

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-324
DA Number	DA-2023.309
LGA	Bega Valley Shire Council
Proposed Development	The proposal seeks development consent for Demolition of Dwelling House and Construction of Residential Accommodation including a Residential Flat Building (28 Dwellings), Multi Dwelling Housing (21 Dwellings) and 2 Boarding Houses (13 Bedrooms) including Tree Removal, Lot Consolidation and Associated Works over Lot 2 DP 516738 and Lot 3 DP 1187097.
Street Address	108 and 114 Rawlinson Street, Bega
Applicant/Owner	Applicant: Edmiston Jones Owner: Southern Cross Community Housing
Date of DA lodgement	3 November 2023
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> • 12 Submissions (Original Design) • 10 Submissions (Revised Design)
Recommendation	Approval Subject to Conditions of Consent
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The proposed development is specified as “regionally significant development” under Clause 2 of Schedule 6 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> as it is a Council related development over \$5 million. For this reason, the Southern Regional Planning Panel (SRPP) is the consent authority under Section 4.5 of the <i>Environmental Planning and Assessment Act 1979</i> .
CIV	\$21,523,202
List of all relevant s4.15(1)(a) matters	<p>Environmental Planning and Assessment Act 1979; Environmental Planning and Assessment Regulation 2021;</p> <p>Relevant Environmental Planning Instruments State Environmental Planning Policies (SEPPs)</p> <ul style="list-style-type: none"> • <i>SEPP (Planning Systems) 2021</i> • <i>SEPP (Housing) 2021</i> • <i>SEPP No. 65 – Design Quality of Residential Apartment Development</i> • <i>SEPP (Industry and Employment) 2021</i> • <i>SEPP (Resilience and Hazards) 2021</i> • <i>SEPP (Transport and Infrastructure) 2021</i> <p>Local Environmental Plan</p> <ul style="list-style-type: none"> • <i>Bega Valley Local Environmental Plan 2013.</i>

	<p>Draft Environmental Planning Instruments</p> <ul style="list-style-type: none"> <i>Draft Remediation of Land</i> <p>Planning Agreements (existing/draft)</p> <ul style="list-style-type: none"> <i>Nil</i> <p>Relevant Council Policy</p> <ul style="list-style-type: none"> <i>Bega Valley Development Control Plan 2013.</i> <i>Bega Valley Section 94 and 94A Contributions Plan 2014.</i> 	
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1: Architectural Plans</p> <p>Attachment 2: Statement of Environmental Effects</p> <p>Attachment 3: Survey Plan</p> <p>Attachment 4: Civil Drawings</p> <p>Attachment 5: Traffic Impact Assessment</p> <p>Attachment 6: Landscape Plan</p> <p>Attachment 7: Lighting Plan</p> <p>Attachment 8: Plan of Management</p> <p>Attachment 9: Waste Management Plan</p> <p>Attachment 10: BASIX Certificate</p> <p>Attachment 11: RFI Response Letter</p> <p>Attachment 12: Submissions Response</p> <p>Attachment 13: Owner's Consent</p> <p>Attachment 14: Cost Estimate Report</p> <p>Attachment 15: Arborists Assessment Report</p>	
Clause 4.6 requests	<i>NIL</i>	
Summary of key submissions	<ul style="list-style-type: none"> Traffic Distance to town centre Privacy and overshadowing Consultation Access and street frontage Parking Character/density Drainage Noise and lighting Increase in crime 	
Report prepared by	<p>Robert Quick, Bega Valley Shire Council</p> <p>Reviewed by Cecily Hancock, Manager Planning & Sustainability, Bega Valley Shire Council</p>	
Report date	4 June 2025	
<p>Summary of s4.15 matters</p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>		Yes
<p>Legislative clauses requiring consent authority satisfaction</p> <p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?</p> <p><i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i></p>		Yes

Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1 EXECUTIVE SUMMARY

This report considers a development application (DA) 2023-309 for Demolition of an existing Dwelling House and Construction of Residential Accommodation including a Residential Flat Building (28 Dwellings), Multi Dwelling Housing (21 Dwellings) and 2 Boarding Houses (13 Bedrooms) including Tree Removal, Lot Consolidation and Associated Works over Lot 2 DP 516738 and Lot 3 DP 1187097 at 108 and 114 Rawlinson Street, Bega.

The proposed development has been notified in accordance with Council's Community Engagement Strategy with a number of submissions received raising concerns on the proposed design and the potential for impact on amenity. The original design has been amended with the deletion of the top floor of the eastern wing of proposed Block A and a reduction in the number of dwellings from 52 to 49 to address some of the concerns raised with the original proposal relating to the overall size and scale of the proposed development.

A planning proposal was gazetted on the 13 September 2024 to permit *Residential Flat Buildings* as an *Additional Permitted Use (APU) on the site*. The applicant has confirmed that the proposed boarding houses and 50% of the residential flat building are intended to be used for affordable housing under Clause 40 of *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* as this component of the proposed development is now a permissible land use under *Bega Valley Local Environmental Plan (BVLEP) 2013*. The proposal has been assessed in accordance with the relevant legislative requirements under *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*, *BVLEP 2013* and *Bega Valley Development Control Plan 2013 (BVDCP 2013)*.

The revised design and proposed variations have been considered within the context of the *South-East and Tablelands Regional Plan 2036*, *Draft South-East and Tablelands Regional Plan 2041*, *Bega Valley Community Strategic Plan 2040*, *Local Strategic Planning Statement (LSPS)*, *Bega Valley Affordable Housing Strategy and Residential Land Strategy*. The proposal would provide a range of future residential living opportunities with an affordable component that is in keeping with the strategic objectives for the Bega Valley. Amendments have improved the overall design and reduced the potential amenity impacts. The development is recommended for approval subject to the draft conditions of consent attached to this report.

2 INTRODUCTION

Council is in receipt of a development application for Demolition of an existing Dwelling House and Construction of Residential Accommodation including a Residential Flat Building (28 Dwellings), Multi Dwelling Housing (21 Dwellings) and 2 Boarding Houses (13 Bedrooms) including Tree Removal, Lot Consolidation and Associated Works over Lot 2 DP 516738 and Lot 3 DP 1187097 at 108 and 114 Rawlinson Street, Bega.

The proposal has been lodged by Edmiston Jones. Consent is sought under Part 4 of the EP&A Act 1979. The applicant has defined the proposal as a Residential Development for 49 Dwellings and Consolidation of Land. The development has a Capital Investment Value of \$21,523,202 and the Southern Regional Planning Panel (SRPP) is the determining authority.

A chronological summary of the application background to date is outlined below in **Table 1**.

Table 1: Application Timeline

Date(s)	Action(s)
3 November 2023	Lodgement of Development Application.
17 January 2024	Internal Referrals Environmental Services Development Engineering Water and Sewer Services Strategic Planning External Referrals Bega Local Aboriginal Land Council Essential Energy
29 January 2024 – 26 February 2024	Exhibition The Council notified members of the public of the DA and invited submissions. The Council received 12 submissions during the exhibition period.
16 April 2024	A request for further information was sent to the applicant requesting additional information on compliance with <i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i> , <i>Bega Valley Local Environmental Plan 2013 (BVLEP 2013)</i> and <i>Bega Valley Development Control Plan 2013 (BVDCP 2013)</i> . Concern was specifically raised about the permissibility of the Residential Flat Building land use.
24 May 2024	The Council briefed the Southern Regional Planning Panel on the DA and inspected the proposed development site.

