

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

1-3 Rodd Street, Eden NSW 2551

June 2025





Acknowledgement of Country

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

Published by Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

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On 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. In 2025, the Minister administering the Housing Act 2001 became a landowning entity under the Homes NSW division.

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DOCUMENT SIGN-OFF

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Date: 20 June 2025

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1 Executive Summary

The land the subject of this REF was transferred to the Minister administering the Housing Act 2001 (Minister) pursuant to an order made by the Minister on 12 May 2025 under section 35G of the *Housing Act 2001* with an effective transfer date of 9 June 2025. The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register had not been updated (Schedule 2A, section 2(a) of the *Housing Act 2001*). In addition, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by NSW Land and Housing Corporation (NSW LAHC) is taken to have been done or omitted by, to or in relation to, the Minister (section 2(e) of Schedule 2A of the *Housing Act 2001*).

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW LAHC under relevant legislation, which includes the *Environmental Planning and Assessment Act 1979*, and any regulations or subordinate instruments made under that Act.

The subject site is located at 1-3 Rodd Street, Eden and is legally described as Lots 12 and 13 in Deposited Plan 213700. The proposed seniors housing development is described as follows:

Demolition of existing structures, removal of trees, construction of a seniors housing development containing 10 units (6 x 1 bedroom and 4 x 2 bedroom) with associated landscaping and fencing, surface parking for 5 vehicles (including 2 accessible spaces) and consolidation of 2 lots into a single lot.

The proposed activity is permissible with consent in the R2 - Low Density Residential zone under the Bega Valley Local Environmental Plan (BVLEP) 2013 and therefore can be carried out by the Minister without consent under the provisions of Chapter 3, Part 5, Division 8 of the 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 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 Housing Design Guide and taken into consideration *Good Design for Social Housing* and *NSW Land and Housing Corporation Design Requirements*.
- The site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Bega Valley Shire Council.

- A BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets.
- There are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.
- Bega Valley 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 4 April 2025 and subsequently 29 April 2025. Comments on the response are provided in Section 7.1 of this Review of Environmental Factors. No submissions were received from occupiers of adjoining land.

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**.

2 Introduction

This Review of Environmental Factors under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of existing structures, removal of trees, construction of a seniors housing development containing 10 units (6 x 1 bedroom and 4 x 2 bedroom) with associated landscaping and fencing, surface parking for 5 vehicles (including 2 accessible spaces) and consolidation of 2 lots into a single lot at 1-3 Rodd Street, Eden.

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

This REF has been prepared by Homes NSW for the Minister in satisfaction of the provisions of Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulations).

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

The land the subject of this REF was transferred to the Minister pursuant to an order made by the Minister on 12 May 2025 under section 35G of the *Housing Act 2001* with an effective transfer date of 9 June 2025. The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register had not been updated (Schedule 2A, section 2(a) of the *Housing Act 2001*). In addition, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by NSW LAHC is taken to have been done or omitted by, to or in relation to, the Minister (section 2(e) of Schedule 2A of the *Housing Act 2001*).

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW LAHC under relevant legislation, which includes the *Environmental Planning and Assessment Act 1979*, and any regulations or subordinate instruments made under that Act.

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

¹ Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an ‘activity’ under Part 5 of the *Environmental Planning and Assessment Act 1979*. The Minister is a determining authority pursuant to the powers and functions conferred by section 35F of the *Housing Act 2001*.

- outlining the notification and consultation process that was undertaken prior to the preparation of the REF.

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 *Bega Valley Local Environmental Plan 2013 (BVLEP 2013)*.
- It was determined that seniors housing is 'permitted with consent' in the R2 – Low Density Residential zone pursuant to the BVLEP 2013 and can be carried out 'without consent' under the provisions of the Housing SEPP.
- A desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the Minister to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- A site inspection was undertaken.
- Relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity.
- An environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required.
- Potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the REF.
- Identified Requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is in the Bega Valley Shire Local Government Area (LGA) and comprises 2 residential allotments, described as 12 and 13 in Deposited Plan 213700. A location plan is provided at **Figure 1** and **Figure 2**.



Figure 1 Location Plan (Source: SIX Maps accessed March 2025)



Figure 2 Location Plan (Source: Nearmap, 13 December 2024)

Existing development at 1 and 3 Rodd Street each comprise single storey fibro dwellings with pitched metal roofs (refer to photographs at **Figure 3** and **Figure 4**).



Figure 3 Development Site – 1 Rodd Street (source: Homes NSW Image dated August 2022)



Figure 4 Development site – 3 Rodd Street (source: Homes NSW Image dated August 2022)

3.2 Site Description

The site is generally rectangular in shape with a total surveyed site area of 1,324.1m² and has a frontage to Rodd Street of 32.92m. The site shares its side boundary with 21-23 and 25 Flinders Street of 40.24m (northeast), rear boundary with 44 and 46 Bungo Street of 32.92m (northwest), and side boundary with 5 Rodd Street (southwest) of 40.24m. Refer to details in the Survey Plan in **Appendix D**.

The site enjoys distant views to hills, ridgelines and the ocean across the immediate northeastern boundaries, being side and rear boundaries.

The site has a crossfall of approximately 4.53m from the front western corner to the front eastern corner of the site. Stormwater drainage will connect to the kerb on Rodd Street via an underground onsite stormwater detention tank.

The 10.7 planning certificates do not identify the site as being within a flood planning area however the Flood Study Report identifies that the site is affected by overland flow from the local upstream catchment. The site is also not identified as being heritage listed nor affected by bushfire.

The Arboricultural Impact Assessment and Tree Management Plan (refer to **Appendix I**) observed 3 trees within the site.

Water, sewer, electricity, gas and telephone facilities are available to the site as shown on the Survey Plan (**Appendix D**). Water, electricity and telephone services are located along the road alignment of Rodd Street.

There are no encumbrances on title, Section 10.7 certificates or indicated on the survey plan that would affect the proposed development as evidenced in **Appendix D** and **Appendix F**.

3.3 Neighbouring Development and Locality

The site is surrounded by established residential development characterised predominantly by original housing stock comprising brick, fibro or weatherboard, single and two storey housing with a mix of pitched tiled and metal roofing. The general character of the area is influenced by the wide road reserve and wide verges on both sides of the street.

To the northwest, adjoining the rear boundary are two properties, 44 and 46 Bungo Street. 44 Bungo Street comprises of a single storey fibro dwelling with tiled roof and 46 Bungo Street consists of a single storey rendered dwelling with a tiled roof, and detached garage and shed to the rear. Refer to image of these properties viewed from Bungo Street in **Figure 5**.

Located northeast, adjoining the site's side boundary are two properties 21-23 and 25 Flinders Street (**Figure 6**). At 21-23 Flinders Street is a single storey villa complex with flat roof, while 25 Flinders Street comprises of a single storey dwelling with a pitched roof and detached carport and garage accessible from Rodd Street.

The dwelling to the southwest, adjoining the site's side boundary at 5 Rodd Street is a single storey fibro dwelling with pitched metal roofing (**Figure 7**) and a shed in the rear northeastern corner of the site. The property is located at a slightly higher level than the subject site.

Directly opposite, at 2 and 4 Rodd Street are single storey fibro dwellings, with pitched metal and tiled roofs (**Figure 8**). The property at 4 Rodd Street has detached structures to the rear. Located diagonally opposite to the subject site, at the corner of Rodd and Stanley Street is Wellings Park.

More significant two storey dwellings can be found on Bungo Street of clad and render construction with pitched and flat roofs. Examples of some two storey dwellings being 52, 56 and 67 Bungo Street are shown in **Figure 9** and **Figure 10**.



Figure 5 Adjoining dwelling to the north at 44 Bungo Street (left) and 46 Bungo Street (right), Eden (Source – Google Maps, May 2015)



Figure 6 Adjoining dwelling to the east at 21-23 Flinders Street (right) and 25 Flinders Street (left), Eden (Source – Google Maps, May 2015)



Figure 7 Adjoining dwelling to the west at 5 Rodd Street, Eden (Source – Google Maps, May 2015)



Figure 8 Adjacent dwelling to the south at 2 Rodd Street (left) and 4 Rodd Street (right), Eden (Source – Google Maps, May 2015)



Figure 9 Two storey dwelling at 67 Bunga Street, Eden (Source – Google Maps, May 2015)



Figure 10 Two storey dwelling at 52 Bunga Street (left) and 56 Bunga Street (right), Eden (Source – Google Maps, May 2015)

Public Transport and Facilities

The site relies upon the Sapphire Coast Buslines which, in collaboration with Transport for NSW, has developed a Flexibus On-Demand Public Transport service in Bega, Merimbula, Pambula, Tura Beach and Eden to provide travellers with more flexible choices for getting around the Bega Valley Shire.

Bookings can generally be made up to 20 minutes prior to departure via the Flexibus mobile app, the Flexibus website or by phone. This on demand bus service is available to all members of the community from Monday to Friday between 9.30am–2.30pm. This on demand service provides access between the subject site and Eden Town Centre which includes service and facilities such as shops, banks, community centres and general practitioners, to meet the day-to-day needs of residents.

The on-demand service meets the frequency requirements for seniors housing sites outside of Greater Sydney, in accordance with section 93(2)(c) of the Housing SEPP.

Surrounding Land Use

Approximately 600m to the southeast is the local town centre of Eden, which provides goods and services to meet most day-to-day needs of residents including health services, medical centres, supermarkets, and a post office.

4 Project Description

4.1 Demolition

The proposed activity includes demolition of 2 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to **Appendix A**).

4.2 Removal of Trees

The Arboricultural Impact Assessment and Tree Management Plan undertaken for the site (refer to **Appendix I**) considers 12 trees located within the site. T1 and T3 are proposed to be retained and protected. T2 and other undersized trees at the rear of the site are proposed to be removed primarily to accommodate the proposed development or are not considered to be significant or worthy of retention.

Further to the above, Council, in their submission dated 4 April 2025 and 28 April 2025:

- Requested reconsideration of species of the 2 proposed trees (2xT79) within the front setback, to species with a smaller root spread, to avoid impact on sewer infrastructure within the road reserve. To address Council's comments, these species will be replaced with 2 x *Corymbia ficifolia* 'Mini Red' recommended in Council's Landscape Guidelines for the local area. **Identified Requirement (No. 81)** has been recommended accordingly.
- Advised, two existing *Melia Azedarach* trees (T1 and T3) within the front setback are large tree species with roots that are capable of impacting sewer infrastructure within the road reserve. Council also advised they do not have any concerns with the removal of these trees. To address Council's comments, **Identified Requirement (No. 81)** recommends removal of the trees T1 and T3 and replacement with 1 x *Corymbia ficifolia* 'Mini Red' and 1x *Banksia integrifolia* respectively.

There are no trees on adjoining properties in proximity to the boundary that are detailed to be impacted by the proposal.

More appropriate tree plantings, including trees capable of reaching mature heights of 2.5-25m, shrubs and groundcover will be provided as part of the proposed landscaping plan to compensate for the loss of trees and vegetation on site.

4.3 Proposed Dwellings

The proposed seniors housing development contains a total of 10 independent living units consisting of 6 x 1 bedroom and 4 x 2 bedroom dwellings. All dwellings have been designed in accordance with the Schedule 4 Housing SEPP requirements for seniors housing.

The proposed development represents a contemporary, high-quality design. The use of a mix of face brick and vertical cladding for external walls and sheet metal roofing is compatible with the locality. Passive surveillance is maximised through orienting living spaces, balconies and window openings to the street where possible, and to the rear open space and carpark.

Each unit will be provided with its own enclosed private open space area or private balcony with ample space for services such as clothes lines and air conditioning units. These spaces are all directly accessible from the living areas of each unit and designed to maximise solar access.

A balance of cut and fill is proposed to provide a level building platform with a carpark located in the rear northern portion of the site which will sit approximately 1m below existing land levels (refer to **Appendix A**).

Onsite 12 trees will be removed to accommodate the development. A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. To further mitigate privacy impacts, **Identified Requirement No. 81** has been recommended to provide an additional tree in the rear setback area, along the rear boundary.

A total of 5 at grade car parking spaces will be provided on the site, including 2 accessible spaces.

A waste enclosure has been integrated into the front façade of the building designed to be accessible for all residents.

Stormwater will be collected via an underground rainwater tank and OSD located immediately beneath the driveway, in the south-eastern portion of the site. A series of stormwater pits and gutters on the site enable stormwater to drain to the rainwater tank and OSD. Excess water is discharged to the kerb inlet pit on Rodd Street.

The 10.7 planning certificates do not identify the site as being within a flood planning area however the Flood Study Report (**Appendix S**) identifies that the site is affected by overland flow from the local upstream catchment and recommends measures to mitigate likely impacts.

Colorbond steel fencing in Monument (or equivalent) will replace the existing fence along the side and rear boundaries. The fence will be a maximum of 1.8m in height. Along the northeastern side the 1.8m fencing will extend up to the front boundary as it forms the rear boundary fence of 25 Flinders Street. Along the southwestern side, the boundary fence will not extend any further forward of the front building line. Pedestrian sight lines are maintained by the offsetting of the driveway from the boundary.

Figure 11 to **Figure 14** include extracts from the architectural plans illustrating the proposed development.

