

# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

3 Cooke Avenue & 1-5 Deegan Drive, Alstonville NSW 2477

February 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: January 2024

Department reference number: BGZF9

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

Homes NSW

Postal address: Locked Bag 5022, Parramatta NSW 2124

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

ABN 24 960 729 253

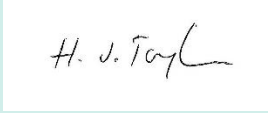

This document may only be used for the purposes associated with the subject activity to which this Part 5 Review of Environmental Factors relates and to the extent authorised under the provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation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

## DOCUMENT CONTROL REGISTER

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

No	Date	Version	Change since last version	Pages
1	27.10.2023	v1	Not applicable – initial version	-
2	09.11.2023	v2	LAHC edits	various
3	08.02.2024	V3	LAHC NSW edits following notification of additional properties	various

## DOCUMENT SIGN-OFF

<b>REF prepared by:</b>	
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 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 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: 16.02.2024
<b>REF reviewed and endorsed by:</b>	
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: 21 February 2024

REF authorised for issue by:

Having authorised the issuing of this Review of Environmental Factors:

- I have declared any possible conflict of interest (real, potential or perceived) to the A/Executive Director of Strategy and Origination, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/Executive Director of 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: *Ambrose Marquart* 21.02.2024  
Date: February 2024

# Contents

<b>1</b>	<b>Executive Summary .....</b>	<b>9</b>
<b>2</b>	<b>Introduction.....</b>	<b>11</b>
2.1	Purpose of this Review of Environmental Factors (REF) .....	11
2.2	Assessment Methodology .....	11
<b>3</b>	<b>Existing Site &amp; Locality.....</b>	<b>13</b>
3.1	Existing Site and Immediately Adjoining Development .....	13
3.2	Site Description .....	17
3.3	Neighbouring Development and Locality.....	17
<b>4</b>	<b>Project Description .....</b>	<b>23</b>
4.1	Demolition.....	23
4.2	Removal of Trees .....	23
4.3	Proposed Dwellings.....	23
4.4	Supporting information.....	27
<b>5</b>	<b>Zoning and Permissibility .....</b>	<b>31</b>
<b>6</b>	<b>Planning and Design Framework.....</b>	<b>32</b>
6.1	Environmental Planning and Assessment Act 1979 .....	32
6.2	Biodiversity Conservation Act 2016 (BC Act) .....	32
6.3	Other Acts .....	32
6.4	Environmental Planning and Assessment Regulation 2021.....	33
6.5	State Environmental Planning Policy (Housing) 2021.....	37
6.6	Other State Environmental Planning Policies.....	50
6.7	Ballina Local Environmental Plan 2012 (BLEP 2012) .....	54
6.8	Ballina Shire Development Control Plan 2012.....	56
<b>7</b>	<b>Notification, Consultation and Consideration of Responses .....</b>	<b>63</b>
7.1	Council Notification .....	63
7.2	Notification of Occupiers of Adjoining Land and Other Persons.....	63
<b>8</b>	<b>Review of Environmental Factors .....</b>	<b>68</b>
8.1	Neighbourhood Character .....	68
8.2	Bulk and Density.....	68
8.3	Streetscape .....	69
8.4	Visual Impact .....	69
8.5	Privacy.....	70
8.6	Solar Access .....	71
8.7	Overshadowing .....	71
8.8	Traffic & Parking .....	71
8.9	Flora and Fauna .....	72
8.10	Heritage (European / Indigenous).....	73
8.11	Soils / Contamination / Acid Sulfate Soils / Salinity .....	73
8.12	Drainage / Flood Prone Land / Hydrology/ Water Quality .....	74
8.13	Bushfire Prone Land.....	74
8.14	Noise and Vibration.....	74
8.15	Air Quality.....	75
8.16	Waste Minimisation.....	75

8.17	Resource Use & Availability .....	76
8.18	Community / Social Effects .....	77
8.19	Economic Impact .....	77
8.20	Cumulative Impact Assessment .....	77
<b>9</b>	<b>Conclusion.....</b>	<b>79</b>
9.1	Summary of Key Issues Raised in Assessment.....	79
9.2	Recommendation .....	79
<b>10</b>	<b>Appendices.....</b>	<b>80</b>



## List of Figures

Figure 1 Location Plan (Source - SIX Maps) .....	13
Figure 2 Development site – 3 Cooke Avenue (Source – BRS September 2023) .....	14
Figure 3 Development site – 1 Deegan Drive (Source – BRS September 2023) .....	14
Figure 4 Development site – 3 Deegan Drive (Source – BRS September 2023) .....	15
Figure 5 Development Site - 5 Deegan Drive (Source – BRS September 2023) .....	15
Figure 6 Adjoining development – 2 Brown Avenue (Source – BRS September 2023) .....	16
Figure 7 Adjoining development – 7 Deegan Drive (Source – BRS September 2023) .....	16
Figure 8 More recent multi unit development at 35 Green Street (northwest of the site) (Source – BRS September 2023) .....	18
Figure 9 Multi unit development at 8 Tanamera Drive (northwest of the site) (Source – BRS September 2023) .....	18
Figure 10 Multi unit development at 45 Green Street (northwest of the site) (Source – BRS September 2023) .....	19
Figure 11 Two storey multi unit development at 19-21 Green Street (northwest of the site) (Source – BRS September 2023) .....	19
Figure 12 Part single and part 2-storey multi dwelling development at 28 Deegan Drive (northeast of the site) (Source – BRS September 2023) .....	20
Figure 13 Two storey development at 57 Teven Road (east of the site) (Source – BRS September 2023) .....	20
Figure 14 More recent two storey development at 69 Cooke Avenue (southeast of the site) (Source – BRS September 2023) .....	21
Figure 15 Older two storey development at 22 Parkland Drive (southeast of the site) (Source – BRS September 2023) .....	21
Figure 16 Extract from Architectural Plans - Site and Ground Floor Plan (Source - DTA Architects 2023) .....	25

## List of Tables

Table 1 Supporting information .....	27
Table 2 Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979 .....	32
Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171] .....	33
Table 4 Factors to be taken into account concerning the impact of an activity on the environment .....	33
Table 5 Compliance with relevant provisions under sections Part 5, Division 8 of the SEPP for ‘seniors housing development without consent’ carried out by LAHC .....	37
Table 6 Compliance with section 84(2) (c) (iii), 85, 88, 89 of the Housing SEPP 2021 .....	39

Table 7 Non-Discretionary standards for Independent Living units (Section 108).....	40
Table 8 Accessibility and useability standards [Schedule 4].....	42
Table 9 Seniors Living Urban Design Guidelines departures .....	48
Table 10 Response to Design Principles (Part 5, Division 8).....	50
Table 11 Compliance with other applicable State and Environmental Planning Policies .....	54
Table 12 Ballina Local Environmental Plan 2012 .....	56
Table 13 Ballina Development Control Plan 2012.....	57
Table 14 Issues raised in Council submission.....	63



# 1 Executive Summary

The subject site is located at 3 Cooke Avenue & 1-5 Deegan Drive, Alstonville, and is legally described as Lots 150, 151, 152 & 153 in Deposited Plan 243997. The proposed seniors housing development is described as follows:

Demolition of 4 dwellings and associated structures, tree removal, and the construction of a two-storey seniors housing development containing 8 x 1-bedroom and 8 x 2-bedroom independent living units, parking for 12 cars, associated site works and landscaping, and consolidation into a single lot.

The proposed activity is located 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 Part 5, Division 8 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it 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 the Housing SEPP.

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this 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 LAHC's *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; and
- 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.

Ballina Shire Council and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP. A response was received from Council dated 23 October 2023. Comments on the response 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 section 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 4 dwellings and associated structures, tree removal, and the construction of a two-storey seniors housing development containing 8 x 1-bedroom and 8 x 2-bedroom independent living units, parking for 12 cars, associated site works and landscaping, and consolidation into a single lot at 3 Cooke Avenue & 1-5 Deegan Drive, Alstonville.

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

This REF has been prepared by LAHC in satisfaction of 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.

\*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.

---

### 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.

---

### 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 R2 Low Density Residential zoning pursuant to the BLEP 2012, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by LAHC and a site inspection to determine the suitability of the site for the

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

- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; 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 4 residential allotments. A location plan is provided at **Figure 1**.

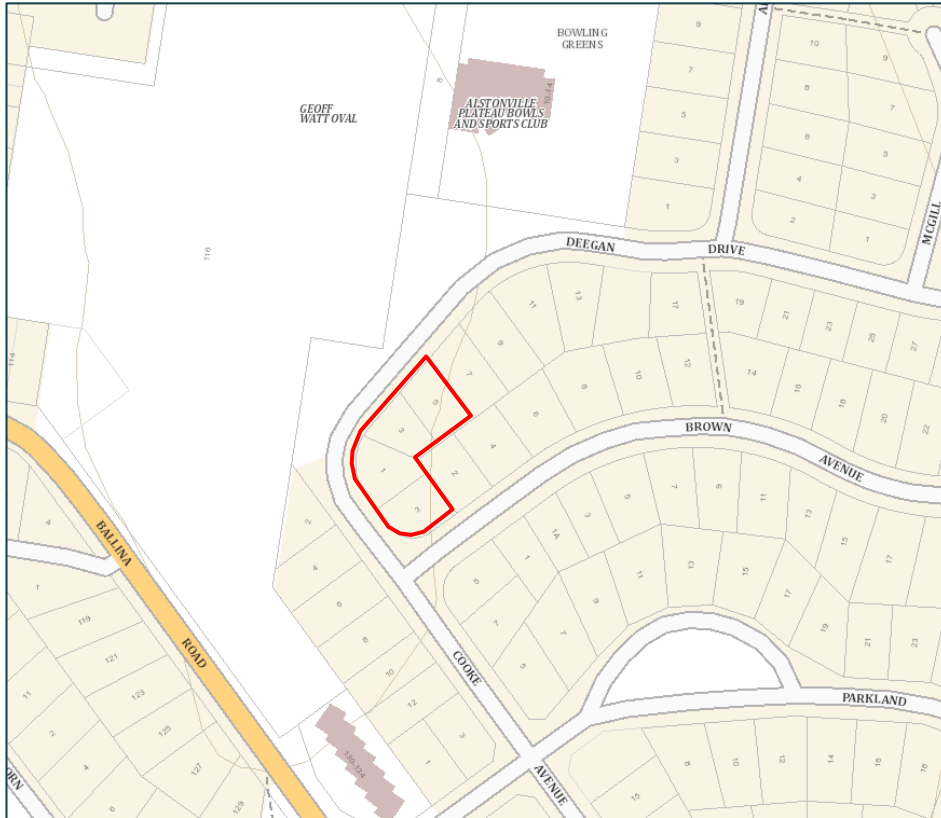


Figure 1 Location Plan (Source - SIX Maps)

The site is currently occupied by 3 single storey brick dwellings with tiled roofs, and 1 single storey weatherboard dwelling with a tiled roof (refer to photographs at **Figures 2 – 5**).