27 June 2024	Planning Proposal to amend <i>Bega Valley Local Environmental Plan 2013 (BVLEP 2013)</i> to permit Residential Flat Buildings as an Additional Permitted Use (APU) is submitted and accepted for consideration.
24 July 2024	Planning Proposal is presented to Council and resolved to forward to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination.
3 September 2024	Additional information received including Amended Plans, Survey Plan, RFI Response, Submissions Response, Landscape Plan and Plan of Management.
6 September 2024	Gateway Determination issued by the Department of Planning, Housing and Infrastructure (DPHI).
13 September 2024	Planning Proposal gazetted and notice issued as <i>Bega Valley Local Environmental Plan 2013 (Amendment No. 46)</i> .
25 September 2024	Additional information requested including a review of eastern wing of proposed Block A, Clarification about the bedroom numbers Boarding House 2 and a Lighting Plan.
11 October 2024	Additional engineering detail requested about the stormwater design, easement and waste management.
15 November 2024	Revised plans received that include the deletion of the top floor of proposed Block A
10 March 2025	Dealing of easement provided by the applicant.
10 April 2025	Additional advice provided about stormwater management
30 April 2025	Updated BASIX Certificate provided.

3 SITE DESCRIPTION AND LOCAL CONTEXT

The Site is located at 108 and 114 Rawlinson Street, Bega, and is legally described as Lot 2 DP 516738 and Lot 3 DP 1187097. The site comprises two irregular shaped lots with a combined area of 9,585m² and is owned by Southern Cross Community Housing, a registered social housing provider.

The majority of the proposed development site is cleared of vegetation and turfed with some larger remnant trees and a distinct drainage line running through the property from east to west. An existing dwelling house with frontage to Rawlinson Street is located on the eastern side of the site within Lot 2 DP 516738.

The site is zoned R2 Low Density Residential under *BVLEP 2013*, with a Floor Space Ratio (FSR) provision of 0.5 :1 and a 10m Height of Building (HOB) provision. An Additional Permitted Use (APU) for 'Residential Flat Buildings' has been approved over the site and is listed under *Schedule 1 of the BVLEP 2013*. An easement to drain sewage 3m wide is located across the northern internal boundary of the site and is benefitted by an easement to drain water over existing Lot 94 DP 529595 to the west of the site. The site has two existing access points from Rawlinson Street.

The site is located approximately 1km to the south of the Bega Town Centre and is generally low density in character that consists predominantly of single dwelling houses with some dual occupancy and villa style developments within the surrounding residential catchment.

Figure 1: Cadastre Map

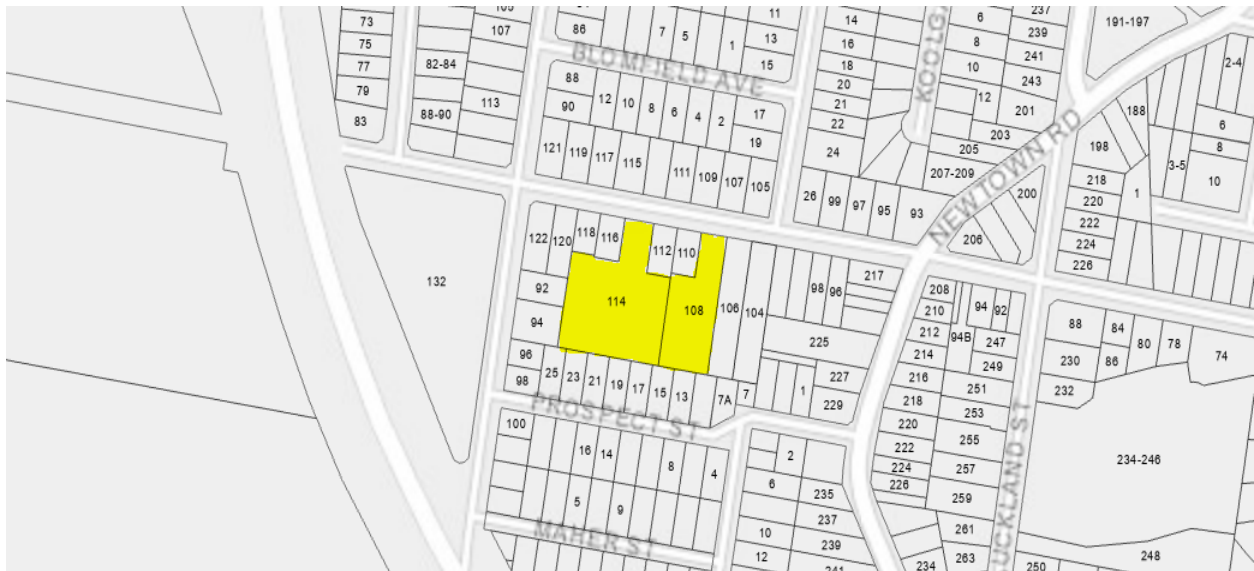
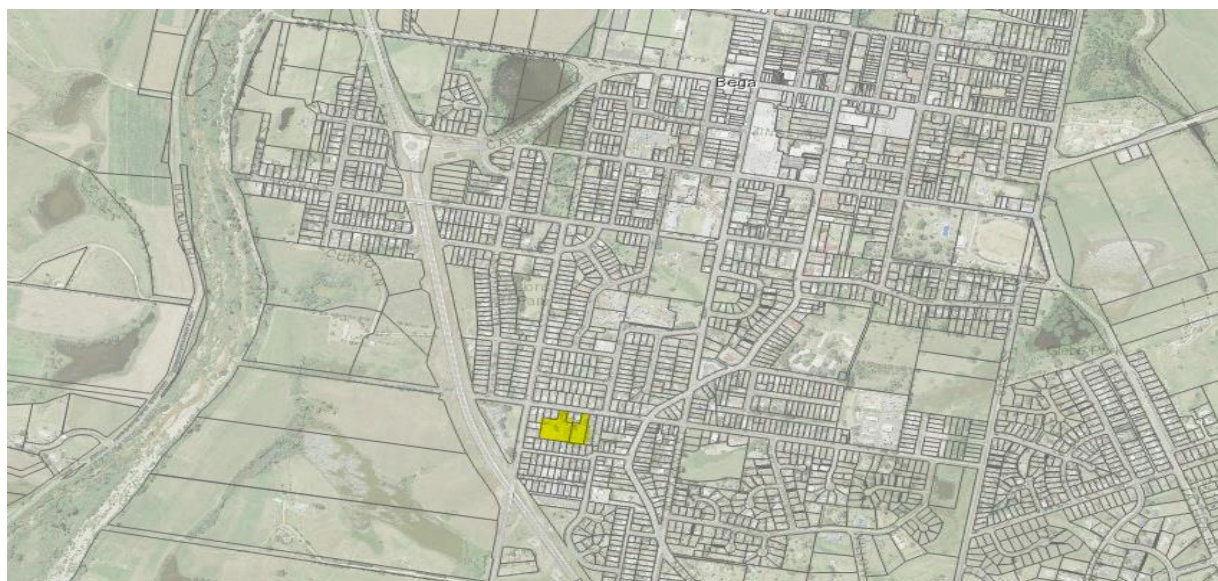