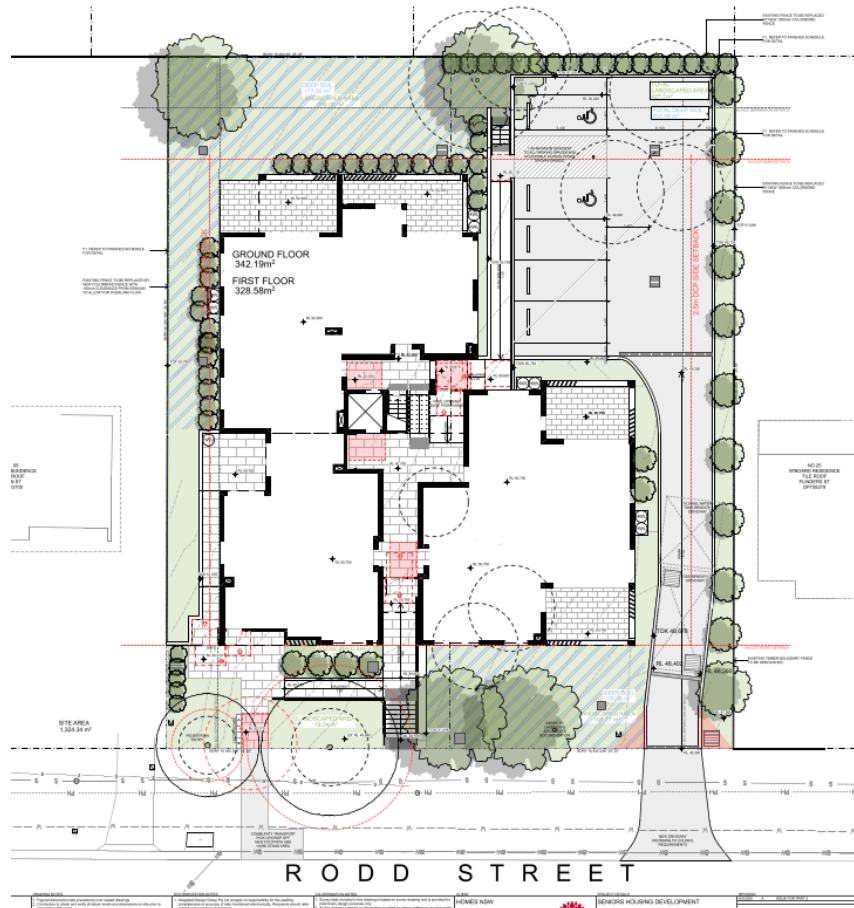


Figure 11 Extract from Architectural Plans – Site Plan (Source: IDG, dated 06/03/2025)



Figure 12 Extract from Architectural Plans –Ground Level (Source: IDG, dated 06/03/2025)

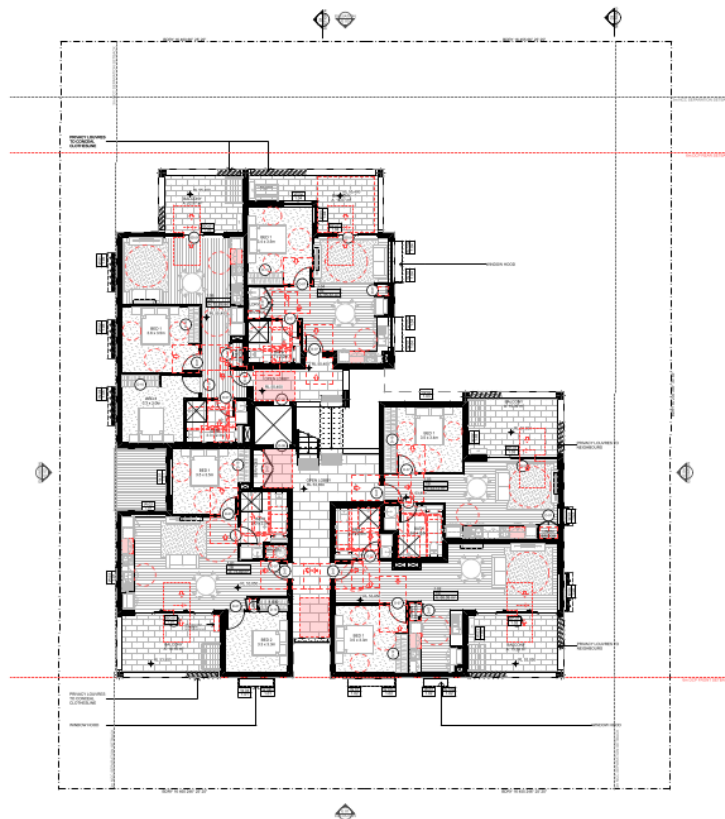


Figure 13 Extract from Architectural Plans – First Level (Source: IDG, dated 06/03/2025)



Figure 14 Extract from Architectural Plans – Rodd Street Streetscape Perspective (Source: IDG, dated 06/03/2025)

4.4 Supporting information

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

Table 1 Supporting documentation

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural – Appendix A				
Cover Sheet	-	-	-	Integrated Design Group Pty Ltd
BASIX Commitments	P5-0002	A	06.03.2025	Integrated Design Group Pty Ltd
BASIX Commitments	P5-0003	A	06.03.2025	Integrated Design Group Pty Ltd
Calculation Areas	P5-0004	A	06.03.2025	Integrated Design Group Pty Ltd
Housing SEPP Diagrams	P5-0004	A	06.03.2025	Integrated Design Group Pty Ltd
Site/Block Analysis	P5-0101	A	06.03.2025	Integrated Design Group Pty Ltd
Site Plan	P5-0100	A	06.03.2025	Integrated Design Group Pty Ltd
Demolition Plan	P5-0200	A	06.03.2025	Integrated Design Group Pty Ltd
Plan - Ground	P5-1100	A	06.03.2025	Integrated Design Group Pty Ltd

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Plan – Level 1	P5-1101	A	06.03.2025	Integrated Design Group Pty Ltd
Plan – Roof	P5-1102	A	06.03.2025	Integrated Design Group Pty Ltd
Elevations 01	P5-2000	A	06.03.2025	Integrated Design Group Pty Ltd
Elevations 02	P5-2001	A	06.03.2025	Integrated Design Group Pty Ltd
Sections 01	P5-3000	A	06.03.2025	Integrated Design Group Pty Ltd
Shadow Diagrams	P5-9100	A	06.03.2025	Integrated Design Group Pty Ltd
Eye of The Sun Diagrams	P5-9101	A	06.03.2025	Integrated Design Group Pty Ltd
External Finishes Schedule	P5-9300	A	06.03.2025	Integrated Design Group Pty Ltd
View Loss Analysis	-9901	A	06.03.2025	Integrated Design Group Pty Ltd
Landscape Plan – Appendix B				
Landscape Site Plan	L-1	D	07.03.2025	William Partners Pty Ltd Landscape Architects
Landscape Planting Plan	L-2	D	07.03.2025	William Partners Pty Ltd Landscape Architects
Civil Plan – Appendix C				
Cover Sheet and Drawing Index	S01-SW100, 01	B	-	S&G Consultants Pty Ltd
Notes & Legends	S01-SW101, 02	B	27.02.2025	S&G Consultants Pty Ltd
Erosion Sediment Control Plan & Details	S01-SW201, 03	B	27.02.2025	S&G Consultants Pty Ltd
Stormwater Drainage Design - Ground Floor Plan	S01-SW301, 04	B	27.02.2025	S&G Consultants Pty Ltd
Stormwater Drainage Design - Roof Plan	S01-SW302, 05	B	27.02.2025	S&G Consultants Pty Ltd
Stormwater Drainage Design – Details Sheet	S01-SW401, 06	B	27.02.2025	S&G Consultants Pty Ltd
Survey Plans – Appendix D				
Detail and Contour Survey	230875, 1 of 5	-	08.12.2023	TSS Total Surveying Solutions
Detail and Contour Survey	230875, 2 of 5	-	08.12.2023	TSS Total Surveying Solutions
Detail and Contour Survey	230875, 3 of 5	-	08.12.2023	TSS Total Surveying Solutions
Detail and Contour Survey	230875, 4 of 5	-	08.12.2023	TSS Total Surveying Solutions
Elevations	230875, 5 of 5	-	08.12.2023	TSS Total Surveying Solutions
Notification Plans – Appendix E				

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Notification - Cover Page	BH2HF, P5-N01	A	06.03.2025	Integrated Design Group Pty Ltd
Site/Landscape Plan	BH2HF, P5-N02	A	06.03.2025	Integrated Design Group Pty Ltd
Notification - Development Data	BH2HF, P5-N03	A	06.03.2025	Integrated Design Group Pty Ltd
Notification – Elevations	BH2HF, P5-N04	A	06.03.2025	Integrated Design Group Pty Ltd
Notification – Schedule of Finishes	BH2HF, P5-N05	A	06.03.2025	Integrated Design Group Pty Ltd
Notifications - Shadow Diagrams	BH2HF, P5-N06	A	06.03.2025	Integrated Design Group Pty Ltd

Access Report – Appendix G

Access Report	24196	-	-	Vista Access Architects
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AHIMS Web Search – Appendix H

AHIMS search	999885	-	01.05.2025	AHIMS Web Service
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Arborist Report – Appendix I

Arboricultural Impact Assessment and Tree Management Plan	9754	-	27.02.2025	Redgum Horticultural Arboriculture & Horticulture Consultant
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BASIX – Appendix J

BASIX Certificate	1785470M	-	28.02.2025	Marc Kiho
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BCA report – Appendix K

BCA Compliance Assessment	-	-	06.03.2025	BuildCert. NSW
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NatHERS Certificate – Appendix M

Nationwide House Energy Rating Scheme – Class 2 Summary	0011753460	-	28.02.2025	Kiho Building Consulting
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Geotechnical Investigation Assessment - Appendix O

Geotechnical Investigation	32505/8248D-G	-	12.2023	STS Geotechnics Pty Ltd
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Waste Management Plan – Appendix Q

Waste Management Plan	-	-	-	Integrated Design Group Pty Ltd
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Traffic Report - Appendix R

Traffic Impact and Parking Assessment	24063	-	06.03.2025	Varga Traffic Planning Pty Ltd
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Flood Report – Appendix S

Flood Study Report	20240033-R01_flood study [A]	A	27.02.2025	SGC
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Section 10.7 Planning Certificates – Appendix F

Lot 13 DP 213700, Cert no. 31813, dated 18.03.2025 – Bega Valley Shire Council

Lot 13 DP 213700, Cert no. 31814, dated 18.03.2025 – Bega Valley Shire Council

Lot 12 DP 213700, Cert no. 31815, dated 18.03.2025 – Bega Valley Shire Council

Lot 12 DP 213700, Cert no. 31816, dated 18.03.2025 – Bega Valley Shire Council

Notification letters & submissions – Appendix T

Council Notification, dated 18.03.2025

Notification to occupiers of adjoining land, dated 20.03.2025

Council response dated 04.04.2025

Council response dated 29.04.2025

Design compliance and checklists – Appendix L

Architect's Certificate of Building Design Compliance – 07.03.2025

Certificate of Landscape – 07.03.2025

Certificate of Stormwater Documentation Compliance – 07.03.2025

Housing for seniors checklist – Appendix N

Seniors Housing Design Guide, LAHC Design Requirements & Good Design for Social Housing, undated.

Titles and Deposited Plans – Appendix P

Title Search, Folio: 12/213700, Search date 12.09.2022, First Schedule: New South Wales Land and Housing Corporation (former owner)

Title Search, Folio: 12/213700, Search date 12.09.2022, First Schedule: New South Wales Land and Housing Corporation (former owner)

Deposited Plan 213700, Ref: BGX47-JP, Search Date 12.09.2022

The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register had not been updated (Schedule 2A, section 2(a) of the Housing Act 2001).

5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Bega Valley Local Environmental Plan 2013* (BVLEP 2013) as shown in **Figure 15**. The proposed development is defined as ‘seniors housing’ under the provisions of BVLEP 2013 and is permissible with consent in the R2 zone.



Figure 15 Land zoning map (Source: NSW Planning Portal Spatial View, 2020)

The relevant objectives of the R2 zone, as set out in BVLEP 2013 are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide a mix of housing, including affordable and adaptable housing, to meet community needs.

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

- will provide new affordable housing that meets the identified needs of the community,
- will provide a density and type of housing that is compatible with the scale of the existing surrounding development and will add to the variety of housing in the locality, and
- will provide a high quality and attractive development that has been sympathetically designed to fit within its context and complement the characteristics of the locality.

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

Table 6 in **subsection 6.5.2** of this REF demonstrates compliance with the relevant provisions of Chapter 3, Part 5 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
Sub-section 3 Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

6.2 Biodiversity Conservation Act 2016 (BC Act)

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

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

6.3 Other Acts

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

6.4 Environmental Planning and Assessment Regulation 2021

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

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

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

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

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

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	NA			
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(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 Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at **Section 6.4.2** of this report.

6.4.2 Strategic Planning Framework

Bega Valley Shire Local Strategic Planning Statement 2040 (LSPS)

The Bega Valley Shire Local Strategic Planning Statement 2040 was endorsed by Council on 24 June 2020. The LSPS provides a 20-year vision for land use in Bega Valley Shire and identifies 12 Planning Priorities to facilitate future strategic land use planning work programs. Notably, Planning Priority 11 aims to provide a range of housing styles, sizes and tenures that suit people of all ages, income levels and household sizes and enable communities to stay connected and healthy as people move through the various stages in life.