Figure 2 Development site – 3 Cooke Avenue (Source – BRS September 2023)



Figure 3 Development site – 1 Deegan Drive (Source – BRS September 2023)





Figure 4 Development site – 3 Deegan Drive (Source – BRS September 2023)



Figure 5 Development Site - 5 Deegan Drive (Source – BRS September 2023)



The subject site is positioned on 4 allotments, including 2 corner lots, with frontages to Cooke Avenue, Deegan Drive and Brown Avenue.

The property immediately to the east of 3 Cooke Avenue is 2 Brown Avenue, which contains a single-storey brick with tile roof dwelling (refer photograph at **Figure 6**).



Figure 6 Adjoining development – 2 Brown Avenue (Source – BRS September 2023)

The property to the north east of 5 Deegan Drive is 7 Deegan Drive, which contains a single storey weatherboard dwelling with tile roof (refer to photograph at **Figure 7**).



Figure 7 Adjoining development – 7 Deegan Drive (Source – BRS September 2023)

---

## 3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos 13271, 13270, 13269 and 13268) dated 5 November 2023 are provided in **Appendix F**.

The site has a total area of 2687m<sup>2</sup> and has 2 primary frontages comprised of straight and curvilinear sections measuring 41.22m to Cooke Avenue and 80.23m to Deegan Drive; and a secondary frontage of 15.24m to Brown Avenue. The site has 2 sections of rear boundary measuring 32m (south-eastern rear boundary) and 33.53m (southern rear boundary). The site also has a north eastern side boundary measuring 36.33m (refer to the submitted Detail Survey Plans in **Appendix D**).

At the Cooke Avenue frontage, the site falls from the rear toward Cooke Avenue by approximately 700mm; and at the Deegan Drive frontage, the site falls from the rear toward Deegan Drive by approximately 1.5m. An easement for stormwater drainage from the site is not required.

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

Of the 65 trees on and adjoining the site, 5 are located within the Cooke Avenue road reserve; 3 are located within the Deegan Drive road reserve; and 5 are located within the adjoining property, 2 Brown Avenue.

Water, sewer, electricity and telephone facilities are available to the site (refer to the submitted Detail Survey Plan for the location of available services at **Appendix D**). Water, electricity and telephone services are located along the road alignment of Cooke Avenue, Deegan Drive and Brown Avenue. The sewer is located at the rear of 3 and 5 Deegan Drive connecting to an inspection chamber at the rear of 1 Deegan Drive from where the sewer heads in a north-westerly direction to connect with the broader sewer network.

There are no encumbrances on title, Section 10.7 certificates or indicated on the Detail Survey Plans.

---

## 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 tiled roofs, interspersed with more recent 2-storey dwelling houses, dual occupancy and medium density developments (refer to photographs at **Figure 8 – Figure 15***Error! Reference source not found.*).





Figure 8 More recent multi-unit development at 35 Green Street (northwest of the site) (Source – BRS September 2023)



Figure 9 Multi-unit development at 8 Tanamera Drive (northwest of the site) (Source – BRS September 2023)





Figure 10 Multi-unit development at 45 Green Street (northwest of the site) (Source – BRS September 2023)



Figure 11 Two storey multi-unit development at 19-21 Green Street (northwest of the site) (Source – BRS September 2023)





Figure 12 Part single and part 2-storey multi-dwelling development at 28 Deegan Drive (northeast of the site) (Source – BRS September 2023)



Figure 13 Two storey development at 57 Teven Road (east of the site) (Source – BRS September 2023)





Figure 14 More recent two storey development at 69 Cooke Avenue (southeast of the site) (Source – BRS September 2023)



Figure 15 Older two storey development at 22 Parkland Drive (southeast of the site) (Source – BRS September 2023)

Two bus stops are located on Ballina Road approximately 270m south west of the site. These stops are serviced by Buslines Bus Route 661, which connects Lismore to Ballina via West Ballina, Alstonville, Wollongbar, Goonellabah, Lismore Base Hospital and Lismore Square including local centres, community facilities, health services and schools in these areas. It is noted that the surveyed pathway distance between the bus stop and site appears to be greater than 400 metres (refer to the Access Report provided at **Appendix G**).

However, the site is located outside the Greater Sydney region, enabling LAHC to utilise the B-ConX on demand bus services operated by Buslines Group. The services operate from the suburbs of Alstonville and Wollongbar, and Chilcotts Grass, and Goonellabah and can take residents to the required services and facilities. According to Transport for NSW, the hours of operation are:

- Monday to Friday – 6:30am to 6:30pm
- Saturday – 7:35am to 7:45pm
- Sunday and Public Holiday – 7:35am to 6:45pm

Residents are able to book the service via app and phone. The buses are wheelchair accessible and the service collects and drops off customers at their home.

Surrounding land use is predominantly residential with other surrounding land uses, including open space, commercial development and private recreation areas. The site is located opposite the Geoff Watt Oval to the west; and the Alstonville Plateau Bowls and Sports Oval is located approximately 80m north of the site. An area of commercial development is located 300m west ('as the crow flies') of the site comprising a Coles Supermarket, chemist, community health centre, post office, takeaway food, service station, cafes and other retail development. A cluster of educational establishments is located approximately 700m north west of the site.



## 4 Project Description

The proposed activity can be described as follows:

---

### 4.1 Demolition

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

---

### 4.2 Removal of Trees

Of the 65 trees considered in the Arboricultural Impact Assessment undertaken for the site (refer to **Appendix J**), 5 are located within the Cooke Avenue road reserve; 3 are located within the Deegan Drive road reserve; and 5 are located within the adjoining property, 2 Brown Avenue.

Within the site, 55 trees are proposed to be removed. The Arboricultural Impact Assessment has assessed that of the trees to be removed, 7 are considered to be of very low retention value, 23 are considered to be of low retention value and 25 are considered to be of moderate retention value.

In addition, 2 trees located within the Cooke Avenue and Deegan Drive road reserves (trees T23 and T56) are proposed to be removed. A tree removal application was lodged with Ballina Shire Council on 16 May 2023. Council staff issued approval for their removal on 25 May 2023 (refer to **Appendix E**).

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 worthy of retention (refer to submitted Arboricultural Impact Assessment in **Appendix J**).

Trees to be retained include 1 tree located within 3 Cooke Ave; 2 within the Cooke Avenue road reserve; 2 within the Deegan Drive road reserve; and 5 within an adjoining lot, 2 Brown Avenue.

More appropriate tree plantings, including trees capable of reaching mature heights of 3m-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**).

---

### 4.3 Proposed Dwellings

All ground floor units are capable of being adapted to suit persons with a disability should the need arise in the future.

The proposed housing represents a contemporary, high-quality design. The proposed development has been split into two distinct building forms, each comprising 8 units. One building form addresses Cooke Avenue and Brown Avenue while the other addresses Deegan Drive.

Within the building form addressing Deegan Drive, all 8 of the proposed units will address its street frontage (Units 1, 2, 5 and 6 on the ground floor and Units 3, 4, 7 and 9 on the first floor) with habitable rooms, ground floor patios and upper-level balconies facing the street for passive surveillance.

Within the building form addressing Cooke Avenue, Unit 9 on the ground floor and Unit 11 on first floor will address both Deegan Drive and Cooke Avenue with habitable rooms, living areas, ground floor patios and upper-level balconies facing the street frontages. Unit 14 on the ground floor and Unit 16 on the first floor address Brown Avenue. Four of the proposed units (Units 10 and 13 on the ground floor and Units 12 and 15 on

the first floor) front Cooke Avenue however do not have any habitable rooms, patios or balconies addressing the street. Sightlines to the street are afforded through the kitchen and dining area of each unit. Habitable rooms, patios and balconies of these units address the communal carpark of the development providing passive surveillance to the area.

Cut and fill is proposed to provide level carparking areas and building platform. Retaining walls are proposed at the rear of Units 1 and 2; and around the private open space areas of Units 9 and 14, as shown on the Architectural Plans (refer to **Appendix A**).

A variety of new landscape plantings, including trees capable of reaching a mature height of 3-10m (refer to Landscape Plan in **Appendix B**) are proposed to offset the tree removal and also to enhance the appearance of the site and the microclimate for new occupants and neighbours. New plantings will consist of a mixture of native trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. Stepping stones are proposed to facilitate maintenance access only. It is noted that parts of the site are indicated as turfed (adjacent to Unit 14 and the communal open space), which may pose maintenance issues for LAHC. Accordingly, an Identified Requirement (No 18) is recommended requiring the Landscape Plan to be updated to replace these turfed areas with shrubs and ground covers.

Each unit will be provided with its own enclosed private open space area. Private open space areas are in the form of either a courtyard or balcony and have been designed to be directly accessible from living areas.

A total of 12 surface car parking spaces will be provided on the site, including 4 accessible spaces.

Stormwater will be collected via a series of stormwater pits and pipes on the site connected to an underground detention tank draining to an existing drainage pit on Deegan Drive. 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 with a maximum height of 1.8m. A metal fence to a maximum height of 1.2m is proposed within the front setback and to the private open space of each ground floor unit addressing the street. Slat fencing between 1.2m and 1.8m is proposed to each ground floor unit addressing the internal grounds of the site.

