



REVIEW OF ENVIRONMENTAL FACTORS

PREPARED UNDER PART 5 OF THE ENVIRONMENTAL PLANNING &
ASSESSMENT ACT 1979



For

**Demolition of an existing dwelling house and associated structures,
removal of trees and the construction of a seniors housing development
comprising 6 x 1 bedroom and 6 x 2 bedroom dwellings, associated
landscaping and fencing, parking for 6 cars and consolidation of 3
existing parcels into a single lot**

at

**21-23 Phillips Avenue & 5 Richardson Avenue,
Regents Park NSW 2143
Lots 53, 54 & 55 in Deposited Plan 35559**

Job No. BGJF2

July 2022

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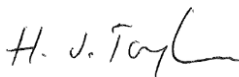

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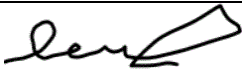



DOCUMENT CONTROL REGISTER

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

No	Date	Version	Change since last version	Pages
1	27/01/21	1	Draft for client review	N/A
2	15/11/21	2	Final REF	Various
3		3	Final REF with LAHC amendments	Various
4	15/03/22	4	Updated Final REF	
5	26/07/22	5	Final REF	Various

DOCUMENT SIGN-OFF

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1. Executive Summary

The subject site is located at 21-23 Phillips Avenue & 5 Richardson Avenue, Regents Park NSW 2143 and is legally described as Lots 53, 54 & 55 in Deposited Plan 35559.

The proposed development activity is described as follows:

Demolition of an existing dwelling house and associated structures, removal of trees and the construction of a seniors housing development comprising 6 x 1 bedroom and 6 x 2 bedroom dwellings, associated landscaping and fencing, parking for 6 cars and consolidation of 3 existing parcels into a single lot.

Seniors housing is permitted on the subject site with consent under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP).

The proposed housing development is being carried out by LAHC and is permitted *without consent* under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP), as it does not exceed 8.5m in height, contains not more than 20 dwellings on a single site and provides parking in accordance with the provisions for development in an accessible area.

Demolition forms part of the proposed development activity. Demolition is permitted with consent under the provisions of the *Cumberland Local Environmental Plan 2021* (Cumberland LEP 2021), as amended, and is therefore permitted without consent under the provisions of ARH SEPP.

The removal of trees on the site is covered in the definition of consent under the provisions of ARH SEPP and has therefore also been assessed under the provisions of ARH SEPP and Part 5 of the *Environmental Planning and Assessment Act 1979* as amended (EP&A Act) as part of the proposed development activity.

A Review of Environmental Factors (REF) has been undertaken of the proposed development activity under Part 5 of the EP&A Act and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF has identified and considered the following:

- from an analysis of the environmental impacts associated with the proposed development activity, it has been determined that preparation of an Environmental Impact Statement is not required;
- from a review of environmental impacts resulting from the proposed development activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements of approval, the activity will not have any significant adverse impact on the environment;
- the proposal will not have any effect on matters of national environmental significance and approval of the activity under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the proposal is located in an 'accessible area' and meets all other relevant provisions for affordable housing carried out by LAHC under the provisions of ARH SEPP and Seniors SEPP;
- the proposal has adequately taken into account the design requirements specified in ARH SEPP and the relevant design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* specified in ARH SEPP;
- the site planning and design of the proposal adequately addresses the relevant development controls specified in the Cumberland LEP 2021 and the Cumberland Development Control Plan 2021 (Cumberland DCP 2021);

- a BASIX certificate and ABSA certificate and stamped plans have been submitted for the proposed development demonstrating compliance with the State Government's environmental sustainability targets; and
- there are no separate approvals, authorisations or notifications required in relation to the proposed development activity prior to determination under Part 5 of the EP&A Act or under any other Acts.

Cumberland City Council and occupiers of adjoining land were notified of the proposed development activity under the provisions of ARH SEPP on 14 December 2020. A response was received from Council by letter dated 2 March 2021. Comments on the response are provided in Section 7.1 of this REF. One (1) submission was received from occupiers of adjoining land. Comments on the submission are provided in **Section 7.2** of this REF.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in this REF, will not result in any significant effects, nor is it likely to have any significant long-term negative impacts on the environment, and can proceed subject to the recommended Identified Requirements of determination in **Appendix C**.

Note:

State Environmental Planning Policy (Housing) 2021

On 26 November 2021, *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) came into force, repealing the ARH SEPP and Seniors SEPP.

Consistent with the Savings and Transitional provisions within the Housing SEPP, the repealed ARH SEPP and repealed Seniors SEPP continue to apply to this development activity and assessment under the Housing SEPP is not required. These Savings and Transitional provisions require that the Council were notified of the development activity prior to 26 November 2021 and that the activity determination is issued, prior to 26 November 2022.

2. Introduction

This REF under Part 5 of the EP&A Act is for the demolition of an existing dwelling house and associated structures, removal of trees and the construction of a seniors housing development comprising 6 x 1 bedroom and 6 x 2 bedroom dwellings, associated landscaping and fencing, parking for 6 cars and consolidation of 3 existing parcels into a single lot at Nos 21–23 Phillips Avenue and 5 Richardson Avenue, Regents Park.

The development is to be carried out by or on behalf of LAHC and is ‘development without consent’ under ARH SEPP.

This REF has been prepared by LAHC to satisfy the provisions of Part 5 of the EP&A Act and Part 8 of the EP&A Regulation.

A Statement of Compliance accompanying this REF certifies that in accordance with the requirements of Part 5 of the EP&A Act, all matters affecting or likely to affect the environment by reason of the proposed activity have been taken into account to the fullest extent possible and the activity will not have a significant impact on the environment.

2.1 Purpose of this Report

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Part 8 of the EP&A Regulation.

3. Project Description

3.1 Summary of Proposed Activity

The main features of the development are summarised as follows:

- Demolition of the existing single storey detached dwelling house and associated structures;
- Removal of 8 trees as shown in the Arboricultural Impact Assessment;
- The construction of a seniors housing development containing 6x1 bedroom and 6x1 bedroom self-contained dwellings;
- The provision of 6 on-site surface car parking spaces; and
- The provision of private open space areas to all dwellings in the form of an outdoor area, accessible from living areas.

The development is identified in the following plans and drawings:

Architectural

- Barry Rush & Associates Pty Ltd, consultant architects –
 - 1 of 14, Rev 2 dated 8.11.2021 – Cover Sheet
 - 2 of 14, Rev 1 dated 26.10.2021 – Site Analysis
 - 3 of 14, Rev 1 dated 26.10.2021 – Demolition Plan
 - 4 of 14, Rev 4 dated 16.02.2022 – Site and Ground Floor Plan
 - 5 of 14, Rev 1 dated 26.10.2021 – First Floor Plan
 - 6 of 14, Rev 1 dated 26.10.2021 – Roof Plan
 - 7 of 14, Rev 2 dated 12.11.2021 – Elevations
 - 8 of 14, Rev 1 dated 26.10.2021 – Sections
 - 9 of 14, Rev 1 dated 26.10.2021 – Shadow Diagrams 21st June (mid Winter)
 - 10 of 14, Rev 1 dated 26.10.2021 – Views from Sun 21st June (mid Winter)
 - 11 of 14, Rev 1 dated 26.10.2021 – External Colour Schedule
 - 12 of 14, Rev 1 dated 26.10.2021 – Photomontage
 - 13 of 14, Rev 1 dated 26.10.2021 – Block Plan
 - 14 of 14, Rev 2 dated 12.11.2021 – Areas of Excavation & Fill

Civil

- Northrop, consultant civil engineers –
 - C04.01, Rev E dated 15.02.2022 – Civil Engineering Package Siteworks & Stormwater Management Plan
 - C07.01, Rev D dated 13.09.2021 – Civil Engineering Package Details - Sheet 01
 - C51.01, Rev 02 dated 28.10.2021 – Public Domain Works Cover Sheet, Drawing Schedule and Locality Plan
 - C51.11, Rev 02 dated 28.10.2021 – Public Domain Works Specification Notes - Sheet 01
 - C51.12, Rev 02 dated 28.10.2021 – Public Domain Works Specification Notes - Sheet 02
 - C52.01, Rev 02 dated 28.10.2021 – Public Domain Works Sediment Erosion Control Plan
 - C52.11, Rev 01 dated 28.10.2021 – Public Domain Works Sediment Erosion Control Details
 - C54.01, Rev 02 dated 28.10.2021 – Public Domain Works Siteworks & Stormwater Management Plan
 - C55.01, Rev 02 dated 28.10.2021 – Public Domain Works Catchment Plan
 - C55.11, Rev 02 dated 28.10.2021 – Public Domain Works Stormwater Longitudinal Sections
 - C57.01, Rev 02 dated 28.10.2021 – Public Domain Works Details Sheet

Landscape

- Greenland Design Pty Ltd, landscape architect –
 - 1 of 2, Rev E dated 16.02.2022 – Landscape Plan
 - 2 of 2, Rev E dated 16.02.2022 – Landscape Details and Specification

Survey

- YSCO Geomatics, Registered Surveyors –
 - Sheet 1 of 3, Rev 2 Dated 26.11.2020 – Plan Showing Detail and Levels
 - Sheet 2 of 3, Rev 2 Dated 26.11.2020 – Bus Stop (Plan View)
 - Sheet 3 of 3, Rev 2 Dated 26.11.2020 – Bus Stop Longitudinal Sections

BASIX / NatHERS

- Building Sustainability Assessments –
 - BASIX Certificate No 1142663M_02 dated 8.11.2021
 - NatHERS Certificate No 0005307700 dated 8.11.2021

Specialist reports

- Apex Engineers, traffic consultant –
 - Traffic Impact Assessment, dated March 2021
- Creative Planning Solutions, consultant arborist –
 - Arboricultural Impact Assessment, dated 23 November 2020
- BCA Logic, access consultant –
 - Access Assessment Report, dated 30 November 2020
- Barry Rush & Associates Pty Ltd, architects –
 - Waste Minimisation and Management Plan, dated 14 December 2020
- SMEC Testing Services, Geotechnical Engineers –
 - Site Investigation Report, dated 30 January 2015
- BCA Vision, Building Consultant –
 - BCA Design Compliance Assessment, dated 27 October 2021

Design compliance and checklists

- Seniors Living Policy: Urban Design Guidelines for Infill Development Checklist, dated 19.10.2020
- Seniors SEPP Design Compliance Table
- Architect's Certificate of Building Design Compliance, dated 8.11.2021
- Civil Engineering Design Certification, dated 4.11.2021
- Certificate of Civil Design Documentation Compliance, dated 15.03.2022
- Landscape Architect's Certificate of Design Compliance, dated 3.11.21

Supporting Information

- Cumberland City Council –
 - Section 10.7(2)(5) Planning Certificate No PC2021/5812 – No 5 Richardson Avenue, Regents Park, NSW 2143, Lot 55 DP 35559, dated 22.11.2021
 - Section 10.7(2)(5) Planning Certificate No PC2021/5814 – No 21 Phillips Avenue, Regents Park, NSW 2143, Lot 53 DP 35559, dated 22.11.2021
 - Section 10.7(2)(5) Planning Certificate No PC2021/5813 – No 23 Phillips Avenue, Regents Park, NSW 2143, Lot 54 DP 35559, dated 22.11.2021
- Title search and Deposited Plans –
 - Certificate of Title Folio 53/35559, search date 16/04/2020
 - Certificate of Title Folio 54//355559, search date 16/04/2020
 - Certificate of Title Folio 55//35559, search date 16/04/2020
 - Deposited Plan 35559

3.2 Demolition

This development includes demolition of one single storey detached dwelling house and associated structures, as identified in the Demolition Plan (refer to **Appendix E**).