The proposed development will contribute 10 seniors living units to the affordable housing supply in the Bega Valley LGA. It is diversifying residential uses in Bega Valley LGA by introducing a seniors housing development to accommodate the ageing population in the locality.

Bega Valley Shire Community Strategic Plan 2042 (CSP)

The Bega Valley Shire Community Strategic Plan is a 10 year plan that outlines 5 key themes which identify priorities for the future of the Bega Valley LGA around community, economy, built environment, infrastructure and civic leadership.

Notably, Strategy A.9 is to collaborate with relevant agencies and the private sector to increase the diversity and affordability of new and existing housing, particularly to meet the needs of our ageing population. The proposed development will provide 10 safe and affordable independent living units for seniors and people with a disability. The proposed development is a contemporary, high-quality development in a well-located area that benefits from a community bus service to ensure accessibility to nearby facilities, which will contribute to the resident's wellbeing.

Affordable Housing Strategy

The Affordable Housing Strategy provides a framework to respond to housing needs in the Bega Valley LGA to 2040. It identifies the LGA has a much higher than average rate of very low and low income households, which is related to its much older population, the disadvantaged profile of a number of areas and groups within the shire, and the income and labour market profile of people who are remaining in and moving to the area. Very low, low and moderate income households make up 72% of the population of the LGA compared with 60% for NSW.

The Strategy identifies that the amount and the proportion of social housing has been declining since at least 2006, with a loss of around 50 social housing dwellings and a decline from 3.7% to 3% of total dwellings in the past decade. There are also long-term and growing social housing supply gaps, with a much lower than average rate of social housing in the LGA (3% compared with 5% for NSW). There are very high rates of severe housing stress among very low-income renters with around 1,125 very low income renting households projected to be in need of affordable (including social) rental housing by 2036. At least 150 new dwellings are required to be designated for social housing tenants by 2036 to maintain average rates for the LGA. Waiting times for social housing in the LGA are in excess of 10 years for 1 bedroom dwellings, and 5-10 years for 2 bedroom dwellings and houses with 4+ bedrooms.

The proposed development aligns with the objective of Strategy 4 of the Affordable Housing Strategy in that it proposes to construct new stock which will contributing to the target of at least 150 new social housing dwellings and 100 supported places for those at risk of long-term homelessness.

6.4.3 Activities in catchments [Section 171A]

The site is not located within a regulated catchment.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Housing for seniors and people with a disability – Part 5, Chapter 3

Division 1 – Land to which Part applies

This division sets out the circumstances in which the provisions of Part 5, Chapter 3 do, or do not, apply to land.

Table 5 Compliance with the relevant provisions of Chapter 3, Part 5, Division 1

Provision	Compliance
Division 1 – Land to which Part applies	
79 Land to which Part applies	
This Part applies to land in the following zones – (a) Zone RU5 Village, (b) Zone R1 General Residential, (c) Zone R2 Low Density Residential, (d) Zone R3 Medium Density Residential, (e) Zone R4 High Density Residential, (e1) Zone E1 Local Centre, (e2) Zone E2 Commercial Centre, (e3) Zone E3 Productivity Support, (e4) Zone MU1 Mixed Use, (f) Zone B1 Neighbourhood Centre,	Complies – the site is zoned R2 Low Density Residential.

Provision	Compliance
(g) Zone B2 Local Centre, (h) Zone B3 Commercial Core, (i) Zone B4 Mixed Use, (j) Zone B5 Business Development, (k) Zone B6 Enterprise Corridor, (l) Zone B7 Business Park, (m) Zone B8 Metropolitan Centre, (n) Zone SP1 Special Purposes, (o) Zone SP2 Infrastructure, (o1) Zone SP4 Enterprise under the following local environmental plans — (i) <i>Canada Bay Local Environmental Plan 2013</i> , (ii) <i>Central Coast Local Environmental Plan 2022</i> , (iii) <i>Penrith Local Environmental Plan 2010</i> , (iv) <i>Pittwater Local Environmental Plan 2014</i> , (v) <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> , (vi) <i>Sutherland Shire Local Environmental Plan 2015</i> , (vii) <i>The Hills Local Environmental Plan 2019</i> , (viii) <i>Warringah Local Environmental Plan 2011</i> , (o2) Zone SP5 Metropolitan Centre, (p) Zone RE2 Private Recreation.	
80 Land to which Part does not apply — general	
(1) This Part does not apply to the following land — (a) land to which <i>Warringah Local Environmental Plan 2000</i> applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan, (b) land described in Schedule 3. (2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because — (a) the land is identified under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , Chapter 2, or (b) in relation to land used for the purposes of an existing registered club — the land is described in another environmental planning instrument as — (i) private open space, or (ii) open space where dwellings or dwelling houses are permitted.	The site is not on land to which Warringah LEP 2000 applies. The land is not described in Schedule 3. Refer to the assessment under the heading 'Schedule 3 Environmentally sensitive land' below. N/A – the site is not located within the coastal zone. N/A – the land is not used for the purposes of a registered club.
Schedule 3 Environmentally sensitive land	
Land shown cross-hatched on the Bush Fire Evacuation Risk Map.	The site is not identified on the Bush Fire Evacuation Risk Map.
Land identified as coastal wetlands and littoral rainforests area within the meaning of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , Chapter 2.	The land is not identified as coastal wetlands or littoral rainforest.
Land identified as coastal vulnerability area within the meaning of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , Chapter 2.	The land is not identified as being within a coastal vulnerability area.

Provision	Compliance
Land declared as an area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> , section 3.1.	The land is not declared as an area of outstanding biodiversity value.
Land identified on the Map within the meaning of the <i>Biodiversity Conservation Regulation 2017</i> , section 7.3.	The land is not so identified as a mapped area of biodiversity.
Land identified in another environmental planning instrument as follows — (a) (Repealed) (b) open space, (c) natural wetland	The land is not identified in another environmental planning instrument as either open space or natural wetland.

6.5.2 Development without Consent

Demolition

The proposed activity includes demolition of existing structures on the site. Section 42(2)(a) of the Housing SEPP permits the Minister to undertake demolition as “*development without consent*” provided demolition is permissible and the land the structures are located on is “*non-heritage land*” and is not “*identified in an environmental planning instrument as being within a heritage conservation area*”. Demolition is permissible with consent under clause 2.7 of the BVLEP 2013 and the subject site contains neither of these heritage notations and therefore demolition can be undertaken by the Minister as “*development without consent*”.

A waste management plan has been prepared, and there are several Identified Requirements recommended in the **Activity Determination** which deal with site safety and environmental protection during demolition and construction.

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

Development for Seniors Housing

The Housing SEPP is very specific in terms of the matters that the Minister 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.

Chapter 3, Part 5, Division 8 of the Housing SEPP permits seniors housing to be carried out by the Minister as ‘development without consent’ subject to the provisions set out under that section.

Table 6 below demonstrates compliance with the relevant provisions of the Housing SEPP.

Table 6 Compliance with relevant provisions under Chapter 3, Part 5, Division 8 of the Housing SEPP for seniors housing 'development without consent' carried out by the Minister

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 the purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is permissible with consent within the R2 Low Density Residential zone under the BVLEP 2013.
(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 Table 7 and Table 8 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	Complies - The maximum building height is 9.5m.
(c) the seniors housing will not contain more than 40 dwellings on the site.	Complies - The development is for 10 dwellings on the site.
(2) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	Sections 2.15 and 2.17 of State Environmental Planning Policy (Transport and Infrastructure) 2021 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 – Notification before carrying out seniors housing (1) Before carrying out development to which this Division applies, a relevant authority must –	
(a) request that the council nominate persons who must, in the council’s opinion, be notified of the development	Advice was sought from Bega Valley Shire Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 3 March 2025. Council provided a response on 18 March 2025 advising that the extent of notification is considered satisfactory.

Provision	Compliance
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) any persons nominated by the council under paragraph (a), and (iii) the occupiers of adjoining land	<p>On 18 March 2025, the Minister notified Bega Valley Shire Council of the proposed development activity via the notification function in the NSW Planning Portal.</p> <p>Letters notifying owners and occupiers of adjoining land of the proposed development activity were sent by the Minister on 20 March 2025.</p>
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to the Minister's notification by letter dated 4 April 2025 with further comments provided on 29 April 2025. Comments on the response are provided in Section 7.1 of this REF. No submissions were received from adjoining owners or occupiers.
(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 carried out.	Noted.
108CA Landcom must notify Secretary of Department of Communities and Justice	Not Applicable.
108CB – Considerations before carrying out development Before carrying out development to which this division applies, the relevant authority must consider –	
(a) The <i>Seniors Housing Design Guide</i> , published by the Department in December 2023, and	Consideration of the Guide is outlined in Appendix N and Section 6.5.4 of this REF. These indicate the guidelines have been considered.
(b) The design principles for seniors housing set out in Schedule 8	Consideration of these principles is outlined in Appendix N and Section 6.5.7 of this REF.
(2) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the AHO Design Guidelines NSW, published by the Aboriginal Housing Office in January 2020.	Not Applicable.
(3) Before carrying out development to which this division applies, the Land and Housing Corporation must consider –	Note: Under section 35F of the Housing Act 2001, the Minister administering the <i>Housing Act 2001</i> has the same functions as the NSW Land and Housing Corporation (LAHC) under relevant legislation, which includes the <i>Environmental Planning and Assessment Act 1979</i> and any regulations or subordinate instruments made under that Act.
(a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and	Refer to checklist in Appendix N and subsection 6.5.5 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Good Design for Social Housing</i> .
(b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	Refer to checklist in Appendix N and Section 6.5.6 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>NSW Land and Housing Corporation Design Requirements</i> .

Provision	Compliance
(4) Before carrying out development to which this division applies, Landcom must consider the <i>Landcom Affordable Housing Design Guideline</i> , published by Landcom, in partnership with the Government Architect NSW, in November 2023	Not applicable.
10D - Exempt development Development for the 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.
10E - Subdivision of seniors housing not permitted Development consent must not be granted for subdivision of seniors housing.	No subdivision proposed. The lots will be consolidated as part of the development.

The Housing SEPP requires the Minister 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 7** and **Table 8** below.

Table 7 Consideration of section 84(2)(c)(iii), 85, 88, 89 of the Housing SEPP 2021

Provision	Compliance
<p>84 Development standards – general</p> <p>(2) Development consent must not be granted for development to which this section applies unless –</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted –</p> <p>(iii) if the development results in a building with more than 2 storeys – the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.</p>	<p>Proposed development is in the R2 zone where residential flat buildings are not permitted.</p> <p>NA. Proposed development is two storeys only, to a maximum building height of 9.5m.</p>
<p>85 Development standards for hostels and independent living units</p> <p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p> <p>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom.</p> <p>Note – Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the <i>Building Code of Australia</i>.</p>	<p>The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in Table 9 below.</p> <p>Noted.</p>

Provision	Compliance
<p>88 Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following —</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live in the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</p> <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>Identified Requirement Nos. 73 & 74 are recommended to achieve compliance.</p>
89 Use of ground floor of seniors housing in business zones	Not applicable as the site is located in a residential zone.

Table 8 Non-Discretionary standards for Independent Living units (Section 108)

Development Standard	Required	Proposed	Complies
2(a) Building Height:	9.5m or less	9.5m.	Yes
2(b) Height of Servicing Equipment	11.5m or less If greater than 9.5m, not more than 20% of roof area	9.5m	Yes
2(c) Density and Scale:	Floor Space Ratio 0.5:1 or less	0.51:1	Does not comply Notwithstanding, the non-compliance does not result in any adverse impacts on adjoining properties or the streetscape (refer to variation discussion below).
2(d) Landscaped Area:	Minimum landscaped area that is the lesser of: (4) (i) Minimum 35m ² per dwelling (10 x 35m ² = 350m ²) (ii) 30% of the site area (30% x 1,324.1m ² = 397.23m ²) Landscaped area to comply with minimum 350m ²	427.1m ²	Yes
(f) Deep Soil Zone:	Minimum 15% of area of site	253.58m ² or 19.2%	Yes

Development Standard	Required	Proposed	Complies
	(15% x 1,324.1m ² = 198.6m ²)		
	Minimum 65% to be preferably located at rear of site (198.6m ² x 65% = 129.1m ²)	177.5m ² or 89.4% provided at rear of site	Yes
	Minimum dimension 3m	Minimum dimension 3m	Yes
2(g) Solar Access:	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9am and 3pm at mid-winter	80% of dwellings will achieve 2 hours of direct solar access to private open space and living areas between 9am and 3pm mid-winter.	Yes
2(h) Private Open Space:	Ground level:		
	Minimum 15m ² per dwelling	Minimum 15.07m ² – 22.44m ²	Yes
	One area minimum 3m x 3m, accessible from living area	Minimum 3m x 3m	Yes
	Upper level/s: 1 bedroom: Minimum 6m ² Minimum dimensions 2m 2 or more bedrooms: Minimum 10m ² Minimum dimensions 2m	Minimum 15.07m ² Minimum 2m Minimum 12.97m ² Minimum 2m	Yes
2(j) Car parking:	Minimum 1 car parking space for each 5 dwellings (Minister concession) – 2 car parking spaces required	5 on-grade car parking spaces for 10 dwellings including 2 accessible parking spaces.	Yes

Non-Compliance with FSR Standard

The development proposes a total gross floor area (GFA) of 672.81m² calculated in accordance with the Housing SEPP definition. This translates to an FSR of 0.51:1 and represents an exceedance of 10.8m² to the 0.5:1 FSR development standard provided in clause 108(2)(c) which the Minister is required to consider. BVLEP 2013 specifies an allowable FSR of 0.5:1.