**Figure 16 to Figure 19** include extracts from the architectural plans illustrating the proposed development.

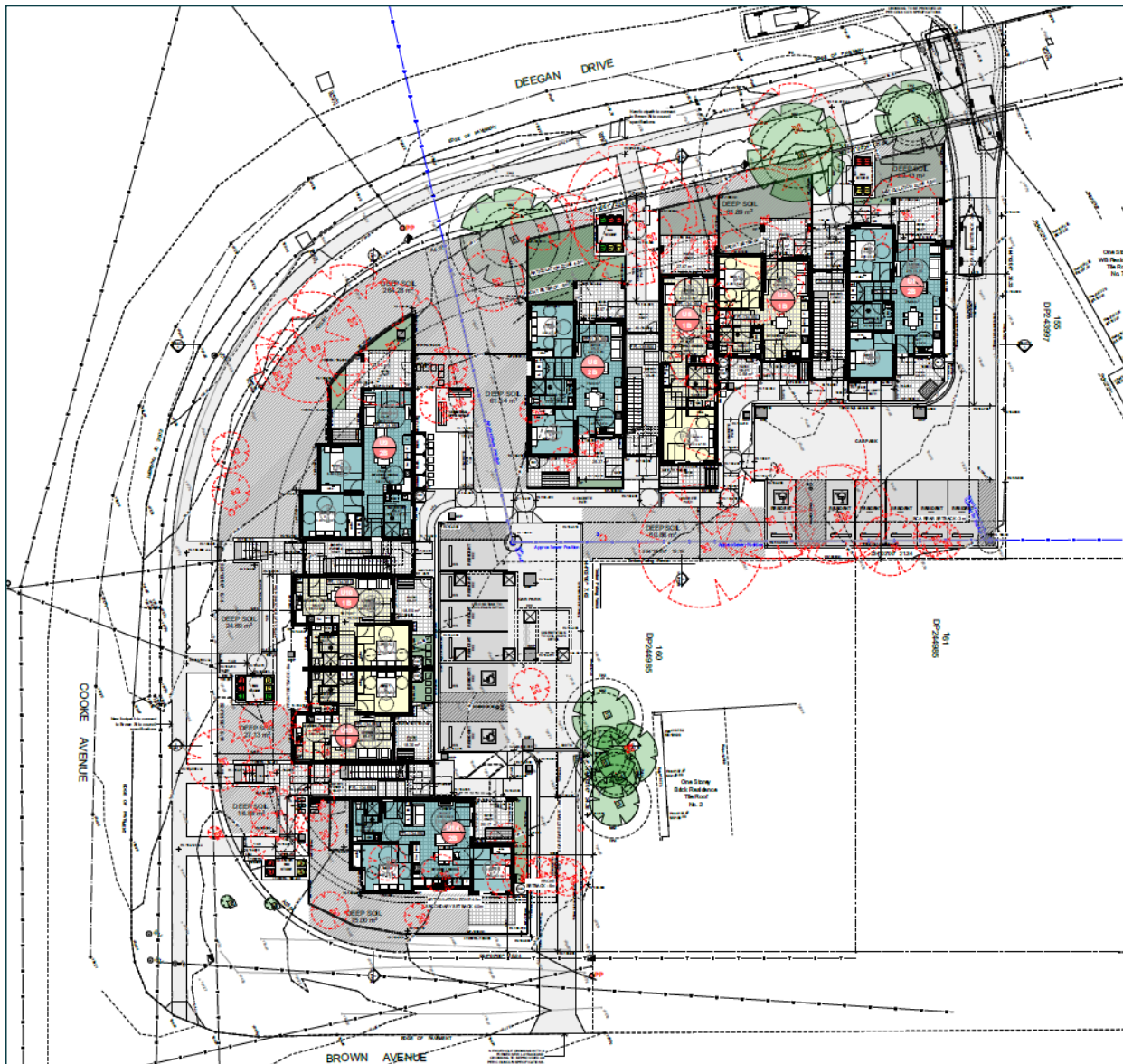


Figure 166 Extract from Architectural Plans - Site and Ground Floor Plan (Source - DTA Architects 2023)

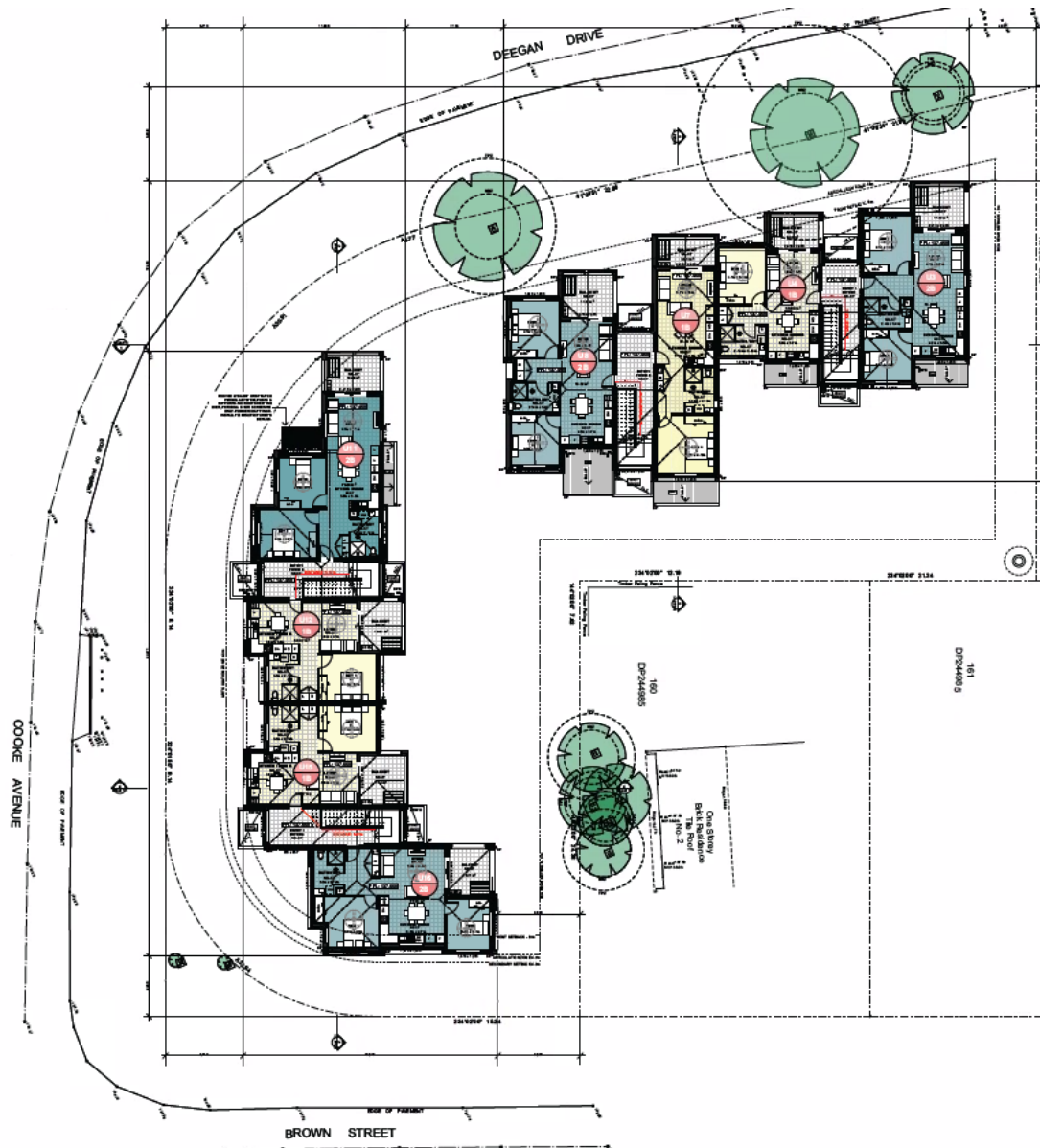


Figure 17 Extract from Architectural Plans – First Floor Plan (Source - DTA Architects 2023)





Figure 18 Extract from Architectural Plans – Deegan Drive Streetscape Perspective (Source - DTA Architects 2023)



Figure 19 Extract from Architectural Plans – Corner of Cooke Avenue & Brown Avenue Streetscape Perspective (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>				
Coversheet	1 of 18	-	18.09.2023	DTA Architects
Block Analysis Plan	2 of 18	A	18.09.2023	DTA Architects
Site Analysis Plan	3 of 18	A	18.09.2023	DTA Architects

Demolition Plan	4 of 18	A	18.09.2023	DTA Architects
Development Data	5 of 18	A	18.09.2023	DTA Architects
Site and Ground Floor Plan	6 of 18	A	18.09.2023	DTA Architects
First Floor Plan	7 of 18	A	18.09.2023	DTA Architects
Roof Plan	8 of 18	A	18.09.2023	DTA Architects
Elevations	9 of 18	A	18.09.2023	DTA Architects
Elevations	10 of 18	A	18.09.2023	DTA Architects
Sections	11 of 18	A	18.09.2023	DTA Architects
Shadow Diagrams - (June 21 <sup>st</sup> 9am)	12 of 18	A	18.09.2023	DTA Architects
Shadow Diagrams - (June 21 <sup>st</sup> 12pm)	13 of 18	A	18.09.2023	DTA Architects
Shadow Diagrams - (June 21 <sup>st</sup> 3pm)	14 of 18	A	18.09.2023	DTA Architects
View from Sun Diagrams	15 of 18	A	18.09.2023	DTA Architects
View from Sun Diagrams	16 of 18	A	18.09.2023	DTA Architects
Perspectives	17 of 18	A	18.09.2023	DTA Architects
Perspectives	18 of 18	A	18.09.2023	DTA Architects
Landscape Plan – Appendix B				
Landscape Plan	1 No of 2	B	28.08.2023	Ray Fuggle & Assoc.
Landscape Plan	2 No of 2	B	28.08.2023	Ray Fuggle & Assoc.
Civil Plans				
Cut and Fill Plan	1 of 1	C	18.09.2023	MSL Consulting Engineers
Specification Sheet	1 of 7	C	18.09.2023	MSL Consulting Engineers
Site Drainage Plan	2 of 7	C	18.09.2023	MSL Consulting Engineers
Drainage Plan – Sheet 1	3 of 7	C	18.09.2023	MSL Consulting Engineers
Drainage Plan – Sheet 2	4 of 7	C	18.09.2023	MSL Consulting Engineers
OSD Section and Stormwater Details	5 of 7	C	18.09.2023	MSL Consulting Engineers
Stormwater Details	6 of 7	C	18.09.2023	MSL Consulting Engineers
Sediment Control Plan	7 of 7	C	18.09.2023	MSL Consulting Engineers
Detail Survey – Appendix D				
Detail Survey	1 of 4	-	16.09.2022	RPS Australia East Pty Ltd
Detail Survey	2 of 4	-	16.09.2022	RPS Australia East Pty Ltd
Detail Survey	3 of 4	-	16.09.2022	RPS Australia East Pty Ltd
Detail Survey	4 of 4	-	16.09.2022	RPS Australia East Pty Ltd
Notification Plans – Appendix E				
Cover Page	N01 of 07	A	01.08.2023	DTA Architects
Site & Landscape Plan	N02 of 07	A	01.08.2023	DTA Architects
Development Data	N03 of 07	A	01.08.2023	DTA Architects
Elevations	N04 of 07	A	01.08.2023	DTA Architects
Elevations	N05 of 07	A	01.08.2023	DTA Architects
Schedule of Finishes	N06 of 07	A	01.08.2023	DTA Architects
Shadow Diagrams	N07 of 07	A	01.08.2023	DTA Architects
Access Report – Appendix H				
Access Report	22359-DA	R1.2	26.08.2023	Ai Consultancy

