

## **Statement of Environmental Effects**

Demolition of existing structures, tree removal and construction of Boarding Houses and Residential Flat Buildings over two (2) stages including lot consolidation and associated works

at

Lot 2 DP516738 & Lot 3 DP1187097

108 and 114 Rawlinson Street, Bega NSW 2550

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# 1 Introduction

## Site Details

<b>Address</b>	108 and 114 Rawlinson Street, Bega
<b>Real Property Description</b>	Lot 2 DP516738 Lot 3 DP1187097
<b>Land Area</b>	9585m <sup>2</sup>
<b>Current Land Use</b>	Existing single storey residential dwelling and ancillary structures (proposed for demolition).

## General Details

<b>Applicant</b>	Alex Pontello - Southern Cross Community Housing
<b>Owners</b>	Southern Cross Community Housing
<b>Statement of Environmental Effects</b>	Anthony Blood - ARB Planning
<b>Architect</b>	Gabe Reed – Edmiston Jones
<b>Application Type</b>	Local Development Application
<b>Proposal</b>	Demolition of existing structures, tree removal and construction of Boarding Houses and Residential Flat Buildings over two (2) stages including lot consolidation and associated works.
<b>LEP Zoning</b>	R2 Low Density Residential
<b>Consent Authority</b>	Bega Valley Shire Council

## 1.1 Preamble

The purpose of this report is to describe the proposed development and review the relevant planning requirements relating to the proposal. It provides an assessment of the proposed development in terms of the Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

The merits of the proposal have been considered with reference to the relevant State, Regional and Local planning instruments, and policies. The proposed development is considered appropriate and worthy of obtaining development consent.

## 1.2 Subject Site and Surrounding Locality

The subject site is located at 108 and 114 Rawlinson Street, Bega, legally described as Lot 2 DP516738 and Lot 3 DP1187097. The site is comprised of two (2) irregular shaped allotments with a total area of 9585m<sup>2</sup>. The proposal includes consolidation of these allotments.

Proposed Lots	Distance	Adjoining Property
Lot 2 DP516738 – 108 Rawlinson Street – 3389m <sup>2</sup>		
Northern	20.905m	Road frontage to Rawlinson Street
	19.33m	110 Rawlinson Street.
Eastern	99.855m	106 Rawlinson Street.
Southern	40.235m	9,13,15 Prospect Street
Western	32.706m	110 Rawlinson Street.
Lot 3 DP1187097 – 114 Rawlinson Street – 6196m <sup>2</sup>		
North	23.275m	Road frontage to Rawlinson Street.
	18.29m	118 Rawlinson Street.
	19.845m	116 Rawlinson Street.
	19.17m	112 Rawlinson Street.
East	36.065m	112 Rawlinson Street.
Southern	80.615m	17,19,21,23,25 Prospect Street
Western	69.85m	92, 94 Ravenwood Street and 120 Rawlinson Street.
The site slopes north east to south west with an approximate fall of 10m.		



Figure 1 – The Subject Site and Surrounding Properties.



*Figure 2- The subject site looking south.*



*Figure 3 – 114 Rawlinson Street, Bega*





Figure 4 – Proposed for Demolition - 108 Rawlinson Street, Bega

### 1.3 History

The most recent Development Consent is DA/2015/272, which was approved 2 December 2015 and lapsed December 2020. *Staged Seniors Living Development comprising 24 units, resident community centre and gardens, internal driveways and carparking, site landscaping and associated service infrastructure.*

Refer to full site history in the Preliminary Site Investigation prepared by NGH Consulting.

## 2 Proposal

The proposal seeks approval for demolition of existing structures, tree removal and construction of Boarding Houses and Residential Flat Buildings over two (2) stages including lot consolidation and associated works under State Environmental Planning Policy (Housing) 2021. Specifically, the development proposes:

Schedule of Areas	
Site Area	9585m <sup>2</sup>
Boarding House 1	281.18m <sup>2</sup>
Boarding House 2	286m <sup>2</sup>
Block A - Residential Flat Building	1977m <sup>2</sup> (Amended plans deleted units 301, 302 and 303)
Block B- Residential Flat Building	375m <sup>2</sup>
Block C- Residential Flat Building	252m <sup>2</sup>
Block D- Residential Flat Building	540m <sup>2</sup>
Block E- Residential Flat Building	375m <sup>2</sup>
<b>Proposed GFA</b>	<b>4023m<sup>2</sup> (Amended)</b>
<b>Proposed FSR</b>	<b>0:48:1</b>
Unit Schedule	
Boarding Rooms	12
Block A	28 (Amended plans deleted 3 units)
Block B	5
Block C	3
Block D	8
Block E	5
<b>Total Units</b>	<b>61</b>
Communal Open Space	
Communal Open Space 1	902m <sup>2</sup>
Communal Open Space 2	375m <sup>2</sup>
Communal Open Space 3	451.2m <sup>2</sup>
Communal Open Space 4	850.9m <sup>2</sup>
Communal Open Space 5	136.7m <sup>2</sup>
<b>Total COS Area</b>	<b>2415.4m<sup>2</sup></b>



## Residential Flat Building

Unit Number	Bedroom	Gross Floor Area	Private Open Space
<b>Block B and C</b>			
1A	3	120m <sup>2</sup>	45.1m <sup>2</sup>
2A	2	114m <sup>2</sup>	56.7m <sup>2</sup>
3A	4	138.5m <sup>2</sup>	40.8m <sup>2</sup>
4A	3	126m <sup>2</sup>	57.9m <sup>2</sup>
5A	4	138.5m <sup>2</sup>	53.9m <sup>2</sup>
1B	1	50m <sup>2</sup>	10m <sup>2</sup>
2B	1	46m <sup>2</sup>	8m <sup>2</sup>
4B	1	45m <sup>2</sup>	9m <sup>2</sup>
<b>Block D and E</b>			
6A	3	135m <sup>2</sup>	45m <sup>2</sup>
7A	2	110m <sup>2</sup>	40m <sup>2</sup>
8A	2	110m <sup>2</sup>	40m <sup>2</sup>
9A	3	134m <sup>2</sup>	40m <sup>2</sup>
10A	4	134m <sup>2</sup>	40m <sup>2</sup>
11A	2	110m <sup>2</sup>	40m <sup>2</sup>
12A	3	118m <sup>2</sup>	45m <sup>2</sup>
6B	1	49m <sup>2</sup>	9m <sup>2</sup>
7B	1	46m <sup>2</sup>	8m <sup>2</sup>
8B	1	45m <sup>2</sup>	8m <sup>2</sup>
9B	1	55m <sup>2</sup>	10m <sup>2</sup>
11B	1	45m <sup>2</sup>	8m <sup>2</sup>
12B	1	45m <sup>2</sup>	9m <sup>2</sup>
<b>Block A</b>			
101	1	37m <sup>2</sup>	4.5m <sup>2</sup>
102	1	37m <sup>2</sup>	4.5m <sup>2</sup>
103	1	37m <sup>2</sup>	4.5m <sup>2</sup>
104	2	79m <sup>2</sup>	10.2m <sup>2</sup>
105	1	58m <sup>2</sup>	9.5m <sup>2</sup>
106	1	58m <sup>2</sup>	16m <sup>2</sup>
107	1	58m <sup>2</sup>	16m <sup>2</sup>
108	1	58m <sup>2</sup>	14m <sup>2</sup>
109	1	58m <sup>2</sup>	15m <sup>2</sup>
110	2	79m <sup>2</sup>	10.2m <sup>2</sup>
111	1	58m <sup>2</sup>	9.5m <sup>2</sup>
112	1	37m <sup>2</sup>	4.5m <sup>2</sup>
113	1	37m <sup>2</sup>	4.5m <sup>2</sup>
114	1	58m <sup>2</sup>	9.5m <sup>2</sup>
201	1	37m <sup>2</sup>	4.5m <sup>2</sup>
202	1	37m <sup>2</sup>	4.5m <sup>2</sup>
203	1	37m <sup>2</sup>	4.5m <sup>2</sup>
204	2	79m <sup>2</sup>	10.2m <sup>2</sup>
205	1	58m <sup>2</sup>	9.5m <sup>2</sup>
206	1	58m <sup>2</sup>	9.5m <sup>2</sup>
207	1	58m <sup>2</sup>	9.5m <sup>2</sup>

208	1	58m <sup>2</sup>	18m <sup>2</sup>
209	1	58m <sup>2</sup>	9.5m <sup>2</sup>
210	2	79m <sup>2</sup>	10.2m <sup>2</sup>
211	1	58m <sup>2</sup>	9.5m <sup>2</sup>
212	1	37m <sup>2</sup>	4.5m <sup>2</sup>
213	1	37m <sup>2</sup>	4.5m <sup>2</sup>
214	1	58m <sup>2</sup>	9.5m <sup>2</sup>
Deleted units 301, 302 and 303.			