In this instance it is considered that the density of the development is appropriate and compatible with the development site and locality. That is, despite this exceedance, it is considered the bulk and scale of the proposed development has considered the character of the locality, will not adversely affect the streetscape or landscape, and does not result in adverse environmental effects on adjoining lands, as demonstrated below.

The variation is acceptable as the proposed development is not incongruous in its surroundings. The design has implemented a range of measures as follows:

- articulation of building form to reflect the nature of newer developments within the locality;
- significant landscaping within the site including, along perimeters to break up hard surfaces and building bulk. **Identified Requirement No. 81** recommends an additional tree within the open space area at the rear, along the rear boundary, which will further soften the overall building bulk;
- existing vegetation along the edges of the site including within adjoining properties and the road reserve are to be retained;
- provision of considered dwelling layouts, including the careful placement and sizes of window/door openings, the treatment of windows and balconies with privacy screens and substantial buffer landscaping along boundaries to minimise overlooking of adjoining properties. The additional tree as recommended by **Identified Requirement No. 81** will further aid in minimising privacy impacts;
- ensuring dwellings are provided with a high level of amenity demonstrated through compliance with seniors housing design standards prescribed by the HSEPP, e.g. high levels of solar access, natural ventilation, accessibility etc;
- materials and finishes including brick walls and sheet metal roofing are compatible with existing development in the locality, with a variety of materials used for wall sheeting, balcony balustrades and external privacy screens to add visual interest to the development; and
- the development has been well-articulated to minimise the bulk and scale of the development.

The above measures illustrate that the development has appropriately considered the context of the site and has been designed to complement its surroundings. The proposal complies with landscaped area, private open space and deep soil requirements, which ensures the development makes a positive contribution to the streetscape and general locality.

The proposed development will also not generate any significant adverse amenity impacts on surrounding properties in terms of overlooking or overshadowing.

90% of the units will receive more than 2 hours of direct solar access between 9am and 3pm at midwinter solstice to their main living areas. The neighbouring dwellings to the northeast and southwest (5 Rodd Street and 25 Flinders Street, respectively) will receive more than 2 hours of the solar access to their POS in the midwinter solstice. The proposal therefore generates no unacceptable solar impacts to surrounding development and the numerical non-compliance in relation to FSR is supportable.

The proposed development accommodates the variation to FSR without impacting side setback and building separation between adjacent development. Adequate side setbacks are provided to mitigate overlooking and privacy impacts with perimeter landscaping to be implemented to further soften the built form. Upper floor windows have been provided with either high sills heights, obscure glazing or louvered privacy screens to minimize any potential for overlooking. Balconies have also been screened with louvered privacy screens to minimise impacts on adjoining properties.

The development is consistent with the objectives of the Housing SEPP in that it:

- contributes to the increase in supply of suitable accommodation for seniors,
- meets the current and future accommodation needs of Bega Valley LGA's ageing population,

- delivers a well-designed development which reflects and enhances the locality while providing a reasonable level of amenity for residents,
- provides seniors accommodation close to existing infrastructure and
- is well located to public transport connections through the provision of a community bus service.

Importantly, the FSR breach of 10.8m² is largely due to the waste room's inclusion as floor space. The waste room is proposed to be integrated into the main building design and has an area of approximately 12m². Despite the numeric non-compliance, the integration of the waste room within the building is considered to provide streetscape benefits in that a standalone bin enclosure may be unsightly within the front setback. Its proposed location is convenient for residents.

The proposed exceedance of the floor space ratio has significant environmental benefits as the development increases the supply of affordable housing for seniors and persons with disability while positively contributing to the streetscape and surrounding area. The development meets the height and setback requirements resulting in a development that is consistent with the desired and future density and character of the locality.

It is noted that the common corridors within the development have been designed as open breezeways and are therefore excluded from the calculation of floor space. In accordance with recent Land and Environment Court decisions and best practice, each breezeway end has been designed with an open form gate, ensuring the breezeway is open to the elements. Further, all walls adjoining the breezeway are to be constructed as external walls. This design is considered satisfactory to enable the open breezeways to be excluded from floor space calculations.

6.5.3 Development Standards for Accessibility

Consideration of the development standards for accessibility set out in section 85 and Schedule 4 of the Housing SEPP is demonstrated in **Table 9** below.

It should be noted that pursuant to section 85(2), the Minister 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. Notwithstanding, all dwellings achieve wheelchair access as the development incorporates a lift.

Table 9 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 to an adjoining public road.	<u>Capable of Compliance</u> 100% of the ground floor units have accessible paths of travel in accordance with AS1428.1 to the front boundaries as confirmed by the Access Report prepared by Vista Access Architects (Appendix G).
'Sloping' sites ie 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	<u>Not applicable</u> The site does not have a gradient of more than 1 in 10.

	public road that is accessible to all residents	
Common areas	All common areas and facilities to have wheelchair accessibility as per AS1428.1	<p><u>Capable of Compliance</u></p> <p>All common areas have accessible paths of travel in accordance with AS1428.1. Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
3. Letterboxes:		
	To be located on a hard standing area, have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling and lockable.	<p><u>Complies</u></p> <p>A common use letterbox area has been provided on the accessible entry pathway to the main Building. A hard-paved area of 1540x2070mm is provided to access the lock side of the letterboxes.</p>
Multiple letterboxes	The structure must be in a prominent location.	
Finished level	At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).	<p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
4. Car parking:		
Parking spaces associated with a class 1, 2 or 3 building under the <i>Building Code of Australia</i> are	<p>(2) Provided in a common area for use by occupants who are seniors or people with a disability, the following applies —</p> <p>(a) for a parking space not in a group — the parking space must comply with AS/NZS 2890.6,</p> <p>(b) for a group of 2–7 parking spaces —</p> <p>(i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) 50% of the parking spaces must —</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction,</p> <p>(c) for a group of 8 or more parking spaces —</p>	<p><u>Complies</u></p> <p>Parking is to be provided to the development in line with the SEPP requirements for social housing. 2 x accessible parking spaces in accordance with AS2890.6 have been provided. Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>An additional 3 car parking spaces are provided in excess of the minimum requirements specified in the Housing SEPP. These spaces comply with the requirements of AS2890.1 for standard car parking spaces.</p>

	(i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and (ii) at least 50% of the parking spaces must — (A) comply with AS/NZS 2890.6, or (B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.	
Multiple parking spaces accessible by a common access point	(6) Accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.	The proposal does not incorporate power-operated doors, gates, barriers and the like as they pose a maintenance issue for the Minister.
	(7) A parking space, other than a parking space under subsection (6), must be — (a) secured by a power-operated door, or (b) capable of accommodating the installation of a power-operated door, including by having — (i) access to a power point, and (ii) an area for motor or control rods for a power-operated door.	Not applicable – all car parking spaces are within a common area.
	(8) A requirement in this section for a parking space to comply with AS/NZS 2890.6 extends to the associated shared area within the meaning of AS/NZS 2890.6.	Noted.
	(9) In this section, a parking space is in a common area if it is not attached to or integrated with a hostel or independent living unit.	Noted.
5. Accessible entry		
Main entrance to a dwelling	Must have — (a) a clear opening that complies with AS 1428.1, and (b) a circulation space in front of the door and behind the door that complies with AS 1428.1.	<u>Complies</u> Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G). Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).
6. Interiors		
Note: consideration only required for ground floor units in accordance with section 85(2)		
Internal doorway	(1) Must have an unobstructed opening that complies with AS1428.1	<u>Complies</u> Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).

	(2) Must have a minimum unobstructed width of 1,000mm	Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).
	<p>(3) Circulation space in front of and behind an internal doorway in the following areas must comply with AS 1428.1 –</p> <p>(a) a kitchen,</p> <p>(l) a laundry,</p> <p>(c) a bathroom</p> <p>(d) a toilet,</p> <p>(e) a bedroom,</p> <p>(f) a living area,</p> <p>(g) the main area of private open space.</p>	

7. Bedroom

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

	<p>At least one bedroom in a dwelling must have:</p> <p>(a) a clear area, not including a circulation space, sufficient to accommodate</p> <p style="padding-left: 40px;">(i) for a hostel- a wardrobe and a single size bed, or</p> <p style="padding-left: 40px;">(ii) for an independent living unit - a queen size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p style="padding-left: 40px;">(i) 1,200mm wide at the foot of the bed, and</p> <p style="padding-left: 40px;">(ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any otl obstruction, and</p>	<p><u>Complies</u></p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>c) at least 2 double general power outlets on the wall where the head of the bed is likely to be</p> <p>d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be</p>	<p>Capable of Compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>

8. Bathroom

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

	(1) At least one bathroom in a dwelling must be located on –	Complies
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	<p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p>	<p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(2) The bathroom must have the following —</p> <p>(a) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586 — 2013,</p> <p>(b) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use exiting hydraulic lines,</p>	<p><u>Capable of Compliance</u></p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p> <p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(c) a shower that —</p> <p>(i) is accessible without a shower-hob or step, and</p> <p>(ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and</p> <p>(iii) is in the corner of a room, and</p> <p>(iv) has a wall capable of accommodating the installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1,</p> <p>(d) a wall cabinet with shelving illuminated by an illumination level of at least 300 lux,</p> <p>(e) a double general power outlet in an accessible location, in accordance with AS 1428.1.</p>	<p><u>Capable of Compliance</u></p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(3) Subsection (2)(c) does not prevent the installation of a shower screen that can easily be removed to enable compliance with that paragraph.</p>	<p>Noted.</p>

9. Toilet

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

	<p>(1) At least one toilet in a dwelling must be located on —</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p>	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(2) The toilet must have the following —</p> <p>(a) a water closet pan —</p> <p>(i) in the corner of the room, and</p> <p>(ii) with a centreline set-out in accordance with AS 1428.1,</p> <p>(b) a circulation space in front of the water closet pan that is —</p> <p>(i) at least 1,200mm long and at least 900mm wide, and</p> <p>(ii) clear of door swings and fixtures, other than a toilet paper dispenser or grab rails,</p> <p>(c) a circulation space around the water closet pan that complies with AS 1428.1,</p> <p>(d) a slip resistant floor surface that achieves a minimum rating of P3 accordance with AS 4586 — 2013,</p> <p>(e) a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1.</p>	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(3) A removable shower screen may be located in the circulation space specified in subsection (2)(c).</p>	<p>Noted.</p>

10. Surfaces of balconies and external paved areas

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

	<p>Balconies and external paved areas must have surfaces that are slip resistant and comply with —</p> <p>(a) the <i>Building Code of Australia</i>, or</p>	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction</p>
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	(b) the Standards Australia Handbook SA HB 198:2014, <i>Guide to the specification and testing of slip resistance of pedestrian surfaces</i> , published on 16 June 2014.	documentation stage (refer to Identified Requirement 73).
11. Door Hardware		
Note: consideration only required for ground floor units in accordance with section 85(2)		
	<p>(1) Door handles and hardware for all doors, including entry doors and external doors, must comply with AS 1428.1.</p> <p>(2) To avoid doubt, subsection (1) does not apply to cabinetry.</p>	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
12. Switches and power points		
Note: consideration only required for ground floor units in accordance with section 85(2)		
	<p>(1) Switches and power points must –</p> <p>(a) comply with AS 1428.1, or</p> <p>(b) be capable of complying with AS 1428.1 through future adaptation.</p> <p>(2) Subsection (1) does not apply to –</p> <p>(a) remote controls, or</p> <p>(b) power points likely to serve appliances that are not regularly moved or turned off.</p>	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
13. Private passenger lifts		
	(1) This section applies to a private passenger lift that is required by this schedule to be accessible only from inside a particular dwelling.	<p><u>Not Applicable.</u></p> <p>Private passenger lifts have not been proposed.</p>
Part 2 Additional standards for independent living units		
14. The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of independent living units.		
15. Bedroom		
Note: consideration only required for ground floor units in accordance with section 85(2)		
	At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on –	Complies
	(a) the same floor as the entry to the unit, or	<p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction</p>

	(b) a floor serviced by a private passenger lift accessible only from inside the unit.	documentation stage (refer to Identified Requirement 73).
16. Living room Note: consideration only required for ground floor units in accordance with section 85(2)		
	(1) A living room in an independent living unit must be located on — (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. (2) The living room must have — (a) a circulation space that — (i) is clear of all fixtures, and (ii) has a diameter of at least 2,250mm, and (b) a telecommunications or data outlet adjacent to a general power outlet.	Complies Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G). Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).
17 Main area of private open space Note: consideration only required for ground floor units in accordance with section 85(2)		
	The main area of private open space for an independent living unit must be located on — (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	Complies Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G). Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).
18. Kitchen Note: consideration only required for ground floor units in accordance with section 85(2)		
	(1) A kitchen in an independent living unit must be located on — (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	Complies Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G). Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).
	(2) The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance.	Complies Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G). Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).