Figure 2: Aerial Map of Site



Figure 3: Site Context Map



4 DESCRIPTION OF PROPOSAL

The development application proposes Demolition of a Dwelling House and Construction of Residential Accommodation including a Residential Flat Building (28 Dwellings) and Multi Dwelling Housing (21 Dwellings) and 2 Boarding Houses (13 Bedrooms) including, Tree Removal, Lot Consolidation and Associated Works. The design is detailed in Figures 4 to 8 below with Attachment 1 providing a full set of Architectural Plans

Figure 4: Site Plan



Figure 5: First Floor Site Plan



Figure 6: Perspective



Figure 7: Elevations

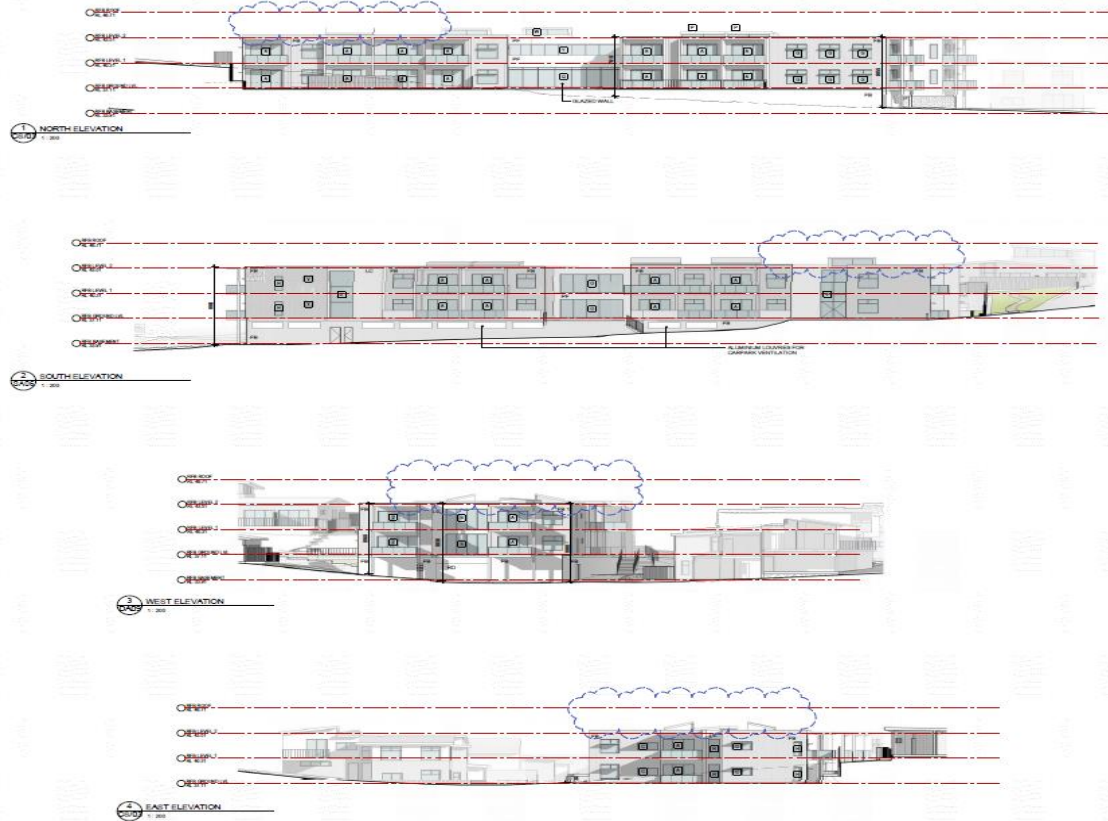


Figure 8: Colours and Materials



VIEW FOR COMMUNAL VEGGI GARDEN



MAIN ENTRY TO RESIDENTIAL FLAT BUILDING

5 STATUTORY PLANNING FRAMEWORK

5.1.1 5.1 Environmental Planning and Assessment Act 1979

The following matters pursuant to the provisions of the Environmental Planning and Assessment Act 1979 (EPA Act), have been taken into consideration:

Section 1.3 Objects of Act

The proposal is considered satisfactory regarding the objectives of the EP&A Act 1979 as outlined in the following assessment of the application under the provisions of Section 4.15 of the EP&A Act 1979.

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.

The proposal is considered satisfactory regarding the additional assessment requirements as outlined in Section 1.7 of the EP&A Act 1979 and addressed in the assessment of the relevant Acts applying to the development.

Section 4.5 Designation of consent authority

Pursuant to Clause 4.5 (b) of the EP&A Act 1979, as the development is declared by the State Environmental Planning Policy (State and Regional Development) 2011 to be regionally significant development, the Southern Regional Planning Panel is the consent authority.

Section 4.10 Designated development

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The development is not declared by any environmental planning instrument as designated development.

Section 4.12 Application

Section 4.12 (6A) states that the reference to a Council in sub-section (3) includes a reference to a Regional Planning Panel. This provision allows for certain Local Government Act approvals to be addressed with development consent. A Section 68 approval is required for the following:

- Works within the road reserve
- Sewer, water and stormwater works

The proposal has been assessed in accordance with the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

5.1.2 Section 4.15(1)(a)(i) any environmental planning instrument

A detailed assessment has been undertaken in accordance with the following EPIs;

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Bega Valley Local Environmental Plan 2013

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is specified as regionally significant development under Clause 2 of Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* as it is a Council related development over \$5 million. The development is Council related as Bega Valley Shire Council have entered into a Community Housing Assistance Agreement with Southern Cross Community Housing Limited to provide affordable housing at this site. For this reason, the Southern Regional Planning Panel (SRPP) is the consent authority under Section 4.5 of the *Environmental Planning and Assessment Act 1979*.

State Environmental Planning Policy (Resources and Energy) 2021

Clauses 2.19 of the policy requires the determining authority to consider the compatibility of proposed development with mining, petroleum production or extractive industries. A review of Council and government databases indicate that there are no Mining, Petroleum Production or Extractive Industries located in the vicinity of the site and therefore this development would not impact any existing mining, petroleum production or extractive industries or known resources.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala habitat protection 2020 is required to be considered where a site has an area of more than 1 hectare, which this site has. Inspection of the site identified that the site is not core koala habitat and the trees to be removed are not Koala feed trees. There would be no impact on Koalas associated with this development.