#### Boarding House

<b>Boarding House 1</b>	<b>Area</b>	<b>Private Open Space</b>
B1.1	23m <sup>2</sup>	7m <sup>2</sup>
B1.2	23m <sup>2</sup>	7m <sup>2</sup>
B1.3A (accessible room)	23m <sup>2</sup>	7m <sup>2</sup>
B1.4	23m <sup>2</sup>	7m <sup>2</sup>
B1.5	23m <sup>2</sup>	7m <sup>2</sup>
B1.6	23m <sup>2</sup>	6.5m <sup>2</sup>
Communal Living	36m <sup>2</sup>	-
Circulation	43m <sup>2</sup>	-
Total	207m <sup>2</sup>	41m <sup>2</sup>
<b>Boarding House 2</b>	<b>Area</b>	<b>Private Open Space</b>
B2.1A (accessible room)	30m <sup>2</sup>	9m <sup>2</sup>
B2.2A (accessible room)	38m <sup>2</sup>	8m <sup>2</sup>
B2.3	23m <sup>2</sup>	8m <sup>2</sup>
B2.4	23m <sup>2</sup>	8m <sup>2</sup>
B2.5	23m <sup>2</sup>	8m <sup>2</sup>
B2.6	23m <sup>2</sup>	8m <sup>2</sup>
Communal Living	33m <sup>2</sup>	-
Circulation	46m <sup>2</sup>	-
Total	239m <sup>2</sup>	49m <sup>2</sup>

Schedule of Car Parking				
Land Use	Bed	Required	Provided	Rate
Boarding House 1	6 x 1	1.2	2	0.2 spaces per room
Boarding House 2	6 x 1	1.2	2	0.2 spaces per room
Block A	Studio	10	10	1 space/ 1 -2 bed units
	1	14	14	1 space/ 1 -2 bed units
	2	4 (3x2 bedroom units deleted)	4	1 space/ 1 -2 bed units
	Visitor	6	6	1 space per 5 units
Block B	1	2	2	1 space/ 1 -2 bed units
	2	1	1	1 space/ 1 -2 bed units
	3	2	2	2 space/ 3 + bed units
	4	2	2	2 space/ 3 + bed units
	Visitor	1	1	1 space per 5 units
Block C	1	1	10	1 space/ 1 -2 bed units
	3	2	10	2 space/ 3 + bed units
	4	2	10	2 space/ 3 + bed units
Block D	1	4	4	1 space/ 1 -2 bed units
	2	2	2	1 space/ 1 -2 bed units
	3	4	4	2 space/ 3 + bed units
	Visitor	2	1	1 space per 5 units
Block E	1	2	2	1 space/ 1 -2 bed units
	2	1	1	1 space/ 1 -2 bed units
	3	2	2	2 space/ 3 + bed units
	4	2	2	2 space/ 3 + bed units
	Visitor	1	1	1 space per 5 units
Total		71.4	73	-

#### Demolition of existing structures

- Demolition of existing single storey brick dwelling house and ancillary structures.
- Removal of seven (7) trees within the building envelopes.

#### Associated Works

- Works within the Road Reserve under Section 138 Roads Act.
- Water supply, sewerage and stormwater drainage works under Section 68 Local Government Act 1993.
- Connection to interallotment drainage easement through Lot 94 DP529595 under section 88B of the Conveyance Act.



Figure 5- Proposed Site Plan.

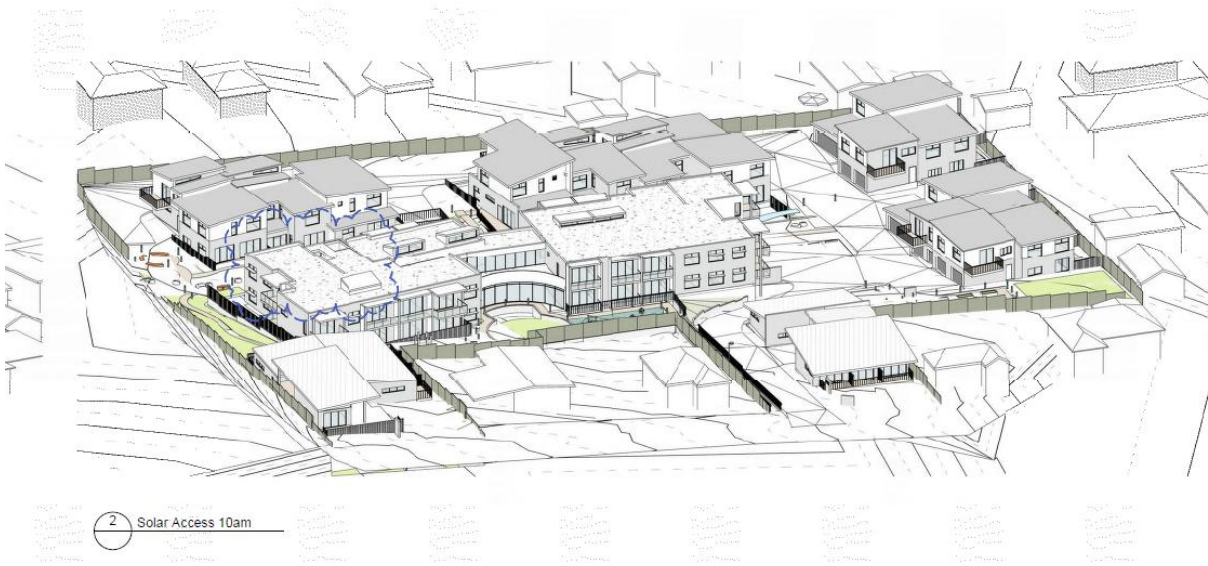


Figure 6- 3D Perspective of the Amended Proposal. Please note units 301, 302 and 303 have been deleted, refer to blue hatching.





*Figure 7 – Looking South at Block A from COS 2.*



*Figure 8 – Looking West at Block A from COS 1.*





*Figure 9 – Looking East at Boarding House 1 at 114 Rawlinson Street.*



*Figure 10 – Looking West at Boarding House 2 at 108 Rawlinson Street.*



### 3 Key Considerations

In accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended) the relevant matters for consideration are addressed below.

#### 3.1 Relevant Legislation

##### 3.1.1 Environmental Planning and Assessment Act 1979

Section 4.14 Consultation and development consent – certain bush fire prone land. The subject site is not identified as being within bushfire prone land.

##### 3.1.2 Biodiversity Conservation Act 2016

The site does not contain mapped biodiversity. Seven (7) trees are proposed to be removed within the building envelope. The total canopy is estimated to be 265.87m<sup>2</sup> or 0.026587ha, which is below the 0.25ha BOS clearing threshold.

The proposal will not have a significant effect on any potential threatened species or their habitats. Offsetting or further biodiversity assessment is not required. Please refer to the Arborist Assessment Report for tree removal and retention information.

##### 3.1.3 Conveyancing Act 1919

A review of the 88B instrument indicates that no “restriction(s) to user” are relevant to the proposal. Connection to the Interallotment drainage easement through Lot 94 DP529595 under section 88B of the Conveyance Act forms part of this application.

##### 3.1.4 Local Government Act 1993

Associated works under Section 68 apply for water supply, sewerage, and stormwater drainage. A prior to CC condition will apply.

##### 3.1.5 Roads Act 1993 No 33

The proposal includes works under Section 138 works and structures. Detailed engineering design will be provided at construction certificate stage. A prior to CC condition should apply to the development consent.

## **3.2 State Environmental Planning Policies (SEPP)**

### **3.2.1 SEPP (Sustainable Buildings) 2022**

Pursuant to Environmental Planning and Assessment Regulation 2021 a Basix Building is defined as follows:

BASIX building means a building that contains at least 1 dwelling, but does not include the following—

- (a) hotel or motel accommodation,
- (b) a boarding house, hostel, or co-living housing that—
  - (i) accommodates more than 12 residents, or
  - (ii) has a gross floor area exceeding 300 square metres.

#### Boarding House

A BASIX Certificate is not required for the Boarding Houses.

#### Residential Flat Building

A BASIX Certificate has been submitted for the Residential Flat Buildings.

### **3.2.2 SEPP (Transport and infrastructure) 2021**

The proposed residential accommodation does not exceed 300 dwellings and located greater than 90m from a classified road. As result, Schedule 3 for traffic generating development does not apply to the proposal.

### **3.2.3 SEPP (Vegetation in Non-Rural Areas) 2017**

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent. The Vegetation SEPP applies to clearing of:

- Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the Council's development control plan (DCP).

The site does not contain mapped biodiversity. Seven (7) trees are proposed to be removed within the building envelope. The total canopy is estimated to be 265.87m<sup>2</sup> or 0.026587ha, which is below the 0.25ha BOS clearing threshold.

