



State Significant Development Application Response to Submissions

SSD-72700708 Affordable Housing Development
25-27 Boyd Street, Tweed Heads

Prepared for Homes NSW

Beam Planning acknowledge that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia. We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we work with.

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Appendices

Appendix	Title	Prepared by
A.	Response to Submission Table	<i>Beam Planning</i>
B.	Amended Architectural Drawings	<i>CKDS</i>
C.	Amended Access Report	<i>Purple Apple Access</i>
D.	Amended Aboriginal Cultural Heritage Assessment	<i>AMBS Ecology and Heritage</i>
E.	Acid Sulfate Soils Assessment	<i>ENV Solutions</i>
F.	Amended Acoustic Report	<i>Spectrum Acoustics</i>
G.	Acoustic Report inclusive of Acoustic Testing	<i>Soundness</i>
H.	Arborist Letter	<i>Valuation Solutions (Abacus Tree Services)</i>
I.	Updated BASIX	<i>Chapman Environmental Services</i>
J.	Updated Nathers	<i>Chapman Environmental Services</i>
K.	Updated BCA Capability Statement	<i>MBC Group</i>
L.	Updated Biodiversity Development Assessment Report	<i>AMBS Ecology and Heritage</i>
M.	Updated Civil Drawings	<i>Northrop</i>
N.	Amended Concept Stormwater Management Plan	<i>Northrop</i>
O.	Contamination Report	<i>ENV Solutions</i>
P.	Amended Flood Risk Assessment Report	<i>Northrop</i>
Q.	Flood Emergency Response Plan	<i>Northrop</i>
R.	Amended Geotechnical Report	<i>Barnson</i>
S.	Amended Landscape Plan	<i>Xeriscapes</i>
T.	Amended Site Waste Minimisation and Management Plan	<i>CKDS</i>
U.	Dewatering Management Plan	<i>ENV Solutions</i>
V.	Updated Traffic Impact Assessment	<i>Seca Solution</i>
W.	Fire Engineering Letter of Support	<i>Minerva</i>

1.0 Introduction

This Submissions Report has been prepared by Beam Planning on behalf of Homes NSW in relation to the State Significant Development Application (SSDA) (SSD-72700708) for a residential flat building (RFB) for the purpose of affordable housing (the proposed development) at 25-27 Boyd Street, Tweed Heads (the site).

The SSDA was lodged with the Department of Planning, Housing and Infrastructure (DPHI) and publicly exhibited for 28 days between 11 February 2025 and 10 March 2025. During this time, 14 submissions were received from relevant government agencies, organisations, and members of the public. This Submissions Report provides an analysis of submissions, actions taken since Public Exhibition, the Applicant’s response to submissions and provides an updated justification of the proposed development.

This Submissions Report, as required under section 59(2) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), has been prepared in accordance with the DPHI’s State Significant Development Guidelines, including Appendix C – Preparing a Submissions Report.

1.1 Project Overview

The SSDA, as exhibited, sought approval for construction and use of a 13-storey residential flat building to be used for and affordable housing comprising:

- 80 apartments;
- a ground level community room and bicycle storage area;
- landscaping; and
- two basement carparking levels for 66 vehicles.

A summary of the key development metrics proposed is provided at **Table 1**.

Table 1 Summary of key development metrics

Metric	Proposal
Site Area	2,024m ²
Proposed use	Residential flat building for affordable housing purposes
Affordable housing	100%
GFA	6,478.29m ²
Number of residential units	80 apartments, comprised of: • 46 x 1-bedroom units; and • 34 x 2-bedroom units.
Maximum height	44.05m
Setbacks	Front street setback of 4m < 20m and 8m < 34m
	Secondary street setback of 4m < 20m and 8m < 34m
	Side setback of 9m < 25m and 12m <44.2m
	Not applicable to rear setbacks
Landscaping	656.35m ²
Total parking spaces	66 spaces
Bicycle parking	28 bikes plus 8 visitor bike storage

No demolition was required under this SSDA as the site has been previously cleared.

1.2 Site Context

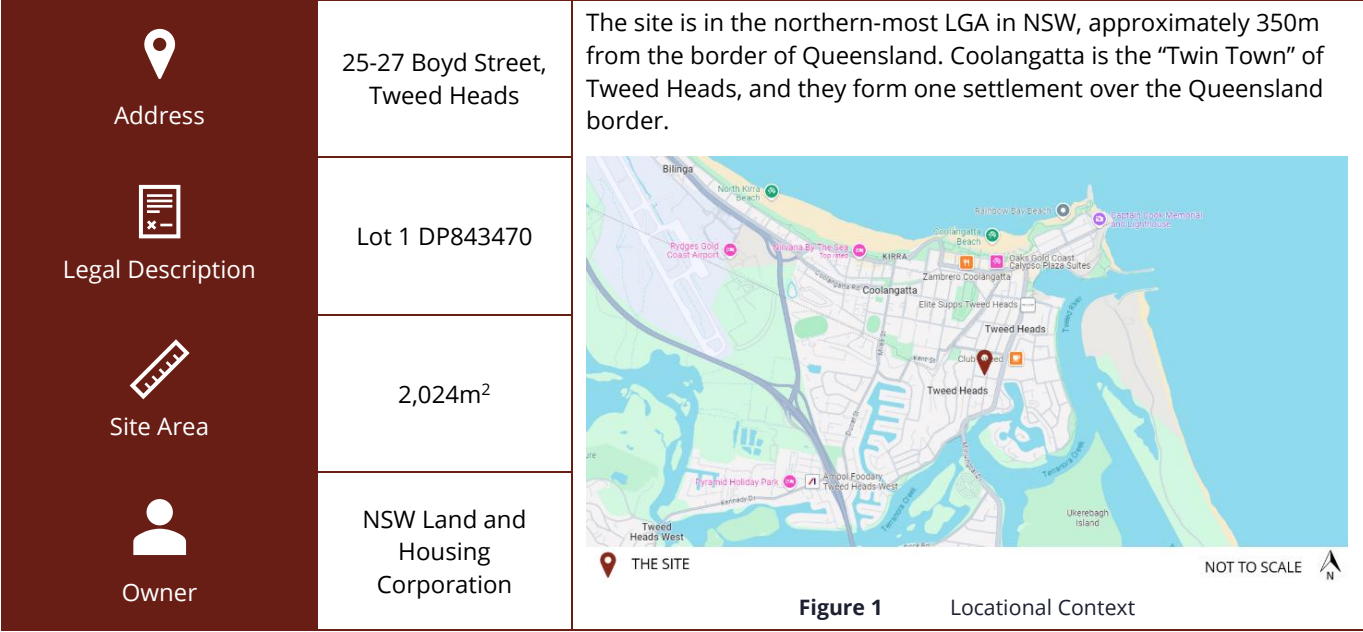


Figure 2 Aerial photo of the site (outlined in red)