**AHIMS Web Search – Appendix I**

AHIMS Search – 5 Deegan Drive	-	-	26.09.2023	NSW Government
AHIMS Search – 3 Cooke Avenue	-	-	26.09.2023	NSW Government

**Arborist's Impact Assessment – Appendix J**

Arboricultural Impact Assessment Report	-	-	21.08.2023	Arbor Ecological
---	---	---	------------	------------------

**BASIX – Appendix K**

BASIX Certificate	1396564M_04	-	20.10.2023	Greenview Consulting Pty Ltd
-------------------	-------------	---	------------	------------------------------

**BCA report – Appendix L**

BCA Compliance Assessment	P230106	5	05.09.2023	BCA Vision
---------------------------	---------	---	------------	------------

**NatHERS Certificate – Appendix N**

Nationwide house energy rating scheme – class 2 summary	0009006130	-	20.10.2023	Greenview Consulting Pty Ltd
NaTHERS Stamped Plans	0009006130	-	20.10.2023	-
NaTHERS Thermal Performance Specification	-	-	-	Greenview Consulting Pty Ltd

**Geotechnical Investigation Assessment - Appendix P**

Residential Site Investigation Report	39844-GR01_A	A	06.10.2022	Barnson Pty Ltd
---------------------------------------	--------------	---	------------	-----------------

**Waste Management Plan – Appendix R**

Waste Management Plan	-	-	06.09.2023	DTA Architects
-----------------------	---	---	------------	----------------

**Traffic Impact Assessment - Appendix S**

Traffic Impact Assessment	-	4	06.09.2023	ParkTransit Pty Ltd
---------------------------	---	---	------------	---------------------

**Safe Design of Building and Structures Report – Appendix T**

Safe Design of Building and Structures Report	-	A	11.07.2023	De Angelis Taylor + Associates
---	---	---	------------	--------------------------------

**Section 10.7 Planning Certificates – Appendix F**

Lot 153 DP 243997, Cert no. 13268, dated 05.11.2023 – Ballina Shire Council

Lot 152 DP 243997, Cert no. 13269, dated 05.11.2023 – Ballina Shire Council

Lot 151 DP 243997, Cert no. 13270, dated 05.11.2023 – Ballina Shire Council

Lot 150 DP 243997, Cert no. 13271, dated 05.11.2023 – Ballina Shire Council

**Notification public authority letters and responses – Appendix G****Design compliance certificates – Appendix M**

Architect's Certificate of Building Design Compliance – 29.08.2023

Certificate of Stormwater Design Documentation Compliance – 18.09.2023

Certificate of Landscape Design Documentation Compliance – 19.09.2023

Certificate of Civil Design Documentation Compliance – 01.08.2023

Certificate of Hydraulic Design Documentation Compliance – 18.09.2023

**Housing for Seniors Checklist – Appendix O**

Seniors Living Policy: Urban Design Guidelines for Infill Development; LAHC Design Requirements; and Good Design for Social Housing – prepared by DTA Architects – undated.



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

Title Search, Folio: 150/243997, Search date 03.10.2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 151/243997, Search date 03.10.2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 152/243997, Search date 03.10.2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 153/243997, Search date 03.10.2023, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 0243997, Search Date 06.06.2022

## 5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Ballina Local Environmental Plan 2012* (BLEP 2012) (**Figure 20**Error! Reference source not found.). The proposed development is defined as ‘seniors housing’ under the provisions of BLEP 2012 and is permitted with consent in the R2 zone.

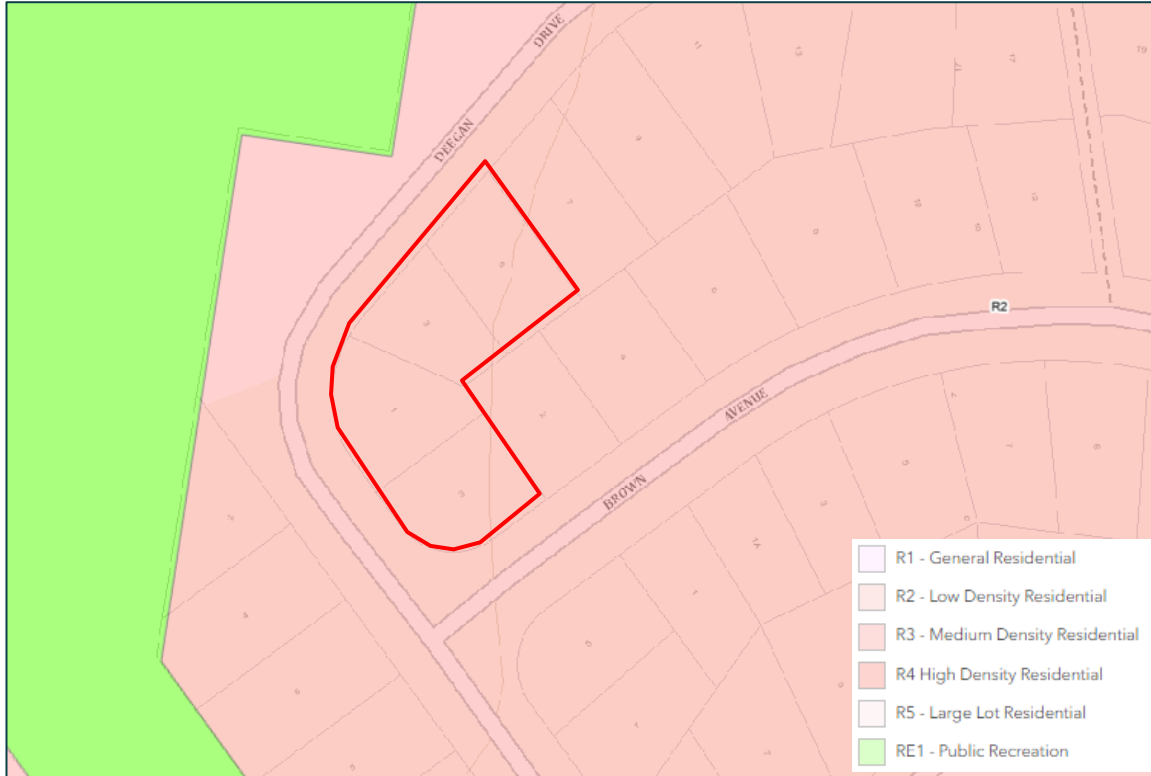


Figure 170 Extract of Land Zoning map (Source - eSpatial Viewer)

Senior’s housing is permitted in the R2 zone under BLEP 2012. The relevant objectives of the R2 zone, as set out in BLEP 2012 are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *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 proposed development provides seniors housing that meets the identified need for social housing and achieves BASIX and NatHERS requirements. The proposal has also been sympathetically designed to fit within its context and complement the surrounding area. The proposal is therefore consistent with the relevant objectives of the R2 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 Error! Reference source not found. 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;	Yes		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(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; and
- 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 21**.

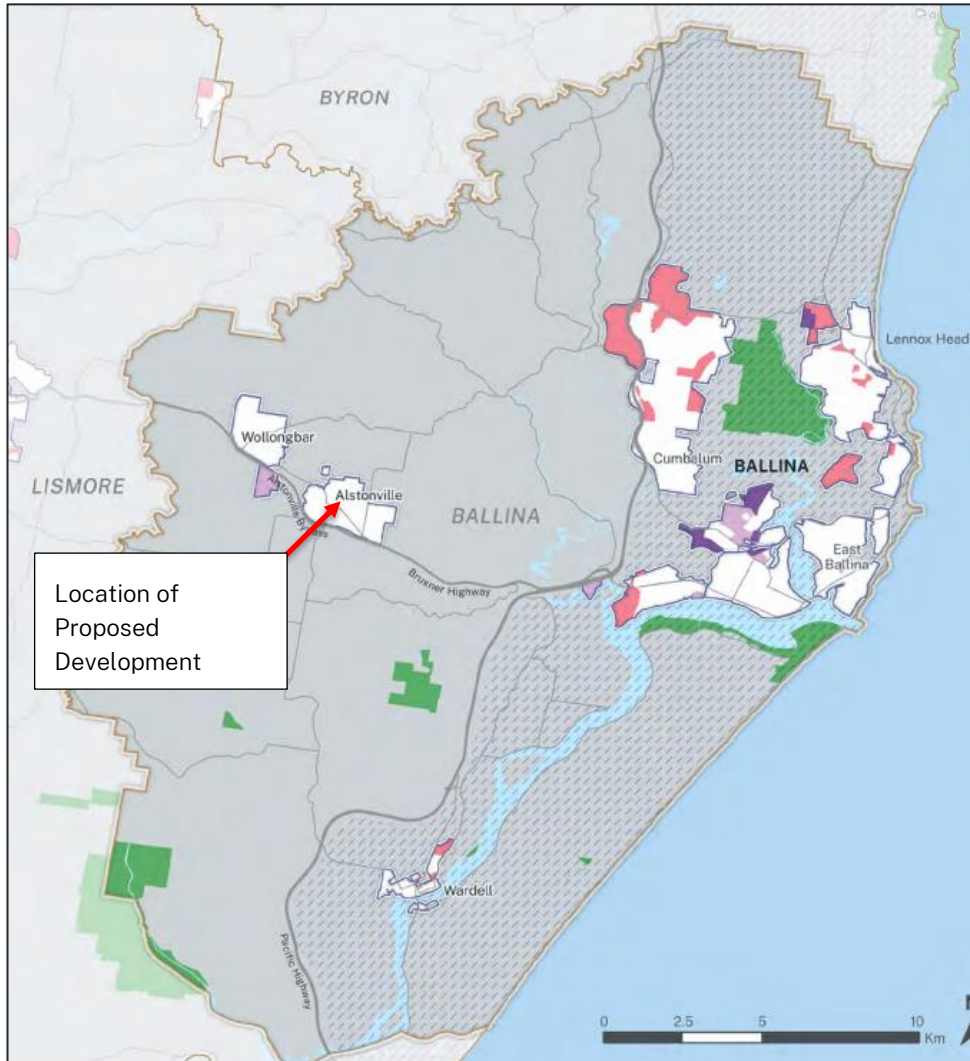


Figure 21 Extract from North Coast Regional Plan - Urban Growth Area Map for Ballina LGA (Source - North Coast Regional Plan)

This proposal, which will expand the supply of affordable housing through the development of 16 new seniors housing units within a well located area, is consistent with the objectives of the Regional Plan.