### **3.2.4 SEPP (Resilience and Hazards) 2021**

The Preliminary Site Investigation prepared by NGH Consulting identified uncontrolled fill. The report recommends a Stage 2 Detailed Site Investigation will be undertaken in accordance with conditions imposed under the development consent.

The proposal includes demolition of existing structures which may contain contamination in the form of asbestos given the age of the structures. Consideration has been given to the management of

such contamination in the Waste Management Plan. Prior to demolition, a hazardous materials audit will be required.

### 3.2.5 SEPP (Planning Systems) 2021

The proposed development is not identified as State Significant Development.

### 3.2.6 SEPP No. 65 Design Quality of Residential Apartment Development

ITEM	COMMENT		
PART 2 – Developing the controls			
2A Primary Controls	The proposed RFB has been designed to comply with the primary controls.		
2B Building envelopes	This eastern side setback is 9.745m for Block A which does not exceed 3 storeys.		
2C Building Height	The maximum building height does not exceed 10m.		
2D Floor Space Ratio	FSR 0.49:1		
2E Building Depth	Not applicable.		
2F Building Separation	9m building separation maintained.		
2G Street Setbacks	Front setbacks comply.		
2H Side and Rear Setbacks	Side and rear setbacks comply.		
PART 3 – Siting the Development			
3A Site Analysis	3A-1 - Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Yes	Please refer to the Site Analysis Plan and Architect’s Design Statement.
3B Orientation	3B-1 - Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Yes	The proposal responds to the streetscape with appropriate setbacks, landscaping and access whilst optimising solar access.
	3B-2 - Overshadowing of neighbouring properties is minimised during mid-winter.	Yes	The adjoining properties maintain at least 3 hours of direct sunlight.
3C Public Domain Interface	3C-1 - Transition between private and public domain is achieved without compromising safety and security.	Yes	Entry to all buildings is clear and directly accessible from Rawlinson Street.
	3C-2 - Amenity of the public domain is retained and enhanced	Yes	Landscaping will enhance the streetscape.
3D Communal and Public Open Space	3D-1 - An adequate area of communal open space is provided to enhance residential amenity and to	Yes	Communal space is consolidated into five (5) locations for a total area of 2415.4m <sup>2</sup> or greater than 25% of the site.

	provide opportunities for landscaping.		
	3D-2 - Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	Yes	The communal space is comprised of soft landscaping which will encourage a variety of uses and activities.
	3D-3 - Communal open space is designed to maximise safety	Yes	The communal space is readily accessible to all apartments.
	3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	Yes	2415.4m <sup>2</sup> of communal open space complies with 25% of the site.
3E Deep Soil Zones	3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Yes	The proposed development achieves 7% deep soil planting with a minimum dimension 6m.
3F Visual Privacy	3F-1 - Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	Yes	9m building separation is proposed, which exceeds the required 6m.
	3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	Yes	Communal spaces, common areas and access paths will be separated from private open space with screening devices.
3G Pedestrian Access and Entries	3G-1 Building entries and pedestrian access connects to and addresses the public domain.	Yes	The pedestrian entry is visible from Rawlinson Street.
	3G-2 Access, entries and pathways are accessible and easy to identify	Yes	The primary entry lobbies are accessible to comply with AS1428.1
	3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	Yes	Pedestrian links are direct, well-lit, and overlooked by habitable rooms.
3H Vehicle Access	3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between	Yes	Boarding House 1 and Residential Flat Building will be accessed via 114 Rawlinson Street. Boarding House 2 will be accessed via 108 Rawlinson

	pedestrians and vehicles and create high quality streetscapes		Street. Please refer to Traffic Impact Assessment.
3J Bicycle and Car Parking	3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	Yes	Bega is nominated as a regional area. The subject site is within an accessible area 210m from E1 Local Centre and 420m to MU1 Mixed Use Bega Commercial Core.  Carparking is provided in accordance with the Bega Valley DCP for the RFB. Please refer to the car parking schedule.
	3J-2 -Parking and facilities are provided for other modes of transport.	Yes	Motor bike and bicycle parking is provided.
	3J-3 Car park design and access is safe and secure	Yes	Carpark is safe, secure, and designed in accordance with AS2890.
	3J-4 Visual and environmental impacts of underground car parking are minimised	Yes	The natural terrain minimises excavation for the basement. Carparking is well organised with good ventilation and circulation areas.
	3J-5 Visual and environmental impacts of on-grade car parking are minimised	Yes	All parking is screened from public view to minimise impact on the streetscape.  Safe and direct access to building entry points is provided.  Stormwater is managed via onsite detention tanks, then discharged via existing easement through Lot 94 DP529595.
	3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.	Yes	Carparking is not located along the road frontage. Two new access points are proposed for 108 and 114 Rawlinson Street.  The parking is concealed behind the façade and integrated into the overall design.  The proposal provides a positive street address at ground level with the single storey boarding houses.
PART 4 – Designing the Building			
4A Solar and Daylight Access	4A-1 To optimise the number of apartments	Yes	Please refer to the solar access compliance table on the

	receiving sunlight to habitable rooms, primary windows, and private open space.		architectural plans. The majority (73%) of the units primary living and balcony areas are oriented to the north to optimise solar access.
	4A-2 Daylight access is maximised where sunlight is limited.	Yes	Secondary light sources are used in habitable rooms. Refer to the architectural plans.
	4A-3 Design incorporates shading and glare control, particularly for warmer months.	Yes	Window sun hoods, balcony projections and roof overhangs provide glare and shadow control.
4B Natural Ventilation	4B-1 All habitable rooms are naturally ventilated	Yes	Habitable rooms have openable windows for natural ventilation.
	4B-2 The layout and design of single aspect apartments maximises natural ventilation	Yes	All living rooms are provided with full height sliding doors.
	4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	Yes	65% of all units have cross flow ventilation and depth does not exceed 18m.
4C Ceiling Heights	4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	Yes	Ceiling heights minimum 2.7m for habitable space and 2.4m for non-habitable.
	4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	Yes	Refer to section plan.
	4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	Yes	Refer to section plan.
4D Apartment Size and Layout	4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	Yes	All units meet the minimum floor space requirements. Every habitable room has a window.
	4D-2 Environmental performance of the apartment is maximised.	Yes	All living areas and bedrooms are located on the external face of the building.
	4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs	Yes	Apartment layouts provide room dimensions which facilitate a variety of furniture arrangements and spaces for a range of activities and privacy levels between them.  Access to bedroom, bathrooms and laundries is separated from living



			rooms to minimise direct openings between living and service areas.
4E Private Open Space and Balconies	4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Yes	Apartments have appropriate sized private open space.
	4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	Yes	Primary open space and balconies are located adjacent to the living room, dining rooms and master bed room.
	4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Yes	Private open space is integrated into the built form. Air conditioning will be screened on balconies. North and west facing units have roof overhangs for sun control. Water and gas outlets will be provided.
	4E-4 Private open space and balcony design maximises safety	Yes	Design of balconies avoids opportunism for climbing and falls.
4F Common Circulation and Spaces	4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	Yes	Each wing in the RFB does not exceed 8 units for common circulation.
	4F-2 Common circulation spaces promote safety and provide for social interaction between residents	Yes	Common circulation is efficient with legible access between the lifts and the apartment entry doors.
4G Storage	4G-1 Adequate, well designed storage is provided in each apartment	Yes	Storage is provided within all apartments.
	4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Yes	Additional storage is located in the basement parking area for each apartment.
4H Acoustic Privacy	4H-1 Noise transfer is minimised through the siting of buildings and building layout	Yes	Adequate separation is provided to adjacent buildings. Noisier areas such as lift, and entries are located away from habitable areas. Party walls and floors will exceed the minimum sound impact ratings.
	4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Yes	Internal layout separate noise living areas from bedroom areas.
4J Noise and Pollution	Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Yes	The site is not located in a noisy or hostile environment.

	4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Yes	Appropriate noise attenuation measures have been implemented.
4K Apartment Mix	4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Yes	A variety of apartment types have been provided.
	4K-2 The apartment mix is distributed to suitable locations within the building.	Yes	The apartment mix is comprised of studio units to 4 bedroom units.
4L Ground Floor Apartment	4L-1 Street frontage activity is maximised where ground floor apartments are located.	Yes	Direct street access is provided to ground floor units.
	4L-2 Design of ground floor apartments delivers amenity and safety for residents.	Yes	Privacy and safety are achieved without obstructing casual surveillance.
4M Facades	4M-1 Building facades provide visual interest along the street while respecting the character of the local area.	Yes	The façade is comprised of different colours and building materials to provide visual interest.
	4M-2 Building functions are expressed by the façade.	Yes	Building entries are clearly defined. Corners are given visual prominence through a change in articulation, materials and colours, roof expression or changes in height.
4N Roof Design	4N-1 Roof treatments are integrated into the building design and positively respond to the street.	Yes	Roof treatments are integrated into the building design.
	4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	N/A	No communal roof space is proposed.
	4N-3 Roof design incorporates sustainability features.	Yes	The roof design maximises solar access to apartments allowing winter sun access and shade in summer.
4O Landscape Design	4O-1 Landscape design is viable and sustainable.	Yes	The landscape design incorporates appropriate tree species to enhance environmental performance.
	4O-2 Landscape design contributes to the streetscape and amenity.	Yes	The landscape design responds to existing site conditions.