1.3 Project Objectives

The primary objective of the proposed development is to deliver affordable housing. Supporting this main objective are several sub-objectives, which include the following:

- **Increase Affordable Housing Supply:** Provide a significant number of affordable housing units to meet the needs of low- to moderate-income families in the Tweed area where a large portion of households are experiencing rental stress.
- **Promote Community Integration:** Design the development to foster a sense of community and social cohesion among residents as well as the wider community, encouraging inclusivity and diversity.
- **Foster Safety and Security:** Design the development to enhance safety and security for residents, incorporating features that respond to the existing conditions as well as the intended use of the Site.
- **Enhance Accessibility:** Create housing that is accessible to individuals with disabilities and accommodates diverse lifestyle needs, ensuring a provision of apartments surpassing the required compliance with relevant accessibility standards.
- **Support Economic Development:** Contribute to local economic growth by providing jobs during construction and ongoing employment opportunities in the area through the provision of housing in a well-located area.

2.0 Analysis of Submissions

Alongside DPHI's letter requesting additional information, a total of 14 submissions were received in response to the public exhibition of the SSDA. As shown in **Table 2**, six (6) submissions were from State and local government agencies, and eight (8) submissions were from the public. It is noted that three (3) of the submissions were submitted as comments as opposed to objections.

Table 2 Submissions Breakdown

Stakeholder Group	Submission Name	Total
Agencies	Conservation Programs, Heritage and Regulation Group	5
	Conservation Programs, Heritage and Regulation Group	
	Department of Climate Change, Energy, the Environment and Water - Water Group	
	Heritage NSW	
	NSW State Emergency Service (SES)	
Councils	Tweed Shire Council	1
Public	Anonymous Submitter	8
	Anonymous Submitter	
	Peter Ross	
	Anonymous Submitter	
	Vicki Hall	
	Michael Ferris	
	Michael Brooks	
	James Francis	
Total Submissions		14

2.1 Summary of Submissions

To frame the response to submissions provided in **Section 4.0**, a summary of the issues raised in the submissions received is provided in **Table 3**.

Table 3 Summary of Issues Raised

Category	Stakeholder	Issue Raised
The Project	- DPHI - Tweed Shire Council - Public	Architectural / Design / Landscaping - Façade articulation and materiality. - Height of the building. - Opportunities to increase solar access and natural ventilation. - Clarification on room dimensions. - Concerns over size of the waste room. - Consideration of a more diverse dwelling mix. - Confirmation of the number of adaptable units. - Stormwater provisions for the second basement level. - Concerns over amenity issues regarding the waste room and ground floor unit. - Concerns regarding the lack of fenestration materials. - Lack of activation at the ground floor entrance. - Consideration of moving the substation. - Opportunities for private open space to maintain privacy to surrounding developments. - Private open space dimensions are not appropriate. - Clarity required for ceiling heights. - FFL are required to be revised to ensure consistency. - Concern over the design of the communal open space. - Consideration should be given to podium planting. - Window arrangements are not sufficient. - Apartments exceed the 8m maximum depth.

Category	Stakeholder	Issue Raised
		- Storage is not sufficient. - Colocation of bathrooms and bedrooms should be explored. - The basement setback is not adequate. - Units for multi-generational families should be considered. - Concerns of the building height. - Concerns over maintaining narrow landscaped areas. - Increase endemic species. - Explore retention of Tree 1. - Consistency between plans. - Discuss landscaping along street frontages with Essential Energy. - Concerns over capacity of planters for chosen species. - Suggestion of an irrigation system.
	- Public - Tweed Shire Council	Use - Concentration of social housing in the area. - Consideration of other affordable housing uses such as essential worker accommodation. - Clarification over terminology: 'social housing' versus 'affordable housing'. - Query regarding delivery of housing in perpetuity.
Procedural Matters	Tweed Shire Council	Referrals - The application must be referred to Essential Energy. - The application must be referred to the Gold Coast Airport. - Input should be sought from the NSW SES.
	- Tweed Shire Council - Public	Engagement - If Aboriginal Housing is proposed further engagement with the Aboriginal community is required. - There is no evidence of an AHIMS Search being conducted. - Consultation with the Tweed River Bundjalung People did not occur. - An equal approach to consultation with Aboriginal community members and the general public was unequal.
	- Public - Tweed Shire Council	Technical Document References References in various reports are outdated.
Economic, Environmental and Social Impacts	- DPHI - Tweed Shire Council - CPHR - NSW SES	Flooding - Demonstrate consideration of Clause 5.22 of the Tweed City Centre. - Demonstrate adequate evacuation in the event of a flood (for people with a disability also). - The Flood Risk Assessment does not reference appropriate material.
	- DCCEEW Water Group - Tweed Shire Council - Public	Ground Water / Dewatering - A Detailed Groundwater Investigation report and Dewatering Management Plan is required. - Insufficient information has been provided to confirm the potential groundwater inflow volumes.
	- DPHI - Tweed Shire Council	Contamination / Acid Sulfate Soils / Ground Conditions - Concerns of historical use of organochlorine pesticides on the site. - Should address current and previous uses in relation to contamination. - A revised ASS assessment is required. - Concerns over geotechnical issues.
	- DPHI - Tweed Shire Council	Acoustic A revised Acoustic Assessment inclusive of noise monitoring is required.
	- DPHI - NSW Heritage	Heritage - The ACHAR needs to demonstrate it has been made available to all Registered Aboriginal Parties. - Test excavations are required to be carried out prior to approval. - Machine excavation is not appropriate when removing historic materials.