State Environmental Planning Policy (Housing) 2021

The proposed land use is in keeping with the intent of the Bega Valley *Residential Land Strategy* and *Local Strategic Planning Statement (LSPS)* with the aim of providing more diverse housing options within the Bega Valley. The proposal requests consideration of residential accommodation comprising a residential flat building, multi dwelling housing, boarding houses and associated works. The proposal was notified and amendments have been made to improve the design and reduce the amenity impacts of the proposed development. The design changes ensure the development is more in keeping with the principles of the policy in terms of the overall scale of the development and character of the existing neighbourhood.

Residential Flat Building

Proposed Block A is defined as a residential flat building given the number of units, the number of storeys and access to some of these units is above ground level. Planning Proposal (PP-2024-118) - LEP Amendment 46 was also gazetted on 4 September 2024 to include 'Residential Flat Buildings' as an additional permitted land use under Schedule 1 of the *Bega Valley Local Environmental Plan (BVLEP 2013)*.

The applicant has confirmed that the development will be managed by Southern Cross Community Housing with 50% of the residential flat building devoted to affordable housing for at least 15 years. This would need to be reinforced as a condition of consent. The overall height and floor space ratio is consistent with the development standards for the site. Car and bike parking and a detailed landscaping plan has been provided on the amended plans.

The applicant has provided a Design Verification Statement for the development against the matters for consideration under *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65)* and the *Apartment Design Guideline (ADG)* pursuant to Clause 29 of the 2021 EP&A Act Regulation.

Multi Dwelling Housing

The proposed design includes a multi dwelling housing component that is a permissible land use within the R2 Low Density Residential Zone. Multi Dwelling Housing was adopted as a permissible land use with the gazettal of Planning Proposal (PP-2022-1827) - LEP Amendment 43 on the 5 July 2024 with the purpose of increasing housing diversity within the Bega Valley.

Boarding Houses

The land is zoned R2 Low Density Residential Zone and boarding houses are a land use type that is permitted with development consent. The site is located approximately 210m from E1 Local Centre Zone and 420m from MU1 Mixed Use Zone. The proposed development complies with the Floor Space Ratio of 0.5:1 and 35% landscaped area requirement under the Bega Valley Local Environmental Plan 2013 (BVLEP 2013) and Bega Valley Development Control Plan 2013 (BVDCP 2013).

The applicant has amended the original plans to ensure adequate space, amenities, and solar access is available to the communal open space areas within the site. Car parking has been provided with accessible spaces and bike parking spaces detailed on the amended plans. The proposed boarding houses would be single storey and consistent with the existing and desired future character for the area.

The boarding houses would be used for affordable housing and operated in accordance with a management plan and operated by Southern Cross Housing.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Design Quality Principles

Principle 1 Context and neighbourhood character

The proposed development includes a diverse range of layouts and bedroom configurations in a mixture of colours and materials that would be in keeping with the character of the existing area and broader streetscape. The surrounding area contains a mixture of single dwelling houses and some unit development that is predominantly single storey in height. The character of the existing area is generally low density residential and the proposed development contrasts with this existing character with a residential flat building being located centrally within the site and surrounded by single storey dwellings. It is however consistent with the desired future character of the area and strategic direction that seeks to provide a more diverse range of residential land use opportunities in our residential land use zones.

Two amendments under BVLEP 2013 for Housing Diversity and inclusion of Residential Flat Buildings as a permissible land use on the proposed site are consistent with the overall strategic direction to provide more affordable housing opportunities within the Bega Valley.

Principle 2 Built form and Scale

Requires the height and bulk of buildings to be appropriate to the existing and desired future character of the street and surrounding buildings. The Rawlinson Street streetscape is characterised by 1-2 storey detached residential development within a low density landscaped settings.

The majority of the development would present as a two-storey development when viewed from the street and neighbouring properties. The majority of the three storey elements of the residential flat building would be contained centrally within the site that would generally sit below street level that would assist in reducing the overall sense of bulk and scale of the development.

The eastern wing of proposed Block A has been amended to further reduce this impact through the removal of the top floor (Proposed Units 301, 302 and 303) that reduces the overall sense of bulk and scale and potential impact on the existing amenity of the surrounding low-density residential character of the area.

Principle 3 Density

The project contains a mixture of residential development options including studio rooms within boarding houses and a range of residential archetypes from 1 to 4-bedroom dwellings that have been distributed throughout the site. The original plans have been amended to improve the amenity of the proposed development in terms of landscaping, privacy and overshadowing. The overall density of the proposed development has been reduced from 52 to 49 dwellings.

Principle 4 Sustainability

Landscaping has been integrated into the design with deep soil zones, the retention of existing remnant trees where practical and incorporate of an existing drainage course that divides the property into the landscaping and stormwater management for the site. The original plans have been amended to improve the outcomes in terms of solar access, overshadowing and privacy to provide internal amenity for future residences and maintaining existing amenity for adjoining residences.

Principle 5 Landscape

A landscaping plan has been provided with deep soil zones that integrates a natural drainage line and existing remnant trees into the design. The landscaping helps to soften the overall scale of the development and provides opportunities for outdoor recreation and use of these spaces with communal open spaces and paths that connect the proposed buildings and amenities of the site. The proposed landscaping design incorporates a range of plant species and the amended plans include detail that demonstrates that the minimum 35% landscaped site coverage has been addressed and 19% of the landscaped area would contain deep soil zones.

Principle 6 Amenity

The proposed design includes a number of detached buildings that provide additional space for light and ventilation. The natural ventilation objectives have been improved on the amended plans and storage space has been identified for each dwelling. The original plans have been

amended to increase the building separation where practical and provides shadow diagrams that demonstrate an overall improvement to the internal and external solar outcomes for the proposed units.

A variation to the 12m setback requirement under Part 3F of the ADG has been identified from the proposed boarding houses and proposed Blocks D and E. A reduction in the overall height of the eastern wing has reduced the potential amenity impacts of this variation both internally and externally and the single storey nature of the proposed boarding houses would further reduce this potential impact, resulting in the variation being justified in the circumstances of this application.

Principle 7 Safety

Entrances have been clearly defined and wayfinding has been reinforced through the internal path network and the distribution of outdoor spaces and landscaping. A lighting plan has been provided in accordance with the applicable Australian Standard.

Principle 8 Housing Diversity and Social Interaction

20% of the proposed dwellings would incorporate the 'Livable Housing Design Guidelines' silver level universal design features in accordance with Part 4Q-1 of the ADG. Amended plans have been identified to confirm compliance with the 20% requirement for dwellings.

Principle 9 Aesthetics

The bulk of the proposed development would sit behind and below the Rawlinson Street frontage, reducing the potential impact on the streetscape. The southern elevation of the boarding houses and majority of the development would present as a two-storey development to the boundaries. The choice of colours and mixture of materials is appropriate for the site and the prevailing streetscape.

Apartment Design Guide

The development involves the consolidation of two large residential blocks to create one residential infill site. The design provides for a variety of residential accommodation options including boarding houses, multi dwelling housing and a residential flat building with a range of dwelling sizes, layouts and configurations.

The design includes two vehicle access points with carparking, visitor car parking, motorbike, and bicycle parking provided on-site. The visual impact of these spaces is reduced by the proposed design and setback from Rawlinson Street.