3.3 Removal of Trees

The Arboricultural Impact Assessment report in **Appendix F** identifies 8 trees that can be removed as part of the proposed development:

- T1, T2, T3, T4, T7, T9, T12 and T13.

The location of the 8 trees to be removed are shown in **figure 1**, below:

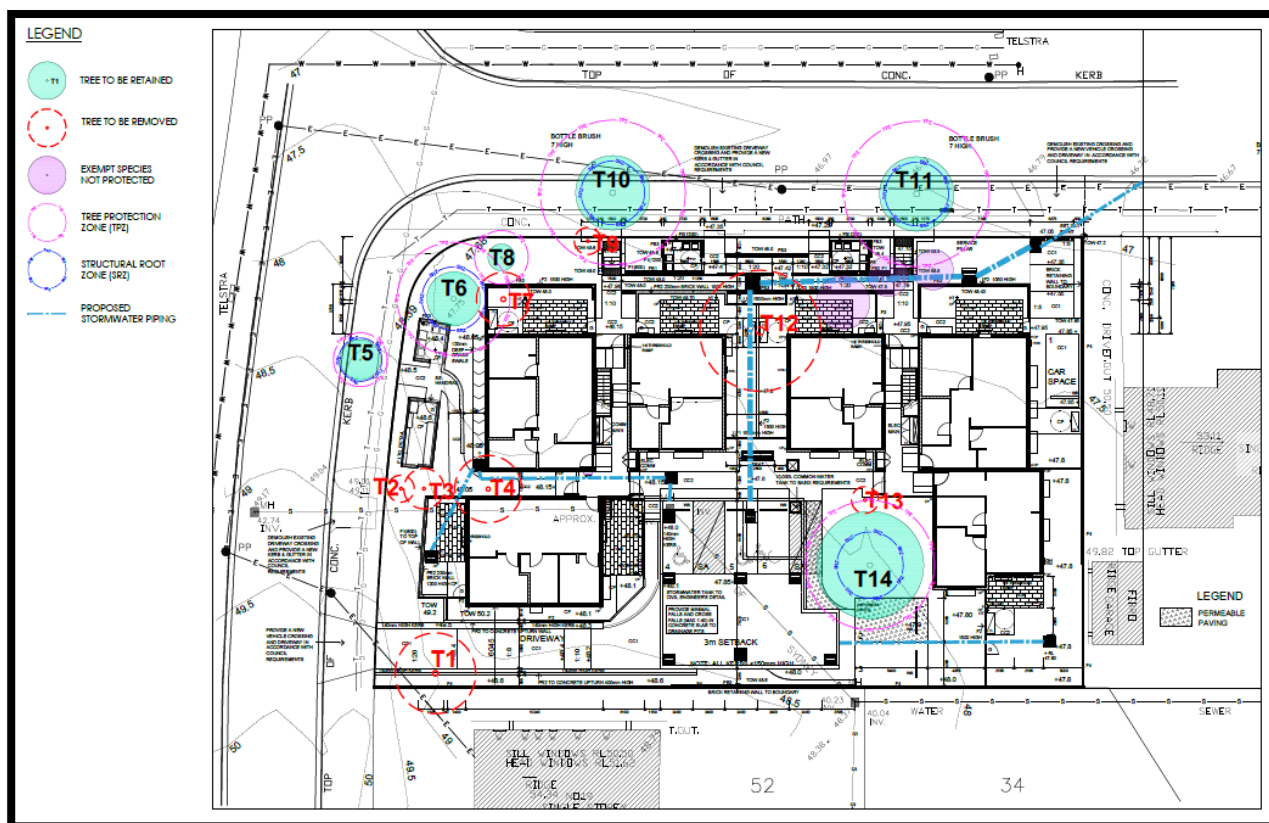


Figure 1 – Plan showing trees to be removed and retained
(Source: Arboricultural Impact Assessment prepared by CPS, dated 23.11.2020)

Table 1 below details the trees identified for removal and a summary reasons.

Table 1: Trees proposed to be removed			
Tree to be removed	Species	Retention Value	Reasons for removal
T1	<i>Cupressus sp.</i>	Low	Within footprint of proposed driveway.
T2	<i>Cupressus sp.</i>	Low	Remove to facilitate installation of new soft landscaping of increased amenity value.
T3	<i>Liquidambar styraciflua</i>	Medium	Remove to facilitate installation of new soft landscaping of increased amenity value.
T4	<i>Liquidambar styraciflua</i>	Medium	Within the footprint of proposed paved pathway.
T7	<i>Cupressus sp.</i>	Medium	Major & unsustainable incursions to the TPZ (>30%) as per AS4970-2009 as a result of proposed terrace paving and building footprint.
T9	<i>Washingtonia filifera</i>	Low	Major & unsustainable incursions to the TPZ (>30%) as per AS4970-2009 from proposed stairs & walls.
T12	<i>Melia azedarach</i>	Medium	Within footprint of proposed paved terrace.
T13	<i>Brachychiton acerifolius</i>	Low	Major & unsustainable incursions to the TPZ (>30%) as per AS4970-2009 as a result of proposed paved pedestrian pathway, carpark, on-site detention basin and building footprint.

More appropriate tree plantings, including trees with a mature height ranging between 3m and 8m, will be provided as part of the proposed landscaping scheme to compensate for the loss of these trees (refer to the Landscape Plan in **Appendix E**). The impacts and mitigation measures of tree removal are discussed in **Section 8.2** of this report.

The recommendations contained within Appendix 5 – General Tree Protection Specification of the Arboricultural Impact Assessment report (**Appendix F**) will be implemented during demolition and construction for trees that are proposed to be retained.

3.4 Proposed Dwellings

A total of 12 dwellings comprising 6x1 bedroom and 6x2 bedroom self-contained dwellings are proposed. Of the 12 dwellings, 6 have been designated as liveable units which are capable of being adapted to suit persons with a disability should the need arise.

The proposed development represents a contemporary, high-quality design, which will be an improvement on the existing dwelling located at the site.

The level of cut and fill is not significant. Further details about the extent of proposed cut and fill is addressed in **table 11**, under the heading '6.2 Earthworks'.

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers.

Each dwelling will be provided with its own private open space area. All these spaces are directly accessible from the living areas of the dwellings.

A total of 6 surface car parking spaces will be provided on the site, including 3 accessible spaces.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to a 93.6m³ underground detention tank draining to the street drainage pit on the site frontage. Roof water will be collected from downpipes connected to one 10,000 litre rainwater tank for recycling with overflow connected to the detention tank.

Stormwater drainage for the proposed development has been designed generally in accordance with Council's requirements, as certified by the civil and stormwater design consultants (refer to "Certificate of Stormwater Design Documentation Compliance" in **Appendix M**).

Fencing of the side and rear boundaries on the site will consist of 1.8m high metal Colorbond fencing. This metal fencing will maintain privacy to adjoining dwellings and the private open space area of Unit 6.

At the Phillips Avenue frontage, a rendered and painted brick retaining wall up to 700mm in height with metal galvanised steel powdercoat fence 600mm high on top is proposed for the private open space area of Unit 1.

The Phillips Avenue frontage also includes a bin enclosure, with the street elevation constructed of face brickwork and slatted metal fence 1.2m to 1.3m high; and a gas and water meter enclosure constructed of slatted metal fence and face brickwork 1.2m high. Proposed plantings within the front setback area will soften the appearance of the enclosures.

Fencing within the Richardson Avenue frontage is a combination of vertical slatted metal Colorbond fencing varying in height between 800mm and 1.2m and face brickwork softened by proposed landscaping.

4. Existing Site & Locality

4.1 Existing Site and Immediately Adjoining Development

The site is located in the Cumberland local government area (Cumberland LGA). It comprises 3 residential allotments. A location plan is provided at **Figure 2**.



Figure 2 - Location Plan

(Source: Google Maps 19.10.20)

There is currently a single storey brick dwelling with tiled roof at 5 Richardson Avenue (**figure 3**), the remainder of the site is vacant. (**figure 4**).



Figure 3 – No. 5 Richardson Avenue

(Source: Google Maps 19.10.20)



Figure 4 – Nos 21 to 23 Phillips Avenue
(Source: PlanCom Consulting)

4.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos PC2021/5813, PC2021/5814 PC2021/5815) dated 22.11.2021 are provided in **Appendix A**.

The development site has a total area of 1,725m². The development site has a frontage to Richardson Avenue of 44.345m and Phillips Avenue of 28.47m, connected by a curvilinear section with an arc length of 8.66m. The site has an eastern boundary of 52.885m and a northern boundary of 33.53m (refer to the Site Analysis Plan in **Appendix E**).

The site falls generally from south to north towards Richardson Avenue by approximately 2m. The site can drain to the street and an easement for the drainage of stormwater is not required.

There are 11 trees within the front and rear yards of the development site; and 3 street trees, 1 located in the Phillips Avenue road reserve and 2 located in the Richardson Ave road reserve.

Water, electricity, sewer and telephone facilities are available to the subject site (refer to **Appendix E** for the Plan Showing Detail and Levels (survey plan) prepared by YSCO Geomatics, Registered Surveyors, for the location of available services). All services are located along the street alignments of the development site, noting that the sewer enters the site from Phillips Avenue to connect to an inspection chamber located in No 21 Phillips Avenue, prior to exiting the site into the adjoining lot, No. 19 Phillips Avenue. There are no other encumbrances on title or indicated on the survey plan.

4.3 Neighbouring Development and Locality

The properties to the east and west of the site along Phillips Avenue predominantly contain detached single storey older style brick and tile roof dwelling houses (refer to photographs at **Figures 5-6**).



Figure 5 – Properties to the east of the site along Phillips Avenue

(Source: Google Maps 19.10.20)



Figure 6 - Properties to the west of the site along Phillips Avenue

(Source: Google Maps 19.10.20)

Properties to the north of the site along Richardson Avenue also contain detached style brick and tiled roof dwellings in landscaped settings (refer to photograph at **figure 7**).



Figure 7 - Properties to the north of the site on Richardson Avenue

(Source: Google Maps 19.10.20)

More recent residential developments near the site are shown in the photographs at **Figures 8 and 9**, below.



Figure 8 – Dual occupancy development at Nos 29A and 29B Kibo Road
(Source: PlanCom Consulting)



Figure 9 – Two-storey detached dwelling under construction at No 1 Richardson Avenue
(Source: PlanCom Consulting)

4.3.1 Access to Services – Shops and Transport

The development is located within 400m walking distance of the nearest bus stops, being:

- Bus stop ID 214360 (Kingsland Rd opp Kent St), which is located on the eastern side of Kingsland Road; and
- Bus stop ID 214345 (Kingsland Rd opp Kibo Rd), which is located on the western side of Kingsland Road.

These bus stops are serviced by bus route 909 (Bankstown to Parramatta via Birrong and Auburn).

Bus route 909 operates at the required frequencies under the ARH SEPP for the site to be in an 'accessible area'. Route 909 operates at the required frequency in both directions to Bankstown and Parramatta.

The applicable parking rates for the site are those for an 'accessible area' under Clause 40 of the ARH SEPP.