Category	Stakeholder	Issue Raised
	- DPHI - CPHR - Tweed Shire Council	Biodiversity - Consideration of Bush Stone-Curlew is required. - Tree 1 can be safely retained. - Improper certification of the BDAR. - The BDAR unnecessarily references the Biodiversity Offsets Scheme. - The BDAR does not reference the SAI entities. - References to the TOS should be removed from the BDAR.
	DPHI	Waste Management - Concerns over estimated waste generation. - Concerns over waste collection. - Concerns over kerbside collection. - Recommended a waste chute be installed.
	DPHI	Stormwater / Sewer / Water - A revised Stormwater Management Report is required. - Details required regarding connection to infrastructure.
	Tweed Shire Council	Accessible Units The demographics of Tweed indicate more accessible units are required.
	Tweed Shire Council	Operation of the Development - Queries on the hotline. - Details of the kiosk is required on the ground floor. - Queries on how the community room operation.
	Tweed Shire Council	Car Parking and Traffic - Concern over car parking provisions. - Concern over bicycle and motorcycle parking provisions. - Concerns over on-street car parking. - Inadequate traffic modelling.
	- Tweed Shire Council - Public	Visual Impact / Views - No consideration of the tweed Scenic landscape Protection Policy. - It will negatively affect view corridors. - Views are accounted for in the price we paid for our house.
	Tweed Shire Council	Coastal Processes Tweed Shire Coastline Management Plan 2005 and Tweed River Estuary Coastal Management Program should be considered.
	Tweed Shire Council	Tenant Eligibility - Lack of demonstration of alignment with local need. - Local Housing Provider selection process. - Rent amounts should not match the private market.
	Tweed Shire Council	Aboriginal Housing Request confirmation on opportunities for Aboriginal housing.
Other Issues	Public	Overshadowing No detailed shadow analysis is provided.
	Public	Miscellaneous - Other opportunities for social housing in the vicinity exist. - Concerns over safety of the area. Crime data should be presented. - Redacting project costs is concerning.

3.0 Actions Taken Since Exhibition

3.1 Project Refinements and Amendments

The following amendments have been made to the design in response to the submissions received within the exhibition period:

- The accessible units have been relocated to the upper floors in response to concerns relating to flood risks. Ground floor units are now gold standard accessible units.
- The ground floor has been raised by 400mm to bring the floor level to the Climate Change Habitable Floor Level. Subsequent amendments to the ramps and accessways have occurred.
- The materiality of the building facades has been amended to differentiate the street wall and tower and provide a more strongly defined corner. This amendment also reduces the concrete slab banding with greater breaks introduced via vertical glazing, also reducing the impacts of weathering and staining on concrete finishes.
- The internal area of the waste room has been increased.
- Solid elements of the façade have been reduced to increase solar access.
- Operable windows have been introduced within the kitchen areas.
- The Type A bedroom has been amended to ensure it is 10m² excluding the entry doorway.
- More locally occurring species have been introduced on the landscape plans.

The amendments made to the facades of the proposed development are illustrated in **Figure 3** and **Figure 4**.

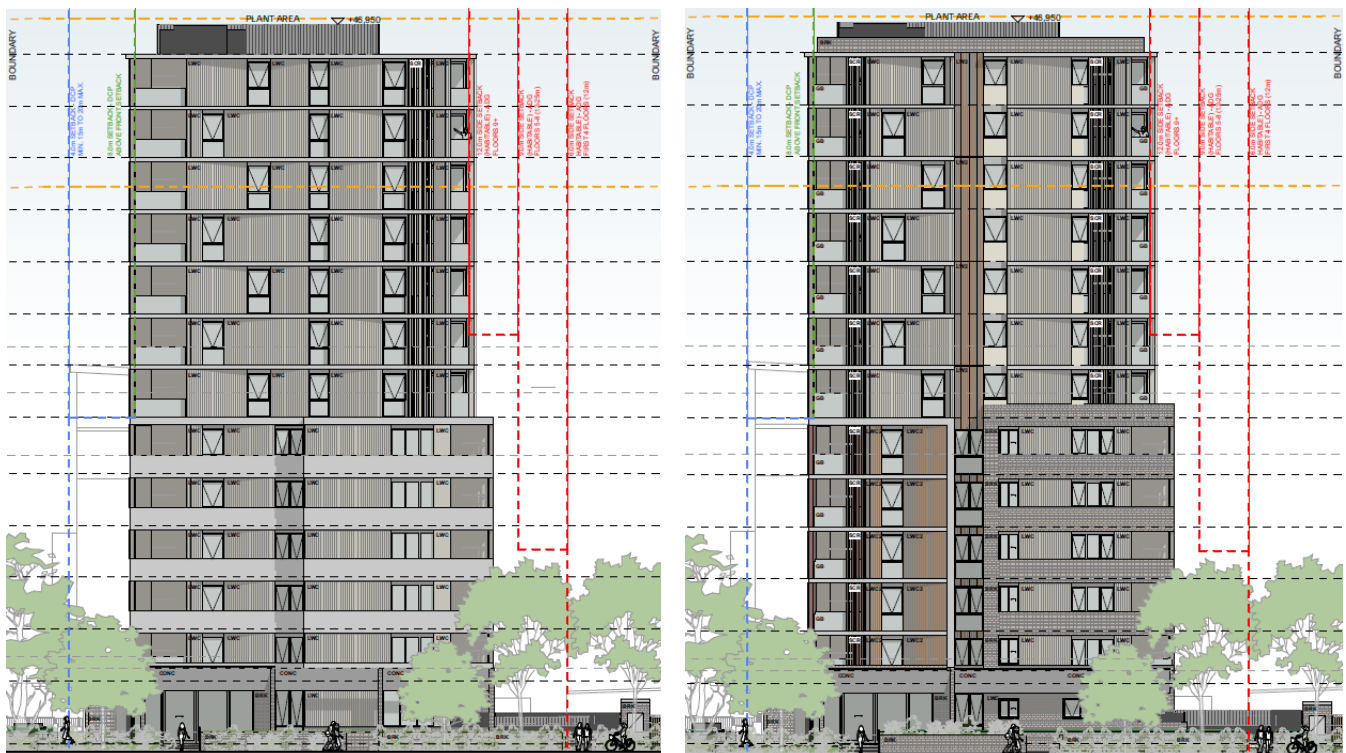


Figure 3 Original Versus Amended Design of the Boyd Street Frontage

Source: CKDS



Figure 4 Original Versus Amended Design of the Brett Street Frontage

Source: CKDS

No other project refinements have occurred following lodgement of the SSDA. An updated assessment of the amended development is provided at **Section 4.0**.