#### **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 around 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 16 seniors living units contributes to the objectives of the Ballina Shire Local Strategic Planning Statement and will increase the provision of affordable and seniors living units through infill development.



### 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 16 seniors living units is not in conflict with the Ballina Community Strategic Plan 2022 – 2032 and will provide new affordable housing within the LGA.

### Alstonville Strategic Plan 2017 – 2037

The Alstonville Strategic Plan 2017 – 2037 is a place based strategic plan aimed to guide future development is Alstonville. One of the five 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 residential densities and dual occupancy developments, as shown in Figure 22.



Figure 22 Extract from Alstonville Strategic Plan - Alstonville Locality Map (Source - Alstonville Strategic Plan)



The proposed development for 16 seniors living units is not in conflict with the *Alstonville Strategic Plan 2017 – 2030* by providing medium density affordable housing opportunities in proximity to Alstonville.

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

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

## 6.5 State Environmental Planning Policy (Housing) 2021

### 6.5.1 Development without Consent

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 sections 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 in the R2 Low Density Residential zone under the BLEP 2012.
(b) in a prescribed zone or an equivalent land use zone.	The R2 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 8.2m.
(c) the seniors housing will not contain more than 40 dwellings on the site.	The development is for 16 dwellings on the site.

Provision	Compliance
(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> are 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 persons or properties that should be notified of the development via an email sent to Council on 18 April 2023. Council provided a response on 19 April 2023, advising that the extent of notification is considered satisfactory.
(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 by LAHC on 28 September 2023. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date. Additional notification was also undertaken on 8 December 2023, to correct an error in the original extent of notification. This is discussed in section 7.2 below.
(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 23 October 2023. Comments on the response are provided in Section 7.1 of this REF. No submissions were received from adjoining owners or occupiers.
(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 standards 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 the 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.

Provision	Compliance
(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.

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

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

Provision	Compliance
84 Development standards — general (2) Development consent must not be granted for development to which this section applies unless — ( (c) for development on land in a residential zone where residential flat buildings are not permitted —  (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and  (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m — the servicing equipment complies with subsection (3), and (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.	The proposed development is in R2 zone where residential flat buildings are not permitted.  The proposed development has a maximum height of 8.2m.  NA  NA. Proposed development is two storey only.
85 Development standards for hostels and independent living units (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	The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in Table 8 below.

Provision	Compliance
<p>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>	Noted.
<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>	Complies. An Identified Requirement no. 73 is recommended to ensure compliance.
<p>89 Use of ground floor of seniors housing in business zones</p> <p>(</p>	Not applicable. The proposed development is in an R2 low density residential zone.

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

Development Standard	Required	Comment
Building Height:	9.5m or less	Maximum height 8.2m.
Density and Scale:	Floor Space Ratio 0.5:1 or less	Complies – 0.49:1
Landscaped Area:	Minimum 35m <sup>2</sup> per dwelling (16 x 35m <sup>2</sup> = 560m <sup>2</sup> )	Complies. 930.45m <sup>2</sup>
Deep Soil Zone:	Minimum 15% of area of site (15% x 2687.37m <sup>2</sup> = 403m <sup>2</sup> )	Complies. 621m <sup>2</sup> or 23.11%
	Minimum 65% to be preferably located at rear of site(65% of 403m <sup>2</sup> = 262m <sup>2</sup> )	Does not comply. 122m <sup>2</sup> or 30% of the required deep soil zone provided at rear of site (refer discussion below).
	Minimum dimension 3m	Complies. Minimum dimension 3m

Development Standard	Required	Comment
Solar Access:	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9 am and 3 pm at mid-winter	Complies. 90% of living areas and private open space achieve 3 hours of direct solar access between 9am and 3pm mid-winter.
Private Open Space:	Ground level:	
	Minimum 15m <sup>2</sup> per dwelling	Complies.  Minimum 18.39m <sup>2</sup> .
	One area minimum 3m x 3m, accessible from living area	Minimum 3m x 3m.
	Upper level/s:	Complies.
	1 bedroom: Minimum 6m <sup>2</sup> Minimum dimensions 2m	Minimum 8.35m <sup>2</sup> Minimum 2m
	2 or more bedrooms: Minimum 10m <sup>2</sup> Minimum dimensions 2m	Minimum 10.11m <sup>2</sup> Minimum 2m
Car parking:	Minimum 1 car parking space for each 5 dwellings (social housing provider concession)	Complies.  12 car parking spaces for 16 dwellings, including 4 accessible parking spaces.

## Non-Compliance with Deep Soil Zone

In accordance with the Housing SEPP, the proposed development is to incorporate a deep soil zone of at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.

It was not practicable to locate 65% of the deep soil zones at the rear of the site in this instance given the sites 3 frontages and design of the shared carparking areas at the rear of the site.

The variation to the control is considered acceptable in this instance as the development provides deep soil zones for the site that exceed by 218m<sup>2</sup> the amount of deep soil zone required under the Housing SEPP; and the development is consistent with the following relevant principles contained in the *Seniors Living Policy: Urban Guidelines for Infill Development*:

- 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; and
- 2.22 Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages.

In addition, the development provides adequate rear setbacks to upper storey dwellings, providing visual separation between the proposed development and adjoining dwellings; and existing tree plantings within 2 Brown Avenue provide vegetative screening to reduce overlooking of 2 Brown Avenue from the balconies of Units 15 and 16.



## 6.5.2 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
2.Siting Standards:		
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.
'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), 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	Not applicable as the site does not have a gradient of more than 1 in 10.
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 (Appendix H).
3. Security:		
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).
4. Letterboxes:		
	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)	Complies.  Letterboxes have been provided in two locations adjacent to the Cooke Avenue street entry and two locations within the Deegan Drive street entry. Letterboxes are suitably located to comply with this clause as confirmed by the access report prepared by AI Consultancy (Appendix H).
5. Private car accommodation:		

Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890 and at least 5% of the total number of car parking spaces (or at least 1 space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8m	4 accessible car parking spaces are provided, which meet the requirements of AS2890. 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 (Appendix H)
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>		
Every entry, whether front entry or not:	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	<p>The entry doors to all ground floor and first floor units are suitably detailed as per the submitted Access Report.</p> <p>Threshold details will be required to be reviewed at construction documentation stage (Identified Requirement No. 72 imposed to ensure compliance).</p>
<b>7. Interior: general</b>		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>Internal doorways must have a minimum clear opening that complies with AS1428.1</p> <p>Internal corridors must have a minimum unobstructed width of 1,000mm</p> <p>Circulation space at approaches to internal doorways must comply with AS1428.1</p>	<p>All internal doors and corridors within each ground floor dwelling are suitably design detailed as per the access report prepared by AI Consultancy (Appendix H).</p> <p>Glazed doors leading on to the balconies will be required to achieve a minimum clear opening of 850mm (Identified Requirement No. 72 imposed to ensure compliance).</p>
<b>8. Bedroom</b>		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel-a single - size bed,</p> <p>(ii) in the case of a self-contained dwelling - a queen size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200mm wide at the foot of the bed, and</p>	<p>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 (Appendix H).</p> <p>Further detailed information relating to electrical information will be required to be assessed at construction documentation stage (Identified Requirement No. 72 imposed to ensure compliance).</p>

- (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

## 9. Bathroom

**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) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS1428.1:

- (a) a slip-resistant floor surface,
- (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS1428.1,
- (c) a shower that complies with AS1428.1, except that the following must be accommodated either immediately or in the future:
  - (i) a grab rail,
  - (ii) portable shower head,
  - (iii) folding seat,
  - (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
- (e) a double general power outlet beside the mirror

The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility

The bathroom 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 (Appendix H).

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).

## 10. Toilet

**Note: consideration only required for ground floor units in accordance with clause 85(2)**

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

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 (Appendix H). Identified Requirement No. 72 imposed to ensure compliance.
<b>11. Surface finishes</b>		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Balconies and external paved areas must have slip-resistant surfaces	Slip resistance to balconies & 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 (Appendix H). Identified 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 (Appendix H). 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 (Appendix H). 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)		
	<p>A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p>	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 (Appendix H). Identified

A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux

Requirement No. 72 imposed to ensure compliance.

## 16. Kitchen

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
- (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

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 prepared by AI Consultancy (Appendix H). Identified Requirement No. 72 imposed to ensure compliance.

## 17. Access to kitchen, main bedroom, bathroom and toilet

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 the dwellings are not multi-storey.

## 18. Lifts in Multi storey buildings

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.

NA

## 19. Laundry

Note: consideration only required for ground floor units in accordance with clause 85(2)



	<p>A self-contained dwelling must have a laundry that has:</p> <ul style="list-style-type: none"> <li>(a) width at door approaches that complies with cl.7 of this Schedule, and</li> <li>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</li> <li>(c) a clear space in front of appliances of at least 1,300mm, and</li> <li>(d) a slip-resistant floor surface, and</li> <li>(e) an accessible path of travel to any clothes line provided in relation to the dwelling</li> </ul>	<p>The laundry 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 (Appendix H). Identified Requirement No. 72 imposed to ensure compliance.</p>
<b>20. Storage for Linen</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299</p>	<p>Capable of compliance, to be detailed in the construction documentation stage as per the Access Report prepared by AI Consultancy (Appendix H). Identified Requirement No. 72 imposed to ensure compliance.</p>
<b>21. Garbage</b>		
	<p>A garbage storage area must be provided in an accessible location.</p>	<p>Garbage storage areas are located at the front of the site, each connected by an accessible path of travel.</p>

### 6.5.3 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 five 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.

