of surrounding development. Shadow diagrams and shadow elevations in **Appendix A** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites.

The shadow diagrams show that throughout the day shadows will largely be contained within the subject site, with some incursions to the neighbouring property to the south, 23 Wardell Road. The elevational shadow diagrams (**Appendix A** – Sheet 15 of 17) confirm that solar access to the lounge room window and bedroom window of the adjoining dwelling will be maintained from midday to 3pm. Solar access to the private open space of the 23 Wardell Road is largely unaffected throughout the day. Solar access to adjoining sites to the west and north are maintained throughout the day in mid-winter.

Accordingly, there are not considered to be any unacceptable overshadowing impacts as a result of the proposed development.

### Mitigation Measures

No mitigation measures are required.

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## 8.8 Traffic & Parking

Ten surface car parking spaces for residents, including 3 accessible spaces, will be available on site to serve the proposed development. The provision of on-site car parking exceeds, by 7 spaces, the parking requirements set out in the Housing SEPP for seniors housing developments carried out by LAHC.

The Traffic Impact Assessment indicates that the development will generate a maximum of 6 vehicle trips per hour, which represents an increase of 3 trips per hour, and concludes that:

*‘this increase is highly unlikely to have any detrimental impact on the operation of the surrounding road network.’*

Noting that Council requires a driveway wide enough for 2 vehicles to pass, the Traffic and Parking Assessment Report finds that the driveway and car parking area have been designed in accordance with the with relevant Australian Standards, will enable cars to enter and leave in a forward direction and not result in any unreasonable traffic safety concerns.

### Mitigation Measures

No mitigation measures are required.

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## 8.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by Abor Ecological (**Appendix J**). The report considers 37 trees, shrubs and clumps, 30 of which are located within the subject site, 1 tree (Tree 5) within the neighbouring property (23 Wardell Road) and 6 trees (Trees 6 – 11) in shared ownership at the southern boundary.



The report recommends the removal of all trees wholly within the site as they are either located within the proposed development footprint, due to hazard or have an environmental weed status and are of moderate to very low retention value.

It also recommends retention of 1 existing tree within neighbouring property at 23 Wardell Road (Tree 5); and the 6 trees sited on the boundary with 23 Wardell Road (Trees 6, 7, 8, 9, 10 and 11). The report concludes the following regarding the retention of these trees –

*Proposed works within the TPZs of shrubs T5 to T11 are considered to be tolerable and the shrubs are expected to cope with construction activities, remain viable and maintain health, condition and vitality provided tree protection measures are effectively implemented.*

There will be no significant impact on native fauna as a result of the proposed development, given that a total of 7 trees and over 400 shrubs; a number of which are selected from the *Ballina Urban Garden Guide* and are known to support local flora and fauna. Details of the proposed plantings are included in the Plant Schedule on the Landscape Plan.

### **Mitigation Measures**

Tree removal is to be undertaken in accordance with the General Tree Protection Recommendations contained within the Arboricultural Impact Assessment (refer *Appendix I* and Identified Requirement No. 20).

Retained trees are to be protected in accordance with the Project Tree Protection Zone (TPZ) Fence Specification contained within the Arboricultural Impact Assessment (refer *Appendix I* and Identified Requirement No. 36).

Other Recommendations contained within the Arboricultural Impact Assessment are to be implemented (refer *Appendix I*).

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## **8.10 Heritage (European / Indigenous)**

No heritage items that are identified in Ballina Shire Council's Section 10.7(2) & (5) Planning Certificates are located on or adjoining the site. However, there are two locally significant heritage items in the vicinity of the site known as 'Crawford House' (No. I27) and adjoining 'Elizabeth Ann Brown Park' (No. I12) to the north.

The proposed development is located approximately 40m south from the curtilage of the nearest heritage item (Crawford House), which is screened by significant trees. Elizabeth Brown Park directly adjoins the northern boundary of Crawford House and is generally obscured from view from the site by significant trees. As such, the proposal is not considered to impact the heritage significance of these heritage items.

### Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 12 October 2023 (*Appendix I*) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

### Other Cultural Heritage

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

### **Mitigation Measures**

Standard identified requirements (No. 45 and 46) have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

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## 8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

### Geotechnical

A Geotechnical Investigation, prepared by STS Geotechnics (*Appendix P*) indicates the following:

- The subsurface conditions consist of firm to stiff, becoming stiff, then very stiff with depth, natural silty clays from the surface to the depth of hand auger refusal, 1.5 metres in BH2 and to the maximum depth of drilling, 3.0 metres, in the remaining boreholes.
- Groundwater was not observed during the fieldwork.
- The site is classified as a problem site (P) due to abnormal moisture conditions. However, the site can be re-classified to Moderate (M) provided the recommendations in the Geotechnical Investigation are adopted.