3.2 Additional Engagement

3.2.1 Essential Energy

In accordance with Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the consent authority is required to refer the application to the relevant energy supply authority due to the presence of a substation on the site and its proximity to overhead powerlines. Although the DPHI issued a referral, Essential Energy has not responded. Homes NSW has separately sought to engage with Essential Energy, however they have not responded with any comments on the design of the proposed development. Homes NSW will continue to attempt to consult with Essential Energy throughout the relevant stages of the process.

3.2.2 Tweed Shire Council

Homes NSW met with Hayley Nilon and Judith Evans from Tweed Shire Council on Monday 23rd June 2025 to discuss possible exemptions from Section 7.11 Contributions.

Hayley confirmed by email on Friday 27th June “Council does not have any policies which provides for a reduction in developer contributions for affordable housing. Further as discussed, when preparing the contributions for this one (DA19/0865 – discussed below), I had regard to Planning Circular D6 Crown Development Applications and the contained matrix which limited providing exemptions to medium density infill and excluded high rise development.”

Notably, the previous Development Application for a social housing development (DA19/0865) at 33-35 Boyd Street was subject to a certain number of Section 7.11 Contributions Plans, specifically:

- No.5 Open Space Contribution Plan (Casual and Structured)
- No.15 Community Facilities (Tweed Coast – North)
- No.26 Regional Open Space (Casual and Structured)

Homes NSW have confirmed their request for an exemption from contributions formally by letter to Tweed Shire Council’s General Manager. The General Manager has stated that he cannot formally make the decision to exempt Homes NSW for paying contributions and will need to take it to Council. Please note that the next Council meeting is on 14 August 2025.

Homes NSW will write to DPHI of the outcome and request exemption on local contributions if required.

3.3 Additional Assessment

The assessment reports (including any amended versions) listed in **Table 4** are either currently in progress or have been completed, as indicated, in response to the submissions received during the exhibition period.

Table 4 Technical Studies for Additional Assessment Matters Raised

Technical Study	Assessment
Amended Contamination Report	DPHI and Tweed Shire Council raised the issue that organochlorine pesticides may have been previously used on the site as it has historically been utilised for residential purposes. An Amended Contamination Assessment (refer Appendix O) has been carried out with consideration given to organochlorine pesticides. The additional assessment concluded that no organochlorine pesticides are present and the soils across the site are considered suitable for the proposed residential land use and require no further management, from a chemical perspective.
Preliminary Acid Sulfate Soils Assessment	DPHI and Tweed Shire Council highlighted that the site is classified as Class 2 Acid Sulfate Soils and the assessment conducted within the Geotechnical Report did not satisfactorily demonstrate that a Preliminary Acid Sulfate Soils Assessment was not required. An Acid Sulfate Soil Investigation Report has subsequently been prepared (see Appendix E), which concludes that the soils tested will not pose any risk and do not require any specific ASS management. The material is therefore suitable for disposal to a suitably licensed reuse facility or landfill (subject to chemical analysis and landfill acceptance).
Amended Noise and Vibration Impact Assessment	DPHI and Tweed Shire Council requested that the Noise and Vibration Impact Assessment address the acoustic impacts of the proposed development with reference to noise monitoring. Background noise monitoring was conducted by Soundness Acoustics (refer Appendix G) from 23 May to 3 June 2025 which detailed that background levels determined from the noise logging are: • For the day: 48 dB(A),L90. • For the evening: 40dB(A),L90. • For the night: 36dB(A),L90. The Report by Soundness Acoustics was provided to Spectrum Acoustics who assessed the findings against the relevant guidelines (refer Appendix G). Amongst general recommendations for implementation, the primary conclusions of this additional assessment are: • No adverse noise impacts from external mechanical plant are expected. • Construction noise level may be excessive at some receivers at some times which can be mitigated.
Amended Aboriginal Cultural Heritage Assessment Report and Test Pit Excavation	The Aboriginal Cultural Heritage Assessment (ACHAR) provided at the submission of the SSDA recommended test pit excavation following approval of the application. Heritage NSW requested it be done prior to the issue of an approval as well as making a range of administrative comments. The submitted ACHAR has therefore been amended (refer Appendix D) to address administrative matters, and test pit excavation is currently being undertaken by McCardle Cultural Heritage. As discussed with the Assessing Officer and their wider team on 14 July 2025, the findings of this test pit excavation will be provided to DPHI for consideration in the assessment upon their receipt.
Groundwater Assessment	As the proposed development is anticipated to intercept the groundwater table, the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) (Water Group) have requested that the water inflows be measured and considered in a Groundwater Assessment. A Dewatering Management Plan (DMP) has subsequently been prepared and estimates a total extraction volume ranging between 43.5 and 188.7 megalitres (1.81 to 7.86 megalitres per week in a 24-week program). The DMP includes further details on the recommended dewatering methods and any mitigation measures required to be implemented during and post construction.
Amended Flood Risk Assessment	DHPI, Tweed Shire Council and Conservation Programs, Heritage and Regulation Group raised concerns about flooding on the site. The amended report subsequently addresses the following matters: • Updated flood modelling. • Consideration of evacuation of future residents – refer FERP at Appendix Q. • Assessment of the proposed development against Clause 5.22 of the Tweed City Centre LEP 2012. • Consideration of the probable maximum flood. • Consideration of the possible impacts of climate change.

Technical Study	Assessment
	It was concluded in the amended report that the proposed development will not create any significant adverse impacts to flood behaviour on the subject site and on the properties surrounding the subject site. Additionally, the flood engineer noted that flood risk in the developed case has been adequately managed through the selection of flood levels, implementation of flood protection measures and provision of offsite evacuation opportunities.
Arborist Letter	DPHI and Tweed Shire Council requested that Tree 1 should be retained given the encroachment into the Tree Protection zone (TPZ) would be less than 10% according to their calculations. Further investigation has highlighted that the retention of Tree 1 is not possible due to the excavation of the basement and the subsequent encroachments into the TPZ. This is supported by the consultant Arborist who addresses this matter in their letter at Appendix H . It was confirmed that their calculation of the encroachment into the TPZ was undertaken in accordance with the relevant Australian Standards and equated to 13.34% which exceeded the thresholds for its retention.
Amended BDAR	An amended BDAR has been prepared in response to the concerns raised by DPHI, Council and Conservation Programs, Heritage and Regulation Group, including administrative matters and the consideration of the Bush-stone curlew (refer Appendix L). Additional assessment of the potential impacts concludes that any potential use of the subject land by the Bush Stone-curlew is likely to be limited to occasional foraging or movement between areas of better habitat. Given the lack of vegetation currently on the subject land, potential impacts from the Project on the species are only likely to include temporary disturbance to individuals during construction.