Clause 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 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?	Whilst all vegetation at the rear of the site is to be removed to facilitate the proposed development, substantial setbacks and existing tree plantings on adjoining properties will mitigate visual and privacy impacts.
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	Driveways and paths are concrete to meet LAHC 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 each driveway to soften and reduce the visual impact of the driveways. It is noted that car parking spaces are located to the rear behind the buildings to reduce visual impact.
3.24 Consider alternative site designs that avoid driveways running the length of the site?	Car parking spaces are located to the rear behind each building form to reduce the visual impact from the street. The driveways are located along the side boundaries and landscaping is provided along the length and at the rear of each driveway to reduce the 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 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	The Ballina DCP 2012 (BDGP 2012) does not require upper floors to be set back behind the side or rear building line. Upper floors have not been setback so as to simplify construction.

## 6.5.4 Good Design for Social Housing

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

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

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 7.5 stars which exceeds the minimum targets set by the LAHC Design Requirements (**Appendix N**). A photovoltaic system has been incorporated to offset energy use in the development. PV solar panels are positioned on the north and north-east 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. Further, the proposal is located opposite a large area of public open space and within walking distance to Alstonville Plateau Bowls Club which may 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 face brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time.

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 their household members.

### **Value**

The development meets sustainability targets, with the development achieving an average NatHERS rating of 7.5. 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.

### 6.5.5 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the 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.

Clause 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 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.

### 6.5.6 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 and recreation 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 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 more contemporary residential development in the Alstonville locality.

The buildings have been designed as two distinct, but compatible forms as viewed from the street, and responds to the character and scale of development in the area. High quality finishes and the well-considered design of the development add to the identity of the 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.
(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 including prominent entry points and ample landscaping within the front setback and private open space areas.
The proposed building setbacks are compatible with the streetscape character of the locality and are consistent with Council's DCP requirements. Greater side and rear setbacks have been provided, including where the design includes a balcony at first floor level.
The development is below the height limit permitted under the Housing SEPP and BLEP 2012 and retains more than 2 hours solar access to the living areas and private open spaces of neighbouring dwellings in mid-winter.
A suitable balance of cut and fill is proposed 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 generally consistent with the setbacks of dwelling houses in the locality.
(f) include plants reasonably similar to other plants in the street, and
The proposed landscape design incorporates substantial plantings throughout the development which will enhance the streetscape and provide quiet spaces for residents to enjoy. The majority of the proposed trees and plantings have been selected from the Ballina Shire Urban Garden Guide so as 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.
Extensive landscaping is proposed within the front setback of the proposal which will assist in reducing visual impact from the street. Retention of 10 trees within the site, street and neighbouring development will further reduce the visual impact of the proposed development and contribute to the amenity of residents.
Larger shade trees are proposed throughout the site and will grow to a mature height of 3-10m. Low maintenance planting in the common landscaped area will create a pleasant environment for residents and attract birdlife.
(g) retain, wherever reasonable, significant trees, and
As discussed at section 4.2 of this REF, 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 worthy of retention (refer to submitted Arboricultural Impact Assessment in <b>Appendix J</b> ).
The activity proposes to retain 3 significant trees located within the Deegan Drive frontage and 5 trees located in the adjoining property, 2 Brown Avenue.
More appropriate tree plantings, including trees capable of reaching mature heights of 3m-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 <b>Appendix B</b> ).
(h) prevent the construction of a building in a riparian zone.
The site is not located within or adjacent to a riparian zone.
<b>Visual and acoustic privacy [section 100]</b>
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 and heights, dwelling layouts, placement and sizing of window openings and location of landscaping, particularly at the side and rear boundaries.

The building has 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.

90% of the proposed dwellings (15/16) will receive a minimum of 3 hours sunlight between 9am and 3pm on June 21 to their living area and private open space which exceeds the targets set under the Housing SEPP (refer to solar access diagrams in **Appendix A**).

Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 7.5.

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

No solar impact will be generated to development north, west and south of the site. Shadows to neighbouring development in the south east (2 Brown Avenue) encroach the private open space of the site from 3pm onwards. During the morning period and midday periods, the property will not be affected by overshadowing.

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 infiltration trenches and rainwater and OSD tanks, have been provided to achieve council requirements.

Site stormwater will be captured and drained as shown on the submitted stormwater management plans (**Appendix C**), with OSD tank and 15kL rainwater tanks provided to facilitate stormwater detention on-site and 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 enforces territorial reinforcement by establishing clear entry points and boundaries through fencing and landscaping.

Central entry points provide a secure progression from public to private spaces and will create a safe environment for residents. All entry points to site and to units, are designed to have maximum casual surveillance over all approaches whilst not imposing on privacy, through windows and balconies etc. Generally, units address the street and provide passive surveillance of public areas as well as the pedestrian and vehicle entry points. Further, the design of the proposed development will allow for general surveillance of common areas including walkways to each block, communal car parks and the communal open space area.

Peep-holes will also be provided on the front doors of each dwelling 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.

The subject site is located outside the Greater Sydney region, enabling LAHC to utilise the B-ConX on demand bus services operated by Buslines Group. The services operate from the suburbs of Alstonville and Wollongbar, and Chilcotts Grass, and Goonellabah and can take residents to the required services and facilities. To enable residents to access the service, an accessible pathway is to be constructed along each street frontage, connecting with the accessible entries to each building.

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 4 accessible parking spaces and accessible pathways are provided between the car parking area and the internal lobby. 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 LAHC 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

Below outlines applicability of, and compliance with, other State and 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 <b>Appendix K</b> ).		
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, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.		
SEPP (Biodiversity and Conservation) 2021		
This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.		
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 55 trees (refer to the Arboricultural Impact Assessment Report at <b>Appendix J</b> ).		
Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without any other consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.		
However, 2 trees located within Councils' road reserve (T23 and T56) are also proposed to be removed. As such, a tree removal application was lodged with Ballina Shire Council on 16 May 2023. Approval for their removal was issued 25 May 2023 (refer to <b>Appendix E</b> ). It is proposed to replace these 2 street trees in consultation with Ballina Shire 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 Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.		
Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent.		
The site is located within a developed residential area of Ballina Shire LGA. The s10.7 planning certificate ( <b>Appendix F</b> ) has 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 the table below:		
Previous evidence of contamination	Yes/ No	Response

a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes since the early 1970'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	All of the lots contain a single storey detached dwelling and associated structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	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 did not reveal any evidence of potential contaminating activities. Standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
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 early 1970'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 possibility of discovering site contamination during demolition / construction works.
i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM act or a site regulated by the EPA under the CLM Act.

Given the above it is unlikely that the site is contaminated however a recommended Identified Requirement (No. 17) requires implementation of management measures in the unlikely event of contamination 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
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 8.2m.
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 0.49:1
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> </ul>	<p>The subject site is located within a drinking water catchment on Council's Drinking Water Catchment Map.</p> <p>However, the proposed development is unlikely to have any adverse impact on the quality and quantity of water entering the drinking water storage as the site is located approximately 900m from any waterway.</p> <p>In addition, the proposed development is for a residential purposes only and does not seek any potentially contaminating land uses.</p> <p>Waste water will discharge to the existing sewer pipe, located within the site.</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</p>

		<p>c) any appropriate measures proposed to avoid the impacts of the development,</p> <p>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>,</p> <p>e) whether or not the development would be more suitably carried out on an alternative site.</p>	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.
--	--	---	---

## 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 Development Control Plan 2012

Compliance with setback 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> </ul>	The proposed development sits within the building envelope as demonstrated in the architectural plans prepared by STA Architects contained within <b>Appendix A</b> .

	<ul style="list-style-type: none"> <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>	<p>The proposed side setback of 5.013m is compliant with the DCP control.</p> <p>The proposed minimum rear of 7.605m setback of is compliant with the DCP control.</p> <p>N/A. No garages, sheds or detached building 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>The patio of ground floor Units 1, 2, 5, 6 and 9 project forward of the front building line by up to 1.5m.</p> <p>The balcony of upper storey Units 3, 4, 7, 8 and 11 project forward of the front building line by up to 1.5m.</p> <p>A total of 14.4% or 26.32m<sup>2</sup> of the articulation zone includes building elements.</p>

	iii)	New dwellings are to be designed to address the street, provide an easily identifiable entrance for pedestrians and contribute to the streetscape.	The proposal has been designed as two building forms. One building form addresses Cooke Avenue and has a secondary frontage to Brown Avenue while the other building form addresses Deegan Drive. Each building form comprises two easily identifiable pedestrian accesses from the street. The architectural style of the proposed development is generally compatible with the evolving form of development in the surrounding locality.
<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 Councils Building Line Map.</p> <p>The proposed development is located on a corner lot and has frontage to Cooke Avenue, Deegan Drive and Brown Avenue. Cooke Avenue and Deegan Drive are identified as the primary frontage of the proposal.</p> <p>The proposed building line setback of 6m to Cooke Avenue and Deegan Drive 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 Councils 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	Brown Avenue is identified as the secondary frontage of the proposal. Table 4.2 of the DCP identifies that secondary road frontage building lines can be varied to 4m where the building line is 6m.



		The proposed secondary setback of 4m from Brown Avenue is compliant with the DCP control.
<b>M. Element – Adaptable Housing</b>	<p>i) At least 10% of all dwellings in an attached dwelling, residential flat building or multi dwelling housing development containing 10 or more dwellings must be designed in accordance with Australian Adaptable Housing Standard (AS 4299-1995). Where this results in a fraction then it shall be rounded to the nearest whole number with 0.5 being rounded down; and</p> <p>ii) Car parking and garages allocated to dwellings built to the Australian Adaptable Housing Standard (AS 4299-1995) must comply with the dimensions specified in the Standard.</p>	<p>Of the 16 independent living units, 8 (ground floor units) have been designed as liveable units which are capable of being adapted to suit persons with a disability should the need arise in the future.</p> <p>Car parking, including accessible car parking spaces, has been designed in accordance with the relevant Australian Standards. Refer to the Traffic Impact Assessment report at <b>Appendix S</b>.</p>
<b>General and Environmental Considerations</b>		
<b>3.5 Land Slip/Geotechnical Hazard</b>	<p>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> <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 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>It is noted that the submitted Geotechnical Residential Site Investigation Report (<b>Appendix P</b>) did not identify any risk to the proposed development in relation to instability.</p>

<b>3.6 Mosquito Management</b>	<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>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> <p>iii) Tourist and visitor accommodation, centre-based child care facility, seniors housing, caravan parks (including manufactured 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</p>	<p>The site is identified as ‘Elevated Land (above 10m contour)’ on Councils 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>N/A</p> <p>N/A. The site is not mapped as ‘Coastal Plans and Lowlands’ or ‘High Risk Areas’ on Councils Mosquito Management Plan Map.</p> <p>The proposed rainwater tank is located below ground. Any required</p>
--------------------------------	--	---

	<p>v) stainless steel or other durable materials to prevent entry to the tank by mosquitoes. Inlet filters must be readily removable for cleaning. 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>mosquito management strategies for inlets are to be installed. An Identified Requirement is recommended to this effect (No. 81).</p> <p>Rainwater tank is to be gravity drained.</p> <p>Noted.</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 E**, together with copies of all responses received and a record of any verbal responses.