5. Zoning and Permissibility

The site is zoned R2 Low Density Residential under the Cumberland LEP 2021 as shown in **figure 10**:

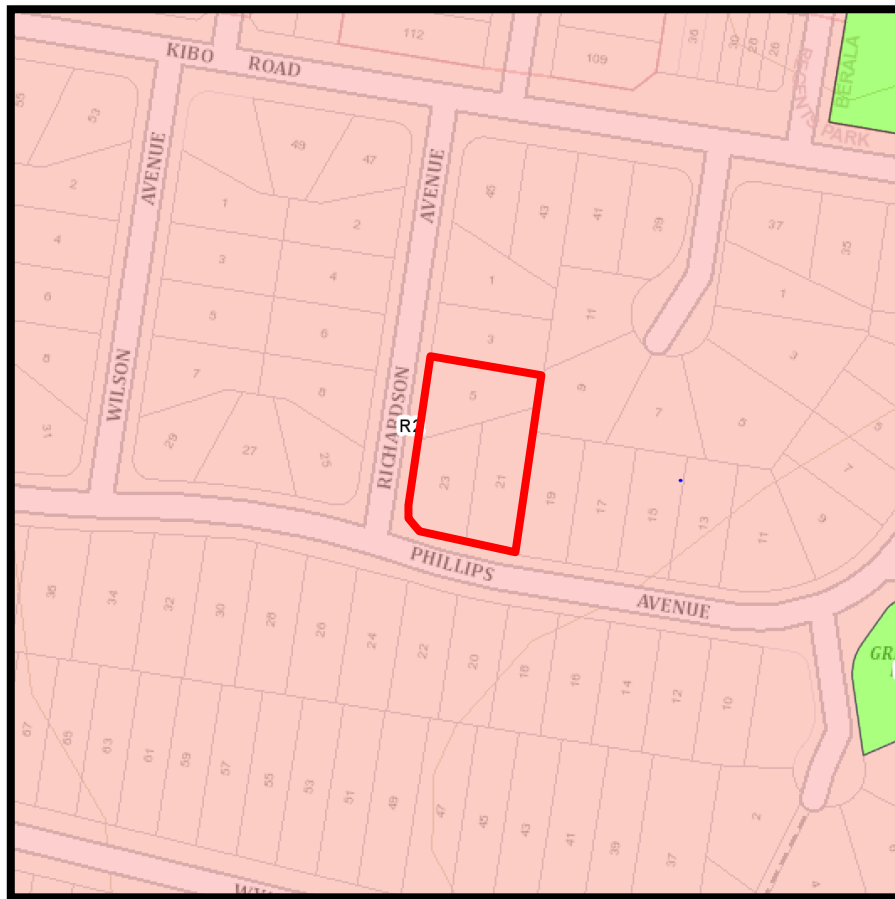


Figure 10: Land Zoning Map
(Source: ePlanning Spatial Viewer, extracted 22/04/2022)

The proposed development is defined as 'seniors housing' under the provisions of Cumberland LEP 2021 and is permissible with consent in the R2 zone. The relevant R2 zone objectives, as set out in the Cumberland LEP 2021 are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To encourage residential development that maintains the amenity of the surrounding area.*

The proposed development is consistent with the zone objectives as it provides a mix of one and two bedroom dwellings for seniors and people with a disability in an area of high demand for these dwelling types. It is an appropriate development for the existing low density residential environment, as it maintains the amenity of the surrounding area through its two storey built form, landscaping and separation of built form.

The subject land is not excluded from the provisions of the Seniors SEPP set out under Clause 4(6) and the site satisfies the site related requirements set out in Clause 26 of the Seniors SEPP. Therefore, seniors housing is permitted on the subject land with consent under the Seniors SEPP, Clause 4(1).

Notwithstanding the above, Clause 40(1) of ARH SEPP permits certain development that may normally be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. **Table 4** in **subsection 6.1.4** of this REF demonstrates compliance with the relevant provisions of Clause 40 and 40A of ARH SEPP.

6. Planning and Design Framework

6.1 State Legislation

6.1.1 Environmental Planning and Assessment Act 1979

Duty to consider environmental impact [Section 5.5]

To ensure the objects of the EP&A Act relating to the protection and enhancement of the environment are attained, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity (refer to subsection 1 of Section 5.5).

This REF report addresses the above provisions of Section 5.5 of the EP&A Act. **Table 2** below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2: Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<i>Sub-section 3</i> Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

6.1.2 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) came into effect on 25 August 2017, superseding the previous *Threatened Species Conservation Act 1995* (TSC Act). Part 7 of the BC Act sets out the requirements for biodiversity assessment and approvals under the EP&A Act. For the purposes of Part 5, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

Based on the criteria set out in Section 7.3 of the BC Act, it is considered that the proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats and therefore no further assessment is necessary.

6.1.3 Environmental Planning and Assessment Regulation 2021

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

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

Table 3: Factors to be taken into account concerning the impact of an activity on the environment.	Nil /NA	Temporary	Minor	Significant [Note 1]
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines. [Note 1]	x			
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines. [Note 2]	x			

If no guidelines are in force, will the activity cause:

(a) any environmental impact on the community		x	x	
(b) any transformation of a locality;			x	
(c) any environmental impact on the ecosystems of the locality;	x			
(d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;		x	x	
(e) any effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	x			
(f) any impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	x			
(g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	x			
(h) any long-term effects on the environment;			x	
(i) any degradation of the quality of the environment;		x	x	
(j) any risk to the safety of the environment;	x			
(k) any reduction in the range of beneficial uses of the environment;	x			
(l) any pollution of the environment;		x	x	
(m) any environmental problems associated with the disposal of waste;			x	
(n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;			x	
(o) any cumulative environmental effect with other existing or likely future activities.			x	
(p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 3]	x			

Note 1: A 'significant' impact will trigger the need for an Environmental Impact Statement.

Note 2: This means guidelines in force under clause 228, not guidelines such as the *Seniors Living Urban Design Guidelines* that are in force under other legislation or instruments.

Note 3: The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed seniors housing development is not expected to have any long term or significant impacts on the environment. The short term impacts during construction will provide for positive social outcomes in the long term, providing for the housing needs of the community.

6.1.4 State Environmental Planning Policy (Affordable Rental Housing) 2009

Clause 40(1) of ARH SEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. **Table 4** below, demonstrates compliance with the relevant provisions of Clause 40 of ARH SEPP.

Table 4: Compliance with relevant provisions under Clause 40 of ARH SEPP for 'development without consent' carried out by LAHC	
Provision	Compliance
<p>40(1) This clause applies to development for any of the following purposes where that development may be carried out with consent:</p> <p>(a) residential development, if any building will have a height of 8.5 metres or less and the development will result in 20 dwellings or less on a single site and the provision of not less than the following parking spaces:</p> <p>(i) for development on land in an accessible area—0.4 parking spaces for each dwelling containing 1 bedroom, 0.5 parking spaces for each dwelling containing 2 bedrooms and 1 parking space for each dwelling containing 3 or more bedrooms, or</p> <p>(ii) for development that is not in an accessible area—0.5 parking spaces for each dwelling containing 1 bedroom, 1 parking space for each dwelling containing 2 bedrooms and 1.5 parking spaces for each dwelling containing 3 or more bedrooms,</p> <p>(b) demolition of dwellings and associated structures, but not if the dwelling or structure is on land that:</p> <p>(i) contains a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register, or</p> <p>(ii) is identified in an environmental planning instrument as being within a heritage conservation area,</p> <p>(c) subdivision of land and subdivision works.</p>	<p>Yes, maximum building height 7.8m and the proposal is for 12 dwellings.</p> <p>Yes, the site is located in an accessible area and 6 spaces have been provided. Required spaces:</p> <ul style="list-style-type: none"> • 0.4 x 6 (1 bedroom dwellings) – 2.4 spaces • 0.5 x 6 (2 bedroom dwellings) – 3 spaces <p>Total – 5.4 spaces required, 6 spaces provided</p> <p>NA, the site is in an accessible area.</p> <p>Demolition of one existing single storey detached dwelling and associated structures is proposed.</p> <p>The site does not contain a heritage item identified in any environmental planning instrument or an interim heritage order or on the State Heritage Register.</p> <p>The site is not identified in an environmental planning instrument as being within a heritage conservation area.</p> <p>Consolidation into a single lot is proposed.</p>
<p>40(2) This clause does not apply to:</p> <p>(a) Development to which Division 5 applies, or</p> <p>(b) development that is exempt or complying under SEPP Exempt and Complying Codes 2008, or</p> <p>(c) development that is part of a project, or part of a stage of a project, that the Minister has determined under section 75P of the Act to be subject to Part 4 of the Act.</p>	<p>Division 5, <i>Residential flat buildings – social housing providers, public authorities and joint ventures</i> does not apply in this instance.</p> <p>The proposed activity does not constitute exempt or complying development under the SEPP Exempt and Complying Codes 2008.</p> <p>The subject development is not subject to Part 4 of the Act and no part of the project has been determined under Section 75P of the Act.</p>
<p>40(3) Development to which this clause applies may be carried out by or on behalf of LAHC without development consent.</p>	<p>The proposed development will be undertaken by or on behalf of LAHC.</p>

Table 4: Compliance with relevant provisions under Clause 40 of ARH SEPP for ‘development without consent’ carried out by LAHC

Provision	Compliance
<p>4) Before carrying out development to which this clause applies for a purpose referred to in subclause (1) (a), LAHC must:</p> <p>(aa) before or after giving written notice to the council for the area under this subclause, request the council to nominate any other persons who should, in the council’s opinion, be notified of the development, and</p> <p>(a) give written notice of the intention to carry out the development to the council for the area in which the land is located, to any other person nominated for that purpose by that council and to the occupiers of adjoining land, and</p> <p>(b) take into account any response to the notice that is received within 21 days after the notice is given, and</p> <p>(c) take into account the Seniors Living Policy: Urban Design Guidelines for Infill Development (ISBN 0 7347 5446 9) published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that it is not inconsistent with this Policy.</p>	<p>Advice was sought from Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 31 August 2020. Council provided a response via email on 16 September 2020. Council did not nominate any other persons to be notified.</p> <p>A letter notifying Cumberland City Council of the proposed development activity was sent by LAHC on 14 December 2020. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.</p> <p>Council responded to LAHC’s notification by email dated 2 March 2021. Comments on the response are provided in Section 7.1 of this REF. One submission was received from adjoining occupiers. Comments on the submission are provided in Section 7.2 of this REF.</p> <p>Refer to checklist in Appendix D and subsection 6.1.5 of this REF. The development complies with all relevant controls within the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> (SLUDG) with the exception of the minor variations discussed in subsection 6.1.5 of this report. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.</p>

6.1.5 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the project against the requirements of the SLUDG is provided at **Appendix D**. The development complies with the Guidelines, except in relation to the following variations:

- **3.06 Set back upper levels behind the front building façade?**

Comment: The upper level is not set back behind the building line at ground level as this is not typically a characteristic in the locality and for efficiency of layout and construction. A mixture of materials and finishes are provided for the front façade including use of articulation that makes a positive contribution to the streetscape and provides the variety needed to fit comfortably within the locality. The stepping of the first floor is not desirable or appropriate for the scale of the building.

- **3.22 - Vary the alignment of driveways to avoid a ‘gun barrel’ effect?**

Comment: Further variation to the driveway alignment is not required given the length of the driveway and the provision of plantings either side. In addition, tree plantings at the head of the driveway (existing and proposed) will combine to avoid a ‘gun barrel’ effect.

- **3.29 - Provide gates at the head of driveways to minimise visual ‘pull’ of the driveway?**

Comment: A gate would be out of character with the locality, creating the appearance of a gated community which is undesirable. Further, a gate on the common driveway would be difficult to manage and is not supported by the LAHC design standards.