The following technical reports have been updated to address the amended design of the proposed development:

- BCA Report (refer **Appendix K**).
- BASIX and NATHERS documentation (refer **Appendix I and J**).
- Traffic Impact Assessment (TIA) (refer **Appendix V**).

4.0 Response to Submissions

The key issues which have arisen in submissions are addressed in this Section, with less frequently raised issues being addressed in **Appendix A**.

4.1 Architectural Design and Landscaping

The proposal was reviewed by the State Design Review Panel (SDRP) prior to lodgement as well as Homes NSW rigorous internal design review process. The NSW Government Architect (NSW GA) provided further minor feedback as part of the Department's RFI which have been incorporated into the amended project. The following sections provide an updated assessment of the proposed development with consideration made to the amendments made in response to the submissions provided during the exhibition period.

4.1.1 Façade Articulation and Materiality

The amended architectural plans have increased the use of glazing materials to enhance solar access to the units, and further adjustments have been made to minimise concrete banding on the façades. These changes have positively impacted the façade design without making significant changes to the design, which was originally assessed as being of a high quality. The updated design reflects a building façade and materiality that differentiates the street wall and tower façade and re-instates a strong defined corner treatment. The refinements to the façade materiality in response to the NSW GA's feedback maintains the original design integrity whilst introducing additional benefits such as improved privacy and increased solar access.

4.1.2 Landscaping

Xeriscapes have reviewed Tweed Councils preferred species lists; in particular, *Coastal Scribbly Gum Open Forest to Woodland* and *Banksia Dry Scherophyll to Open Forest to Shrubland* which are species likely to have been naturally occurring prior to clearing for urban development. On review of these plant lists, the landscape plans have been amended to include more locally occurring native species. However, it is not possible to achieve Councils requirement of a minimum of 80% locally occurring native species due to the following reasons:

- Only 30% of the species listed are commercially available. To achieve 80% of locally occurring native species, providence of native species seed collection would have to place which is not practical due to the time constraints and costs involved in procuring seed stock.
- Many of the occurring native species on the lists are too large at maturity which conflicts with Homes NSW landscape guidelines in terms of plant sizes at maturity in respect to security, passive surveillance and ongoing landscape maintenance.
- Many of the species listed are relatively short-lived so would require replacement and create an ongoing landscape maintenance issue for Homes NSW.

Council has raised concerns regarding the suitability of proposed tree species (specifically those anticipated to reach mature heights of up to 8 metres) being planted in planter boxes that may not support such growth. Following consultation with Xeriscapes, it is understood that trees planted in planters on suspended slabs will only achieve mature heights and canopy spreads proportionate to the available soil volume in each planter. The mature dimensions listed in the plant schedule reflect optimal growing conditions (such as natural soil profiles, habitat, and climate) and are unlikely to be achieved in constrained urban environments.

Given the limitations of structural planters, particularly in disturbed urban settings, it is not possible to accurately predict the eventual size of trees in these conditions. For the purposes of this proposal, all trees in planters on structure have been assumed to reach the size class of small trees. Each planter will provide a minimum soil volume of 9m³, in accordance with the *Apartment Design Guide: Planting on Structures* and the *LAHC Homes NSW Resilient Landscape Guidelines*.

4.2 Building Height

The proposed building height is below the maximum allowed under the applicable statutory framework. As noted correctly throughout submissions, the proposed development exceeds the height of buildings control permitted under the Tweed City Centre LEP, however, utilises the SEPP (Housing) 2021 in-fill affordable housing bonuses permitted under Section 16. State Policies (SEPPs) prevail over local plans, and unless specifically excluded under Clause 1.9 (which the Tweed City Centre LEP does not) the application of a development standard which exceeds that of a local plan is not considered a variation of the local plan's standard. The additional height above the LEP is therefore directly linked with

the delivery of additional affordable housing that would not otherwise be provided and is considered strongly in the public interest.

Submissions raised concerns regarding the seemingly unfair application of statutory controls, including the maximum height of buildings requirement. It is important to note that all other surrounding lots are permitted the same bonuses as those utilised by Homes NSW, without having to be developed by, on behalf of, or in partnership with a public authority. As the surrounding lots are all permitted a maximum building height of 34m under the Tweed City Centre LEP, a private developer may also utilise the 30% height and FSR affordable housing bonus permitted by the SEPP (Housing) 2021 subject to compliance with the relevant standards. It is noted that the SSD Pathway does not require application of the DCP, which may convey a seemingly unfair “bypassing” of controls, however, again, this provision is applicable to all SSD applications across NSW regardless of the applicant. It is also noted that the proposal has been designed having regard to and is generally compliant with the DCP, despite it not technically applying to the application.

A public submitter raised concerns of the suitability of the proposed development with consideration of the surrounding area, specifically noting that the proposal does not comply with Section 20 of the SEPP (Housing) 2021, which requires consideration of the following:

- (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—*
- (a) the desirable elements of the character of the local area, or*
 - (b) for precincts undergoing transition—the desired future character of the precinct.*

The site is in a neighbourhood currently undergoing transition with the majority of the existing development being well below the permitted controls. As established above, the surrounding properties are also permitted to utilise the 30% height and FSR bonuses permitted by the SEPP (Housing) 2021. For this reason, the proposed development will be consistent with the future character of the area, assuming the lots will be redeveloped to their potential in the future.

4.3 Car Parking and Traffic

The car parking provision on site was approximately doubled during the preparation of the SSD in response to community consultation at the time, which identified concerns about insufficient provision of parking on site. Notwithstanding this, inadequate car parking was an issue raised by both Council and public submitters. Section 19(2)(e) & (f) in the Housing SEPP provides a non-discretionary car parking development standard for in-fill affordable housing which, if a proposal complies with, prevents the consent authority from requiring more onerous standards. The car parking requirement in Section 19(2)(e) of the Housing SEPP, which are relevant to dwellings used for affordable housing, are:

- (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,*
- (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,*
- (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space*

The proposed development has a total of 66 car parking spaces which exceeds the 36 required (18.4 spaces for 1-bedroom units and 17 for 2-bedroom units) by the Housing SEPP by 30 spaces. As such, the provision of onsite parking is considered more than sufficient to meet the requirements of the development.