4P Planting on Structures	4P-1 Appropriate soil profiles are provided.	Yes	Minimum soil standards for plant sizes will be provided.
	4P-2 Plant growth is optimised with appropriate selection and maintenance.	Yes	Suitable plants will be selected for the local climate.
	4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces.	Yes	Refer landscape plan.
4Q Universal Design	4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members.	Yes	Complies, 20% of all units meet the silver level universal design features.
	4Q-2 A variety of apartments with adaptable designs are provided.	Yes	Adaptable units are provided across different dwelling types.
	4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs.	Yes	Apartment layouts are flexible and open planned.
4R Adaptive	4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	New construction proposed.
	4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A	New construction proposed.
4S Mixed Use	4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	N/A	Mixed use is not proposed.
	4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	N/A	Mixed use is not proposed.
4T Awnings and Signage	4T-1 Awnings are well located and complement and integrate with the building design.	N/A	Mixed use is not proposed.
	4T-2 Signage responds to the context and desired streetscape character.	N/A	Mixed use is not proposed.
4U Energy Efficiency	4U-1 Development incorporates passive environmental design.	Yes	Adequate natural light is provided to habitable rooms.

	4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Yes	The proposed development incorporates passive solar design.
	4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.	Yes	Natural ventilation is provided to all habitable rooms.
4V Water Management and Conservation	4V-1 Potable water use is minimised.	Yes	Water efficient fittings and appliances are incorporated into the proposal. Apartment will be individually metered. Water will be recycled for landscaping.
	4V-2 Urban stormwater is treated on site before being discharged to receiving waters.	Yes	Water sensitive urban design principles will be implemented.
	4V-3 Flood management systems are integrated into site design.	Yes	Stormwater is managed by onsite detention then discharged via a stormwater easement.
4W Waste Management	4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Yes	Bulk waste storage is provided in two locations within the basement and between Block D and Block E. Both locations are concealed from the streetscape. Please refer to the waste management plan.
	4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling.	Yes	All dwellings have sufficient storage to hold two days' worth of waste and recycling internally.
4X Building Maintenance	4X-1 Building design detail provides protection from weathering.	Yes	Roof and balcony overhangs protect walls, windows, and openings. Architectural detailing will ensure horizontal edges will not cause drip or staining of wall surfaces.
	4X-2 Systems and access enable ease of maintenance.	Yes	Windows are able to be cleaned from the inside or adjoining balcony areas.
	4X-3 Material selection reduces ongoing maintenance costs.	Yes	Robust materials and finishes have been selected to reduce ongoing maintenance costs.

### 3.2.7 SEPP (Housing) 2021

SEPP 2021 (Housing SEPP) commenced on 26 November 2021.

Division 2 Boarding Houses		
Relevant Provision		Comment
<b>23 Boarding houses permitted with consent</b>		
(1) Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument.	Yes	The subject site is zoned R2 Low Density Residential pursuant to <i>Bega Valley Local Environmental Plan 2013</i> (Bega Valley LEP).  Boarding houses are permitted with consent in the R2 Low Density Residential zone.
(2) Development for the purposes of a boarding house must not be carried out on land in Zone R2 Low Density Residential or an equivalent land use zone unless – (a) for land in the Greater Sydney region – the land is within an accessible area, or (b) otherwise – all or part of the boarding house is within 400m walking distance of land in Zone E1 Local Centre, Zone MU1 Mixed Use, Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.	Yes	The subject site is zoned R2 Low Density Residential and located approximately 210m from E1 Local Centre and 420m from MU1 Mixed Use. The proposed boarding houses are permissible.
<b>24 Non-discretionary development standards – the Act, s 4.15</b>		
(1) The object of this section is to identify development standards for particular matters relating to development for the purpose of boarding houses that, if complies with, prevent the consent authority from requiring more onerous standards for the matters.		
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies - (a) for development in a zone in which residential flat buildings are permitted – a floor space ratio that is not more than - (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house (b) if paragraph (a) does not apply – a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land	Yes	The proposed FSR is 0.49:1. Complies with maximum allowable FSR of 0.5:1.
(c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium	Yes	The proposal has been designed to comply with the DCP requirements. Please refer to

Density Residential – the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,		the landscape plan and architectural plans.
(d) for development on land in Zone R4 High Density Residential – the minimum landscaping requirements for residential flat buildings under a relevant planning instrument,	Yes	Complies, please refer to car parking schedule.
(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,	Yes	The ground floor communal living room receives at least 3 hours of direct solar access.
(f) for a boarding house containing 6 boarding rooms – (i) a total of at least 30m <sup>2</sup> of communal living area, and (ii) a minimum dimension of 3m for each communal living area	Yes	Boarding House 1 = 36m <sup>2</sup> Boarding House 2 = 33m <sup>2</sup>  All communal living areas are more than 3m dimension in all directions.
(g) for boarding house containing more than 6 boarding rooms – (i) a total of at least 30m <sup>2</sup> of communal living area plus at least a further 2m <sup>2</sup> for each boarding room in excess of 6 boarding rooms, and (ii) minimum dimensions of 3m for each communal living area	Yes	Not applicable. The proposed boarding house development provides more than 6 boarding rooms.
(h) communal open spaces – (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m	Yes	The proposed boarding house exceeds the communal open space requirement.
(i) if a relevant planning instrument does not specify a requirement for a lower number of parking spaces – at least the following number of parking spaces - (i) for development on land within an accessible area – 0.2 parking space for each boarding room, (ii) otherwise – 0.5 parking spaces for each boarding room	Yes	The proposed boarding house is within an accessible area as defined under the Housing SEPP.  As such, a parking rate of 0.2 parking spaces for each boarding room is required.  2 x 6 boarding rooms x 0.2 = 2.4 car parking spaces required.  The proposed development provides 2 carparking spaces per boarding house, which exceeds the minimum requirement.
(j) if a relevant planning instrument specifies a requirement for a lower number of parking spaces – the lower number specified in the relevant planning instrument.	N/A	SEPP Car parking rate applied.
<b>25 Standards for boarding houses</b>		
(1) Development consent must not be granted under this Division unless the consent authority is satisfied that -		



(a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m <sup>2</sup> , and	Yes	Satisfactory, no boarding room exceeds 25m <sup>2</sup> .
(b) no boarding room will be occupied by more than 2 adult residents, and	Yes	Satisfactory, the intention is single occupants per room.
(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and	Yes	Each boarding room is provided with its own kitchen and ensuite equipped with toilet, handwash basin and shower.  One (1) communal area is proposed per boarding house.
(d) for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone – the boarding house will not have more than 12 boarding rooms, and	Yes	The subject site is located within the R2 Low Density Residential zone and proposes a maximum of six (6) boarding rooms per development.
(e) for a boarding house on land in a business zone – no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	Yes	Not applicable.
(f) for a boarding house containing at least 6 boarding rooms – the boarding house will have at least 1 communal living area, and	Yes	The proposed development provides communal living areas in the form of a ground floor dining room/common TV room.
(g) the minimum lot size for the boarding house is not less than – (i) for development on land in Zone R2 Low Density Residential – 600m <sup>2</sup> , or (ii) for development on other land – 800m <sup>2</sup> . (iii) (repealed)	Yes	The subject site is located within the R2 Low Density Residential zone with a lot size far exceeding the minimum 600m <sup>2</sup> .
(h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following – (i) for a boarding room intended to be used by a single resident – 12m <sup>2</sup> , (ii) otherwise – 16m <sup>2</sup> , and	Yes	Each room meets the recommended 16m <sup>2</sup> , excluding the bathroom. The intent is to accommodate a single occupant per room.
(2) Development consent must not be granted under this Division unless the consent authority considers whether -		
(a) the design of the boarding house will be compatible with - (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition – the desired future character of the precinct, and	Yes	The proposed boarding houses presents as a detached single storey dwelling which complements the streetscape.  The proposal does not exceed the maximum height limit and is characterised by a front setback with landscaping and adequate building articulation to create visual interest.  In summary, the proposed boarding house