The impact on the streetscape is reduced by the location of the single storey boarding houses adjacent to Rawlinson Street and the location of the larger building elements of the development internally within the site. The majority of the development would sit behind the existing built dwellings located along the street frontages. The reduction in the overall height of the eastern wing of the residential flat building has further improved the streetscape and amenity outcomes both internally and externally to the site.

Amended plans have been received to provide additional separation between proposed Block A and Block E. A fourth level has also been deleted from the original plans to reduce the overall

height of the eastern wing of proposed Block A that is also to be excavated into the site with basement car parking proposed beneath this building. The design includes a variation to the 12m separation distance between proposed Block A and the two Boarding Houses at the front. This variation is considered reasonable given the height of Block A has been reduced and the boarding houses are both single storey buildings. Further changes to the footprint of the proposed buildings and overall layout is restricted by site constraints, namely the internal riparian flow path that divides the property and the slope of the land.

Landscaping has been integrated into the overall design of the development and includes a variety of plant species. Existing remnant trees have been retained as part of this design and a riparian flow path included as part of a river rock bed and stormwater management system. Deep soil zones have been identified on the amended plans that exceed the 15% coverage required. Pedestrian pathways have been integrated into the design that provide definition from the proposed entrances. Communal open space areas achieve the 25% coverage criteria with appropriate access to sunlight. A lighting plan has been detailed on the landscaping plan to assist with wayfinding and security throughout the site.

The design has been separated into seven blocks which provides separation and space for light and ventilation through the buildings. Amended plans have been received that confirm 60% of the proposed dwellings achieve the natural cross ventilation objectives. More than 70% of the proposed dwellings would receive a minimum of 3 hours of daylight between 9am and 3pm which is consistent with the design criteria for solar and daylight access.

A Traffic Report has been provided and advice has been received from Council Engineering and Waste Management Officers that confirms traffic movements into and out of the site is practical and arrangements for waste collection are acceptable.

State Environmental Planning Policy (Transport and Infrastructure) 2021

A request for advice was sent to Essential Energy in accordance with Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure 2021). No concerns were raised in regard to safety considerations with the development.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The development is accompanied by BASIX Certificate committing to environmentally sustainable measures and Building Performance Report prepared by Mantle Sustainable Building. Conditions of consent are proposed to reinforce that construction is to be completed in accordance with the BASIX Certificate issued for the development.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Clause 4.6(1)(a) of the Resilience and Hazards SEPP requires the consent authority to consider whether the land is contaminated.

A Preliminary Site Investigation (PSI) has been undertaken to determine whether the site is suitable for residential development and was assessed as part of the reviewing Planning Proposal (PP-2024-118) for the additional permitted use. The PSI was prepared by NGH Consulting and identified that *“the site history review identified the past land use as low density residential, with structures that were built during a period where Asbestos Containing Materials*

and lead based paint were likely used (pre-1957). The two residential dwellings (one on Lot 2 and one on Lot 3) located in the far northern boundary of the site on Rawlinson Street, the remainder of the property appeared to have been cleared with a suspected market garden pre-1979 along the eastern boundary of Lot 3. Small variations have occurred in the aerial imagery with small buildings/sheds, pasture improvements and rezoning the Lot and DP boundaries/removal of fence lines. The site inspection observed raised mounds across the site, partially in line with the rezoning of the identified uncontrolled fill”.

The report recommends a Stage 2 Detailed Site Investigation will be undertaken in accordance with conditions imposed under the development consent where it was identified evidence of uncontrolled fill material.

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.

A review of Council files and historical imagery did not identify any uses that may give rise to potential contamination issues. The site is not listed as being contaminated.

Conditions are recommended to ensure that the demolition of the existing dwelling house has a consideration of asbestos awareness and that a Stage 2 Detailed Site Investigation be provided detailing further consideration of identified uncontrolled fill on-site to ensure compliance with the provisions of the NSW EPA Consultants Reporting on Contaminated Land – Contaminated Land Guidelines 2020.

Bega Valley Local Environmental Plan 2013

The following provisions are relevant Clauses for consideration of this application and discussed below.

- Clause 1.2 Aims of Plan
- Clause 2.5 Additional permitted uses for particular land
- Clause 2.3 Zone objectives and Land Use Table
- Clause 4.3 Height of buildings
- Clause 4.4 Floor space ratio
- Clause 5.10 Heritage
- Clause 6.2 Earthworks

Clause 1.2 Aims of Plan

Under Clause 1.2 of the Bega Valley Local Environmental Plan 2013 (BVLEP), the aims of the Plan are:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,

- (b) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,*
- (c) to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,*
- (d) to encourage compact and efficient urban settlement,*
- (e) to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley,*
- (f) to provide opportunities for a range of housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,*
- (g) to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses,*
- (h) to identify and conserve the Aboriginal and European cultural heritage of Bega Valley,*
- (i) to restrict development on land that is subject to natural hazards,*
- (j) to ensure that development has minimal impact on water quality and environmental flows of receiving waters.*

The development involves the consolidation of two parcels of land and construction of a higher density residential accommodation that would provide diversity in terms of residential land uses including boarding houses, multi dwelling housing and a residential flat building. A variety of living opportunities have been incorporated into the design from single to three storey accommodation in a variety of bedroom sizes and configurations. The site includes a riparian flow path that has been incorporated into the landscape design as a riverbed feature and large remnant trees that are to be retained where possible.

The proposed development and the amended design is in keeping with the natural constraints of the site and future housing objectives for the Bega Valley.