The proposed development includes 28 resident bicycle parking spaces and 8 visitor spaces. Council has raised concerns regarding this provision, citing the Tweed Shire Council DCP 2008, which requires a total of 160 bicycle parking spaces. However, the Housing SEPP does not prescribe a specific standard for bicycle parking, and the proposed provision is considered appropriate given the development's intended demographic. This development includes a high proportion of gold and silver level adaptable units, indicating that it is designed to accommodate a larger number of seniors and people with disabilities, including those with limited mobility. As such, the anticipated demand for bicycle parking is expected to be significantly lower than the DCP requirement. Nonetheless, Homes NSW has ensured that a reasonable number of bicycle parking spaces are included to support active transport options where feasible, while aligning with the functional needs of future residents.

Public concerns were raised regarding the adequacy of the submitted TIA, particularly in relation to the absence of detailed construction traffic modelling. While the submission does not include specific modelling, the TIA does address the expected construction traffic demands of the development, including the cumulative impacts when considered alongside other developments currently under construction in the area.

The assessment is based on site-specific traffic survey data collected by the traffic engineer which ensures the accuracy and relevance of the analysis. The collected data includes intersection queuing and peak-hour traffic movement information (issues specifically highlighted by submitters as key concerns) and based on the data collected, concluded that no intersection modelling or upgrades are required.

Overall, the TIA is considered to provide a reliable and context-sensitive assessment of the likely traffic impacts associated with the development and recommends appropriate mitigation measures to manage these impacts effectively.

4.4 Visual Impact and View Loss

4.4.1 Private View Loss

The proposal may change some views from private dwellings but does not directly impact any immediate high value views. The proposed development complies with the height, floor space, building separation and setback controls set out in the Housing SEPP and Tweed LEP / DCP. As such, the proposed development reflects a development that could be reasonable anticipated to occur on the site and specific view analysis for private dwellings is not considered necessary or appropriate.

4.4.2 Tweed Shire Council Scenic Landscape Protection Policy

Council raised concern that the VIA submitted with the SSD did not reference the Tweed Shire Council Scenic Landscape Protection Policy. As set out in Part 3 of that Policy, it does not apply to SSD. Notwithstanding this the VIA submitted with the SSD did apply the principles in the policy to the assessment. For clarity a further assessment against the Policy is provided in **Table 5**.

Table 5 Assessment Against the Tweed Shire Council Scenic Landscape Protection Policy

Stage / Requirement	Assessment
Stage 1: Identify landscape character unit applicable to your land. - Access mapping tool: data-scenic-landscape-tweed.opendata.arcgis.com - Select "Landscape Character Units" mapping layer (legend to the left). - Identify landscape character unit applicable to your land.	The site is located in the 'Urban' landscape character unit.
Stage 2: Assess your proposed development against the applicable landscape character unit. - Review landscape character unit narrative applicable to your land (section 12 of this policy). - Analyse consistency of your proposal with the applicable landscape character unit narrative. - Analyse the proposal with the applicable landscape character unit mitigation measures. - Refer Stage 3 if the proposal is considered consistent with the applicable narrative and mitigation measures. - Refer Stage 3a if the proposal is considered inconsistent with the applicable narrative and mitigation measures	The proposed development is representative of the 'Urban' landscape character unit narrative as: - Residential accommodation is a land use typically found in an urban area. - The proposed development is consistent with the highly diverse visual character of the area. - The scale of the building is reflective of the broader planning regulations applicable to the site and surrounding area, however, proposes materials and design elements that separate it from surrounding developments. An assessment against the mitigation measures of the 'Urban' landscape character unit is shown below: Address relevant, site-specific sections of Tweed Development Control Plan 2008 to seek consistency with the local visual qualities of the urban landscape: The proposed development is consistent with the desired future character of the Boat Harbour Precinct in that it presents the height outlined for the area and is for residential purposes. Moreover, the proposed development is generally consistent with the surrounding emerging and approved developments, including 1 Brett Street / 26 Recreation Street, 33-35 Boyd Street and 41-43 Boyd Street as discussed throughout the EIS and within the VIA. Demonstrate a clear aesthetic intent that is attractive and engaging with the landscape: The proposed development satisfies the requirements of Clause 6.10 of the Tweed City Centre LEP as demonstrated in the EIS. Building height should positively contribute to the prevailing urban character: The prevailing urban character is not representative of the controls applicable to the site. Despite this, the proposed development will positively contribute through delivering a high quality design outcome.

Stage / Requirement	Assessment
	• <i>Maintain and promote the separation of highly urbanised areas with the pockets of natural areas including beaches, rivers, creeks and coastal forests:</i> The site is not affected by any significant biodiversity or natural area. • <i>Built form/massing and dimensional envelopes should be appropriate to the context in terms of scale, proportions, and configuration:</i> The proposed development is compliant with the building separation requirements within the ADG. Additionally, the proposed setbacks allow for future development on adjacent properties to maintain adequate separation. • <i>Consider the cumulative impact of signage in commercial areas. Aim to minimise advertising and emphasise wayfinding:</i> N/A • <i>Design should respond to the local landscape setting and contribute to a distinctive defined urban character:</i> The proposed development has an appropriate interface with the public domain including extensive landscaping works along both street frontages. Endemic species have been increased further responding to the local landscape setting. • <i>Built elements and structures should achieve balanced composition of colours, textures, finishes and landscaping:</i> The building facades have been appropriately articulated through the use of materials and an additional setback above the streetwall. The proposed landscaping, including those within the setbacks to the Boyd and Brett Street frontages, is complementary to the appearance of the proposed RFB and contributes to the development's integration into the streetscape. • <i>Maintain and promote large and mature trees as distinctive visual features within the urban landscape:</i> Trees have been retained where feasible. Commentary received in the exhibition period highlighted opportunities to retain Tree 1, however this has been explored and has been deemed not viable due to the excavation proposed (refer Appendix H). • <i>Develop green edges to major roadways of regional significance to screen views of urban development:</i> N/A
Stage 3: Demonstrate consistency of the proposal with the landscape character unit narrative. • Through the Statement of Environmental Effect (SEE) document (DA pathway) or through the planning proposal request (Planning Proposal Pathway) demonstrate consistency of the proposal with the applicable landscape character unit narrative. • Assess against mitigation measures provided in section 12 for each landscape character unit. • Submit the SEE or the planning proposal request to Council for assessment	See above assessment. In addition to this assessment, please see response to Stage 3a.
Stage 3a: Inconsistent development. • Undertake a Visual Impact Assessment (VIA) in accordance with section 11 of this policy. • VIA to assess proposal against applicable landscape character unit mitigation measures. • VIA to demonstrate consistency of the proposal with scenic management principles identified in section 9 of this policy. • Submit VIA to Council for assessment.	This stage is not required to be undertaken as the proposed development is consistent with the 'Urban' landscape character unit. Despite this consistency, a VIA was submitted with the proposed development which concluded that it is anticipated to have a negligible to minor impact on the key view locations assessed. In addition to the VIA, significant views raised by Council in their submission during the exhibition period have been assessed under the following section.