		development is considered to be compatible with the desired character of the local area.
(b) the front, side and rear setbacks for the boarding house are not less than – (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential – the minimum setback for multi dwelling housing under a relevant planning instrument, (ii) for development on land in Zone R4 High Density Residential – the minimum setback requirements for residential flat buildings under a relevant planning instrument,	Yes	Table 4 of the Bega Valley Development Control Plan (DCP) 2013 has been addressed in this report and is considered satisfactory.
(c) if the boarding house has at least 3 storeys – the building will comply with the minimum building separation distances specified in the Australian Design Guide.	Yes	Not applicable.
(d), (e) (repealed)	N/A	Repealed
(3) This section does not apply for the purposes of minor alterations or additions to an existing boarding house.	Yes	Not applicable.
<b>26 Must be used for affordable housing in perpetuity</b>		
(1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity - (a) the boarding house will be used for affordable housing, and (b) the boarding house will be managed by a registered community housing provider.	Yes	The boarding houses will remain affordable housing in perpetuity and operated by Southern Cross Community Housing.
(2) Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by a public authority.	Yes	Not applicable.
<b>27 Subdivision of boarding houses not permitted</b>		
Development consent must not be granted for the subdivision of a boarding house.	Yes	Noted – subdivision is not proposed.
<b>Division 5- Residential Flat Building—Social Housing Providers, Public Authorities and Joint Ventures</b>		
<b>36 Land to which Division applies</b>		
(1)(b) This Division applies to the following land within 400m of land in Zone E2 Commercial Centre, Zone MU1 Mixed Use, Zone B3 Commercial Core or Zone B4 Mixed Use, or an equivalent land use zone in Bega.	N/A	The proposed RFB is permissible under Schedule 1 Additional Permitted Uses Bega Valley LEP 2013.
<b>37 Development to which Division applies</b>		
(1) This Division applies to development for the purposes of residential flat buildings carried out on land to which this Division applies—	Yes	The social housing provider is Southern Cross Community Housing.

<p>(a) by or on behalf of a public authority or social housing provider, or</p> <p>(b) by a person who is carrying out the development with a relevant authority.</p>		
<p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) Development consent must not be granted under this Division unless the consent authority is satisfied that—</p> <p>(a) the Planning Secretary has certified in a site compatibility certificate that, in the Planning Secretary's opinion, the residential flat building is compatible with the surrounding land uses, and</p> <p>(b) if the development relates to a building on land in a business zone—no part of the ground floor of the building that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use.</p> <p>(3) Nothing in this section prevents a consent authority from—</p> <p>(a) consenting to development on a site by reference to site and design features that are more stringent than the ones identified in a site compatibility certificate for the same site, or</p> <p>(b) refusing consent to development by reference to the consent authority's own assessment of the compatibility of the residential flat building with the surrounding land uses, or</p> <p>(c) considering another matter in determining a development application.</p> <p>(4) Car parking is not required to be provided in relation to development to which this Division applies other than in relation to the tenanted component of a residential flat building used as build-to-rent housing.</p>	N/A	A Site Compatibility Certificate is not applicable.

<b>38 Development may be carried out with consent</b>		
<p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) Development consent must not be granted under this Division unless the consent authority is satisfied that—</p> <p>(a) the Planning Secretary has certified in a site compatibility certificate that, in the Planning Secretary's opinion, the residential flat building is compatible with the surrounding land uses, and</p> <p>(b) if the development relates to a building on land in a business zone—no part of the ground floor of the building that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use.</p> <p>(3) Nothing in this section prevents a consent authority from—</p> <p>(a) consenting to development on a site by reference to site and design features that are more stringent than the ones identified in a site compatibility certificate for the same site, or</p> <p>(b) refusing consent to development by reference to the consent authority's own assessment of the compatibility of the residential flat building with the surrounding land uses, or</p> <p>(c) considering another matter in determining a development application.</p> <p>(4) Car parking is not required to be provided in relation to development to which this Division applies other than in relation to the tenanted component of a residential flat building used as build-to-rent housing.</p>	Yes	<p>The proposed RFB is compatible with the surrounding land uses. The RFB achieves compliance with all development controls, including building height, setbacks, POS, COS and FSR.</p> <p>Public transport and commercial centres are within walking distance. The proposed development will revitalise the surrounding area and provide affordable housing to Bega.</p>
<b>39 Site compatibility certificates</b>		
<p>(1) An application for a site compatibility certificate under this Division may be made to the Planning Secretary—</p>	N/A	<p>A Site Compatibility Certificate is not required.</p>

<p>a) the owner of the land on which the development is proposed to be carried out, or</p> <p>(b) by another person with the consent of the owner of the land.</p> <p>(2) application—</p> <p>(a) must be in a written form approved by the Planning Secretary, and</p> <p>(b) must be accompanied by the documents and information required by the Planning Secretary, and</p> <p>(c) must be accompanied by the fee, if any, prescribed by the regulations.</p> <p>(3) The Planning Secretary may request further documents and information to be furnished in connection with an application.</p> <p>(4) Within 7 days after the application is made, the Planning Secretary must provide a copy of the application to the council for the area in which the development is proposed to be carried out, unless the Planning Secretary refuses, before the 7 days have elapsed, to issue a certificate.</p> <p>(5) Planning Secretary may determine the application by issuing a certificate or refusing to do so.</p> <p>(6) The Planning Secretary must not issue a certificate unless the Planning Secretary—</p> <p>(a) has taken into account comments, if any, received from the council within 14 days after the application for the certificate was made, and</p> <p>(b) is of the opinion that the residential flat building is compatible with the surrounding land uses considering the following matters—</p> <p>(i) the existing uses and approved uses of land in the area,</p>		
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<p>(ii) the impact that the residential flat building, including its bulk and scale, is likely to have on the existing uses, approved uses and uses that, in the opinion of the Planning Secretary, are likely to be the preferred future uses of the land,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and</p> <p>(c) is of the opinion that the development is not likely to have an adverse effect on the environment and will not cause unacceptable environmental risks to the land.</p> <p>(7) A certificate may certify that development is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.</p> <p>(8) A certificate continues to apply to the land in relation to which it was issued despite a change in the ownership of the land.</p> <p>(9) A certificate is valid for—</p> <p>(a) 5 years, or</p> <p>(b) otherwise—the period specified in the certificate.</p> <p>(10) If a certificate is valid at the time a development application is made, the certificate remains valid for the purposes of the development application until the development application is finally determined.</p>		
<b>40 Must be used for affordable housing for at least 15 years</b>		
<p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that, for at least 15 years from the date of the issue of an occupation certificate—</p>	N/A	<p>A Planning Proposal for Additional Permitted Use has been approved over Lots 2 DP 516738 and Lot 3 DP1187097, which permits a Residential Flat Building under Clause 25 Schedule 1 Additional Permitted Uses Bega Valley LEP 2013.</p>



<p>(a) at least 50% of the dwellings to which the development relates will be used for affordable housing, and</p> <p>(b) the dwellings used for affordable housing will be managed by a registered community housing provider.</p> <p>(2) Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by a public authority.</p>		<p>As a result, the RFB is permissible under Bega Valley LEP and not reliant upon the Housing SEPP for permissibility in the R2 Low Density Residential zone.</p> <p>Consequently, Division 5 of the Housing SEPP does not apply to the proposal and no requirement for affordable housing is applicable for the RFB.</p> <p>Please note, this relates to the RFB only. The boarding houses will remain affordable housing in perpetuity.</p>
<b>41 Continued application of SEPP 65</b>		
<p>Nothing in this Policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> to development to which this Division applies.</p>		<p>Please refer to ADG assessment.</p>

## 4 Local Environmental Plan

### 4.1.1 Bega Local Environmental Plan 2013

The site is subject to the provisions of Bega Valley Local Environmental Plan (LEP) 2013. The proposed Boarding Houses and Residential Flat Buildings are consistent with the aims and objectives of the LEP.

Pursuant to the LEP, proposed development is characterised as a residential accommodation and defined as follows:

#### Residential Flat Building

*Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.*

#### Boarding House

*Boarding house means a building or place—*

- (a) that provides residents with a principal place of residence for at least 3 months, and*
- (b) that contains shared facilities, such as a communal living room, bathroom, kitchen, or laundry, and*
- (c) that contains rooms, some, or all of which may have private kitchen and bathroom facilities, and*
- (d) used to provide affordable housing, and*
- (e) if not carried out by or on behalf of the Land and Housing Corporation—managed by a registered community housing provider,*  
*but does not include backpackers' accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

### **Clause 2.2 – Zoning of land to which Plan applies.**

Clauses 2.2 and 2.3 specify land use zones and permissible uses within each zone. The subject site is zoned R2 Low Density Residential, and a boarding house is permissible with consent. The proposed Residential Flat Building is made permissible by Schedule 1 Additional Permitted Uses Bega Valley LEP 2013.