6.1.6 Good Design for Social Housing

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 5** below. Refer to Certificate of Compliance from the Architect in **Appendix N**.

Table 5: Good Design for Social Housing – Relevant Goals & Principles		
Goals	Principles	Comment - Discussion on how the design responds to the principles:
Wellbeing	<ul style="list-style-type: none"> • Healthy environments • Good for tenants • Quality homes 	<ul style="list-style-type: none"> • Safe access is provided from the car park to entries of the building. • The units are designed to ensure residents have privacy and feel safe. • Development compliant with BASIX requirements (Appendix H). • Eaves on buildings provide weather protection and sun shading to the dwellings. • The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape. • The site is located within close proximity to open space and recreation areas at Guilfoyle and Coleman Parks.
Belonging	<ul style="list-style-type: none"> • Mixed tenure • Good shared and public spaces • Contribute to local character 	<ul style="list-style-type: none"> • Easily identified and accessible front entrances. • Attractively designed landscaping along street frontage. • Articulation of design, incorporating a variety of materials and colours. • The building design and landscaping assists with integration into the surrounding residential neighbourhood.
Value	<ul style="list-style-type: none"> • Whole of lifecycle approach • Sustainability and resilience • Make every dollar count 	<ul style="list-style-type: none"> • Low maintenance landscape species. • Durable building materials. • The orientation of each dwelling and private open space areas has been designed to optimise natural light to these areas. • A rainwater tank is provided for the development to assist with sustainability and on-site water retention. Collaboration and consultation with key stakeholders were incorporated at critical design milestones.

6.1.7 Land and Housing Corporation Dwelling Requirements

An assessment of the proposed development against the *Land and Housing Corporation Dwelling Requirements* document has been undertaken and deemed to achieve compliance, refer to Certificate of Compliance from the Architect in **Appendix N**. Further detail will be incorporated in the construction documentation.

6.1.8 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Overview

The site is located within the Cumberland City Council local government area (LGA). The Cumberland LEP 2021 is the principal planning instrument for regulating the use and development of the site. Seniors housing is permissible with consent within the R2 Low Density Residential zone under the Cumberland LEP 2021. Clause 2(2) of the Seniors SEPP also permits housing for seniors or people with a disability that meets the development criteria and standards specified in the Seniors SEPP.

The Seniors SEPP applies to the subject site as it is zoned primarily for urban purposes, being situated within the R2 Low Density Residential zone under Cumberland LEP 2021 and is not excluded by Clause 4—Land to which the Policy applies, or subject to any of the environmental constraints listed in Schedule 1 of the SEPP, notably, flooding.

The *Environmental Planning and Assessment Amendment (Flood Planning) Regulation 2021* came into effect on 14 July 2021, amending the matters to be specified in a planning certificate issued under section 10.7 for land subject to flood-related development controls.

As the amendment to the Regulation came into effect after the project was notified, updated s10.7 certificates were obtained which identify the site as being within the Flood Planning Area (FPA).

Whilst seniors housing is a sensitive use, under the then Department of Planning, Industry & Environment's guideline *Considering flooding in land use planning* (July 2021), Special Flood Considerations do not apply as the site is not located between the FPA and the Probable Maximum Flood (PMF).

As the site is within the FPA, flood advice was obtained from Council (**Appendix P**). The flood advice notes that the flood hazard for the land is assessed as low flood risk and therefore, the site is not excluded from the Seniors SEPP.

An assessment of the proposed development in terms of the relevant provisions of the Seniors SEPP is provided below. Refer also to the Seniors SEPP Design Compliance Table at **Appendix N**.

Location and access to facilities [Clause 26]

The proposed development is considered to be acceptable in terms of Clause 26 of the Seniors SEPP, which relates to the accessibility of the site to services and facilities such as shops, banks and other retail and commercial services, community services and recreation facilities, and the practice of a general medical practitioner, which are accessible from the site by bus transport services.

The site is not within 400m walking distance of the facilities and services listed in Clause 26(1) of the Seniors SEPP and therefore access to public transport services must be considered.

There are bus stops located within 400m walking distance of the site on Kingsland Road. Transport for NSW (TfNSW) operates regular bus services from these bus stops (Route 909) during weekdays and on weekends that would transport residents to appropriate services and facilities in Bankstown and Parramatta including shops, banks, community services, recreation facilities and general medical practitioners.

The 909 bus service complies with the frequency requirements specified in Clause 26(2) of the Seniors SEPP, requiring a service that is available both to and from the proposed development at least once between 8.00am and 12.00pm per day and at least once between 12.00pm and 6.00pm each day from Monday to Friday (both days inclusive). This service therefore will provide access to appropriate services and facilities including shops, banks and medical practitioners.

An assessment of the proposed development by the access consultant (**Appendix G**) confirms the path of travel for pedestrians utilising the nearest bus stops is less than 400m with overall gradient less than 1:14 and thus compliant with the Seniors SEPP. Footpath gradients to the bus stops are provided in **Appendix E**. However, some sections of pathway and road reserve, shown in **figure 11** below, require modification to make the pathway a continuous accessible path of travel:

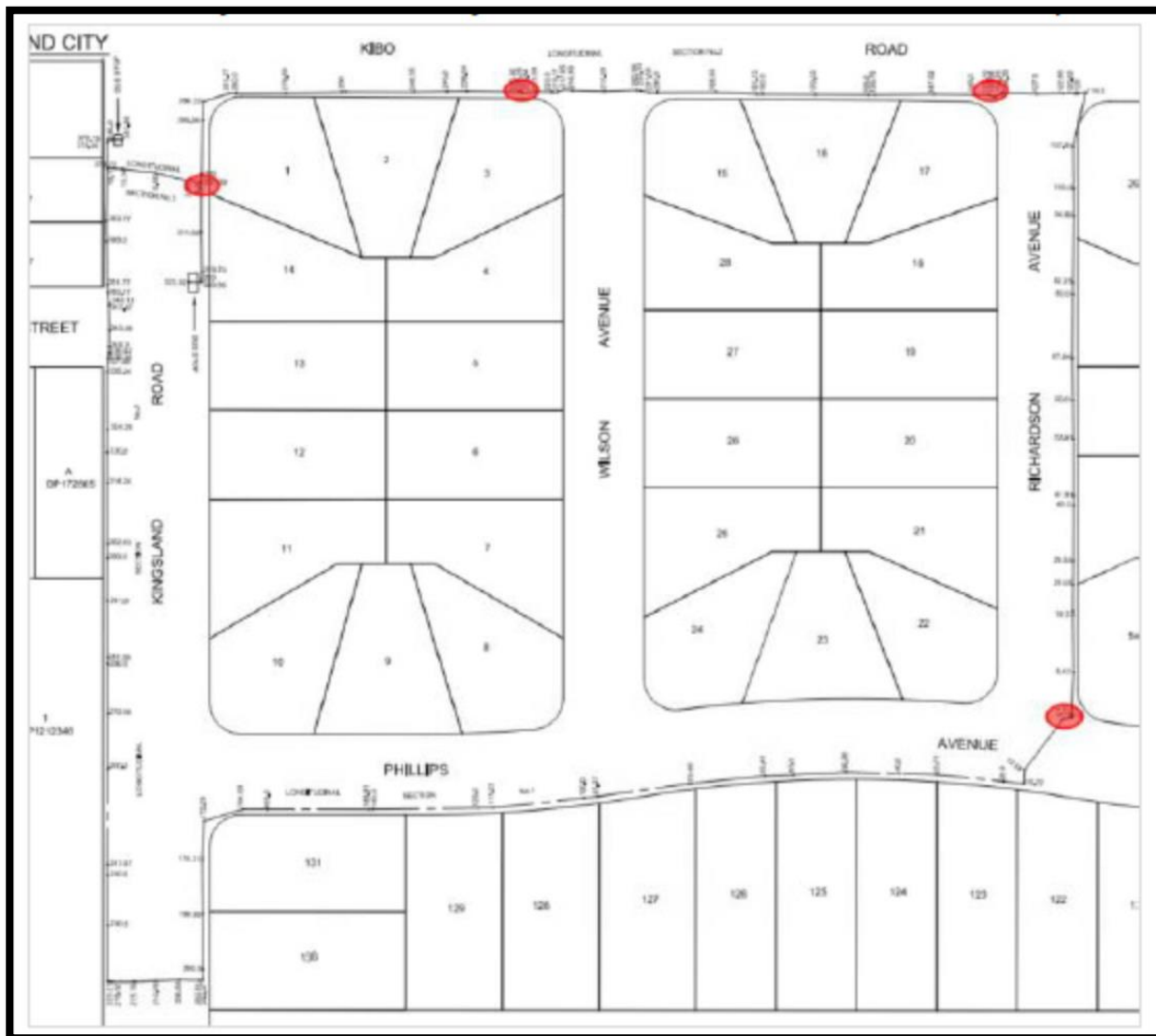


Figure 11: Locations where pathway upgrading is required to achieve compliance (in red)
(Source: Access Assessment Report (p.13) – BCA Logic)

Site specific identified requirement (No 80) is recommended requiring LAHC to undertake pathway and road reserve upgrading in collaboration with Cumberland City Council to provide a continuous accessible path of travel to the nearest bus stops.

Water and sewer [Clause 28]

The site is serviced with reticulated water and has access to sewer.

Site compatibility criteria [Clause 29]

The proposed development is considered to be compatible with the surrounding land uses having regard to the following criteria:

- the proposed development is located in an established urban area and there are no known natural environmental considerations affecting the subject land (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development is for residential purposes.
- there are services and infrastructure that will be available to meet the demands arising from the proposed development (particularly connection to retail, community, medical and transport services within Parramatta and Bankstown centres, having regard to the location and access requirements set out in clause 26 of the Seniors SEPP).

The bulk, scale, built form and character of the proposed development is compatible with the existing streetscape and the likely future character of land in the vicinity of the development.

Site analysis [Clause 30]

In accordance with Clause 30 of the SEPP, a site analysis was undertaken prior to the design of the proposed development (refer to **Appendix E**). The information regarding the site and its surrounds has been taken into account in the design of the development in conjunction with the submitted survey and architectural plans.

Design principles [Clauses 33-39]

Adequate regard has been given to the design principles contained within Part 3, Division 2 of the SEPP (Clauses 33-39). This is demonstrated in the assessment below.

Neighbourhood amenity and streetscape [Clause 33]

The proposed development will create an attractive residential environment sympathetic with the existing and likely future residential development in the surrounding area, as it has been designed to address the following design principles for neighbourhood amenity and streetscape set out in Clause 33 of the Seniors SEPP:

- ***recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area.***

Comment: The proposed variation of 0.08:1 to the development standard in the Seniors SEPP is relatively minor and is not considered to constitute an overdevelopment of the site. It is noted that Council has not adopted a maximum FSR for the site however, the site is zoned R2 where a FSR of 0.5:1 would typically apply. Using the Standard Instrument definition to calculate the FSR, the proposed FSR is 0.51:1, a minor variation of 0.01:1. Given the relatively minor scale of non-compliance proposed, it is considered that the outcome will be consistent with other low density residential development in the locality.

- ***retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan.***

Comment: there are no heritage conservation areas or local heritage items in the vicinity of or on the subject site

- ***maintain reasonable neighbourhood amenity and appropriate residential character by:***

- ***providing building setbacks to reduce bulk and overshadowing.***

Comment: The proposed building setbacks allow for perimeter plantings to the side boundaries, and substantial plantings within the rear and front setback to soften the visual impact of the buildings. Overshadowing of adjoining dwellings is minimal due to the north-south orientation of the site.