4.4.3 Assessment Against Additional Viewsheds

Having reviewed the significant views expressed within the Tweed Shire Council Scenic Landscape Protection Policy, the following viewsheds have been identified as intercepting with the site. Other viewsheds have been identified, however, have been assessed in the VIA submitted with the SSDA.

Table 6 Assessment of Additional View Sheds

View Shed	Priority	Assessment
Fingal Headland Static Viewshed	1	An extract of the Fingal Headland Static Viewshed mapping is provided at Figure 5 , where the viewing situation is indicated with red dots.

View Shed	Priority	Assessment
		 Figure 5 Fingal Headland Viewshed in relation to the site (red/pink dot) The viewing situation is located approximately 3.8km from the site. Due to the topography of the space between the viewing situation and the site, as well as the significant distance, the proposed development is not seen from the Fingal Headland despite mapping. Additionally, the significance of the view is predominantly a result of the view of the ocean, which the proposed development does not obscure. For this reason, the visual impact has been assessed as negligible as the viewer's experience will remain the same.
Pacific Highway Linear Viewshed	3	An extract of the Pacific Highway Linear Viewshed mapping is provided at Figure 6, where the viewing situation is indicated with a red line.  Figure 6 Pacific Highway Viewshed in relation to the site (red/pink dot) The viewing situation is located approximately 1.65km from the site at its closest point. Much like the above, due to the topography of the space between the viewing situation and the site, as well as the significant distance, the proposed development is not likely seen from the Pacific Highway despite mapping. Although it may be possible for the proposed development to be seen from a specific area on the Pacific Highway, the distance in between the two points would incur a negligible impact upon the view shed.
Point Danger Static Viewshed	1	An extract of the Point Danger Static Viewshed mapping is provided at Figure 7, where the viewing situation is indicated with red dots.

View Shed	Priority	Assessment
		 Figure 7 Point Danger Viewshed in relation to the site (red/pink dot)  Figure 8 View from Point Danger looking at the site As this viewing situation was specifically highlighted in Council's submission, to carry out this assessment, a site visit was conducted, and photographs were taken from Point Danger looking toward the site. The viewing situation is located approximately 1.8km from the site. Again, due to the topography of the space between the viewing situation and the site, as well as the significant distance, the proposed development is not seen from Point Danger despite mapping. Additionally, the existing skyline is comprised of developments of a similar scale and composition to that of the proposed development. It should also be noted that the significance of the Point Danger view is gained from the ocean views. The significance of the impact has therefore been assessed as negligible.

4.5 Waste Management

An updated Waste Minimisation Plan has been provided (refer **Appendix T**). As the accessible units proposed on the ground floor have been moved and replaced by gold standard units, additional space was available on the ground floor for a larger waste room. Correspondence with Tweed Shire Council confirmed that the following arrangements are acceptable:

- General Waste can be collected via bulk waste bins, and therefore the architectural plans nominate space for 10 x 660L bins with twice weekly pick-up.
- Co-mingled Recycling can be collected via 360L bins, and therefore the architectural plans nominate 9 x 360L bins with weekly pick-up.
- Green Waste / FOGO nominated as 5 x 240L bins with weekly pick-up.

The design of the waste room has purposefully excluded an indoor accessway to avoid amenity issues such as odour impacts to ground floor tenants and reduction of the risk for bug and rodent infestation. The increased area for the waste room has allowed the inclusion of 10 x 660L general waste bins to meet the weekly waste generation rate, however the updated Waste Minimisation Plan proposes to retain bi-weekly collection so that only five bins need to be presented for collection at a time.

4.6 Response to Flood Risks

In response to concerns raised by DPHI, Tweed Shire Council, and Conservation Programs, Heritage and Regulation Group regarding the site's potential flood risk, the design has been amended to relocate adaptable units to the upper levels. On the ground floor, adaptable units have been replaced with gold standard units, and the finished floor level has been raised by 400mm to achieve the Climate Change Habitable Floor Level of 3.5m AHD. This is 400mm greater than the minimum habitable floor level required, and 600mm higher than the 0.2% AEP flood event. These amendments were also made in response to comments provided by the SES, however it should be noted that the agency stated they had no significant concerns with the proposed development as originally proposed.

The Amended Flood Risk Assessment (refer to **Appendix P**) confirms that the proposed development will not result in any significant adverse impacts on flood behaviour, either on-site or to adjacent properties. Additionally, the flood engineer noted that flood risk in the developed case has been adequately managed through the selection of flood levels, implementation of flood protection measures and provision of offsite evacuation opportunities.

In addition to the updated assessment and architectural modifications, this response includes a Flood Emergency Response Plan (FERP) (refer **Appendix Q**), which outlines evacuation procedures to be implemented during the operational phase of the development in the event of flooding. It specifically addresses the safe evacuation of all future residents, including individuals with disabilities, and has been developed in accordance with the Tweed Shire Council's Property Flood Report and the SES Tweed Shire Flood Emergency Sub Plan 2024. In alignment with the SES Flood Emergency Sub Plan, residents will be evacuated to the PCYC located northwest of the development. The FERP will remain active during the operational phase and includes provisions for regular review and updates.