Figure 11- Extract showing BVLEP2013 zone mapping, distance to E1 Local Centre.

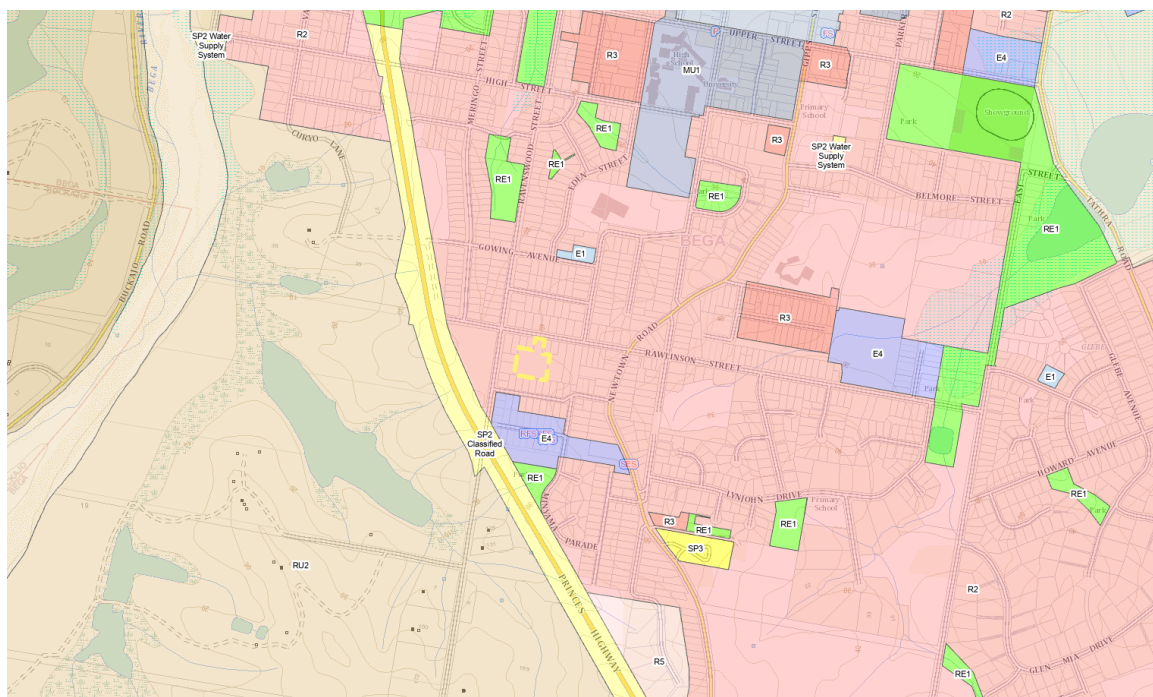


Figure 12 - Extract showing BVLEP2013 zone mapping, surrounding zones.

Surrounding land zones.

Direction	Zoning	Existing Land Uses
North	R2, E1, MU1	Existing residential dwellings and local centre (210m) and commercial core (420m).
East	R2, R3, E4, RE1	Existing residential dwellings and medium density housing adjoin the site, more medium density housing (420m), employment generating lands (660m), public recreation (940m).
South	R2, E4	Existing residential dwellings and employment generating lands (75m), public recreation (215m).
West	R2, SP2	Existing residential dwellings and classified road (120m).

#### 4.1.2 Definitions

The objectives of the R2 Low Density Residential zone 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 an environment primarily for detached housing and to ensure that other development is compatible with that environment.*

Permitted with development consent is as follows:

*Bed and breakfast accommodation; **Boarding houses**; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Jetties; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Sewerage systems; Tank-based aquaculture; Water supply system*

#### Comment

The proposed boarding house is permissible with consent and satisfies the objectives of the R2 Low Density Residential zone. The proposed Residential Flat Building is made permissible by Schedule 1 Additional Permitted Uses Bega Valley LEP 2013.

#### 4.1.3 Bega Valley LEP 2013 Compliance Table

Clause		Comments	Compliance
<b>Part 1 Preliminary</b>			
1.9	Application of SEPPs	The applicable State Environmental Planning Policies have been addressed above within this report.	Complies
<b>Part 2 Permitted or prohibited development</b>			
2.1	Land use zones	R2 Low Density Residential	Complies
2.2	Zoning of land to which Plan applies.	R2 Low Density Residential	Complies
2.3	Zone objectives and Land Use Table	The proposed boarding house is permitted and achieves the aims and objectives of the R2 Low Density Residential zone. The Residential Flat Building is permitted under the Schedule 1 of the BVLEP.	Complies
2.7	Demolition requires development consent	Demolition of the existing dwelling and ancillary structure is proposed at 108 Rawlinson Street. The waste management plan includes demolition, construction and ongoing waste management.	Complies
<b>Part 4 Principal development standards</b>			
4.3	Height of Buildings	A height limit of 10m is specified for the site. The proposed development does not exceed the maximum height limit. Please refer building height line on the architectural plans.	Complies
4.4	Floor Space Ratio	The proposal does not exceed the maximum allowable Floor Space Ratio (FSR) of 0.5:1. FSR of 0.49:1 proposed.	Complies
4.6	Exceptions to development standards	No variations to the LEP are proposed.	Complies
<b>Part 5 Miscellaneous provisions</b>			
5.10	Heritage conservation	The subject site does not contain a heritage item.  A due diligence report for Aboriginal Heritage was prepared by Artefact consulting. The report concluded that no Aboriginal artefacts were likely present and further investigation is not required.	Complies

5.21	Flood Planning	<p>The proposal is compatible with the flood function and behaviour on the existing land. The proposed development includes a stormwater easement through the downstream property.</p> <p>The stormwater will be connected to 94 Ravenwood Street Lot 94 DP 529595. An existing easement burdens this property in favour of the subject site. Please refer to the civil engineering design and architectural plans.</p>	Complies
Part 6 Additional local provision			
6.1	Acid Sulphate Soils	The subject site is identified as potentially containing Class 5 Acid Sulphate Soils.	Complies
6.2	Earthworks	Cut and fill earthworks works are proposed for site preparation and drainage works.	Complies
6.4	Coastal Risk Planning	The site is not located within a coastal zone.	Not applicable
6.5	Terrestrial biodiversity	The site does not contain terrestrial biodiversity.	Not applicable
6.6	Riparian land and watercourses	The site does not contain riparian land and watercourses.	Not applicable
6.7	Environmentally sensitive land	The site does not contain environmentally sensitive land.	Not applicable
6.8	Airspace operations	The site is not affected by airspace operations.	Not applicable
6.16	Multi dwelling housing in Zone R2	This clause applies to land in the R2 Low Density Residential zone other than land in Bermagui, Tura Beach, Wallaga Lake or Wolumla.	Complies

## 5 Bega Valley Development Control Plan 2013

The following sections of the Bega Valley Development Control Plan 2013 are applicable to the development application.

- Section 3 Residential Development
- Section 5 General Development
- Section 6 Engineering Requirements

Section 3 Residential Development			
3.1 Residential Character Statement			
Housing Principle	Housing must be provided within close proximity to the town centre to address Shire wide housing needs in a sustainable manner.	Yes	The site is located within close proximity to the commercial centre.
Buildings Principle	New buildings must achieve better performance in the areas of environmental design, residential amenity and building form.	Yes	The proposal meets the BASIX requirements.
3.2 General Requirements			
3.2.1.1 Building Footprint	The bulk and scale of the development must be in keeping with the size and shape of the allotment.	Yes	The proposal meets the height, FSR and setbacks requirements.
3.2.1.2 Streetscape	The development must be well proportioned when viewed from neighbouring properties and the street.	Yes	The proposed boarding houses are single storey to Rawlinson Street.
3.2.1.3 Character and Form	A schedule of building colours and materials will accompany the development application.	Yes	Colours and materials schedule has been provided.
3.2.1.4 Context and Articulation	The maximum unbroken length of any external wall will not exceed 10m.	Yes	External walls do not exceed 10m.
	Front fences must have a maximum height of 1.2m if solid or 1.8m if the fence has openings which make it at least 50% transparent.	Yes	Front fencing will not exceed 1.2m

3.2.2 Amenity	Relationship with surrounding properties.	Yes	
3.2.2.1 Privacy	Building orientation and overlooking.	Yes	
3.2.2.2 Open Space	Dwelling at ground level, minimum 50m <sup>2</sup> and minimum dimension 2.5m	Yes	Please refer to ADG assessment and Architectural Plans.
	Dwelling above ground level, minimum 15m <sup>2</sup> and minimum 2.5m, plus 20m <sup>2</sup> communal open space at ground level minimum dimension 2.5m.	Yes	Please refer to ADG assessment and Architectural Plans.
	Mixed use development, minimum 10m <sup>2</sup> per studio or one (1) bedroom unit.	Yes	Please refer to ADG assessment and Architectural Plans.
	Minimum 25m <sup>2</sup> for dwelling with two plus bedrooms.	Yes	Please refer to ADG assessment and Architectural Plans.
3.2.2.3 Overshadowing	Living areas and principal open space, must not overshadow for more than 3 hours of direct sunlight between 9am and 3pm.	Yes	The majority of living areas and principal open space receive 3 hours of direct sunlight. Please refer to shadow diagrams and solar access schedule.
3.2.2.4 Facilities	5m <sup>2</sup> of storage space will be provided for each dwelling	Yes	Please refer to ADG assessment and Architectural Plans.
	Adequate waste and recycling area will be provided for each development that is easily accessible and visually screened from the street.	Yes	Adequate waste and recycling areas are screened from the street.
	Clothes drying facilities will be provided for each dwelling	Yes	Clothes drying facilities are provided.
	Letterboxes will be provided on-site.	Yes	Letterboxes will be provided.
3.2.2.5 Accessibility	Five or more dwellings must provide a minimum of one adaptable dwelling for every five dwellings or part thereof designed in accordance with the Australian Standard (AS) 4299 – Adaptable Housing	Yes	The proposal complies. Please refer to ADG assessment and Architectural Plans.