Clause 2.3 Zone objectives and Land Use Table

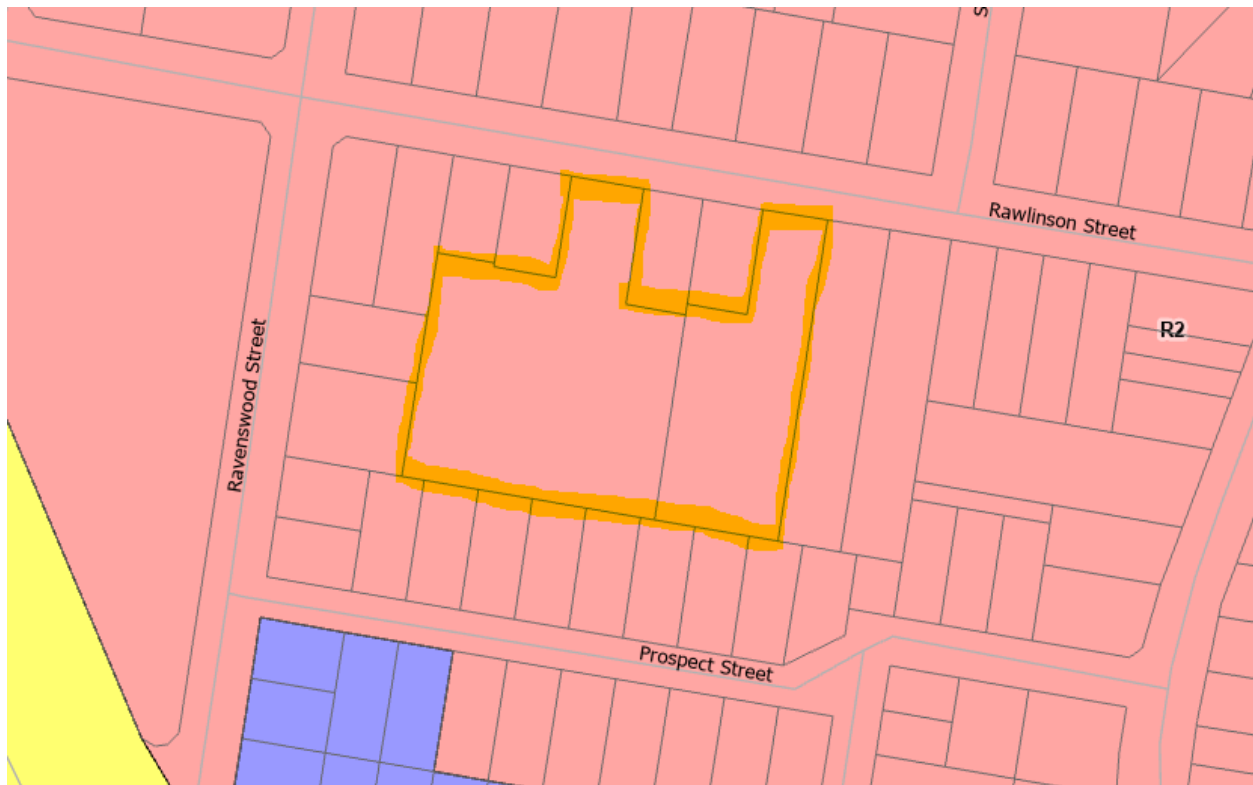
Under the BVLEP 2013, the Site is zoned as R2 Low Density Residential. The Objectives of the zone are;

- 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 a mix of housing, including affordable and adaptable housing, to meet community needs.

The proposed development is not considered to be a low-density residential development. The site does however, provide the opportunity to consolidate two large residential parcels of land to enable the consideration of a development with a broader range of residential land use options that would enable appropriate design options to maintain the low density nature of the surrounding area. The range of dwelling types and design is consistent with the strategic objectives for residential development within the Bega Valley that is consistent with the third objective, which is to encourage a mix of affordable and adaptive housing to meet the

community needs. This is achieved by the integration of boarding houses and a residential flat building consistent with the additional permitted land use for this site.

Figure 8: Zoning Map (ePlanning Spatial Viewer)



Permissibility

The proposed development is defined as *residential accommodation, boarding houses and multi dwelling housing* and are permissible land uses with the R2 Low Density Zone.

Clause 2.5 Additional permitted uses for particular land

Residential flat buildings are permitted with development consent on the site as an additional permitted land use as identified by Schedule 1 of BVLEP 2013.

Clause 4.3 and Clause 4.4 Height of Buildings and Floor Space Ratio

The proposal involves the consolidation of two parcels of land that are both well above the Minimum Lot Size (MLS) requirement of 550m². The proposed height of 9.745m (Block A) is below the 10m limit and the Floor Space Ratio of 0.49:1 is below the 0.5:1 limit under the BVLEP 2013.

Clause 5.10 Heritage Conservation

Under this Clause, the consent authority must, before granting consent in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. A review of Schedule 5 of BVLEP 2013 does not detail any heritage items or heritage conservation zones in the vicinity of the site. Figure 9 below details the nearest heritage listed items in relation to the site.

Figure 9: Heritage Items and Heritage Conservation Map (Council ESRI Mapping system)



The application is supported by a search of the AHIMS database. A 200m buffer was applied to this search and returned no registered or known sites of Aboriginal culture and heritage significance. A referral was provided to the Bega Local Aboriginal Land Council with no comments being provided at the time of finalisation of this assessment.

It is considered that the application has suitably addressed matters regarding Aboriginal archaeology, and it is recommended standard notations be applied regarding earthworks for the site to ensure compliance with the provisions of the National Parks and Wildlife Act.

Clause 6. Excavation

The Cut and Fill Plan submitted with the application details the extent of expected earthworks over the site. The major excavations are for the Residential Flat Building and minor excavations are required along the southern boundary. The development will require the construction of various retaining walls over the site. The extent of earthworks is considered appropriate which minimises impacts on adjoining properties. Having regard to the matters listed in Cl. 6.2(3)(a-h), the proposal will not have any significant adverse impacts.

5.1.3 Section 4.15 (1) (a) (ii) the provisions of any draft EPI

Draft Remediation of Land SEPP

The explanation of intended effects has been reviewed and considered. No additional matters were identified as needing to be addressed.

5.1.4 Section 4.15 (1)(a)(iii) development control plans

Bega Valley Development Control Plan 2013

The proposed development is subject to the provisions of the Bega Valley Development Control Plan 2013 (BVDCP).

Residential Development

Residential Character Statements

The development involves the consolidation of two large parcels of land into one infill parcel of land. This will require the removal of an existing dwelling house and result in a development that contrasts with the scale of existing development within the surrounding catchment that consists

predominantly of single dwelling houses with some existing dual occupancy and villa development.

The design has been considered with reference to the streetscape with single storey building elements being located adjacent to Rawlinson Street, with the larger multi storey components of the development being located centrally within the site behind existing residential allotments. The eastern wing of proposed Block A has been reduced to make the development more consistent with the existing streetscape. The design represents a departure from the low-rise character of the existing neighbourhood, however the development is consistent with the height of buildings for the site and the strategic objectives for future growth within the R2 Zone that includes the incorporation of the residential flat building as an additional permitted land use for this site.

General Requirements

Design

The footprint of the development would be dispersed across the site and is in keeping with its shape and dimensions. The impact on the streetscape is reduced by keeping the low-rise elements (boarding houses) towards the front of the site facing Rawlinson Street. The larger components of the proposed development would be recessed behind the boarding houses and existing dwelling houses that line the street. The colour and material choice for the proposed development is appropriate. The roof profiles and balcony spaces are integrated into the design of the individual dwellings and provide suitable architectural treatments to compliment the overall design.

The development is split into a range of residential land uses and layouts with a sense of address that is enhanced by internal open spaces and integrated footpath network and lighting. Garage spaces are not prominent within the design and wall treatments are well articulated. Amended plans have been received that detail the top of wall and fencing details.

Amenity

Privacy has been addressed through the separation of individual buildings, landscaping, and screening of balcony spaces. The retention of remnant trees assists in meeting this objective. Privacy attenuation measures are recommended for the first-floor bedroom windows of proposed Blocks B and C, and this would be reinforced as a condition of consent. Amended plans have been received to ensure that the private open spaces are contained within the site and have adequate access to daylight.

Accessible units and designated car parking has been highlighted on the amended plan set. Six Adaptable dwellings have been identified for the 49 dwellings proposed within the multi dwelling housing and residential flat building components of the development. An accessible room would be provided for each boarding house. Accessible car parking spaces have been provided.

The proposed development site is located behind the street frontage, and neighbouring properties are generally oriented towards the street frontage. The surrounding residential catchment does not have any prominent or iconic views that would be impacted by the proposed development.