- ***using building form and siting that relates to the site's landform***

Comment: relatively minor cut and fill is proposed to address the access requirements of the Seniors SEPP.

- ***adopting building heights at the street frontage that are compatible in scale with adjacent development***

Comment: adjacent dwellings are typically single storey. The proposed street front buildings will be 2-storey, consistent with the type and form of potential future residential development in the locality.

- ***considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours***

Comment: no buildings are proposed to be located on boundaries.

- ***be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.***

Comment: Whilst the proposed primary and secondary front setbacks result in variations to the required setbacks, adequate opportunity for landscaping within the front setback areas is provided, generally consistent with existing development in the vicinity. Refer to **table 12**, below for the justification for varying the required front setback controls.

- ***embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.***

Comment: The proposed landscape treatment will enhance the appearance of the site and represents a positive outcome for the streetscape. Refer to the submitted Landscape Plan in **Appendix E**.

- ***retain, wherever reasonable, major existing trees.***

Comment: Six trees (3 within the site and 3 within the road reserve) are to be retained in accordance with the recommendations of the Arboricultural Impact Assessment report (**Appendix F**). All other trees are to be removed and replaced by more suitable landscaping.

- ***be designed so that no building is constructed in a riparian zone.***

Comment: not applicable, as the site is not located within or adjacent to a riparian zone.

Having regard to the above, the proposed development is unlikely to have a detrimental visual impact upon the streetscape and overall, will make a positive contribution to the streetscape and neighbourhood character and amenity of surrounding residential environment.

Visual and acoustic privacy [Clause 34]

The proposed development has been designed to maintain visual and acoustic privacy to adjoining properties and within the development. The layout and design of proposed buildings and the proposed landscape treatment will ensure that privacy both within the development and in relation to adjoining properties is maintained. Design solutions include appropriate building setbacks and heights, dwelling layouts, placement and sizes of window openings, fencing heights and location and landscaping.

Proposed fencing will assist with mitigation of visual and acoustic privacy impacts on private open space areas of adjoining development and within the site.

To reduce potential for overlooking of adjoining dwellings, the upper storey windows of units 7, 11 and 12 facing the northern and eastern side boundaries are fitted with obscure glazing whilst boundary facing edges of upper storey Units 7 and 12 are fitted with 1.5m high slatted screens.

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

Solar access and design for climate [Clause 35]

The design and siting of the development will provide adequate daylight access to the proposed dwelling living areas and private open spaces and the private open spaces of adjoining properties. Landscaping will assist in microclimate management.

The Seniors SEPP requires the living rooms and private open space areas of 70% of the dwellings in the development to receive a minimum 3 hours direct sunlight at mid-winter.

Eleven of the twelve (92%) proposed dwellings will receive a minimum of 3 hours direct sunlight between 9am and 3pm on June 21 to their living rooms and private open space areas.

In relation to adjoining properties, due to the orientation of the site and the site having 2 street frontages, overshadowing of adjoining properties is minimal and is limited to parts of No. 19 Phillips Avenue in the late afternoon at mid-winter.

Stormwater [Clause 36]

Impervious surfaces have been minimised where possible to reduce the impact from stormwater. Site stormwater will be drained as shown on the submitted stormwater drainage plans which incorporates on-site detention and rainwater tanks (refer to the submitted stormwater drainage plans at **Appendix E**).

Crime prevention [Clause 37]

Fencing will be constructed along the side and rear site boundaries, and along the edges of the ground floor private open space to each dwelling to provide an appropriate level of safety and security to residents.

The design of the proposed development will allow for general surveillance of all common areas from dwellings.

Peepholes will also be required to be provided in the front doors of dwellings to enable residents to view approaches to their dwelling without having to open the door. Identified requirement (No. 79) is recommended in this regard.

Accessibility [Clause 38]

The proposed development is well located with safe pedestrian links within and adjacent to the site that provide access to transport services, and an attractive and safe environment for pedestrians and motorists within the site.

However, some sections of pathway and road reserve between the site and the nearest bus stops require modification to provide a continuous accessible path of travel, as noted under the heading 'Location and access to facilities', above.

Waste management [Clause 39]

Waste and recycling facilities will be provided in accordance with Council's requirements. The proposed development provides dwellings with shared waste and recycling areas on the site, accessed via continuous paths of travel.

Development standards [Clauses 40, 41 and Schedule 3]

The Seniors SEPP contains general development standards relating to minimum site size, site frontage and building height (Clause 40), which must be complied with for all developments, and development standards specifically for self-contained dwellings (Clause 41 & Schedule 3), which must also be complied with. Compliance with Clause 40 of the SEPP is demonstrated in **table 6** below:

Table 6: Minimum site size, site frontage and building height standards [Clause 40]		
Development Standard	Required	Proposed
Site size (cl 40(2))	At least 1,000m ²	1,725m ² , although not applicable to LAHC (cl 40(5)(a))
Site frontage (cl 40(3))	At least 20m	44.35m (Richardson Avenue) and 28.46m (Phillips Avenue) although not applicable to LAHC (cl 40(5)(a))
Height in zones where residential flat buildings are not permitted: - height (cl 40(4)(a)) - buildings adjacent to site boundary (cl 40(4)(b)) - buildings located in the rear 25% of the site (cl 40(4)(c))	8m or less (ground to ceiling level) 2 storeys Not to exceed 1 storey	6.3m 2 storeys Two storey buildings are proposed at the rear although this provision is not applicable to LAHC (cl 40(5)(a))

Compliance with the development standards for accessibility set out in Clause 41 and Schedule 3 is demonstrated in **table 7** below (Note: where referenced 'subject to Identified Requirement' in the table, refer to **Appendix C**).

It should be noted that pursuant to Clause 41(2), LAHC is exempt from the siting standards for wheelchair access and access to common area / facilities set out below in relation to a dwelling or part of a dwelling that is located above the ground floor in a multi-storey building.

Table 7: Accessibility and useability standards [Clause 41 & Schedule 3]		
Development Standard (Sch 3)	Required	Proposed
Siting Standards: (cl 2)		

Table 7: Accessibility and useability standards [Clause 41 & Schedule 3]

Development Standard (Sch 3)	Required	Proposed
Wheelchair access		
'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	100% of ground floor units have accessible paths of travel in accordance with AS1428.1 to the front boundary.
'Sloping' sites i.e. with gradients entirely or partially >1:10	% of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to driveway or public road that is accessible to all residents	Not applicable, as the site does not have a gradient of more than 1 in 10.
Common areas	All common areas and facilities to have wheelchair accessibility as per AS 1428.1	All common areas have accessible paths of travel in accordance with AS1428.1.
Security:(cl 3)		
Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide min 20 lux at ground level	All lighting will be designed as per requirements at tender stage (refer to identified requirement No 76).
Letterboxes: (cl 4)	To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS 1428.1)	Letterboxes have been provided in two central locations on Richardson Avenue adjacent to the street entries on hardstand areas accessible by a wheelchair user and connected via a continuous accessible path of travel in accordance with AS1428.1.
Private car accommodation:(cl 5)		
Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890 and at least 5% of the total number of car parking spaces (or at least 1 space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8m	Three accessible car parking spaces are provided, which meet the requirements of AS2890.
Garages	Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date	Not applicable, as the proposal does not incorporate garages.
Accessible entry (every entry, whether front entry or not): (cl 6)	Must comply with clauses 4.3.1 and 4.3.2 of AS 4299	Complies.
Garbage: (cl 21)	To be provided in accessible location	Three bin storage areas have been provided. One along the Phillips Avenue frontage and two at the pedestrian entries of the site along Richardson Avenue adjacent to the letterboxes. These areas comply with AS1428.

Compliance with the specific development standards for useability set out in Schedule 3 of the Seniors SEPP, i.e., the standards for internal design and fittings, is outlined in **Table 8** below. It should be noted that pursuant to Clause 41(2), LAHC is exempt from those development standards in relation to a dwelling or part of a dwelling that is located above the ground floor in a multi-storey building, these being Clauses 7 to 13 & 15 to 20. Specifically, pursuant to Clause 18, LAHC is exempt from the requirement to provide lift access for dwellings above the ground level in multi-storey buildings. The following standards therefore only apply to ground floor dwellings in seniors housing developments undertaken by LAHC.

Table 8: Internal design and fittings standards [Schedule 3]		
Development Standard	Required	Proposed
Interior: general (cl 7)	<p>Internal doorways must have a minimum clear opening that complies with AS 1428.1</p> <p>Internal corridors must have a minimum unobstructed width of 1,000 millimetres</p> <p>Circulation space at approaches to internal doorways must comply with AS 1428.1</p>	<p>Internal doorways comply with AS 1428.1</p> <p>Internal corridors meet the minimum 1000mm width.</p> <p>Circulation spaces will be required to comply (refer to identified requirement No. 74).</p>
Bedroom: (cl 8)	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel-a single - size bed,</p> <p>(ii) in the case of a self -contained dwelling - a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux</p>	<p>Not applicable as the development does not include a hostel.</p> <p>Will be required to comply (refer to identified requirement No. 74).</p> <p>Complies.</p> <p>Will be required to comply (refer to identified requirement No. 74).</p> <p>Will be required to comply (refer to identified requirement No. 74).</p> <p>Will be required to comply (refer to identified requirement No. 74).</p> <p>Will be required to comply (refer to identified requirement No. 74).</p>
Bathroom: (cl 9)	At least one bathroom within a dwelling must be on the ground (or main) floor	

Table 8: Internal design and fittings standards [Schedule 3]

Development Standard	Required	Proposed
	<p>and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <ul style="list-style-type: none"> (i) a grab rail, (ii) portable shower head, (iii) folding seat, <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror</p> <p>The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility</p>	<p>Bathrooms within ground floor dwellings comply with circulation requirements as per AS 1428.1.</p> <p>Will be required to comply (refer to identified requirement No 74).</p> <p>Will be required to comply (refer to identified requirement No 74).</p> <p>Will be required to comply (refer to identified requirement No 74).</p> <p>Will be required to comply (refer to identified requirement No 74).</p>
Toilet: (cl 10)	A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299	It is considered that suitable provision is made to accommodate the clearances required for a visitable and accessible bathroom. Necessary internal design adjustments can be made at detailed design stage.
Surface finishes: (cl 11)	Balconies and external paved areas must have slip-resistant surfaces	<p>Suitable surfaces can be provided to achieve required slip resistance. Guidance should be sought using the Australian Standards Handbook.</p> <p>Will be required to comply (refer to identified requirement No 74).</p>
Door hardware: (cl 12)	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299	<p>Suitable hardware and fittings can be readily provided.</p> <p>Will be required to comply (refer to identified requirement No 74).</p>
Ancillary items: (cl 13)	Switches and power points must be provided in accordance with AS 4299	<p>Suitable hardware and fittings can be readily provided.</p> <p>Will be required to comply (refer to identified requirement No 74).</p>
Living room and dining room: (cl 15)	<p>A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p>	Suitable provision is made within the living room design to ensure that a

Table 8: Internal design and fittings standards [Schedule 3]

Development Standard	Required	Proposed
	<p>(b) a telephone adjacent to a general power outlet.</p> <p>A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux</p>	<p>wheelchair circulation space of 2250mm diameter is available clear of furniture.</p> <p>Will be required to comply (refer to identified requirement No 74).</p> <p>Will be required to comply (refer to identified requirement No 74).</p>
Kitchen: (cl 16)	<p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a width at door approaches complying with clause 7 of this Schedule, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <ul style="list-style-type: none"> (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and <p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <ul style="list-style-type: none"> (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed 	<p>All units comply with kitchen circulation requirements.</p> <p>Not applicable, as kitchens are open plan.</p> <p>Will be required to comply (refer to identified requirement No 74).</p> <p>Will be required to comply (refer to identified requirement No 74).</p> <p>Will be required to comply (refer to identified requirement No 74).</p> <p>Will be required to comply (refer to identified requirement No 74).</p>
Access to kitchen, main bedroom, bathroom and toilet: (cl 17)	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level	Not applicable, as dwellings are not multi-storey.
Laundry: (cl 19)	A self-contained dwelling must have a laundry that has:	

Table 8: Internal design and fittings standards [Schedule 3]

Development Standard	Required	Proposed
	(a) width at door approaches that complies with cl 7 of this Schedule, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling	Laundries are located within or adjacent to bathrooms and comply with AS1428. Complies. Complies. Will be required to comply refer to identified requirement No 74). Complies.
Storage for linen: (cl 20)	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299	Will be required to comply refer to identified requirement No 74).