3.2.2.6 Views	The principles of view sharing will be used in the assessment of the proposed development application	Yes	Not applicable.
3.2.2.7 Setbacks	Front Setback 6 m or the average distance between the two nearest dwellings	Yes	Front setback greater than 6m.
	Side setback 900mm for two storeys.	Yes	Side setbacks greater than 900mm.
	Rear boundary 3m to adjoining properties.	Yes	Rear setback greater than 3m.
3.2.3.1 Energy Conservation and Solar Access	Building design and site layout will ensure adequate sunlight and solar access for the proposed development and adjoining properties.	Yes	BASIX Requirement and solar access are achieved.
3.2.3.2 Landscaping	A minimum of 35% of the total site will be landscaped.	Yes	Please refer to ADG assessment and Architectural Plans.
3.2.3.3 Excavation	2m Cut and 1m Fill	Yes	Retaining walls are proposed. Cut and fill does not exceed maximum amounts.
3.2.3.4 Waste Management	The storage, handling and collection of waste will be undertaken in a safe and efficient manner.	Yes	Adequate waste and recycling collection areas are available on site.
Section 5 General Development			
5.1 Aboriginal Heritage	Due Diligence Assessment must be provided.	Yes	A Due Diligence Assessment prepared by Artefact Consulting has been submitted in support of the application. The study area does not contain and is not likely to contain any Aboriginal objects.
5.2 Non Aboriginal Heritage	The subject site does not contain a heritage item.	N/A	Not identified as heritage item.
5.3 Access and mobility		Yes	Please refer to access report and Architectural Plans.
5.4 Social and Economic Impacts		Yes	The affordable housing will bring positive social and economic benefits to the community.
5.5 Sustainable Design Principles		Yes	The proposal is designed by a registered Architect.
5.6 Tree and Vegetation Preservation		Yes	Please refer to Arborist Report submitted as part of the development application.
Section 5.8 Planning for Hazards			
5.8.1 Flood Planning	Minimise the impacts of flooding on development	N/A	The subject Site is not identified as flood prone mapping.

	within flood prone land or potentially flood prone land.		
5.8.2 Coastal Hazards	Minimise the impacts of coastal hazards	N/A	The subject Site is not located within the coastal zone.
5.8.3 Contaminated Land	To ensure land contamination issues are resolved early in the planning process.	Yes	A preliminary site investigation was undertaken NGN Consulting. The report has identified uncontrolled fill and recommends a stage 2 Detailed Site Investigation prior to the commencement of works.
5.8.4 Bushfire Prone Land	To mitigate the impact of bush fire on buildings and the community within the Bega Valley Shire.	N/A	The subject Site is not identified as bushfire prone lands.
5.8.5 Climate Change	Impact of climate change related to housing design	N/A	The subject Site is not directly impacted by climate change.
<b>5.9 Off-Street Car and Bicycle Parking</b>			
Residential Flat Building	1-2 Bedroom - 1 parking space per dwelling. 1 bicycle storage space per dwelling.	Yes	Refer to car parking compliance table and Traffic Impact Assessment.
	3 Bedroom – 1.5 parking space per dwelling. 1 bicycle storage space per dwelling.	Yes	Refer to car parking compliance table and Traffic Impact Assessment.
	4+bedroom - 2 parking space per dwelling. 1 bicycle storage space per dwelling.	Yes	Refer to car parking compliance table and Traffic Impact Assessment.
Boarding House	In accordance with the relevant State Environmental Planning Policy	Yes	Refer to car parking compliance table and Traffic Impact Assessment.
<b>6 Engineering Requirements</b>			
6.1 Roads and Easements	Council Roads and Easements	N/A	No subdivision or road works are proposed.
6.2 Parking and Driveways	Access to parking areas will be designed to minimise conflict between pedestrians, cyclists, and traffic.	Yes	Please refer to parking schedule and engineering design plans.
6.3 Soil and Stormwater Management	Water Sensitive Urban Design	Yes	Please refer to Integrated Water Cycle Management Strategy.
	Integrated Water Cycle Management	Yes	Please refer to Integrated Water Cycle Management Strategy.
	Erosion and sediment control	Yes	Erosion and sediment control will be implemented during construction.
	Interallotment drainage systems	Yes	Easement over downstream property.

6.4 Utility Services	Provision of reticulated water, sewer, electricity, telecommunications.	Yes	The site has access to all reticulated services.
7 Site Specific Requirements			
Not applicable.			

## 6 Bega Valley Shire Affordable Housing Strategy 2040

The Affordable Housing Strategy provides a framework to respond to housing need in the Bega Valley Shire to 2040. It was developed following consultation with a range of stakeholders and aims to:

- clearly articulate the role of various stakeholders in delivering affordable housing in shire and opportunities for collaboration among those stakeholders
- identify short, medium, and long-term strategies for Council and other key stakeholders, to support housing development suitable for our growing population, ageing community, and changes in household structure.
- identify key performance indicators to monitor housing affordability and implementation of the strategy.
- align with federal and NSW policy, including considering proposed changes to housing policy currently underway in NSW.

Further detail on the strategy can be found in the **Affordable Housing Strategy background paper**.

## 7 The Likely Impacts of the Development

### 7.1 Context and Setting

The site is zoned R2 Low Density Residential located within 210m of E1 Local Centre Zone and 420m from MU1 Mixed Use zone. The locality is characterised by various old stock single storey residential dwelling houses.

The proposal presents as single storey development from Rawlinson Street to complement the adjoining low scale development. The residential flat building is setback within the site and takes advantage of the natural terrain to reduce bulk and scale for the basement car parking.

The design of the development is considered to be sympathetic to the existing and desired characteristics of the locality.

### 7.2 Social Impact in the Locality

The proposed development provides affordable residential accommodation to meet the needs of the Bega Valley region. The proposal has been designed to ensure minimal impact to the established surrounding residential locality in terms of design and ongoing management. The proposed boarding houses and RFB's provide a unique opportunity for residents to secure affordable housing stock within walking distance of Bega's commercial core and local centre.

#### 7.2.1 Preliminary Community Consultation

The community briefing meeting was held at Club Bega on Friday 20<sup>th</sup> 2-4pm. No strong objections against the proposal were received. The main concerns raised were:

- *Property owner across the road from the entry / exit driveway said car lights will shine directly into his bedroom.*

This can be mitigated through driveway design, landscaping and privacy screening or front fencing.

- *90 Ravenswood was concerned about privacy for his pool.*

The design has located living areas and POS at ground level to enable landscaping and boundary fencing to resolve this concern. Windows to the upper level bedroom have raised sills to ensure privacy between the properties is provided.

- *There was a lot of talk about stormwater and how this will be managed. Concerns were that once directed to Ravenswood, the Council infrastructure would reach capacity.*

The proposal has considered stormwater as a key design principle in developing the application. The central stormwater easement proposed through the site will allow upstream sites to connect to the easement to manage their stormwater. The civil engineer has designed the stormwater system with the upstream capacity in mind. The proposal includes On Site Detention to reduce the stormwater flow through to Ravenswood which has been calculated and designed by the Civil Engineer. Downstream capacity should be confirmed with Council's engineers.

- *Concerns were raised about overflow parking on Rawlinson Street.*

Rawlinson Street is a low traffic environment with limited competition for on street car parking. Furthermore, the proposal complies with 76 off street car parking spaces.

- *Concerns about the type of people we will house, how we will manage any antisocial behaviour etc.*

Southern Cross Community Housing will manage residents in accordance with their policies. The proposal has been developed to cater for a wide range of occupants and levels of affordable housing. Build to rent units will provide much needed housing for families. Smaller studio apartments will house key workers and bring a great diversity to the project which will contribute to the community.