### **Mitigation Measures**

The development is to be carried out substantially in accordance with the approved plans and documents set out in the table to identified requirement No. 1, including the Geotechnical Investigation report prepared by STS Geotechnics.

### Soil Erosion and Sediment Control

An Erosion and Sediment Control plan, detailing sediment control measures for the project, has been prepared by the civil engineer (refer to *Appendix C*).

### **Mitigation Measures**

An Identified Requirement (No. 13) recommends that sediment control measures be implemented during demolition/construction in accordance with Council requirements and/or the guidelines contained in the *Blue Book Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004).

### Contamination

The Section 10.7(2) & (5) Planning Certificates have not identified the site as being potentially contaminated.

Notwithstanding, the draft Contaminated Land Planning Guidelines (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in Table 11, above in this REF.

This evaluation indicates that the site is unlikely to be contaminated, however, an identified requirement is recommended to cover the possibility of finding contamination during works.

### **Mitigation Measures**

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

### Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not identified as being subject to acid sulfate soils.

### **Mitigation Measures**

No mitigation measures are required.

#### Salinity

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

### **Mitigation Measures**

No mitigation measures are required.

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## **8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality**

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site to an underground detention tank draining to the existing kerb inlet pit within Wardell Road at the site frontage. Roof water from the development will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

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

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

### **Mitigation Measures**

Identified Requirements (Nos. 6-9, 14 and 42) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

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## **8.13 Bushfire Prone Land**

The Section 10.7(2) & (5) Planning Certificates issued by Ballina Shire Council for the subject site advise that the land is not bushfire prone.

### **Mitigation Measures**

No mitigation measures are required.

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## **8.14 Noise and Vibration**

#### During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours consistent with the requirements for Complying Development throughout NSW, being 7am to 5pm Monday to Saturday with no work on Sundays or public holidays.

#### During Occupation

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

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

#### **Mitigation Measures**

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

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

Appropriate standard Identified Requirements (Nos. 2, 57 and 59) have been applied to ensure compliance with the above mitigation measures.

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## 8.15 Air Quality

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

#### **Mitigation Measures**

Appropriate standard Identified Requirements (Nos. 60, 63 and 64) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 8.16 Waste Minimisation

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

#### During Demolition

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

- concrete and bricks will be transported to a resource recovery facility and recycled;
- any asbestos sheeting and fibrous insulation will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility;
- mixed demolition materials will be transported to an approved building waste collection facility; and
- timber, metal, wall and roof cladding and other salvageable materials will be recycled where appropriate or disposed of at an approved building waste collection facility.

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

#### During Construction

Construction materials are to be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste is to be removed from the site to an approved waste management facility or shall be recycled as follows:

- bricks, tile and concrete to be returned to supplier or transported to building recycling facility;
- concrete and tiles shall be sent for recycling where possible;

- timber shall be reused in concrete framework where possible and trimmings sent to landfill;
- plasterboard shall be returned to supplier or sent to building recycling facility; and
- metal offcuts from gutter and downpipes, etc. shall be returned to supplier and trimmings sent to landfill.

#### During Occupation

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

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

Garden waste from tenants will be disposed of in Council's standard green waste bins located in the garbage storage enclosures and placed on the street kerb by a nominated resident or LAHC contractor for collection by Council's waste services.

#### **Mitigation Measures**

Standard Identified Requirements (Nos. 47-55) are recommended to ensure construction/demolition waste is appropriately managed and disposed

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

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## 8.17 Resource Use & Availability

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

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

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

#### **Mitigation Measures**

No additional mitigation measures are required.

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## 8.18 Community / Social Effects

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

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Ballina Shire local government and surrounding area;
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;



- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.19 Economic Impact**

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

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

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.20 Cumulative Impact Assessment**

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

- The proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.

#### **Mitigation Measures**

No mitigation measures are required.

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## 9 Conclusion

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### 9.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, BLEP 2012, and the design principles and better practices set out in the relevant guidelines.

In addition, and as demonstrated by the environmental impact analysis and assessment undertaken in this REF, the proposed activity will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards, will have a number of positive environmental effects in terms of the built environment and will deliver a range of social and economic benefits.

The proposed development will enable LAHC to meet the increasing demand for 1 and 2 bedroom seniors housing dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

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### 9.2 Recommendation

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

## 10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – CIVIL PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION & CONSULTATION

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – BCA REPORT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NATHERS CERTIFICATE

APPENDIX O – HOUSING FOR SENIORS CHECKLIST

APPENDIX P – GEOTECHNICAL INVESTIGATION

APPENDIX Q – TITLE SEARCH & DP

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC IMPACT ASSESSMENT