Standards for self-contained dwellings that cannot be used to refuse development consent [Clause 50]

Table 9, below, outlines the standards that cannot be used by councils to refuse development consent for self-contained dwellings as set out in Clause 50 of the Seniors SEPP.

Table 9: Standards that cannot be used for refusal for self-contained dwellings

Development Standard	Required	Proposed	Complies
Building Height: (cl 50(a))	8m or less	6.3m	Yes
Density and Scale: (cl 50(b))	Floor Space Ratio 0.5:1 or less	0.58:1 – calculated in accordance with the Seniors SEPP, however the non-compliance does not result in any adverse impacts on adjoining properties or the streetscape.	No. Refer to justification beneath the table.
Landscaped Area: (cl 50(c))	Minimum 35m ² per dwelling (12 x 35m ² = 420m ²)	536m ²	Yes
Deep Soil Zone: (cl 50(d))	Minimum 15% of area of site (15% x 1,724m ² = 259m ²)	317m ² or 18%	Yes
	Minimum two thirds (172.67m ²) to be preferably located at rear of site	178.50m ² provided at rear of site	Yes
	Minimum dimension 3m	Min dimension 3m	Yes
Solar Access: (cl 50(e))	Seventy percent (70%) of living areas & main private open space to receive minimum 3 hrs sunshine between 9 am and 3 pm at mid-winter	11 of the 12 dwellings (92%) receive a minimum	Yes

Table 9: Standards that cannot be used for refusal for self-contained dwellings

Development Standard	Required	Proposed	Complies
		3hours direct solar access on June 21.	
Private Open Space: (cl (50(f)))	Ground level: Minimum 15m ² per dwelling	Minimum 23m ² (up to 52m ²)	Yes
	One area minimum 3m x 3m, accessible from living area	Minimum 3m x 3m	Yes
	Upper level/s: 1 bedroom: Minimum 6m ² Minimum dimensions 2m	Minimum 9m ² Minimum 2m	Yes Yes
	2 or more bedrooms: Minimum 10 m ² Minimum dimensions 2m	Minimum 12m ² Minimum 2m	Yes Yes
Car parking: (cl 50(h))	Minimum 1 car parking space for each 5 dwellings (LAHC concession) – 2.4 car parking spaces required	6 car parking spaces for 12 dwellings, including three accessible parking spaces.	Yes

Non-Compliance with FSR Standard

The proposed GFA calculated under the Seniors SEPP provides an FSR of 0.58:1 across the site. This represents an exceedance of 16% above the 0.5:1 FSR non-refusal development standard prescribed by the Seniors SEPP.

It is considered that the scale and density of the development is not out of place in the local area. The development is two storeys, which is consistent with surrounding dwellings, and is distributed evenly around the site, with substantial landscaping and screen planting acting as a buffer between the street, neighbouring properties and the development to further reduce the bulk and scale.

Similarly, the minor variation is considered acceptable as the proposed development will not result in adverse impacts on surrounding properties. There will be no material shadow impacts on adjoining residences, as demonstrated in the shadow diagrams in **Appendix E**. The proposed development accommodates the variation to the FSR without impacting unreasonably on building separation between adjacent developments despite a minor variation to the rear setback control which is justified separately beneath **table 12** of this REF.

The proposal generates no unacceptable overshadowing or overlooking impacts to surrounding development and the minor numerical non-compliance is considered acceptable.

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

- contributes to the increase in supply of suitable accommodation for seniors;
- meets the current and future accommodation needs of Sydney's ageing population;
- provides seniors accommodation close to existing infrastructure;
- is well located to public transport connections; and
- does not affect any heritage assets.

Furthermore, elements of the design including building massing and articulation and exceedance of the minimum landscaped area, private open space and deep soil requirements will ensure that the development makes a positive contribution to the streetscape and general locality.

State Environmental Planning Policy (Housing) 2021

On 26 November 2021 ('commencement date'), *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) came into effect.

The commencement of the Housing SEPP repealed the ARH SEPP (repealed ARH SEPP) and the Seniors SEPP (repealed Seniors SEPP).

The savings and transitional provisions (savings provisions) in Schedule 7A of the Housing SEPP provide that the Housing SEPP does not apply to a proposed development after the commencement date if the council has been notified under the provisions of clause 40A(2) of the repealed ARH SEPP, and approval for the proposed development is granted prior to 26 November 2022.

As noted at **section 7.1** of this REF, Cumberland City Council was notified of the proposed development by letter dated 14 December 2020 in accordance with the repealed ARH SEPP, Clause 40A(2); and approval of the development is imminent. As such, the provisions of the repealed ARH SEPP and repealed Seniors SEPP continue to apply to the proposed development and assessment under the Housing SEPP is not required.

6.1.9 Other State Environmental Planning Policies

Table 10 below outlines compliance and applicability with State and Environmental Planning Policies (SEPPs).

Table 10: Compliance with other applicable State Environmental Planning Policies	
State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index) 2004	A BASIX Certificate has been obtained for the development proposal, as required under the SEPP
SEPP (Resilience and Hazards) 2021	<p>SEPP (Resilience and Hazards) 2021 requires consideration of land contamination. The site is located within a developed residential area of Regents Park, which has a history of residential uses. The Section 10.7 planning certificates have not identified the land as being potentially contaminated.</p> <p>It is acknowledged there is potential for contamination to be discovered during construction. Standard identified requirement No. 17 is recommended in this regard.</p>

SEPP (Biodiversity and Conservation) 2021	<p>The Biodiversity and Conservation SEPP aims to preserve the biodiversity values of trees and other vegetation in non-rural areas.</p> <p>Of the 14 trees within and around the site, 8 trees within the property are to be removed and 6 trees within and adjacent to the site are to be retained. The trees proposed for removal are not worthy of retention or are located in a position where they cannot be retained due to the proposed building footprint and associated infrastructure. The Landscape Plan (Appendix E) shows 14 replacement trees are to be planted to offset the loss of these 8 trees from the site. Suitable tree species including Bottlebrush, Eumundi Quandong, Water Gum and Weeping Lilly Pilly with a mature height ranging from 3m to 8m have been selected, along with a range of shrubs, grasses and turf. As such, the development will result in a nett improvement of biodiversity values within the site as appropriate compensatory trees and shrubs are proposed, as discussed in Section 8.2 of this REF.</p> <p>The SEPP also covers the waterways of Sydney Harbour, its foreshores and catchment. The site is located within the Sydney Harbour Catchment. However, the site is not mapped as being within any critical habitat or wetlands protection areas, foreshores and waterways zones, or heritage area. The development is consistent with the planning principles for the Sydney Harbour Catchment contained in Chapter 10 of the SEPP as the development will improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off and conserve water.</p>
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6.1.10 Other Legislation

No other State and Commonwealth legislation is applicable to the proposed development.

6.2 Local Planning Controls

6.2.1 Cumberland Local Environmental Plan 2021

The applicable Local Environmental Plan for the site is the Cumberland LEP 2021. The site is zoned R2 Low Density Residential (R2) under the provisions of Cumberland LEP 2021.

The proposed development is defined as 'seniors housing', a permissible use in the R2 zone.

Consideration of the relevant provisions/ development standards set out in Cumberland LEP 2021 is demonstrated in **Table 11** below.

Table 11 Cumberland LEP 2021 Relevant Provisions/ Development Standards			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (9 metres)	Maximum building height (measured in accordance with the LEP definition) is 7.8m.

Table 11 Cumberland LEP 2021 Relevant Provisions/ Development Standards			
Clause	Provision / Development Standard	Required	Provided
4.4	Floor Space Ratio	<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The site is not mapped as containing a maximum floor space ratio on the Floor Space Ratio Map.</p>	Proposed FSR is 0.51:1 (calculated in accordance with the LEP definition).
5.21	Flood Planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of</p>	<p>The <i>Environmental Planning and Assessment Amendment (Flood Planning) Regulation 2021</i> came into effect on July 14 2021, amending the matters to be specified in a planning certificate issued under section 10.7 for land subject to flood-related development controls.</p> <p>As the amendment to the Regulation came into effect after the project was notified, updated s10.7 certificates were obtained which identify the site as being within the Flood Planning Area (FPA).</p> <p>The site is not, however, located between the FPA and the Probable Maximum Flood (PMF). Under the then Department of Planning, Industry & Environment's guideline <i>Considering flooding in land use planning</i> (July 2021) Special Flood Considerations do not apply.</p> <p>As the site is within the FPA, flood advice was obtained from Council (Appendix P). The flood advice notes that the flood hazard for the land is assessed as low flood risk and therefore, the site is not excluded from the Seniors SEPP.</p> <p>Council has approved the proposed method of stormwater management and the capturing/ redirecting of overland flow for the site – refer to section 7.1 of this REF.</p> <p>(c)-(d) The flood risk category for the site and surrounding street</p>

Table 11 Cumberland LEP 2021 Relevant Provisions/ Development Standards			
Clause	Provision / Development Standard	Required	Provided
		<p>people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses</p>	<p>network is low for the PMF event. Noting that the flood risk category for the site and adjacent street network is low for the PMF, emergency vehicles will be able to attend the site.</p> <p>The evacuation strategy for the development is 'Shelter in Place' as the majority of ground floor units (Nos 2-6) have finished floor levels at the PMF level, with the exception of Unit 1 which is approximately 200mm below the PMF. The impacts of any overland flow are mitigated by a series of pits, grates and pipes (refer to Civils plans in Appendix E), which direct overland flow to Council's drainage infrastructure in Richardson Avenue.</p> <p>Notwithstanding, identified requirement (No 82) is recommended requiring the preparation of an Emergency Evacuation Plan for the residents.</p> <p>Council has approved the proposed method of stormwater and capturing/ redirecting overland flow for the site – refer to section 7.1 of this REF.</p>
6.1	Acid sulphate soils	Management plan required for certain development affecting acid sulfate soils	<p>As noted on Council's s10.7 planning certificates, the land is classified as Class 5 Acid sulphate soils, and affected by a policy restriction relating to acid sulphate soils.</p> <p>However, a management plan is not required as the works are not within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on the adjacent Class 1, 2, 3 or 4 land.</p>
6.2	Earthworks	Before granting development consent for earthworks or for development involving ancillary earthworks, the consent authority must consider the following matters:	The Areas of Excavation & Fill plan in Appendix E indicates that proposed fill will be up to approximately 600mm in height along the north-western and eastern parts of the site and mainly contained within the building footprint. Excavation will be a maximum of up to 800mm in depth along the south-eastern