- *One person raised the concern about whether the driveway in/out was wide enough to take the traffic.*

The access driveway is designed to comply with Australian Standards. Refer to Traffic report and Civil engineer documents for further detail.

This early consultation provides a summary of community concerns. The applicant has addressed the above-mentioned points and made the relevant design changes. Notification will be required in accordance with Council's DCP. The applicant can address any future submissions received.

### **7.2.2 Council Request for Information**

Council issued a Request for Information (RFI) 16 April 2024. The applicant Edmiston Jones Architects lodged a response to Council's RFI 12 August 2024 via NSW Planning Portal. Please refer to the issues raised and amendments made within this response.

### **7.2.3 Public Submissions**

The development application was notified from 25/01/2024 to 23/02/2024. Below is a summary of the key points raised in submissions.

- *Ravenswood & Rawlinson very high traffic area. Daycare across the road, fear for children in the area. No onsite traffic assessment done.*

Development design in accordance with relevant standards. Refer also to the submitted Traffic Impact Assessment.

- *Privacy looking directly into a backyard of a neighbouring property. The proposed buildings height will affect solar access to their own communal space and private open space for residents.*

The setbacks are compliant. Living areas generally at ground floor except for the 1 bedroom products. (see units 7B, 8B, 11B, 12B) which are provided with adequate setbacks to boundaries.

Sill heights to upper level bedrooms are raised to avoid outlook down to private open spaces. Refer to shadow diagrams showing adequate solar access is maintained to adjoining properties and private open spaces.

- *Not enough car spaces proposed for the project. Hence an increase of car parked on the street expected. Resulting in a negative impact of the street scape. The location of the parking area is off the main access driveway into the infill development and wouldn't allow cars to park at the Boarding House car spaces and leave in a forward manner.*

Parking numbers are compliant. Parking for each boarding house is provided at or adjacent the building. Cars can leave the site in a forward direction. Refer to Traffic Impact Assessment for turning paths.

- *Noise Pollution. External air conditioning units are proposed to be screened on external balconies. Any condenser storage will be screened to meet the acoustic requirements of the BCA.*

Any condenser storage will be screened to meet the acoustic requirements of the NCC.

- *Document D24/4253 Section 3.2.7 23 Boarding houses permitted Bega shopping centre is 1.5km away with a very steep walk. This would not be within the parameters of the proposal.*

Boarding houses are permissible within the R2 zone. The site is located within walking distance to bus stops which travel to Bega Town Centre.

- *Document D24/4253 Section 3.2.7 25(g) states the minimum lot size must be 600m<sup>2</sup> for boarding houses.*

The boarding houses have been sited on lots greater than 600m<sup>2</sup>.

- *Document D24/4253 Section 3.2.7 25 (2)(a)(ii) desired character of the local area.*

The boarding houses have been designing as single storey structures to compliment the streetscape along Rawlinson Street.

- *We have a great concern regarding the excess water that will run off the concrete areas.*

All stormwater will be connected and discharged via a drainage easement on Ravenswood Street.

- *Density. Too many units in a confined space.*

The proposal is compliant with the FSR provisions of the site.

- *Does the proposal have sufficient Communal Green Spaces.*

Yes, sufficient Communal Open Space have been provided. Refer to SEE and SEPP 65 verification statements.

- *Create crime hotspot, social and economic impacts, slums.*

Refer to Council's affordable housing strategies. There are several existing houses of this typology in this area.

- *Has a Socio-Economic Impact Assessment been prepared as outlined in BVSCDCP2013?*

Southern Cross Housing are a Teir 1 Community Housing Provider. The project has considered Councils affordable housing strategies.

- *The height of the buildings will also impact on the views to the southwest mountains currently enjoyed by surrounding properties.*

No height encroachment has been proposed.

- *light pollution due to having to light driveways etc for security.*

Lighting will be designed to minimise impact on surrounding areas in accordance with relevant standards.

- *Sight distance at crossovers between boarding houses.*

Sight distances have been provided in accordance with standards refer to Traffic Impact Assessment.

- *Residential Flat building prohibited.*

The proposed Residential Flat Building is made permissible by Schedule 1 Additional Permitted Uses Bega Valley LEP 2013.

### **7.3 Economic Impact in the Locality**

No adverse economic impacts have been identified as a result of the proposal. The construction stage will employ trades and provide affordable housing opportunities for the local population of Bega. The proposal is only positive in terms of economic impact.

### **7.4 Utilities**

The site has access to reticulated water, sewer, telecommunications, stormwater, and electrical infrastructure. The necessary connections to these services will be constructed at the developer's cost. The proposed development will not place any unexpected additional demand upon existing services. The proposed development is capable of being serviced and will not have a negative impact on existing services surrounding the site.

## 7.5 Natural Hazards

### 7.5.1 Bushfire Prone Land

The subject site is not mapped as being bushfire prone land.

### 7.5.2 Flood prone land

The subject site is not mapped as being flood prone land. Stormwater will be directed and discharged via the downstream easement.

### 7.5.3 Steep slopes

The subject site is not mapped as containing steep sloping land. However, bulk earthworks are required for the basement carparking. Retaining walls 1m high will be constructed around the north eastern corner of Block A.

Additional earthworks are required for the stormwater easement and driveway access. Soil and sediment controls will be implemented during construction. Landscaping will be installed to establish land stability after the completion of earthworks works.

### 7.5.4 Air Quality and Microclimate

The proposed development will not have a measurable impact on air quality or microclimate.

### 7.5.5 Flora and Fauna

Seven (7) trees are proposed to be removed in the building envelope. Please refer to the Arborist assessment report.

Tree Number	Plant Species
1	Tree Retained.
2	Tree Retained.
3	Remove - Eucalyptus pillularis - Blackbutt
4	Tree Retained.
5	Tree Retained.
6	Remove - Schinus molle - Peppercorn
7	Remove - Arbutus unedo - Strawberry tree
8	Remove - Magnolia Figo – Banana shrub
9	Remove - Magnolia Liliiflora – Mulan Magnolia
10	Remove - Syringa vulgaris – Lilac
11	Remove - Morus nigra – Black Mulberry
12	Tree Retained.

A Biodiversity Offset Scheme (BOS) Entry Threshold Report shows that the developments impact area does not trigger the threshold requiring further biodiversity assessment. The proposed development will not result in the loss of any critical habitat, or significant impact on any



endangered or threatened flora or fauna. Assessment against the provisions of the *Biodiversity Conservation Act 2016* is not required in this case.

#### **7.5.6 Noise and Vibration**

Noise and vibration may be associated with the physical works associated with the proposed development. Construction hours will be stipulated in the development consent to reduce this impact.

#### **7.5.7 Heritage**

The subject site is not identified as a heritage item of local or state significance.

#### **7.5.8 Safety, Security and Crime Prevention**

The proposed development will not result in an increased level of risk of crime or safety issues that would normally be expected in this area.

#### **7.5.9 Cumulative Impacts**

The cumulative impacts of this proposal are positive. The proposal has been designed to account for the natural constraints of the site and context of the surrounding area. The site is currently cleared and developed for residential purposes. As a result, the cumulative impacts of the proposed development are only positive.

## **8 Suitability of the Proposal for the Environment/Public Interest**

### **8.1 Does the Proposal Fit in the Locality**

The subject site is appropriately zoned R2 Low Density Residential and has a suitable site area to accommodate the proposed Boarding Houses and Residential Flat Building.

The proposed development will not cause any adverse impacts in terms of privacy, overshadowing or obstruction of views and harm on the natural environment. As such, the proposed development is in keeping with the surrounding locality.

### **8.2 Are the Site Attributes Conducive to the Development**

The site attributes, constraints and restrictions were all considered in the preparation of this application.

### **8.3 Public Interest**

There are no features of the proposal that can be considered or interpreted as being detrimental to the public interest. The proposed boarding house is permissible within the zone as specified within the LEP and Housing SEPP. The subject site is of appropriate size and scale to facilitate such development, whilst supporting the housing needs of the locality. As such, the proposed development is deemed to be in the public interest.

## 9 Conclusion

In conclusion, the proposed development seeks approval for demolition of structures, tree removal and construction of Boarding Houses and Residential Flat Buildings over two (2) stages including consolidation of existing Lots at 108 – 114 Rawlinson Street, Bega.

The proposed residential accommodation is consistent with the existing streetscape and the desired future characteristics of the locality. The proposal is considered to be in keeping with State and local planning provision. As such, we are seeking a favourable determination from Council.

Anthony Blood - ARB Planning  
Contact: 0409 861 842  
Email: [arbplanning@outlook.com](mailto:arbplanning@outlook.com)