### 7.1 Council Notification

In accordance with sections 43 and 108C of the Housing SEPP, Ballina Shire Council was notified of the development by letter dated 28 September 2023 (refer to **Appendix E**). The notification response period formally closed on 23 October 2023 and Council responded to the notification by email dated 23 October 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 10 should be improved to ensure a reasonable level of amenity is provided for residents (e.g. 3hrs minimum).	<p>The proposal achieves 3 hours of direct solar access between 9am and 3pm midwinter to 90% of living areas and private open space, which complies with clause 108(2)(g) of the Housing SEPP which requires –</p> <p><i>(g) 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>Council's concerns in relation to solar access to Unit 10 are noted. However, this unit receives approximately 1 hour direct solar access in the morning. As such, the development is also consistent with the LAHC Design Requirements which seeks to 'avoid any dwellings receiving 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 Architectural Plans indicate a maximum building height of 8.2m above natural ground level beneath, noting that natural ground level varies across the site relative to the location of the sections and elevations shown on the Architectural Plans.



	<p>In addition, the proposed development complies with clause 108(2)(a) of the Housing SEPP which requires –</p> <p>(a) <i>no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building.</i></p>
<p>The survey plan and Arboricultural Impact Assessment report have identified that several trees, located on both private and public land will require to be removed. Council's Open Space Team has provided consent for the removal of two shrubs that are located within the nature strip and have identified that a nature strip landscape plan is to be prepared for any new undertaking of plantings.</p>	<p>Noted.</p> <p>Identified requirement (No. 18) is recommended requiring 2 replacement street tree plantings and the preparation of nature strip landscape plan for any new plantings, in consultation with Ballina Shire Council staff.</p>
<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-environmental-considerations.pdf?v=1686822775">https://ballina.nsw.gov.au/files/bsdcp-2012-chapter-2-general-and-environmental-considerations.pdf?v=1686822775</a>)</p>	<p>All windows and doors are to be fitted with insect screens. Refer to Identified Requirement No. 81.</p>
<p>A detailed dilapidation report should be provided. This report should not just include Council assets but also the adjoining properties.</p>	<p>Noted. An Identified Requirement has been included to this effect (refer to Identified Requirement No. 80).</p>
<p>The driveway from Brown Avenue will need to be 5.5m wide from the edge of seal to the property boundary to allow two cars to pass.</p>	<p>Identified requirement (No. 83) is recommended requiring the plans to be amended to provide a minimum driveway width of 5.5m from the edge of seal to the front property boundary at Brown Avenue.</p>
<p>A concrete footpath for pedestrian access should be provided from the site to the existing footpath network to provide pedestrian access to nearby facilities and services. The closest existing path is on Ballina Road. This connection could be via the street network or, if approved by Council, through the existing public reserve (Geoff Watt Oval).</p>	<p>As per the Access Report (<b>Appendix G</b>), the site is located outside of the Greater Sydney region and can therefore utilise an on-demand bus service to ensure residents have access to nearby facilities and services.</p> <p>A new accessible footpath, connecting with the internal accessible pathways, will be constructed at the sites frontages to enable residents to access the on-demand bus service.</p>
<p>All demolition work should be undertaken in accordance with AS 2601-1991 Demolition Code.</p>	<p>Standard Identified Requirement No. 48 has been applied to ensure compliance with AS2601-1991.</p>

Ensure that any overlooking issues from the indoor and outdoor living areas of one unit to another is reduced if required by privacy screenings and/ or vegetation screening.	<p>Council's feedback is noted.</p> <p>To maintain privacy for the private open space areas at the site's entries, Identified Requirement (No. 78) is recommended requiring suitable vertical slat privacy fencing, measuring 1.6m high from finished floor level and with 10mm gaps between slats, to be fitted to:</p> <ul style="list-style-type: none"> <li>- the northern edge of Unit 1 patio,</li> <li>- the northern edge of Unit 2 patio, from the balcony support column to the façade,</li> <li>- the southern edge of Unit 5 patio, from the balcony support column to the façade, and</li> <li>- the northern edge of Unit 6 patio, from the balcony support column to the façade.</li> </ul> <p>In addition, Identified Requirement (No. 78) recommends a privacy screen to be fixed to the western side of Unit 16 balcony to prevent overlooking from the balcony of Unit 15.</p>
Landscaping design should consider Council's Ballina Shire Urban Garden Guide for suitable plantings, available here: <a href="#">Ballina Urban Garden Guide.pdf (nsw.gov.au)</a>	The majority of plantings included in the plant schedule shown on the landscape plan have been selected from the <i>Ballina Shire Urban Garden Guide</i> .
Contributions are applicable for the proposed development and will be sent across separately.	Noted and discussed below.

On 24 October 2023, Council emailed the then LAHC and advised that:

*'...contributions have been calculated based on 4 existing residential lots and the proposed 8 new 1 bedroom units and 8 new 2 bedroom units. The total figure is \$211,762.07, as shown below:'*

	Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
OS & CF Plan	OS&CF Plan 2022 -Local Open Spaces	4311	equivalent residential allotment	\$4,209.00	4.8889	\$20,577.33
	OS&CF Plan 2022 -Regional Open Spaces (all areas except CURA-A / Kinvara)	4311	equivalent residential allotment	\$1,391.00	4.8889	\$6,800.44
	OS&CF Plan 2022 -Local Community Facilities	4216	equivalent residential allotment	\$1,644.00	4.8889	\$8,037.33
	OS&CF Plan 2022 -Regional Community Facilities (all areas except CURA-A / Kinvara)	4216	equivalent residential allotment	\$1,113.00	4.8889	\$5,441.33
	OS&CF Plan 2022 - Administration (all areas except CURA-A / Kinvara)	4219	equivalent residential allotment	\$125.00	4.8889	\$611.11
Roads Plan	Roads Contribution Plan V4.2 (2021)	5208	equivalent residential allotment	\$13,791.00	5.6744	\$78,255.91
	Roads Administration V4.2 (2021)	5209	equivalent residential allotment	\$207.00	5.6744	\$1,174.60
CURA-A	No CURA A 7.11 Contribution Applicable					
Section 64	Alstonville Wastewater Services (DSP Area E)	3006	equivalent tenement	\$5,928.00	6.0000	\$35,568.00
	Alstonville Water Supply (DSP Area E)	2006	equivalent tenement	\$3,873.00	4.0000	\$15,492.00
	Rous Water 2016	5001	equivalent tenement	\$9,951.00	4.0000	\$39,804.00
	No Car Parking Contribution Applicable					
	TOTAL	\$211,762.07				

**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*).

An Identified Requirement has been included requiring the payment of the Section 64 contributions set out in Council’s submission (refer to Identified Requirement No.82). The amount is \$90,864.

## 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 18 April 2023. Council provided an email response on 19 April 2023 advising that the notification map is consistent with Council’s Community Participation Plan and acceptable to Council. **Figure 23** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 23 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under sections 43(1)(b) and 108C(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 28 September 2023. A sample of the notification letter is provided at **Appendix G**.

The notification response period formally closed on 23 October 2023. No submissions were received.

Prior to determination of the Activity Determination for this activity it was revealed that contrary to section 43(1)(b)(iii) and 108C(1)(b)(iii), a number of occupiers of adjoining land had not been notified of the proposed development, namely:

- 5 Cooke Avenue
- 1 Brown Avenue

These properties are identified in blue in figure 23 above and were notified of the development activity by letter dated 8 December 2023. A sample of the notification letter is provided at **Appendix G**. The notification response period formally closed on 25 January 2024. One submission was received via a telephone call and is discussed in the table below:

Issues raised	LAHC Response
Support of the proposal.	Noted.
Traffic - concerns about speeding along Brown Avenue	Noted, however, Brown Avenue is managed by Ballina Shire Council. The traffic impact assessment report indicates that the development is not likely to adversely impact the safe operation of local roads in the vicinity.
Tree species used for landscaping – requests that local indigenous species be used.	The Landscape Plan proposes a number of indigenous plantings in accordance with the Ballina Shire Garden Guide.



## 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.

---

### 8.1 Neighbourhood Character

The site is located within an established residential area generally supporting single and 2-storey detached dwelling houses. The dominant form of development in the locality is older style detached, single-storey, brick or weatherboard dwellings. These dwellings tend to sit within lightly landscaped settings and have predominately tiled or sheet metal, pitched roofs. Older, single storey multi-unit and dual occupancy development is also situated throughout the locality, including on Cooke Avenue, Deegan Drive and Brown Avenue. 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 be compatible with the emerging character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

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.

---

### 8.2 Bulk and Density

The proposed development is 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 is split into 2 separate building forms, designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a floor space ratio of 0.49:1 and a maximum height of 8.2m which is generally consistent with a low-density residential area. The FSR and 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R2 Low 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. The proposal includes new plantings of native species, generous planting throughout the site and retention of existing mature trees within the site and adjoining land which further soften the bulk of the development.

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

**Mitigation Measures**

No mitigation measures are required.

---

## 8.3 Streetscape

The street façades are divided into a number of distinct elements, separated with substantial landscaping; and 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 façades and improved landscaping proposed within the street setback areas, the proposed development will make a positive contribution to the streetscapes of Cooke Avenue, Deegan Drive and Brown Avenue. 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 frontages through incorporation of street facing windows and doors, as well as courtyards and balconies within the front setback, improving casual surveillance of the street.

**Mitigation Measures**

No mitigation measure are required.

---

## 8.4 Visual Impact

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

In addition to the retention of existing mature landscaping within the Cooke Avenue and Deegan Drive setbacks, adjoining property and the site, substantial new landscaping is also proposed including new, native canopy trees that will further soften the visual impact of dwellings when viewed from the public domain. The side setbacks of the site 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.