	<p>(3) Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without –</p> <ul style="list-style-type: none"> (a) relocating the sink, or (b) moving a load-bearing wall, or (c) breaching another circulation requirement. 	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(4) The kitchen must have the following fittings –</p> <ul style="list-style-type: none"> (a) a bench that includes at least one work surface that is – <ul style="list-style-type: none"> (i) at least 800mm long, and (ii) clear of obstructions, and (iii) not in the corner of the room, (b) a lever tap set with the lever and water source that is within 300mm of the front of the bench, (c) a cooktop next to the work surface, (d) an isolating switch for the cooktop, (e) an oven that – <ul style="list-style-type: none"> (i) has operative elements between 450mm and 1,250mm above the finished floor level, and (ii) is next to the work surface, (f) at least one double general power outlet located within 300mm of the front of a work surface. 	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(5) The cupboards must –</p> <ul style="list-style-type: none"> (a) not be entirely located in the corner of the bench or the corner of the room, and (b) face where the user of the fixture is likely to be. 	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(6) An overhead cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the bottom of the cupboard.</p>	<p><u>Capable of Compliance</u></p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>

	(7) A below-bench cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the top of the cupboard.	<u>Capable of Compliance</u> Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).
	(8) The lever tap set, cooktop, isolating switch, oven and double general power outlet must – (a) not be in the corner of the bench or the corner of the room, and (b) face where the user of the fixture is likely to be.	<u>Capable of Compliance</u> Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).
	(9) Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.	<u>Capable of Compliance</u> Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).
19. Laundry Note: consideration only required for ground floor units in accordance with section 85(2)		
	(1) A laundry in an independent living unit must be located on – (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.	Complies Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G). Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).
	(2) The laundry must have the following – (a) a circulation space that complies with AS 1428.1 at the approach to any external doors, (b) an appropriate space for an automatic washing machine and a clothes dryer, (c) a clear space in front of each appliance of at least 1,550mm, (d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586 – 2013, (e) a continuous accessible path of travel to the main area of private open space or any clothesline provided for the dwelling.	<u>Capable of Compliance</u> Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).

	(3) The space specified in subsection (2)(c) may overlap with a door swing or the circulation space for a door.	Noted.
	<p>(4) For laundry facilities in a cupboard, the cupboard must be capable of being fitted with “D” pull cupboard handles in the following locations —</p> <p>(a) for below-bench cupboards — towards the top,</p> <p>(b) for overhead cupboards — towards the bottom,</p> <p>(c) for floor-to-ceiling doors — between 900mm and 1,100mm above the finished floor level.</p>	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(5) In this section —</p> <p>laundry includes laundry facilities in a cupboard.</p>	Noted

20. Linen Storage

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

	<p>An independent living unit must have a floor-to-ceiling linen storage cupboard that —</p> <p>(a) is at least 600mm wide, and</p> <p>(b) has adjustable shelving.</p>	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
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21. Lift access in multi-storey buildings

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

	An independent living unit on a storey above the ground storey must be accessible by a lift that complies with the <i>Building Code of Australia</i> , Volume 1, Part E3.	<p><u>Capable of Compliance</u></p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
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21. Garbage

	A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.	<p>Complies</p> <p>Compliance indicated as per the Access Report prepared by Vista Access Architects (Appendix G).</p> <p>Further detailed information will be provided at construction documentation stage (refer to Identified Requirement 73).</p>
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6.5.4 Seniors Housing Design Guide

The *Seniors Housing Design Guide* (SHDG), (November 2023) has been prepared to assist in the design and assessment of applications for seniors housing development under the Housing SEPP.

The Guide offers design principles and best practice for developments assessed under the Housing SEPP. Part 2 of the Guide includes chapters that assist to understand the site, context and future resident needs, leading to better housing solutions for seniors.

In accordance with Part 3, Section 11 of the Guide, the development is considered as ‘stand-alone independent living unit development medium density’. As such, the design principles for independent living set out in Part 3, Section 15 of the Guide are relevant to the design of the development. These principles, as follows, must be considered when designing such developments:

- neighbourhood amenity and streetscape
- solar access and design for climate
- stormwater
- crime prevention
- accessibility
- waste management

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

An assessment of the design of the activity against the Guide is provided at **Appendix N**. The proposed design is consistent with the Guide.

6.5.5 Good Design for Social Housing

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

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

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

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe. All units have been designed to comply with accessibility requirements of Schedule 4 of the Housing SEPP, and 2 accessible car parking spaces are provided. The development therefore caters for varying degrees of mobility, to accommodate the changing needs of tenants over time and allowing them to age in place.

The development incorporates passive and active sustainable design by achieving cross ventilation to 100% of apartments, and at least 2 hours of solar access during the mid-winter solstice to the living areas and private

open spaces of 80% of units. Durable and low maintenance materials are proposed, and units are appropriately sized to reduce running costs. The proposal achieves a NatHERS rating with an average of 8.2 stars which exceeds the minimum targets set by the Minister. A 15kW photovoltaic system has been incorporated to offset energy use in the development.

Each ground floor level unit is provided with an area of private open space that accommodates either a paved area or balcony for outdoor dining. Attractive gardens surround the POS which are planted with low maintenance species. All upper-level units are provided with a balcony that accommodates outdoor dining as well as service functions such as clothes drying and air conditioning units. High quality landscaping across the site will enhance amenity. 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 prominent use of brickwork and cladding with a coastal-toned palette will ensure the visual appeal of the development is maintained over time and also make the development indistinguishable from private housing.

The pedestrian entry, central foyer and communal spaces 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 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 exceeds sustainability targets, with an average NatHERS star rating of 8.2. The scheme incorporates sustainable features including insulation, clothes lines, native plantings and good solar access and cross ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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

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

Collaboration

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

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

6.5.6 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the Minister's social housing portfolio. These requirements apply to all new developments undertaken by the Minister and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.

Clause 108CB(3)(a) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed seniors housing development under Chapter 3, Part 5, Division 8 of the Housing SEPP.

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

6.5.7 Housing SEPP Design Principles

The proposed activity is located in an established urban area and there are no known natural environmental considerations affecting the subject land (including known significant environmental values, resources or hazards). The existing and approved uses of land immediately adjoining the proposed development is for residential purposes.

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

The Housing SEPP articulates a range of design principles that the Minister must consider in determining whether 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)

1. Neighbourhood amenity and streetscape
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 similar age and architectural style. Fibro cement and face brick with pitched roofs is a prominent feature of housing in the immediate area, particularly dwellings constructed during the mid to late twentieth century. There is evidence of a number of newer two storey dwelling with flat roofs, which is considered to be an indication of the future emerging built form.
The proposed development will be two storeys in height, consistent with the character of the locality. The design compliments the existing character of the local area through its simple yet elegant design. The use of coastal colour palette and brick finishes is reflective of materials and finishes evidenced in surrounding buildings. The proposed diverse landscape scheme is in keeping with the local streetscape character and the front landscaped setting will assist in integrating the building into the streetscape.
The building has been designed as an articulated built form, stepped to conform to the site's topography, displaying a distinct roof form and will respond to the character and scale of development in the area.
(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 landform, 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 maintain residential and neighbourhood amenity through careful design considerations. The landscaped setbacks are compatible with the streetscape character of the locality. Greater side

and rear setbacks have been provided where possible, to maintain spatial distance and residential amenity for both the residents as well as the neighbouring properties.

Given the sloping nature of the site, the building has been stepped to conform to the slope of the site to ensure the height of the building is kept to a minimum thus minimising the bulk and scale of the development. The selection of low-pitched flat roof and highly articulated built form also minimises the overall bulk and scale ensuring it is well integrated in the existing character of the locality despite its density.

The building is two storeys in height, which is allowable under Council's controls and as such is consistent with the likely future character of the area. Notwithstanding, the building is well-articulated adding visual interest whilst minimising potential overshadowing and overlooking.

Landscaped setbacks have been provided to obscure views of the carpark from the adjoining properties. In addition, a 1.8m boundary fence has been provided to maintain the amenity of the adjoining neighbours.

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

The front setback is generally consistent with Council's DCP requirements and the future desired character of the locality.

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

The proposed landscape design incorporates substantial plantings at the front, sides and rear of the development which will enhance the streetscape, soften the built form as viewed from the street and provide an improved buffer between adjoining neighbours for additional amenity.

The scheme incorporates a mix of ground covers and native shrubs. Larger shade trees are proposed at the front and rear of the site and will grow to a mature height of 2.5m-25m. Low maintenance planting across common gardens will create a pleasant environment for residents and attract animal and birdlife.

Council comments received on 4 April 2025 requested reconsideration of the proposed species within the front setback, advising that the 2 proposed and 2 existing tree species are large with roots capable of impacting upon Council's sewer infrastructure within the road reserve. In further Council advice received on 29 April 2025, Council confirmed they would support the removal of the existing trees within the front setback in lieu of more appropriate replacement species being provided. Consequently, **Identified Requirement (No. 81)** has been recommended to replace all 4 trees with a suitable species that are recommended in Council's Landscape Guideline and are also considered to be suitable for the seniors housing development.

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

The Arboricultural Impact Assessment and Tree Management Plan (**Appendix I**) recommends the removal of 1 tree within the front setback area and other 8 under sized trees scattered within the subject site. Removal is proposed as these trees are not worthy of retention or are located within the site in a position where they cannot be retained due to the proposed building footprint and associated infrastructure where encroachment will have an adverse impact on its roots and crown for viability and stability.

As set out above in part (f), 2 further trees are proposed for removal in accordance with Council's request, and appropriate replacement trees consistent with Council's Landscape Guideline is recommended in **Identified Requirement No. 81**.

Sustainable replacement planting is proposed to compensate for the loss of existing vegetation. This will include 8 new trees capable of achieving a mature height of 2.5-25m, as well as over 300 shrubs and groundcovers. Over time, this replacement vegetation will provide additional habitat for fauna in the long-term.

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

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

2. Visual and acoustic privacy

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.

Where windows and balconies are proposed, adequate setbacks have been maintained and privacy screening provided to restrict direct overlooking.

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 and private open space areas. Perimeter landscaping will also act as a visual and acoustic buffer between the car park and adjacent development. The side and rear setbacks are provided with generous deep soil areas which will accommodate shade trees and dense landscape plantings, creating a pleasant outlook when viewed from neighbouring properties.

The proposed dwellings have been designed in accordance with the requirements of the *Building Code of Australia* for sound and impact transmission so that acceptable noise levels between dwellings and adjoining properties are achieved.

3. Solar access and design for climate

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.

80% of units achieve at least 2 hours of direct solar access to living areas in mid-winter, which exceeds the 70% targets set under the Housing SEPP. Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 8.2, with the highest rating of 9.9 and lowest rating 7.3 being achieved.

As demonstrated on the shadow diagrams (**Appendix A**), more than 2 hours solar access is maintained to living spaces and private open space of neighbouring dwellings in mid-winter.

4. Stormwater

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 design is provided to achieve council requirements. Hard surfaces have been minimised where possible to improve groundwater percolation. Stormwater will be collected via an underground OSD tank located beneath the driveway. Roof water from the proposed development will be collected from downpipes and connected to an underground rainwater tank for recycling. Refer to the stormwater concept design plan in **Appendix C**.

The site is not identified under Council's LEP as being flood prone. Nonetheless a Flood Study Report was prepared (refer to **Appendix S**) to consider the impacts of overland flow from the upstream catchment that traverses the site. The Flood Study Report provided provides a review of the proposed flood mitigation strategy including:

- A suitably sized swale along the western boundary to intercept and dispose of the overland flow.

- A solid metal fence with a 150mm clearance from the ground level to the underside of the fence to allow for overland flow to pass underneath along the western boundary.

Identified Requirements 1 & 80 are proposed to ensure the above measures are incorporated into the detailed civil design.

5. Crime prevention

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. Considered placement of balconies and kitchen/living room windows of units orientated to the front provide passive surveillance of public areas as well as the pedestrian and vehicle entry points. Likewise, units orientated to the rear provide passive surveillance of the carpark. 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.

Peepholes 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 (**Identified Requirement No.77**).

6. Accessibility

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 Access Report (**Appendix G**) demonstrates that obvious and safe pedestrian links are available from the site.

The site is not accessible to transportation service as per the definition in the HSEPP, however will instead rely upon the Sapphire Coast Buslines which offers a Flexibus On-Demand Public Transport service in Bega, Merimbula, Pambula, Tura Beach and Eden to provide travellers with more flexible choices for getting around the Bega Valley Shire. The on-demand bus service will satisfy the site's accessibility requirements under clause 93(3)(a) of the Housing SEPP. The community transport will be available to and from the site during daylight hours once each weekday, allowing occupants to commute to nearby facilities and services. The bus service will be available to collect residents from the Rodd Street frontage. A concrete pathway is provided to ensure suitable access to the bus service for residents.

Car parking is provided for residents within the site, including 2 accessible parking spaces. Accessible pathways between the car parking area and the internal lobby are provided.

7. Waste management

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

A waste storage area is proposed to be incorporated into the building within the ground level front facade and will accommodate general waste, recycling and green waste. The waste storage area is well located within proximity to the front entrance, providing convenience for residents. The site will be serviced by council's standard kerb-side pickup service, with bins taken to the kerb by a contractor for the Minister.