Table 11 Cumberland LEP 2021			
Relevant Provisions/ Development Standards			
Clause	Provision / Development Standard	Required	Provided
		<p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>part of the site near the Phillips Avenue frontage, with excavation of up to 200mm to the north of this area. This level of cut and fill is not significant.</p> <p>The civil consultant has certified that site drainage has been designed generally in accordance with Council's requirements and is acceptable (Appendix N).</p> <p>The proposed earthworks facilitate continued residential use of the land.</p> <p>The soil is not known to be contaminated. Any fill will be virgin excavated natural matter, as required by identified requirement (no.39).</p> <p>Impacts from the proposed excavation can be reasonably mitigated by identified requirements.</p> <p>The Waste Management Plan (Appendix K) will address the disposal of excavated material. Any fill will be virgin excavated natural matter, as required by identified requirement (no.39).</p> <p>No relics are known to be located on the site. Identified requirements (no.47 & 48) are recommended should relics be found on the site.</p> <p>As noted in table 10, above, the site is located within the Sydney Harbour Catchment. However, the site is not mapped as being within any critical habitat or wetlands protection areas, foreshores and waterways zones, or heritage area. The development is consistent with the planning principles for the Sydney Harbour Catchment contained in Chapter 10 of the SEPP as the development will improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off and conserve water.</p> <p>Earthworks are contained within the building footprint and is of a minor level of up to 800mm.</p>

6.3 Cumberland Development Control Plan 2021

Cumberland DCP 2021 does not contain development controls for seniors housing. The built form of the proposed development, being 2-storey with an overall height of 7.8m, is most suitably compared to a multi-dwelling housing development, particularly given the low density context and character of the area. Therefore, the building setbacks for multi-dwelling housing have been considered as a guide for establishing the building envelope.

The Cumberland DCP 2021 also does not contain controls for multi-dwelling housing, referring applicants to the then Department of Planning, Industry & Environment's publication, '*Low Rise Housing Diversity Design Guide for Development Applications*' (Guide). The setback controls set out in the Guide are considered in **table 12**, below.

The general controls for all development set out in Cumberland DCP 2021 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Seniors SEPP and ARH SEPP.

Clause	Requirement	Proposed
2.4A-2 – Primary Setback	Where existing dwellings are within 40m - average of the two closest dwelling houses, dual occupancies or multi dwelling housing (terraces) $\frac{[7\text{m} + 5.7\text{m}]}{2} = 6.35\text{m}$	<u>Richardson Ave:</u> 4.65m to the roofed balconies/ terraces – does not comply. Variation justified - refer to discussion beneath this table.
2.4A-2 – Secondary Setback	5m	<u>Phillips Ave:</u> 3.8m to the roofed balconies/ terraces – does not comply. Variation justified - refer to discussion beneath this table.
2.4A-3 – Side setback	Where the DCP does not contain side setback controls the side setback is 1.5m. Development that is 10m behind the front building line and greater than 4.5m above ground level (existing) - s = h - 3m 's' is the minimum setback in metres 'h' is the height of the part of the building in metres. <u>Northern boundary:</u> <10 metres: 1.5m >10 metres: 6m – 3m = 3m <u>Eastern boundary:</u> <10 metres: 1.5m >10 metres: 5.50m – 3m = 2.5m	 4.24m – complies. 3m – complies 6.045m - complies 6.045m – complies
2.4A-4 – Rear setback	Where the DCP does not contain rear setback controls the rear setback is 6m.	5.918m to the roof terrace/ balcony – does not comply. Variation justified – refer to discussion beneath this table

Primary setback – Richardson Avenue

The Guide requires the front setback to be the average of the two closest dwellings within 40m of the site. Covered balconies and terraces are included in the front setback calculation.

The two nearest existing dwellings in Richardson Avenue are detached style, sited in landscaped settings setback from the front boundary by approximately 7m and 5.7m, an average of 6.35m.

The development proposes a setback of 4.65m to the covered balconies/ terraces, a variation to the building envelope control of 1.7m. It is noted that the main building façade is sited 7.2m from the front boundary.

The variation is considered justified as the non-compliance is considered to achieve the objectives of the control which are to provide a setback from the front boundary or public space that:

- *defines the street edge;*
- *creates a clear threshold and transition from public to private space;*
- *assists in achieving visual privacy to ground floor dwellings from the street;*
- *contributes to the streetscape character and landscape; and*
- *relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing.*

The proposed development meets the objectives of the control despite the non-compliance. Adequate opportunity for landscaping, including deep soil, is provided within the front setback area at the Richardson Avenue frontage such that the development will be generally consistent with the existing pattern of development in the streetscape, which is characterised by detached dwellings with landscaped front setbacks. Visual privacy to the ground floor dwellings are maintained via a combination of landscaping, including deep soil plantings, fencing and retaining walls. The proposed landscaping, bin enclosures and pathways provide a clear delineation between public and private space.

Secondary setback – Phillips Avenue

The Guide requires a secondary setback of 5m. As noted above, covered balconies and terraces are included in the front setback calculation.

The development proposes setbacks of 3.8m and 4.15m to the western and eastern ends (respectively) of the balcony/ terrace to Units 1 and 7. This represents a variation to the building envelope control of between 1.2m and 0.85m.

The proposed development is considered to meet the objectives of the control (noted above under the heading 'Primary Setback – Richardson Avenue', above) despite the non-compliance. Adequate opportunity for landscaping is provided within the front setback area at the Phillips Avenue frontage such that the development will be generally consistent with the existing pattern of development in the streetscape which is characterised by detached dwellings with landscaped front setbacks.

Visual privacy to the ground floor dwellings (units 1 and 2) is maintained via a combination of ground levels, deep soil plantings and retaining walls and fencing. The proposed landscaping, bin and metering enclosures and entry pathway provide a clear delineation between public and private spaces.

Rear setback

The Guide requires a rear setback of 6m when a DCP does not specify a rear setback control. The development proposes a rear setback of 5.918m, a variation to the control of 0.082m or 1.4%.

The objective of the control is to provide a setback from the rear boundary that:

- *Provides opportunity to retain and protect or establish significant landscape trees in deep planting areas.*

The objective of the control is considered to have been met given the minor scale of the variation and that an area of deep soil zone is proposed in the rear setback area that is capable of establishing 3 water gum trees with a mature height of 6-8m, as shown on the landscape plan.

6.3.1 Cumberland DCP 2021 Part G4 – Stormwater and Drainage

The site is identified on the Section 10.7 certificates as being within the flood planning area and subject to flood-related development controls. Part G4 of the DCP contains controls for flood affected development.

Table 13: Cumberland DCP 2021 Part G4 – Stormwater and Drainage

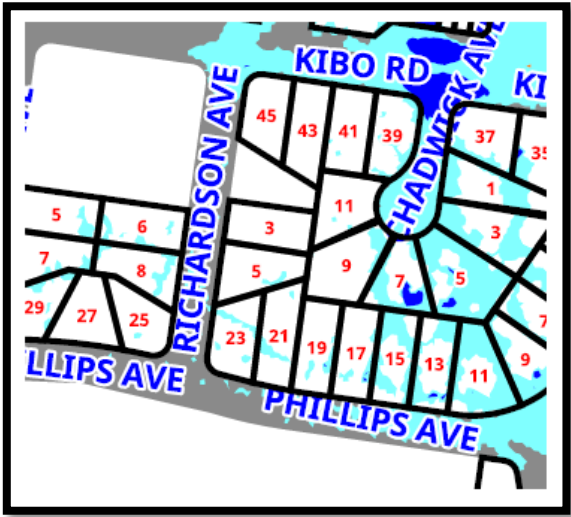
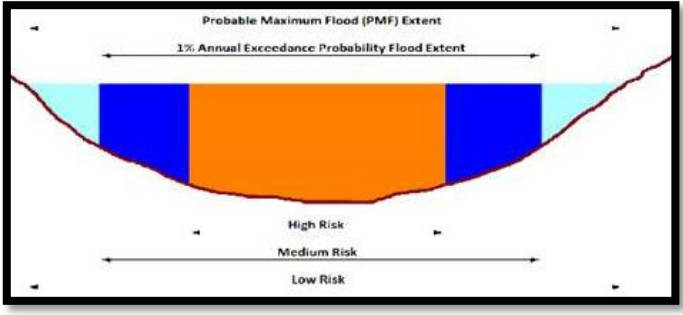
Clause	Controls	Proposed
2.6 Flood Risk Management	<p>C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.</p> <p>C2. The additional economic and social costs which may arise from damage to property from flooding is no greater than that which can reasonably be managed by the property owner and general community.</p> <p>C3. The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods. Evacuation should be consistent with any relevant disaster plans (DISPLAN) or flood plan where in existence.</p>	<p>C1-C2: Council's engineering staff did not raise objection to the proposed method of internal stormwater management, including the proposed floor levels, and the management of overland flow.</p> <p>The flood risk category for the site and surrounding street network is low for the PMF event as shown in the following extract of Cumberland City Council's Flood Risk Precincts Map (Map 4):</p> 

Table 13: Cumberland DCP 2021 Part G4 – Stormwater and Drainage

Clause	Controls	Proposed
	<p>C4. A 15m setback from the mean high-water mark applies to properties fronting Duck River to the east and 10m to Haslams Creek.</p> <p>C5. The proposal does not adversely impact upon the recreational, ecological, aesthetic or utilitarian use of the waterway corridors, and where possible, should provide for their enhancement, in accordance with ecologically sustainable development principles.</p> <p>C6. The proposal shall not have a significant detrimental impact on:</p> <ul style="list-style-type: none"> • water quality; • native bushland vegetation; • riparian vegetation; • estuaries, wetlands, lakes or other water bodies; • aquatic and terrestrial ecosystems; • indigenous flora and fauna; <p>or</p> <ul style="list-style-type: none"> • fluvial geomorphology. <p>C7. The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material from that part of the site adjoining the waterway.</p> <p>C8. The proposed development shall comply with Council's Flood Risk Management Policy.</p> <p>C9. Site specific flood studies shall comply with Council's standard requirements.</p>	<div style="text-align: center;">  </div> <p>The evacuation strategy is proposed to be 'remain in place'. A site-specific identified requirement (No 82) is recommended for the preparation of an emergency evacuation plan.</p> <p>Not applicable. The site does not have frontage to Duck River or Haslams Creek.</p> <p>The site is not located within or adjacent to an identified waterway corridor.</p> <p>The scale and nature of the proposal is unlikely to have a significant detrimental impact on these items.</p> <p>The site does not adjoin an identified waterway corridor.</p> <p>Refer to discussion under the heading 'Flood Risk Management Policy', below.</p> <p>Not applicable. A site-specific flood study was not required for this development proposal.</p>

6.3.2 Flood Risk Management Policy

The Cumberland City Council Flood Risk Management Policy (flood policy) states that:

‘A number of major land use categories have been identified for the purpose of floodplain management control. Table 1 (in the Appendix) shows these major categories together with the specific uses under each category (as defined by Cumberland LEP 2021), and the relevant requirements for each category.’