4.7 Concentration of Social Housing

The number of households on the social housing waitlist as of June 2024 for the NN37 Tweed Heads allocation zone comprises 797 general applicants and 339 priority applicants, highlighting the significant and urgent need for additional affordable housing in the region. The site has been owned by Homes NSW since the early 1990's, and so development of this site, as opposed to purchasing another is the most time and cost efficient way to approach the provision of affordable housing during a housing crisis. As a Homes NSW property the site has been occupied by social housing tenants for 3 decades until recently when it was demolished in anticipation of its redevelopment.

Whilst some tenants can display antisocial behaviour, they are not representative of the vast majority of social housing tenants. Therefore, it is not appropriate to restrict or limit the delivery of social housing on the basis of the potential behaviour of a small minority, which it is considered better to proactively manage on a tenant by tenant basis. To that end Homes NSW actively manages its portfolio and where issues do arise it has a dedicated 24-hour hotline where local residents can report any tenancy related matters.

It is noted that at a Tweed LGA level, Homes NSW's Tweed - Local Area Analysis, found that approximately 2.6% of dwellings are owned by Homes NSW and operated as social housing. A significant proportion of the proposed units in this development are designed to meet greater accessibility housing standards, at adaptable, gold and silver levels, reflecting an intent to support a diverse demographic, including seniors. The Local area Analysis reported that the median age of tenants in their housing is 63 years, notably higher than that of the NSW population in social housing tenancies, being a median age of 38. This highlights the growing need for age-appropriate, accessible housing that allows older residents to remain in their communities.

Displacement due to socio-economic hardship remains a pressing issue across NSW, particularly for older generations. Providing social housing in central locations such as Tweed Heads helps reduce this displacement by enabling residents,

especially those with reduced mobility, to age in place within familiar communities and support networks. In contrast, relocating vulnerable individuals to more remote or disconnected areas often exacerbates social isolation and economic disadvantage, compounding long-term challenges for social housing residents.

The provision of affordable housing on the site and more importantly, in the City Centre, has the following additional benefits:

- The location of the site in the Tweed City Centre allows for greater access to employment opportunities and services. NSW social housing residents have a lower rate of private car ownership and therefore it is integral to provide social housing in areas that are close to services and facilities, and that are accessible via public transport. This will allow more equitable access to employment and in turn, transition people out of social housing and into private rentals.
- Providing social housing in the City Centre diversifies the population of the CBD allowing for greater social cohesion.
- As mentioned above, a more diverse population is expected as a result of the provision of affordable housing on the site. This has the roll-on benefit of higher rates of economic activity within the area which supports local business and services, creating better outcomes for the greater City Centre and beyond.

4.8 Dwelling Mix

Council raised concerns with the proposed dwelling mix, requesting that the development include a small number of 3-bedroom units for families. According to the NSW LAHC, in 2022 in the Tweed LGA, Homes NSW has an oversupply (72%) of 3+ bedroom dwellings which does not match the profile of their waitlist, of which 84% require a home with 2 or less bedrooms. This has resulted in under-occupancy of 3- and 4-bedroom dwellings which make up 37% of the current housing stock, of which 40% are currently occupied by single households. There is, however, high demand (84%) who require smaller 0–2-bedroom dwellings. For this reason, the required dwelling mix has been determined as being 1- and 2-bedroom units.

5.0 Updated Project Justification

5.1 Additional Impacts Considered

The amended proposal incorporates refinements in response to feedback provided during public exhibition. The anticipated impacts of the proposed development, as amended, are likely the same as those proposed under the original application. Where requested additional assessment has been provided as part of the response to submissions and detailed in Section 3. The additional assessment confirms that the proposed development will not have any adverse environmental impacts.

5.2 Site Suitability

The Site is suitable for the development of a 13-storey RFB for the purposed of affordable housing as it:

- is zoned for residential uses, including residential flat buildings.
- meets the relevant locational criteria in the Housing SEPP to qualify for the 30% infill affordable housing bonus.
- is in a location with significant demand for affordable housing that also has good access to public transport and employment opportunities.
- is relatively flat and generally clear of vegetation, with limited trees on site.
- The site benefits from a robust pedestrian network and is well-integrated with public transport and road infrastructure. This connectivity makes it an ideal location for residential development, particularly affordable housing.
- Future residents will have convenient access to various commercial premises, public transportation options, and community infrastructure, such as the Tweed Library and public open spaces. Being in proximity to amenities will enhance the quality of life for residents and support their daily living needs.

It should also be noted that the site has been confirmed to be free from asbestos and heavy metal contamination. Further assessments have been conducted which confirm that the site is free from organochlorine pesticides and will not pose any risks relating to acid sulfate soils. As mentioned in **Section 3.3**, the Acid Sulfate Soils Investigation and Contamination Report (refer **Appendix E** and **O**) are provided to DPHI as part of the response to submissions and confirms that the site is entirely suitable for the proposed residential use.

5.3 Public Interest

The proposed development remains in the public interest for the following reasons:

- **Addresses housing shortages:** The proposed development provides affordable housing options for low-income individuals and households, including vulnerable groups (e.g., domestic violence victims, and natural disaster victims).
- **Retention of the community:** The proposed development will provide greater opportunities for individuals to age in place due to the high level of accessibility integrated into the design.
- **Ensures safe, stable housing:** The proposed development will increase access to secure accommodation for NSW residents, particularly those in the NN37 Tweed Heads social housing allocation zone.
- **Promotes social cohesion:** Stable housing promotes population diversity and in turn supports community engagement, local participation, and a greater sense of belonging.
- **Reduces strain on public resources:** Broadly, social housing lowers reliance on emergency services and welfare, leading to taxpayer savings and opportunities to redirect funds to reinvest in additional social housing.
- **Reduces homelessness:** The proposed development will aid in reducing homelessness and subsequently, will help reduce associated costs in healthcare, law enforcement, and social services.
- **Boosts local economy:** The proposed development will create jobs during the construction and operational phases (maintenance).
- **Improves employment access:** The site is in proximity to commercial areas and public transport networks, enabling residents to find and maintain employment.
- **Promotes equity and inclusion:** The proposed development will encourage diverse communities and foster social understanding amongst the Tweed City Centre population.

6.0 Conclusion

This Response to Submissions has considered all submissions received during and following the exhibition of the proposed SSDA for an affordable housing RFB development at 25-27 Boyd Street, Tweed Heads. The updated project justification considers the amendments made to the proposed development in response to submissions, and demonstrates that the impacts are acceptable.