6.6 Other State Environmental Planning Policies

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

Table 11 Compliance with other applicable State and Environmental Planning Policies

SEPP (Sustainable Buildings) 2022

A BASIX Certificate and associated NatHERS Certificates have been obtained for the development proposal (refer to **Appendix J** and **Appendix M**). The certificates confirm that the development complies with the minimum requirements for water, energy and thermal performance. The BASIX requirements specifies that the runoff collected in the rainwater tank must be used for irrigation of common landscaped areas.

SEPP (Transport and Infrastructure) 2021

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

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

SEPP (Biodiversity and Conservation) 2021

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

Tree Removal:

The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing 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 1 mature and 8 undersized trees as recommended in the Arboricultural Impact Assessment & Tree Management Plan at **Appendix I** and Council submission at **Appendix T**.

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

An assessment of the proposed tree removal has been undertaken within **Section 8.10** of this REF.

Regulated Catchment:

The site is not located within a regulated catchment.

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. 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 former Department of Planning and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in **Table 12** below:

Table 12 Checklist for guiding an initial evaluation

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	The Minister's records indicate that the land has been used for residential purposes since the mid 1960's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	The Minister's records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	Each lot currently contains a single storey detached dwelling.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	The Minister's records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection has been undertaken which indicated that the site is unlikely to have been associated with potentially contaminating activities.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the mid 1960's.

(h) Are there any human or environmental receptors that could be affected by contamination?	No	Standard Identified Requirements (No. 17 and 63) have 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.

6.7 Bega Valley Local Environmental Plan 2013 (BVLEP 2013)

Compliance with the relevant provisions / development standards set out in the BVLEP 2013 is demonstrated in **Table 13** below.

Table 13 Bega Valley Local Environmental Plan 2013

Relevant Provisions / Development Standards for Seniors Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	10m	Complies. Maximum building height (measured in accordance with the LEP definition) is 9.5 metres.
4.4	Floor Space Ratio	0.5:1	Does not comply. Proposed FSR is 0.51:1. Despite the minor non-compliance of 10.8m ² , the development is considered to meet the objectives of the LEP control, in that the building is compatible with the bulk and scale of the locality. Notwithstanding, FSR provisions under clause 108(2)(c) of the Housing SEPP prevail, where a 0.5:1 FSR is provided as a consideration, rather than a development standard. Refer to Table 8 of this report for further discussion.
6.2	Earthworks	(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters- (a) the likely disruption of, or any detrimental effect on, drainage patterns	Complies. The proposed activity includes areas of excavation, as demonstrated in the section drawings in Appendix A . Excavation is primarily required to facilitate a level building platform and is the result of level changes across the site.

Relevant Provisions / Development Standards for Seniors Housing

		<p>and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development</p>	<p>Identified Requirements No.7 and 14 require appropriate measures to ensure the proposed earthworks do not cause offsite stormwater impacts and that all retaining walls and other methods necessary to prevent the movement of excavated ground, are designed by an appropriately qualified person.</p> <p>No relic, or potential for aboriginal relics were identified in the Aboriginal Heritage Information Management System (AHIMS) basic search at Appendix H, and there were no heritage affectations on the Section 10.7 Planning Certificates (Appendix F). Despite this, Identified Requirement No.46 is recommended to ensure appropriate procedures are followed in the event of unexpected finds.</p> <p>The proposed activity is considered to satisfy the requirements of clause 6.2 subject to implementation of the above mitigation measures.</p>
6.18	Landscaped areas in Zones RU5, R2 and R3	(b) for land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential – 35% (463.4m ²) of the site area.	<p>Does not comply.</p> <p>The proposed landscaped area is 32.3% (427.1m²). However, complies with the prevailing 30% landscaped area requirements under Clause 108(2)(d) HSEPP which prevails over the LEP provisions.</p>

6.8 Bega Valley Development Control Plan 2013

Bega Valley Development Control Plan 2013 (BVDCP 2013) contains development controls for residential development, however, does not contain specific development controls for seniors housing. As such, relevant controls for multi-unit housing have been used for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 14** below.

The general controls for all development set out in BVDCP 2013 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP. The following controls are only those which are not already covered by the requirements under the Housing SEPP.

Table 14 Bega Valley Development Control Plan 2013

Provisions/development standards for multi-unit housing		
Clause	Requirement	Proposed
3.2.1.2 Streetscape	<ul style="list-style-type: none"> The development must be well proportioned when viewed from 	The proposed development is well suited to the site considering its topography. To ensure visual appeal of

Provisions/development standards for multi-unit housing

	<p>neighbouring properties and the street.</p> <ul style="list-style-type: none"> Multi dwelling housing in the R2 and RU5 zone will present a low-density detached character when viewed from the street. Dwellings adjacent to the primary street frontage will be oriented to the street. 	<p>the building, as viewed from the street and adjoining properties, the building:</p> <ul style="list-style-type: none"> Is stepped to minimise the bulk and scale of the building. Incorporates highly articulated and modulated facades. Is provided with a generous front setback area that will include deep soil landscaping. Is provided with greater side setbacks to ensure separation distance between properties. <p>The siting of the building, simple façade design, fenestration pattern and use of light colour pallet with darker contrasting features has been incorporated into the design to minimise building bulk and to give the building a low scale detached character when viewed from the street.</p>
3.2.1.3 Character and Form	<ul style="list-style-type: none"> The design will use a variety of building materials and colours that take into account the appearance of the development and the reflectivity of the finish. The predominate 'base' colours must be light, natural and earthy. Highlight colours must be considered on features such as window frames, doors, letterboxes, feature walls and down pipes to create contrast. The roof profile and design of a development will be appropriately detailed. The pitch of the roof in terms of height or flatness will be in keeping with the proportions of the building and be able to accommodate solar panels The design will minimise the use of hard surface materials and the visual impact of driveways and parking areas from public vantage points and the street. Specifically: <ul style="list-style-type: none"> Driveways in urban areas with kerb and guttering will be sealed and use materials other than plain concrete or bitumen. Reinforced permeable surface 	<p>The design incorporates a variety of contemporary materials and a simple colour pallet.</p> <p>The colour pallet includes:</p> <ul style="list-style-type: none"> light coastal colours. light brick and darker contrasting Colorbond fenestrations. <p>The development incorporates low profile, simple split skillion roofing that is in keeping with the traditional pitched roof in the locality.</p> <p>The design incorporates at grade parking at the rear of the site, accommodating space for 5 vehicles. Placement of the carpark area behind the building obscures its view from the street while landscaping to the northwestern and northeastern side of the carpark and driveway softens and obscures views from the neighbouring properties.</p>

Provisions/development standards for multi-unit housing

	<p>stabilising treatments are also acceptable.</p> <ul style="list-style-type: none"> Where driveways and hardstand areas will exceed 50% of the front setback area due to site specific constraints, the design will incorporate alternative permeable surface stabilising treatments. Parking and manoeuvring areas for multi dwelling housing should be located away from the primary street frontage and screened from view of streets. The design of windows and decks will be integrated into the overall architectural form and provide for the casual surveillance of the street. 	<p>Appropriate placement of windows and POSs will encourage casual surveillance of the street.</p>
3.2.1.4 Context and Articulation	<ul style="list-style-type: none"> The maximum unbroken length of any external wall will not exceed 10m. Walls proposed to be longer than 10m in the same material and colour must be broken with an indentation of at least 1 metre in depth for a distance of 2.5m. A fence and any associated retaining wall located behind the setback area from a primary road or any side or rear boundary fence must not be more than 1.8m above existing ground level. 	<p>The rear southwestern wall exceeds the 10m length. To compensate for the minor exceedance of 1.7m, the wall is stepped and provided with several window openings and privacy treatments which break the overall bulk and adds visual interest.</p> <p>No fencing behind the setback area from a primary road or any side or rear boundary fence will exceed 1.8m.</p>
3.2.2.6 Views	<p>The principles of view sharing will be used in the assessment of the proposed development application.</p>	<p>The proposal has been assessed against the principles of view sharing. The impacts on views are considered to be reasonable.</p> <p>Refer to detailed discussion on View Sharing in Section 8.5 of this report.</p>
3.2.2.7 Setbacks	<p>The minimum setback for buildings/structures (including carports and garages) from public roads and front, rear and side property boundaries are:</p>	<p>The development meets the minimum front and side boundary setback requirements, providing:</p> <ul style="list-style-type: none"> a 6m building setback from the street boundary; and a 5.8m setback from the northeastern boundary and 3m from the southwestern boundary.

Provisions/development standards for multi-unit housing

	<ul style="list-style-type: none"> • Front setback – 5m or the average distance between the two nearest dwellings. • Side setback – 1.8m. • Rear setback – 5m and 12m where building is higher than 4.5m. 	<p>In accordance with the DCP, for buildings higher than 4.5m, a min. rear setback of 12m is required in the R2 low density zone. The proposed 7m setback, on balance, is considered acceptable given:</p> <ul style="list-style-type: none"> • The form of the development is more consistent with the medium density development typical to R3 zones which prescribes a 4m setback requirement. The proposed 7m rear setback far exceeds the 4m setback requirement applicable to medium density development. • The development does not result in any adverse acoustic and privacy impact. • There are minimal overshadowing impacts on the adjoining properties. • Development incorporates well-articulated and modulated facades that are aesthetically pleasing when viewed from the street.
6.3 Soil and Stormwater Management	<ul style="list-style-type: none"> • The development will incorporate the principles of water sensitive urban design. These include minimisation of impervious surfaces and provision for the collection, reuse and management of stormwater to reduce reliance on potable water and ensure that predevelopment water quality is maintained or enhanced in post-development runoff. • The management of water must address cumulative environmental impacts and be carried out in accordance with the objectives of integrated water cycle management. • In order to minimise land degradation, water pollution and damage to infrastructure from accumulated sediment, development must be constructed in a manner which minimises 	<p>Stormwater will be collected via an underground OSD located beneath the driveway, in the eastern corner of the site. A series of stormwater pits and gutters on the site enable stormwater to drain to the rainwater tank and OSD. Excess water is discharged to the kerb inlet pit on Rodd Street.</p> <p>Erosion and sedimentation will be managed in accordance with the accompanying Erosion and Sediment Control Plan and Details dated 27.02.2025 prepared by S&G Consultants Pty Ltd.</p>

Provisions/development standards for multi-unit housing

erosion and sedimentation to
current best practice.

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43A and 108C of the Housing SEPP, Bega Valley Shire Council was notified of the development via the notification function in the NSW Planning Portal on 18 March 2025 (refer to **Appendix T**). The notification response period formally closed on 08.04.2025 and Council responded to the notification by letter dated 4 April 2025, with matters raised outlined in **5** below. Further clarification regarding Councils submission was sought on 28 April 2025. Councils responded on 29 April 2025.

Key issues raised in Council's submission are summarised below in **Table 15** and the submission in full is provided at **Appendix T**. A response to the key issues raised is in **Table 15** below and where appropriate, some matters have been addressed by way of identified requirements in the **Activity Determination**.

Table 15 Issues raised in Council submission

Issues raised	Response
Water and Sewer <ul style="list-style-type: none"> No issues raised with water and sewer infrastructure. Additional developer contributions would be applicable. Changes to the water metering requirements for the property, with one of the metres being required to be upsized, and the other removed. 	<p>Noted.</p> <p>Identified Requirement 28 has been imposed to require Council is consulted in relation to all works that will affect sewer and water mains.</p> <p>Identified Requirement 38 has been imposed to require a compliance certificate confirming availability of appropriate water utilities prior to work commencing. This Identified Requirement also includes a note that additional water and sewer service changes may be required to be paid prior to issue of a Compliance Certificate.</p>
Trees <ul style="list-style-type: none"> 04.04.2025 - Council does not support the proposed tree species for the front of the property. Mella Azedarach and Weeping Lilly Pilly are both large tree species with roots that are more than capable of causing issues for our sewer mains within the road reserve. For this reason, Council would be more supportive of much smaller species that aren't going to seek out the major source of water in the close vicinity. 29.04.2025 - Council has not real concerns with the retention or removal of the Melia Azedarach. Given a Seniors development is proposed for the site, consideration on the suitability of trees and landscaping should be such that they will complement the needs of the residents. 	<p>To accommodate Council's requested change and ensure the proposed tree species are suitably and will contribute to the streetscape, Identified Requirement No. 81 is recommended which requires:</p> <ul style="list-style-type: none"> Replacement of proposed trees within the front setback with trees recommended in Council's Landscape Guideline for the local area. Removal of existing <i>Melia Azedarach</i> trees within the front setback and replace with suitable trees.