## 8.5 Privacy

Generally, 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:

- Balconies associated with Units 3, 4, 7, 8 and 11 are orientated toward Deegan Drive with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents. First floor balconies facing the street enable passive surveillance of the street without compromising the privacy of adjoining properties or other dwellings in the development.
- Balconies associated with Units 12, 15 and 16 are oriented toward the internal car park. However, it is noted that there is opportunity for overlooking of Unit 15 private open space from Unit 16. Accordingly, Identified Requirement (No 78) is recommended requiring a privacy screen to be provided upon the western edge of the balcony of unit 16 for a length of 1m measured from the building façade to minimise overlooking of the neighbouring balcony.
- Ground floor private open space associated with Units 1, 2, 5, 6 and 9 are orientated toward Deegan Drive with 1.2m high fencing and landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents. Proposed metal privacy fencing within the front setback surrounding the areas of private open space delineates between private and public space, providing increased privacy to residents. However, to maintain privacy for the private open space areas at the sites entries, Identified Requirement (No. 78) is recommended requiring suitable vertical slat privacy fencing, measuring 1.6m high from finished floor level and with 10mm gaps between slats, to be fixed to:
  - the northern edge of Unit 1 patio,
  - the northern edge of Unit 2 patio, from the balcony support column to the façade,
  - the southern edge of Unit 5 patio, from the balcony support column to the façade, and
  - the northern edge of Unit 6 patio, from the balcony support column to the façade.
- Ground floor private open space associated with Units 1, 2, 5, 6, 10, 13, 14 and 15 are orientated toward the internal car park with 1.8m high fencing and landscaping to increase privacy for future residents. Proposed 1.8m high Colorbond fencing will mitigate overlooking from ground level units into neighbouring properties to the north east and south east.

### Mitigation Measures

Identified Requirement (No. 78) is recommended requiring:

- i. Vertical slat privacy fencing, measuring 1.6m high from finished floor level and with 10mm gaps between slats, to be fixed to:
  - the northern edge of Unit 1 patio,
  - the northern edge of Unit 2 patio, from the balcony support column to the façade,
  - the southern edge of Unit 5 patio, from the balcony support column to the façade, and
  - the northern edge of Unit 6 patio, from the balcony support column to the façade.
- ii. Privacy screen 1.6m high to be fixed to the western side of Unit 16 balcony for a length of 1m measured from the building facade.

## 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 and private open space areas, 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 indicate 90% of the proposed dwellings will receive a minimum of 3 hours sunlight between 9am and 3pm on June 21 to their living and private open space areas. The proposed development therefore meets the requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and private open space areas on June 21.

### Mitigation Measures

No mitigation measures are required.

---

## 8.7 Overshadowing

The shadow diagrams (**Appendix A**) confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of adjoining dwellings.

At 9am, shadows generated by the proposed development are generally contained within the site and to the Cooke Avenue road reserve.

At 12pm, shadows are contained within the subject site with minor impacts to the Brown Avenue road reserve.

At 3pm, shadows generated by the development are generally contained within the site, out to Brown Avenue and within the adjacent private open space of 2 Brown Avenue. Whilst the private open space of 2 Brown Avenue will lose some sunlight in the afternoon, it will maintain more than 3 hours in the morning.

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.

---

## 8.8 Traffic & Parking

Twelve surface car parking spaces for residents, including 4 accessible spaces, will be available on site to serve the proposed development. The provision of on-site car parking exceeds, by 8 spaces, the parking requirements set out in the Housing SEPP for seniors housing developments carried out by LAHC. The Traffic Impact Assessment Report prepared by ParkTransit (**Appendix S**) notes that the on-site parking provision is considered suitable to service the proposed development and is unlikely to result in increased on-street parking. Notwithstanding, unrestricted street parking is available on Cooke Avenue, Deegan Drive and Brown Avenue to accommodate any overflow parking demand generated by the proposed development.

The Traffic Impact Assessment indicates that the development will generate a maximum of 7 vehicle trips per hour, which represents an increase of 3 trips per hour. The Traffic Impact Assessment concludes that:

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

The Traffic and Parking Assessment Report also examined the adequacy of the proposed car park layout, driveway entries, parking spaces and aisle widths and noted their compliance with relevant Australian Standards, concluding that:

*'Based on the information provided, the proposal does not generate any increase in safety risk to pedestrians or drivers as a result of the access and parking configuration.'*

However, in response to Council's feedback during consultation, the driveway crossover at the Brown Avenue frontage is to be widened to 5.5m across the road reserve to allow cars to pass.

### Mitigation Measures

Identified requirement (No. 83) is recommended requiring the plans to be updated to provide a driveway width of a minimum 5.5m across the Brown Avenue road reserve.

---

## 8.9 Flora and Fauna

The Arboricultural Impact Assessment undertaken for the site considered 65 trees (refer to **Appendix J**). Of these trees, 52 trees/ shrubs are located within the site, 5 within the neighbouring property, 5 within the Cooke Avenue road reserve and 3 within the Deegan Drive road reserve.

It is proposed to remove 51 trees within the site and 2 trees within both the Cooke Avenue and Deegan Drive road reserves (trees T23 and T56).

The Arboricultural Impact Assessment (**Appendix J**) has assessed that of the trees to be removed, 7 are considered to be of very low retention value, 23 are considered to be of low retention value and 25 are considered to be of moderate retention value. In relation to T23 and T56, a tree removal application was lodged with Ballina Shire Council on 16 May 2023. Approval for their removal was issued 25 May 2023 (refer to **Appendix E**).

One tree located within 3 Cooke Ave; 2 within the Cooke Avenue road reserve; 2 within the Deegan Drive road reserve; and 5 trees on adjoining lots are to be retained and protected.

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 worthy of retention (refer to submitted Arboricultural Impact Assessment in **Appendix J**).

### Mitigation Measures

Tree removal must be in accordance with the General Tree Protection Recommendations contained within the Arboricultural Impact Assessment (refer **Appendix J** 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 J** and Identified Requirement No. 36).

Compensatory plantings, selected predominantly from the *Ballina Shire Urban Garden Guide*, are proposed for the site. Refer to the landscape plan in **Appendix B**.

In addition, Identified requirement (No. 18) is recommended to require the 2 street trees to be replaced in the road reserve and the preparation of a nature strip landscape plan for any new plantings, in consultation with Ballina Shire Council staff.



---

## 8.10 Heritage (European / Indigenous)

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

### Aboriginal Heritage:

An Aboriginal Heritage Information Management System (AHIMS) searches, dated 26 September 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**

A standard Identified Requirement (No. 45) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

---

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

### Geotechnical

A Residential Site Investigation Report, prepared by Barnson Pty Ltd indicates the following:

- A 0.2m thick layer of topsoil was encountered at the borehole locations. The topsoil consisted of loam.
- Alluvial soils were encountered throughout the boreholes. These comprised of slightly moist silt to 3.0m.
- Reference to the New South Wales 1:1,000,000 Geological Map indicates the surrounding area consists of "Silcrete, ferricrete, porcellanite".
- Rock was not encountered during this investigation.
- Groundwater was encountered during this investigation.

### Contamination

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

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 were considered above in section 6.6 above and conclude that it is unlikely that the land is contaminated.

### 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.

#### Salinity

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

#### **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* (4<sup>th</sup> edition, Landcom, 2004).

Standard Identified Requirement (No.1) is recommended to require compliance with the recommendations of the Residential Site Investigation Report prepared by Barnson Pty Ltd (refer **Appendix P**).

Standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.

---

## 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 connected to an underground detention tank draining to the existing street drainage pit within Deegan Drive at the site frontage. Roof water from the subject 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 and 71) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

---

## 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.

---

## 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.

#### 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. Buildings to be designed and constructed to achieve internal noise level design targets.

#### **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 & 59) have been applied to ensure compliance with the above mitigation measures.

---

## 8.15 Air Quality

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

#### **Mitigation Measures**

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

---

## 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:

- timber, concrete, bricks/pavers, tiles, metal, glass, fixtures and fittings and floor coverings will be sent for recycling at Ballina Resource Recovery Centre;
- garden organics are to be chipped and mulched on site for landscaping;
- residual waste will be sent to landfill; and
- hazardous/special waste, if encountered, will be disposed on in accordance with Australian Standards.

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

#### During Construction

Construction materials must be stored wholly within the site prior to removal for recycling or disposal.

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

- excavation material will be reused on site where required to grade/fill existing levels;
- timber will be reused in concrete formwork where possible. Trimmings will be sent to landfill;
- concrete, tiles, packaging, containers, paper/cardboard will be sent for recycling at Ballina Resource Recovery Centre. Trimmings will be sent to landfill;
- excess bricks/pavers, glass, fixtures and fittings and floor coverings will be returned to supplier or sent for recycling at Ballina Resource Recovery Centre;
- surplus metal will be returned to supplier. Trimmings will be sent to landfill;
- surplus plasterboard will be returned to the supplier or Boral recycling. Trimmings will be sent to landfill;
- garden organics are to be chipped and mulched on site for landscaping; and
- residual Waste will be 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 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 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 LAHC contractor for collection by Council's waste services. Ongoing green waste will be managed and removed by LAHC contractor.

#### **Mitigation Measures**

Standard Identified Requirements (Nos. 49-55) 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.

---

## 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 mitigation measures are required.

---

## 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 local government and surrounding area wherein the expected waiting time for a 1 bedroom dwelling in Alstonville is 5-10 years and for a 2 bedroom dwelling is 10+ years, as at 30 June 2022 (NN74 Alstonville Allocation Zone);
- as per the data available on the NSW Department of Communities and Justice website, there are 37 applicants on the general housing waitlist and 5 applicants on the priority waitlist, as at 30 June 2022;
- 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.

---

## 8.19 Economic Impact

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

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

### Mitigation Measures

No mitigation measures are required.

---

## 8.20 Cumulative Impact Assessment

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

- the proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and



- there are no known environmental stresses in the area of the proposed activity that would be increased.

#### **Mitigation Measures**

No mitigation measures are required.

## 9 Conclusion

---

### 9.1 Summary of Key Issues Raised in Assessment

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

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and 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.

---

### 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 & STRUCTURAL PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION OF PUBLIC AUTHORITY LETTERS AND  
RESPONSES

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS SEARCH

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – BCA REPORT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NatHERS CERTIFICATES

APPENDIX O – HOUSING FOR SENIORS CHECKLIST

APPENDIX P – GEOTECHNICAL INVESTIGATIONS

APPENDIX Q – TITLE SEARCH AND DP

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC REPORT

APPENDIX T – SAFE DESIGN OF BUILDING AND STRUCTURES REPORT