Environment

The BASIX and solar access objectives have been achieved and detailed within the Apartment Design Guide Response. Amended plans have been received that confirm the landscaped area standard of 35% would be achieved for the site. The proposed development would involve extensive excavation works, particularly for the proposed basement car parking space. The proposed layout and design reflect the natural attributes and constraints of the site. Conditions would be required to guide the construction phase of the development including soil and water management controls.

General Development

Heritage

Due Diligence Assessment has been completed by Artefact Consulting and a referral sent to the Bega Aboriginal Land Council with no response. A notation would be placed on any development consent to reinforce the Due Diligence protocols.

The proposed development site is not or located within 100m of heritage items with the nearest listed items located off Newtown Road. The proposed development would not impact the setting of any of these properties.

Access and Mobility

An Access Report has been provided with the application and amended plans have been received that nominate the proposed accessible dwellings.

Social and Economic Impacts

The proposed development provides boarding house accommodation that would meet a demand for this form of residential accommodation within the Bega Valley. The proposal has been designed to reduce the potential impact on the existing residential area in terms of the overall design and ongoing management. A plan of management for the proposed boarding houses has been submitted with the proposed development.

The proposal provides affordable housing stock within walking distance of Bega's commercial core and local centre. The construction stage will employ trades and provide affordable housing opportunities for the local population of Bega. A copy of the submissions for both notification phases has been made available to the applicant to review and respond to any issues raised with the development including any potential socio-economic impacts. The proposal would have both positive social and economic impacts for Bega by providing much needed housing for different demographic groups in the community.

Sustainable Design Principles

These principles have been addressed as part of satisfying the requirements of the Apartment Design Guide. A detailed stormwater management plan has been provided with the proposed development and solar panels are proposed within the roof spaces. A BASIX Certificate has been submitted with the proposed development application and would be included as part of any future determination package.

Tree and Vegetation Preservation

The proposal involves the removal of some trees with lower biodiversity values and retention of some large remnant trees. A detailed arborist's report has been submitted with the application. The proposed landscaping plan is consistent with the Bega Valley's Landscaping Guidelines with the deletion of the potentially invasive *Chinese Elm* species.

Planning for Hazards - Contaminated Land

The site is not mapped as being contaminated and has been historically used for a residential purpose. A Preliminary Site Investigation has been undertaken and included as part of this assessment. Conditions have been recommended.

Carparking

Car parking has been allocated in accordance with the DCP requirement of 72 spaces.

Engineering requirements

A traffic report, cycle management strategy and stormwater detail has been submitted in support of the proposed development and additional information has been provided including confirmation that legal and practical access is provided for stormwater through the existing drainage easement on the neighbouring block of land, Lot 94 DP529595.

A waste management plan has been reviewed and endorsed as suitable as part of this assessment process.

5.1.5 Section 4.15 (1)(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements entered into or any draft agreements which have relevance to the assessment and determination of the current application.

5.1.6 Section 4.15 (1)(a)(iv) The regulations

Owner's consent

Owners consent authorisation was provided by Southern Cross Community Housing Ltd on the 28 October 2023.

5.1.7 Section 4.15 (b) Likely impacts of development

The proposed development is consistent with the natural form of the site. This includes the integration of an existing drainage path into the landscaping and stormwater design. Remnant trees are also be retained where practical. The site is not mapped within any natural constraint overlays. Soil and water management controls would be incorporated into any consent and conditions would guide any future construction works in terms of timing and noise management.

The proposed design includes a mixture of building configurations and individual buildings have been distributed across the site. The design incorporates an appropriate mixture of colours and materials. The impact on the streetscape is reduced by the location of the two single storey boarding houses adjacent to Rawlinson Street. The larger elements are largely contained within the site, with the majority of the design presenting as a two-storey development.

5.1.8 Section 4.15 (c) Suitability of the site for development

The purpose of the development is to provide more diverse residential accommodation within the catchment that includes an affordable housing component. The large area of the site enables greater opportunity to provide a range of housing designs and options that aligns with the strategic objectives of the Local Strategic Planning Statement and Residential Land Strategy for the Bega Valley. The site has access to the services and amenities of Bega that makethis development suitable.

5.1.9 Section 4.15 (d) Submissions

The Development Application attracted 12 submissions during the original notification and 10 submissions during the notification of the revised plans. These submissions have been predominantly received from adjoining residents or those within the locality.

The submissions received by Council objecting to the development have raised a number of issues which are summarised below;

Issue	Response
Traffic/ Car parking spaces The proposed development will increase traffic in the already congested area of Ravenswood and Rawlinson Streets. There are concerns for the children who live in the area and attend the adjacent daycare. The Traffic Impact Study did not collect site specific data to reflect different aspects of traffic in the area, and no on-site traffic assessment has been obtained.	 A traffic report has been submitted with the proposed development and additional information has been provided and assessed as satisfactory. Conditions of consent would guide future construction of the proposed entrances and internal access within the site. Rawlinson Street has a wide formation and the broader street network has capacity to sustain an increase in vehicle numbers.
Proposed parking spaces Insufficient car parking spaces are proposed for the number of residents who will need to own a vehicle due to the distance to the town centre. Minimal parking spaces will cause future residents to park on street and reduce parking space for existing residents, as well as visitors and family. The position of car parks for boarding house 1 would not allow them to leave in a forward manner, which does not align with the Bega Valley Development Control Plan 2013. 1 accessible and 1 standard carpark per boarding house is not realistic when housing 12 people in each building.	 73 Car parking spaces have been proposed including bike and motorbike parking that has been detailed on the amended plans to ensure that the project is compliant with the requirements of the Housing SEPP 2021 and BVDGP 2013. The development is consistent with the car parking requirements for boarding houses under the Apartment Design Guide. Turning paths have been provided to demonstrate forward entry and exit from the site can be achieved.
Drainage There are concerns regarding the drainage effects from the concrete areas of the development and the runoff onto blocks below from proposed infill.	 The development has been supported by a detailed stormwater management plan that provides for on-site detention. Landscaped areas have been integrated into the design and a river rock bed incorporated as a feature that would flow through the site and into an existing easement burdening Lot