Issues raised	Response
Review of documents <ul style="list-style-type: none"> The submitted documentation provides suitable details to the extent of the proposed document and addresses relevant matters under Part 5 of the EP&A Act. It is noted that there is no Part 5 assessment attached to the submitted documentation listing. The Part 5 assessment should cover other environmental impacts such as a demolition management plan for the control of noise, dust or unexpected finds, and should ensure all other approvals, including the provisions under 68 of the Local Government Act for Stormwater, water and sewer connects and Section 138 of the Roads Act for Works within the Road Reserve. 	<p>Noted. The REF has considered these issues.</p> <p>As above, Identified Requirement 38 has been imposed to require a compliance certificate confirming availability of appropriate water utilities prior to work commencing. This Identified Requirement also includes a note that additional water and sewer service changes may be required to be paid prior to issue of a Compliance Certificate.</p> <p>It is noted that the Minister is not required to obtain approval pursuant to Section 138 of the Roads Act. Section 5(1), Schedule 2 of the Roads Act states that Section 138 does not require a public authority to obtain a roads authority approval to the exercise of the public authority's functions in, or over an unclassified road. Notwithstanding, Identified Requirements 6 and 10 are recommended to ensure stormwater and road works are undertaken to meet Council's standards.</p>
Design <ul style="list-style-type: none"> Council is supportive of the overall design of the development and its intent to provide additional seniors housing within the Eden township. The design is considered appropriate for the site constraints and seeks to mitigate impacts onto adjoining properties, such as overshadowing. A review of Schedule 4 of the Housing SEPP assessment is supported and Council hopes that this is made available to adjoining residents during the notification period for them. 	<p>Noted. Following determination, the REF will be placed on the NSW Planning Portal and will be publicly available.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) and 108C(1)(a) of the Housing SEPP, Bega Valley 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 3 March 2025. Council provided an email response on 18 March 2025 advising that the notification map is consistent with Council's Community Participation Plan and acceptable to Council. **Figure 16** illustrates the properties in which the occupiers and landowners were notified of the development.



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

Under section 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 20.03.2025. Copies of the notification letters are provided at **Appendix T**.

The notification response period formally closed on 17 May 2025 and no submissions were received.

7.3 Notification of Specified Public Authorities

The development is “seniors housing” under section 108A of the Housing SEPP. As required by section 43(1) and 108B(2) of the Housing SEPP, consideration has been given to the need to notify other relevant authorities and the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

8 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 6.5 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 which is characterised by predominantly older style single storey detached dwellings fibro and weatherboard construction with a mix of pitched tiled and metal roofing. There are also interspersed detached 2-storey dwellings in the surrounds which is indicative of the emerging character of the area.

Many properties within the surrounding locality are afforded with pleasant views towards the hills, ridgelines and the ocean. The 2-storey dwellings seem to incorporate relatively large first floor balconies to capture glimpses of the view.

The proposed material selection comprises colorbond metal cladding and brick with a coastal colour palette which compliments the existing style of development in the local area as identified in **Section Error! Reference source not found.**

The proposed development represents a modern, high-quality design, that will complement the existing style of development in the local area. The use of face brick, colorbond finishes and metal roofing is consistent with the existing and developing character of the locality. The development has been designed with elements such as a skillion roof line and traditional balcony features which bring visual contrast and articulation to the primary façade.

The bulk and scale of the proposed development will be compatible with the existing and future character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The 2-storey building form, siting and landscape setting of the proposed development aligns with the emerging and future characteristic of the locality.

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 generally consistent with the bulk and scale envisaged on the site under the relevant local planning controls. The 2-storey development incorporates appropriate setbacks with separation distance from adjacent buildings, distinguished by a variety of articulated features, external finishes and materials to reduce the visual bulk of the development.

The development is stepped towards the street front to conform to the slope of the site. The transition enhances the overall design quality, minimising the perceived bulk and scale of the development. A total of 3 dwellings will address the street with appropriate façade articulation and fenestration that will enhance the streetscape.

The proposal exceeds the floor space ratio of 0.5:1 prescribed under the Housing SEPP. BVLEP 2013 also specifies an allowable FSR of 0.5:1. The proposed floor space ratio is 0.51:1 comprising a minor breach of 10.8m². Despite the minor breach, the proposed development is considered to result in an acceptable bulk and density. The development generally achieves compliance with building height, landscaped area, deep soil zones and setback requirements and as such, the bulk and scale of the development is acceptable in its context. While a variation is proposed to the DCP rear setback control, this variation will have negligible adverse effects and is generally addressed through appropriate treatment and building articulation.

Justification for the variation to the Housing SEPP floor space ratio control is provided in **section 6.5.2** of this REF, which found that despite the non-compliance, the development is considered consistent with the objectives of the Housing SEPP in that it:

- contributes to the increase in supply of suitable accommodation for seniors,
- meets the current and future accommodation needs of Bega Valley Shire's ageing population,
- delivers a well-designed development which reflects and enhances the locality while providing a reasonable level of amenity for residents,
- provides seniors accommodation close to existing infrastructure, and
- is well located to public transport connections through the provision of a community bus service.

The proposed exceedance of the floor space ratio therefore has significant environmental benefits as the development increases the supply of seniors housing while positively contributing to the streetscape and surrounding area and is not considered to result in any unacceptable overshadowing or privacy impacts to adjoining dwellings. The proposal will aid in increasing housing density and diversity, consistent with State and regional strategies.

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

The proposed development will make a positive contribution to the Rodd Street streetscape, by virtue of the following:

- The proposed development will replace ageing housing stock that has reached the end of its economic life with a contemporary, architecturally designed residential development that uplifts the existing character of the locality.
- The building has been stepped to conform to the slope of the site to reduce the overall visual bulk of the development when viewed from the street, noting the building is at its highest at the midpoint and lowered towards the front and rear. The articulated break in the front elevation and split roof form gives a perception of two individual dwellings and aids in minimising the building bulk and scale as viewed from the street.
- Living rooms and balconies address and provide an active street frontage.
- Provision of generous side setbacks will provide separation distance between properties and maintain a sense of space and openness.
- Strong articulation and modulation along the front façades and quality landscaping proposed within the front setback areas ensures that the proposed development will make a positive contribution to the streetscape of Rodd Street.

- The use of light toned materials and vertical cladding to recessed elements create a classic architectural style that will complement the existing developments in the area.
- Significant landscaping has been incorporated into the front setback areas and includes feature canopy trees, as well as shrubs and grasses which will help soften the development and make a positive contribution to the streetscape presence.
- The car parking area is located to the rear of the site and obscured from street view, contributing to the overall visual appeal.

Mitigation Measures

No mitigation measures required.

8.4 Visual Impact

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

The proposed development will make a positive contribution to the residential streetscape through construction of contemporary dwellings that respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a coastal colour palette, and new landscaping across the site will assist with the overall aesthetic of the site and add to the long-term visual amenity of the surroundings.

Mitigation Measures

No mitigation measures required.

8.5 View Sharing Assessment

Many properties within the surrounding locality are afforded with pleasant views towards the hills, ridgelines and the ocean. Given that the proposed 2-storey development will replace existing single storey dwellings with small building footprints, this outlook will be reduced from some properties, particularly those with a northeastern outlook across the subject site.

These views are not iconic, are obtained across immediate side boundaries and in many cases are obscured in part by vegetation and other dwellings beyond the site. It is important to note that the Planning Principle states that it may be unrealistic to retain views across side boundaries.

The Land and Environment Court of NSW has established a series of 'Planning Principles' which may include a list of matters, or steps to be considered in making a planning decision.

The Planning Principle for view sharing is set out in a 4-step process established in the matter of *Tenacity Consulting Pty Ltd v Warringah Council NSWLEC [2004]* at paragraphs 25-29 of the decision.

Consideration of the 4-step process is provided below:

Step 1 – Requires the assessment of views to be affected:

The view analysis prepared by the Architects (**Appendix A**) details a series of view lines currently enjoyed by many surrounding properties. The view corridors in instances are indicative, with views potentially enjoyed by a larger number of surrounding residents. The diagrams however detail the direction of views available. The image in **Figure 17** below, indicate the views from Rodd Street across the subject site which comprise distant mountain and ocean views. This is indicative of the views enjoyed across the subject site and across the locality. In many

cases due to the street layout, these views are enjoyed across side boundaries and are distant views often obscured by building structures and vegetation.



Figure 17 Views due northeast on Rodd Street, (Source –Homes NSW Image dated August 2022)

Step 2 – Requires consideration of the position from where the view is enjoyed:

It is important to note not all dwellings in the locality have front porches or rear balconies or those that are substantial enough to gather to enjoy the views. Notwithstanding, those that do have front porches and/or rear balconies, enjoy views to the northeast across the immediate side boundary that can be obtained both in sitting or standing positions. Other properties would enjoy views from various open space areas and windows across the site including across the rear garden, given the expansive nature of the views.

The existing views are obscured by building structures such as roofs as well as existing vegetation.

Step 3 – Requires an assessment of the extent of the impact:

The view analysis demonstrates that some existing views currently enjoyed from the immediate surrounding properties to the southwest will be obstructed or removed by the proposed development. Views from the upper floor level of two storey dwellings do not appear likely to be interrupted, however ground level views including from rear gardens currently across the subject site will likely be removed.

Due to the topography of the area sloping downhill towards the ocean, views obtained from rooms or living rooms appear to be filtered, obstructed by surrounding building structures and vegetation. The view loss impact as a result of the proposed development is generally considered to be minor, given that the ocean and views to the hills are distant views.

Step 4 – Is to determine whether the impact is reasonable:

The impacts on views are considered to be reasonable as the building is generally compliant with the provisions of the Housing SEPP. Notwithstanding, roof design was considered to determine whether a more skilful design could significantly mitigate view impacts. It was established that any further reduction to the building height would unlikely achieve significant views to be retained.

The proposal seeks a variation to the rear setback requirement. This is however a requirement under the Council's controls and applied only as a guide. It must be noted that a dwelling less than 4.5m can be setback 5m from the rear boundary, this would potentially have a greater impact on the views from the surrounding properties.

The development otherwise sits well below the permitted building height control and provides generous setbacks. As such, any loss of views and outlook is unavoidable, and in any case is an anticipated outcome of the development on the site envisaged under the relevant planning controls.

It is worth noting that the existing dwellings are aged, constructed in the mid-1960s, and as such have very generous front and rear setbacks. Overtime as the area develops, it is likely that large 2-storey dwellings with reduced setbacks will replace the existing low scale housing stock and will be better placed to take advantage of existing views.

Summary:

The impact on views is unavoidable considering any development, even a single storey dwelling, constructed in accordance with Council controls, could essentially have a similar or greater impact on views.

The proposed seniors housing development complies with relevant Housing SEPP controls and will generate significant and long-term benefits through delivery of 10 new and contemporary affordable housing dwellings that responds to the site's context and neighbourhood character, despite the unavoidable view impacts.

Accordingly, any impacts upon views are unable to be further mitigated, and on balance the development is considered to be a reasonable outcome for development on the site.

8.6 Privacy

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

- Where balconies face the side elevation, adequate setbacks have been maintained and privacy screening provided to balconies to minimise opportunity for overlooking.
- Ground floor POS within the development have been appropriately separated by location of fencing and/or landscape treatments.
- Further screening between the proposed development and adjoining neighbours will be achieved through substantial canopy tree planting in deep soil areas provided at the side and rear of the site. **Identified Requirement No. 81** recommends an additional tree within the rear setback area, along the rear boundary to aid in mitigating potential privacy impacts;
- Balconies above ground floor level provide generous side setbacks with a minimum of 3m from the southwestern and 5.8m from the northeastern boundaries, and screening proposed to mitigate direct overlooking.
- A generous 7m setback from the rear boundary is proposed to provide adequate spatial separation. Trees detailed on the landscape plan and a further recommended additional tree (**Identified Requirement No. 81**) would assist in mitigating potential privacy impacts.
- Windows to elevated units at ground floor and upper floor units have been treated with obscure glass where appropriate, and privacy screens provided to minimise potential overlooking.
- Solid balcony balustrades are proposed at first floor level which will assist in protecting the privacy of both residents and neighbours.
- Extensive landscaped areas are proposed within the front, side and rear setback areas which will create a visual buffer between the public domain and adjoining neighbours at ground floor level. As identified in the landscape plan (**Appendix B**), the planting schedule includes screening plants such as *Banksia integrifolia* and *Corymbia ficifolia* which will grow to heights from 2.5m-25m and will create a

dense hedge along the side and rear boundaries. New canopy tree planting will also provide a visual buffer from the development.

- Proposed 1.8m metal fencing will mitigate unacceptable overlooking from ground level units into adjoining properties.

Mitigation Measures

Identified Requirement No. 81 is recommended to require an additional tree be provided in the rear setback to assist with boundary screen planting.

8.7 Solar Access

The design and siting of the proposed development will achieve adequate solar access to proposed dwellings' living areas and private open spaces.

The submitted architectural plans (refer to **Appendix A**) demonstrate 80% of dwellings are capable of receiving at least 2 hours direct solar access to the living and POS areas on 21 June (mid-winter), which meets the requirements under the Housing SEPP.

Eye of the Sun Diagram indicates that 60% of the dwellings will receive at least 2 hours direct solar access to the living and POS areas on 21 June (mid-winter). HSEPP provision specify that 70% of the dwellings should receive at least 2 hours direct solar access to the living and POS areas on 21 June (mid-winter).

Due to the angle of the blade of the privacy screens to Unit G.02 and 1.02 balconies, solar penetration is restricted. Appropriate redesign of the louvered screens will enable filtered solar penetration to these balconies which will enable 80% compliance to be achieved.

An **Identified Requirement No. 82** has been applied to ensure that louvered privacy screens to Unit G.02 and 1.02 balconies are redesigned so that louvered blades are of adequate width and are appropriately spaced and angled to allow solar penetration whilst mitigating overlooking.

Mitigation Measures

Identified Requirement No.82 is recommended to ensure that the privacy louvres to balconies G.02 and 1.02 are angled to ensure that sunlight will be provided to these balconies.

8.8 Overshadowing

The shadow diagrams provided under **Appendix A** confirm the development has been designed to minimise overshadowing of surrounding development. The shadow diagrams confirm that on 21 June (mid-winter) the development will:

- At 9am and until approximately 10.30am, the proposed development will overshadow the existing window within the side (north-east) elevation 5 Rodd Street and will also cause overshadowing to part of the rear façade of 5 Rodd Street. By 11am there is minimal impact to this property, and the rear façade and rear garden.
- At 12noon shadows are generally contained within the subject site and Rodd Street road reserve.
- At 3pm shadows move east marginally impacting the southwestern setback area of 25 Flinders Street and Rodd Street Road reserve.

The additional shadow to 5 Rodd Street is reasonable. Whilst the eastern window and part of the rear façade and rear garden will be overshadowed between 9am and approximately 10.30am, the rear elevation will receive sunlight for the remainder of the day, ensuring at least 3 hours of solar access continue to be

achieved. The development results in negligible overshadowing impacts to other adjoining properties. Shadow diagrams demonstrate that the adjoining properties will maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9am and 3pm at the mid-winter solstice.

Mitigation Measures

No mitigation measures required.

8.9 Traffic & Parking

The proposal incorporates 5 at grade car parking spaces, including 2 accessible spaces. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for residential developments carried out by the Minister. Unrestricted street parking is available on Rodd Street to accommodate any potential overflow parking demand generated by the proposed development. The proposal also includes the removal of 2 redundant vehicle crossovers of Rodd Street, which will assist with additional on-street parking.

The Traffic and Parking Impact Assessment Report (**Appendix R**) indicates that the trip generation rate to the existing dwelling results in 2 vehicle trips per hour during the peak period. The proposed development will result in approximately 5 vehicle trips, during the peak periods. A comparison of the existing traffic activity with the projected traffic activity indicates that the proposed development will result in a negligible increase in traffic activity within the surrounding road network.

The proposed carpark entry and parking layout was assessed in the Traffic and Parking Assessment Report and swept path testing was undertaken. The proposed parking layout, including the parking spaces and associated aisle width, was confirmed as compliant with AS2890.1:2004. The 2 accessible parking spaces have been designed to comply with the requirements of AS 2890.6-2009, as verified in the Access Report under **Appendix G**.

The Traffic Report has confirmed that vehicular sight lines from the proposed new driveway are reasonably maintained, despite the proposed replacement side fence being constructed to the front boundary. Plans detail that side fencing along the western boundary is not proposed forward of the proposed front building line.

Mitigation Measures

No mitigation measures are required.

8.10 Flora and Fauna

An Arboricultural Impact Assessment & Tree Management Plan has been undertaken for the site by Redgum Horticultural (refer to **Appendix I**). The report considers 3 trees and 8 under sized trees located within the subject site.

The report recommends the removal of 1 existing tree within the front setback and 8 undersized trees within the site, as they are not worthy of retention or located within the site in a position where they cannot be retained due to the proposed building footprint and associated infrastructure. The proposed encroachment will have an adverse impact on its roots and crown for viability and stability. The following 2 trees are proposed to be retained and protected:

- T1 – *Melia azedarach* 'White Cedar' located within the front setback of the site and will be subject to minor encroachment.
- T3 – *Melia azedarach* 'White Cedar' located within the front setback area of the site. The proposed pathway and elevated ramp & stairs will be a major encroachment to this specimen with demolition of

the existing driveway in the structural root zone on the compression side to the east of the specimen. The section of the pathway to the west within the TPZ of this specimen is to be constructed at or above existing natural ground levels with the elevated ramp and stairs an acceptable major encroachment, as the piers are outside the structural root zone.

In Council's submission dated 4 April 2025 and 28 April 2025, Council indicated they:

- support the proposed tree species, (*Waterhousia floribunda* 'Weeping Lilly Pilly' (T79)), within the front setback as the root spread of these trees could likely impact Councils' sewer infrastructure on the road reserve.
- support the removal and replacement of the 2 existing *Melia Azedarach* trees (T1 and T3) within the front setback, as these trees have the potential to impact Councils' sewer infrastructure on the road reserve.

Considering the above and in accordance with Landscape guideline for the local area, **Identified Requirement No. 81** has been recommended to:

- Replace the proposed 2x *Waterhousia floribunda* (2xT79) with 2x *Corymbia ficifolia* 'Mini Red'; and
- Remove existing *Melia azedarach* (T1 and T3) and replace with
 - T3 with 1x *Banksia integrifolia*, and
 - T1 with *Waterhousia floribunda* (T79) with 1x *Corymbia ficifolia* 'Mini Red'.

As indicated on the landscape plan and details, appropriate replacement planting is proposed elsewhere on site. The new plantings will increase the variety of species, including native trees, which will provide additional habitat for fauna in the long-term.

Following consideration of the impact the proposed landscaping would have on the swale along the southwestern boundary, the landscape design was modified. As a result, there appears to be some inconsistency in the landscape design plans submitted. **Identified Requirements No. 81** has been imposed to ensure that the landscape design is in accordance with Plan L_2 issue D dated 7.03.25 prepared by William Partners Pty Ltd.

Mitigation Measures

Identified Requirements No. 1, and 18 – 20 are included in the Activity Determination and require the implementation of the Landscape Plan as recommended in the Arboricultural Impact Assessment and Tree Management Plan.

Identified Requirements No. 81 has also been added to ensure that existing trees T1 and T3 and the proposed trees in the front setback are replaced with suitable tree in accordance with the proposed landscape plan and Councils' Landscape guideline for the local area. An additional tree is recommended to be provided in the rear setback area.

8.11 Heritage (European / Indigenous)

Bega Valley Shire Council's Section 10.7(2) & (5) Planning Certificates did not identify any heritage items on, or in the vicinity of the site and the site is not within a conservation area (refer to **Appendix F**).

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search dated 1 May 2025 (refer to **Appendix H**) 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 Bega Valley Shire Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

Mitigation Measures

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

8.12 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation Report, prepared by STS Geotechnics (refer to **Appendix O**) indicates the following:

- The subsurface conditions consist of topsoil overlying gravelly sandy clays, silty clays, silty sandy clays, sandy clays and weathered rock. The fill is present from the surface to depths of 0.2m. Soft and firm gravelly sandy clays underlie the fill to depths of 0.4m to 0.6m. Firm, stiff and becoming very stiff natural clays underlies fill and gravelly sandy clay to a depth of auger refusal, 2.5m to 3.8m. Weathered rock underlies the natural clays at the depth of auger refusal.
- No groundwater was observed in the boreholes during the drilling.
- Results of soil testing indicated the presence of non-saline soils.

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.

As detailed above in **Section** Error! Reference source not found. of this REF the site is unlikely to be contaminated.

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not identified as being within an area of Acid Sulfate Soils.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates do not identify that site as being affected by salinity.

Mitigation Measures

Identified Requirement No. 17 is recommended to cover the possibility of discovering site contamination during demolition / construction works.

8.13 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater will be collected via a series of stormwater pits and gutters on site, connecting to a 15m³ underground stormwater detention tank that will drain to existing public stormwater infrastructure in Rodd Street. Roof water will be collected from downpipes and connect to a 10kL underground rainwater tank for recycling with overflow connected to the underground detention tank.

The Section 10.7(2) & (5) Planning Certificates issued by Council does not indicate the site located within a flood planning area or subject to flood related development controls. However, a further flood study undertaken indicates that the site is affected by the overland flow from the local upstream catchment which peaks at 10min in 1% AEP storm event. The flood assessment also confirms the flood depth is not significant, and the flood hazard is very low as such it is not necessary to evacuate the site in the 1% AEP storm event.

To ensure there is no adverse impact on the hydrology or water quality within the local area, the proposed development has been designed to incorporate the following flood mitigation measures:

- a suitably sized swale along the western boundary to intercept and dispose the overland flow.
- a solid metal fence with a 150mm clearance from the ground level to allow for overland flow to pass underneath along the western boundary.

Mitigation Measures

Identified Requirements (Nos. 1, 6-9, 14) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

Identified Requirements (Nos. 80) have been recommended to manage overland flow.

8.14 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.15 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours of 7am to 5pm Monday to Saturday, consistent with the requirements for complying development across 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.

The Architectural Plans (**Appendix A**) detail the provision of air conditioning units for each individual unit. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic

certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an ongoing use Identified Requirement.

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

Mitigation Measures

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

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

Appropriate **Identified Requirements (Nos. 2, 60 and 78)** have been applied to ensure compliance with the above mitigation measures.

8.16 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 **Identified Requirements (Nos. 64 & 65)** have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.17 Waste Minimisation

A Waste Management Plan (**Appendix Q**) has been prepared in connection with the development. 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:

- Green waste to be chipped, stored onsite and used as mulch for landscaping.
- Excess excavation material will be transported to nominated waste transfer/recycle centre.
- All waste bricks will be crushed and utilised at the principal entrance to the site for gravel shaker ramp to minimise soil deposits on the surrounding road network.
- Concrete will be reused for filling, levelling or road base. All excess material to be recycled at nominated waste transfer/recycle centre.
- Timber will be reuse for formwork, remainder removed from site and recycled off site at nominated waste transfer/recycle centre.
- Plasterboard, roof tile, glass, fixture and fittings will be disposed of or recycled at nominated waste transfer/recycle centre.

- Removal and disposal of hazardous/special waste e.g. asbestos (specify) will be in accordance with the relevant Australian Standards, OH&S and EPA guidelines. All work to be completed by a suitably qualified and registered contractor.

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 as fill onsite and material deemed not acceptable will be disposed.
- Green waste to be chipped and used as mulch for landscaping.
- Brick and pavers will be crushed and used in landscape and excess will be transported to waste centre or recycle centre.
- Excess concrete and timber will be transported to waste centre or recycle centre.
- Excess plasterboard offcuts will be recycled or returned to supplier
- Excess metal, packaging containers, paper/cardboard and floor coverings will be recycled.

During Occupation

General non-recyclable and recyclable waste will be disposed of in Council's standard waste storage and recycling bins located in the garbage storage enclosures located in the southern corner of the building. A pathway is proposed between the storage enclosure and street verge to allow for transportation to the kerb and collection by Council's waste contractor. Separate pedestrian access is provided to the waste storage area.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins in the communal garbage storage enclosure for fortnightly collection by Council's waste services.

Green waste will be disposed of in Council's standard waste storage bins in the communal garbage storage enclosure for fortnightly collection by Council's waste services.

Mitigation Measures

Standard **Identified Requirements (Nos. 1, 34b, 37, 50-54, 66)** are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

A standard **Identified Requirement (No. 66)** is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

8.18 Resource Use & Availability

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal. Further, a photovoltaic solar system and rainwater tank for water re-use will contribute the project's sustainability.

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

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

Mitigation Measures

No additional mitigation measures are required.

8.19 Community / Social Effects

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

- Assist the Minister in meeting the significant, long-standing and continually growing demand for social housing in the Bega Valley Shire local government and surrounding area.
- Assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing.
- Improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency.
- Provide more accessible housing on the site.

Mitigation Measures

No mitigation measures are required.

8.20 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Bega Valley Shire 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 trades people and other construction-related professionals, where possible.
- On-going consumption from new/ additional households.
- The reduced maintenance costs of the newer housing.
- Savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

8.21 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 Section 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, BVLEP 2013, and the design principles and better practices set out in the relevant guidelines.

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

The proposed development will enable the Minister to meet the increasing demand for 1 and 2 bedroom 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 the Minister proceed with the proposed activity subject to the implementation of the Identified Requirements listed in **Activity Determination** accompanying this REF.

10 Appendices

- 10.1.1 APPENDIX A – ARCHITECTURAL PLANS
- 10.1.2 APPENDIX B – LANDSCAPE PLAN
- 10.1.3 APPENDIX C – CIVIL PLANS
- 10.1.4 APPENDIX D – SURVEY PLAN
- 10.1.5 APPENDIX E – NOTIFICATION PLANS
- 10.1.6 APPENDIX F – SECTION 10.7 CERTIFICATES
- 10.1.7 APPENDIX G – ACCESS REPORT
- 10.1.8 APPENDIX H – AHIMS SEARCH
- 10.1.9 APPENDIX I – ARBORICULTURAL IMPACT ASSESSMENT & TREE MANAGEMENT PLAN
- 10.1.10 APPENDIX J – BASIX CERTIFICATE
- 10.1.11 APPENDIX K – BCA REPORT
- 10.1.12 APPENDIX L – DESIGN COMPLIANCE CERTIFICATES
- 10.1.13 APPENDIX M – NatHERS CERTIFICATE
- 10.1.14 APPENDIX N – HOUSING FOR SENIORS CHECKLIST
- 10.1.15 APPENDIX O – GEOTECHNICAL INVESTIGATIONS
- 10.1.16 APPENDIX P – TITLE SEARCH AND DP
- 10.1.17 APPENDIX Q – WASTE MANAGEMENT PLAN
- 10.1.18 APPENDIX R – TRAFFIC REPORT
- 10.1.19 APPENDIX S – FLOOD REPORT
- 10.1.20 APPENDIX T - NOTIFICATION LETTERS AND SUBMISSIONS