	94 DP 529595 and into Council's broader stormwater network.
<p>Access/Street frontage</p> <p>A lack of street frontage and the isolated nature of the development will cut future residents off from and create a lack of integration with the current neighbourhood, as well as impacting safety and security. The single proposed shared access/ exit for majority of the dwellings creates concerns for emergency vehicle access and restricts street parking for current dwellings.</p>	<p>The development would be recessed behind the main street frontage which reduces its presence within the street. The design reduces the potential impact on the streetscape in terms of bulk and scale and amenity impacts.</p> <p>The site has clearly defined entrances for each of the different residential blocks and pathways have been integrated into the landscaping design to guide wayfinding throughout for pedestrians. Communal open spaces and active recreational spaces provide opportunities to interact with this outside space.</p> <p>A traffic report and turning templates have been provided and reviewed to confirm that appropriate access is provided in terms of vehicle sizes and sight distances.</p>
<p>Increase in Crime</p> <p>With a large increase in residents in the area residing in affordable housing, there are concerns regarding an increase in crime and theft as well as decreased safety and security for kids and animals. The stereotype of people living in affordable housing may lower the value of current homes in the area.</p>	<p>Affordable housing has been integrated into existing residential areas of Bega and the additional supply is a key objective of the Affordable Housing Strategy.</p> <p>A management plan for the proposed boarding houses and a detailed lighting plan has been submitted to support the proposed development. There is no evidence that this would have a detrimental impact on the value of property within the area.</p>
<p>Privacy/Overshadowing</p> <p>The height and setback of the proposed development will cause loss of privacy for surrounding properties as it will overlook into private open spaces. Increased shading of current dwellings will occur, reducing solar systems, morning sun, backyard gardens and increase wood heater use and pool shade, negatively affecting budgets and carbon footprint. Height of buildings will also affect views to the southwest for properties on Rawlinson Street.</p>	<p>Amended plans has been provided with detailed shadow diagrams that demonstrate compliance with the Apartment Design Guide requirements.</p> <p>Additional separation has also been provided between the residential blocks to reduce overshadowing within the development site. The current outlook for properties along Rawlinson Street is compromised by an electricity substation that impacts on the existing outlook from these properties.</p> <p>The proposed development would be contained within the existing height limit and excavated into the site.</p> <p>The design is intended to sit below the existing ridge line of dwellings fronting Rawlinson Street to allow existing views to be maintained. The taller buildings would be located centrally within the site to reduce the potential for overshadowing impacts.</p> <p>A reduction in the size of the eastern wing has reduced these potential amenity impacts, and additional privacy attenuation is recommended for proposed Blocks B and C.</p>

<p>Noise and Lighting</p> <p>The noise and lighting from proposed pedestrian pathways and driveways will impact surrounding properties and the size as well as construction of the development will affect the quiet street and properties.</p>	<p>The development has been supported by a detailed lighting plan. Any approval would be conditional on light spill being managed effectively.</p> <p>Condenser storage will be screened to meet the requirements of the BCA.</p>
<p>Character/Density</p> <p>The proposed development would not align with the current density and character of the neighbourhood consisting of detached, single storey, mainly owner-occupied dwellings.</p> <p>The development will triple the current density of the area and change the character due to the renter occupied proposal for a minimum of 15 years. There are concerns for the wellbeing of current residents in terms of privacy and overshadowing.</p>	<p>The density of the proposed development represents a departure from the existing character of the area but is more in keeping with the desired future character for the Bega Valley that emphasizes the need for more affordable housing within the catchment.</p> <p>The setbacks are compliant with the Apartment Design Guide and Living areas generally at ground floor level. Sill heights to upper-level bedrooms are raised to avoid overlooking down into private open spaces.</p> <p>Shadow diagrams have been provided showing adequate solar access is maintained to adjoining properties and private open spaces. The proposed development is compliant with the Floor Space Ratio requirements and is below 0.5:1. A reduction in the height of the eastern wing of proposed Block A has reduced the potential impacts on the surrounding area.</p>
<p>Distance to town centre</p> <p>The walking distance from the site to the main town centre is around 1.5km of hilly terrain, not adequate for walking or cycling. Residents will need to own private cars to access services as well as to travel to surrounding services in other towns as public transport access is very low.</p> <p>The site is not within 800m of the commercial centre and the zone prohibits residential flat buildings, therefore this land use as proposed is not permitted on the site.</p>	<p>The applicant has submitted a Planning Proposal that investigated the potential use of the site for the purpose of 'residential flat buildings' that was gazetted on the 13 September.</p> <p>This assessment was made within the context of a recent Planning Proposal for Housing Diversity that enabled 'multi dwelling housing' within the R2 Low Density Residential Zone and the recently adopted Affordable Housing Strategy that give effect to the Residential Housing Strategy and Local Strategic Planning Statement (LSPS).</p> <p>The primary purpose of these changes is to encourage higher density and varied residential opportunities within the Bega Valley.</p>
<p>Consultation/Proposal</p> <p>Some properties surrounding the site have not been notified of the proposal. Questions raised regarding communal green spaces and playgrounds planned as well as more detail on boundary fences. Some older residents could not access the online proposal, read the plans, or understand the proposal.</p> <p>Community consultation was held in work hours and further consultation should be held.</p>	<p>The proposed development has been notified and advertised in accordance with Council's Community Consultation Plan and Community Engagement Strategy. Pre-lodgement meeting was also undertaken with the applicant.</p> <p>A public meeting will be required as part of the determination process.</p>

<p>Inadequate proposal/Council requirements</p> <p>No socio-economic impact assessment or on-site traffic impact assessment have been undertaken. Boundary fencing type and stormwater management has not been detailed. Some units do not meet Council's solar access requirements.</p>	<p>The proposed development provides affordable residential accommodation to meet the needs of the Bega Valley.</p> <p>The proposal has been designed to ensure minimal impact to the established surrounding residential locality in terms of design and ongoing management. The construction stage will employ trades and provide affordable housing opportunities for the local population of Bega.</p> <p>A copy of the submissions for both notification phases has been made available to the applicant to review and respond to any issues raised with the development including any potential socio-economic impacts.</p> <p>A traffic assessment has been provided with the proposed development and the development has been assessed as suitable for the site and locality and conditions of consent recommended. This has included turning circles to demonstrate suitable servicing arrangements for waste vehicles can be achieved.</p> <p>The BASIX and solar access objectives have been achieved and detailed under Apartment Design Guide Response. This takes precedence over the DCP requirements.</p> <p>Additional detail has been provided to address the management of stormwater. Suitable conditions of consent to guide this installation are recommended.</p> <p>Fencing details have been provided and these design elements would be reinforced as conditions of consent.</p>
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5.1.10 Section 4.15 (e) Public interest

The proposed development involves the provision of residential accommodation that is consistent with the strategic objectives for the Bega Valley. Recent Planning Proposals to increase the range and density of residential accommodation within our low-density residential zones reflects these objectives. The proposal would provide a range of different residential land use types including boarding houses, multi dwelling housing and a residential flat building with a range of bedrooms, layouts and sizes.

The proposed design has been amended to refine the overall scale of the development and to reduce the potential internal and external amenity impacts of the proposal. The inherent natural features of the site, including an existing flow path and remnant trees have been integrated into the design. The development would contribute to the economy through the construction phase and ongoing management and provide additional new housing opportunities within the Bega Valley catchment.

5.2 Any other relevant legislation/Matters

5.2.1 Bega Valley Section 94 and 94A Contributions Plan 2014.

Section 7.11 are payable for the multi dwelling housing and residential flat building component as these dwellings are not exempt under Clause 2.8 of the Bega Valley Section 94 and 94A Contributions Plan 2014. Boarding Houses are listed as an exempt land use type.

The current rate under the Bega Valley Shire Fees and Charges is \$8,321 per dwelling with a total contribution of **\$407,729**.

5.2.2 Disclosure of Political Donations and Gifts

The applicant and notification process did not result in any disclosure of Political Donations and Gifts. No declarations have been made.