An extract of Table 1 of the Appendix to the flood policy is provided in **figure 12**, below:

APPENDIX						
Table 1: Floodplain Management Controls – Land Use Categories						
Essential community facilities	Critical utilities	Subdivision	Residential	Commercial or industrial	Non-urban activities or open space	Concessional development
Place of public entertainment or public administration buildings which may provide an important contribution to the notification and evacuation of the community during flood events. Hospitals and educational establishments.	Telecommunication facilities; electricity generating works or infrastructure may cause pollution of waterways during flooding. essential to evacuation during periods of flood or if affected during flood events; would unreasonably affect the ability of the community to return to normal activities after flood events.	Subdivision of land which involves the creation of new allotments for any particular purpose.	Bed & Breakfast accommodation; boarding houses; dwelling houses; home industry; infrastructure (other than critical infrastructure); multi dwelling housing; neighbourhood shops; permanent group homes; residential flat buildings; seniors housing; serviced apartments; transitional group homes.	Amusement centres; bulky goods premises; car parks; child care centres; business premises; community facilities; depots; educational establishments; food and drink premises (excluding pubs); function centre; hazardous industries; storage establishments; health consulting rooms; health service facilities;	Cemetery; depot; extractive industries; helipad; marinas; mining; recreation areas and recreation facilities (outdoor); stock and sale yard.	(a) In the case of residential development: (i) an addition to an existing dwelling house of not more than 10% or 35m ² (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this Plan; (ii) the construction of an outbuilding with a maximum floor area of 20m ² or

Figure 12: Extract of Flood Risk Policy – Land Use Category
(Source: Cumberland City Council)

Seniors housing is categorised as ‘Residential’ for the purposes of interpreting Council’s flood policy. The Development is to comply with the controls applicable to the proposed land use category and Flood Risk Precinct. The relevant flood risk precinct controls are contained in **figure 13**, extracted from the Appendix to the flood policy:

Haslams Creek Floodplain (Also applies to Duck River and Cooks River Floodplain in interim - subject to review)																
Planning Consideration	Flood Risk Precincts (FRP's)															
	Low Flood Risk						Medium Flood Risk						High Flood Risk			
	Essential Community Facilities	Critical Utilities	Subdivision	Residential	Commercial & Industrial	Recreation & Non-Urban	Essential Community Facilities	Critical Utilities	Subdivision	Residential	Commercial & Industrial	Recreation & Non-Urban	Essential Community Facilities	Critical Utilities	Subdivision	Residential
Floor Level		5							2,3,4	2,3	1	6				2,6
Building Components		2							1	1	1	1				1
Structural Soundness		3							2	2	2	2				1
Flood Affection		2							2	2	2	2				1
Evacuation		2,4	*	3,4	4				*	3,4	3,4	1	3			3
Management & Design		1,2,3	1						1	2,3,5	2,3,5	2,3,5				2,3,5

Not Relevant
 Unsuitable Land Use
 * Refer to 'Management & Design' planning consideration for subdivision

Figure 13: Flood Risk Precinct
(Source: Cumberland City Council)

The development is categorised as residential and the site is identified on Council's flood advice as 'Low Hazard'. Accordingly, the relevant planning considerations for evacuation apply:

- *Reliable access for pedestrian or vehicles is required from the dwelling, commencing at a minimum flood level equal to the lowest habitable floor level to an area of refuge above the Probable Maximum Flood level, either on-site or off-site.*

Comment: Noting that the flood risk category for the site and adjacent street network is low for the PMF, emergency vehicles will be able to attend the site. The evacuation strategy for the development is 'Shelter in Place' as the majority of ground floor units (Nos 2-6) have finished floor levels at the PMF level, with the exception of Unit 1 which is approximately 200mm below the PMF. The impacts of any overland flow are mitigated by a series of pits, grates and pipes (refer to Civils plans in Appendix E), which direct overland flow to Council's drainage infrastructure in Richardson Avenue.

Notwithstanding, identified requirement (No 82) is recommended requiring the preparation of an Emergency Evacuation Plan for the residents.

- *Applicant to demonstrate that the development is to be consistent with any relevant DISPLAN or flood evacuation strategy.*

Comment: A site specified identified requirement (No. 82) is recommended requiring the preparation of a flood evacuation strategy for the development.

It is noted that Council's flood advice refers applicants to the DCP in regard to flooding and drainage issues. Whilst the DCP does not require any planning consideration in relation to floor levels for residential development on sites identified as low flood risk, Council's flood advice recommended that floor levels be raised to 500mm above the 1% AEP flood level which would result in floor levels of:

- 47.5 metres AHD at No. 5 Richardson Avenue [proposed floor level: 48 metres AHD]
- 48.7 metres AHD at Nos 21-23 Phillips Avenue [proposed floor level: 48.2 metres AHD]

Council was provided with updated Civils plans identifying a series of dish drains, pipes and grated pits at the eastern and northern boundaries of the site to capture overland flow and direct it to Council's drainage infrastructure in Richardson Avenue.

In an email dated 23 May 2022, (**Appendix B**), Council approved the proposed floor levels and proposed method of overland flow management for the site, subject to the deletion of a secondary discharge point to Council's drainage infrastructure, and provision for an emergency overland flow path. The plans were amended with additional notations to identify the proposed overland flow path around the eastern and northern boundaries of the site.

7. Notification, Consultation and Consideration of Responses

A copy of the notification letters sent to the local council and to the adjoining occupiers are provided in **Appendix B**, together with copies of all responses received and a record of any verbal responses.

7.1 Council Notification

In accordance with Clause 40(4)(a) of ARH SEPP, Cumberland City Council was notified of the development by letter dated 14 December 2020 (refer to **Appendix B**). The notification response period formally closed on 31 January 2021. Council responded to the notification by letter dated 2 March 2021, which has been extracted below. A response is provided in relation to the comments and matters raised in Council's letter and where appropriate, these matters have been addressed in the Identified Requirements in **Appendix C**.

Table 14: Council comments and LAHC response

Council Comment	LAHC Response
<p>1. Auburn Local Environmental Plan (LEP) 2010</p> <p>It is to be noted that the subject site(s) is located within the 'R2 Low Density Residential Zone' of the Auburn Local Environmental Plan 2010 and development for the purpose of seniors housing is prohibited within this land-use zone. Council acknowledges that the proposed development is to be carried-out pursuant to Division 6 Clause 40 of State Environmental Planning Policy (Affordable Rental Housing) 2009.</p> <p>The height of the proposed buildings does not exceed the maximum permissible height of building permitted on the subject site(s).</p> <p>Also, the subject site(s) is not subjected to a maximum floor space ratio as per this current LEP.</p>	<p>At the time of notification of the development, the Auburn LEP 2010 applied to the site. However, on 5 November 2021, the Cumberland LEP 2021 came into effect.</p> <p>Seniors housing is permitted in the R2 zone under the Cumberland LEP 2021. In addition, the site is not excluded from the provisions of the Seniors SEPP set out under Clause 4(6) and the site satisfies the site related requirements set out in Clause 26 of the Seniors SEPP. Therefore, seniors housing is permitted on the subject land with consent under the provisions of the Seniors SEPP pursuant to Clause 4(1).</p> <p>Noted.</p> <p>Noted.</p>
<p>2. Auburn Development Control Plan (DCP) 2010</p> <p>This DCP chapter does not have any specific planning controls for a seniors housing development.</p> <p>The planning controls listed in the 'Multi Dwelling Housing' chapter of the current DCP should be considered in the conceptual design of the proposal, such as building setbacks and on-site</p>	<p>Noted.</p> <p>At the time the development was notified, the Auburn DCP 2010 applied to the site. However, on 5 November 2021, the Cumberland DCP 2021 came into effect.</p>

Table 14: Council comments and LAHC response

Council Comment	LAHC Response
landscaping requirements.	<p>The Cumberland DCP 2021 requires development applications to address the controls for multi-dwelling housing set out in the NSW Department of Planning, Industry and Environment's publication: <i>'Low Rise Housing Diversity Design Guide for Development Applications'</i> (Guide).</p> <p>Compliance with the relevant setback controls for multi-dwelling housing contained in the Guide are addressed in table 12, above.</p> <p>In relation to landscaping, this development is being carried out in accordance with the standards contained in the Seniors housing SEPP. Provision of landscaping exceeds the requirements of the Seniors SEPP.</p>
<p>3. Public domain - Footpath & driveway works Council's Development Engineer has reviewed the proposed plans and the following comments are provided for consideration, having regard to footpath and driveway works:</p> <ul style="list-style-type: none"> The existing footpath along the site's Richardson Avenue frontage shall be reconstructed. A new footpath shall be constructed along the Phillips Avenue frontage. Redundant vehicular crossings shall be removed and replaced with footpath, kerb and gutter. The above works shall be carried out at no cost to Council. The driveway access along Phillips Avenue shall be minimum two (2) metres from the eastern property boundary as per the Australian Standard 2890.1 – 2004, in order ensure that adequate pedestrian sight distance is provided. The driveway access in Richardson Avenue shall be minimum 1.0 metre from the northern boundary. 	<p>Identified requirement (No 78) is recommended requiring the construction of a 1.2m wide pathway across the site frontages at no cost to Council.</p> <p>Identified requirement (No 78) is recommended requiring the construction of a 1.2m wide pathway across the site frontages at no cost to Council.</p> <p>Standard identified requirement (No 10) is recommended requiring redundant crossovers to be removed and replaced with footpath, kerb and gutter at no cost to Council.</p> <p>Noted.</p> <p>The submitted Traffic Impact Assessment (Appendix L) was updated to address Council's concerns in relation to pedestrian sight distances at each street frontage. Provided fence heights are limited to a maximum 1.15m height for a distance of 2m into the site from the front boundary, the site distance requirements of AS 2890.1–2004 can be satisfied. A site-specific identified requirement (No 83) is recommended requiring the height of proposed fence at the eastern and northern boundaries of the site be limited to 1.15 metres for a distance of 2 metres from the front boundary into the site.</p> <p>Identified requirement (No 83) is recommended, limiting fence heights at the front boundaries to ensure adequate site distances are provided at both street frontages.</p> <p>It is also noted that the development proposes a 500mm wide landscaped strip which is considered adequate to support sufficient landscaping to soften the appearance of the driveway in accordance with the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i>. In addition, AS2890.1 requires a minimum car space width where a car space is located between high obstructions either side as proposed at Richardson Avenue. Increasing the width of landscaping to 1 metre would require the development to be moved 500mm to the south, resulting in a reduced setback at the Phillips Avenue frontage.</p>

Table 14: Council comments and LAHC response

Council Comment	LAHC Response
<ul style="list-style-type: none"> • Driveway laybacks shall be located a minimum 1.2 metres from the power pole. 	<p>Standard identified requirement (No 11) is recommended in this regard, which requires care to avoid power poles and requires discussions to be held with the relevant authorities prior to works commencing.</p>
<p>4. Vehicular access and parking within the site Council's Development Engineer has reviewed the proposed plans and the following comments are provided for consideration, having regard to vehicular access and car parking:</p> <ul style="list-style-type: none"> • Vehicles should be able pass each other within the site, at the driveway entrance. In this regard, <ul style="list-style-type: none"> ○ waiting area shall be provided at the driveway entrance within the site. ○ The driveway width shall be a minimum 6.1 metres for the first 5.5 metres from the property boundary. ○ Adequate transition shall be provided between single and double lanes at the driveway entrance in order to ensure that a vehicle from the waiting area can enter the parking area without reverse manoeuvring. • The parking layout shall comply with Australian Standard 2890.1 and 2890.6. 	<p>The Traffic Impact Assessment report (Appendix L) contains diagrams that demonstrate cars are able to enter and leave the car court in a forward direction.</p> <p>In addition, the Traffic Impact Assessment has been revised to address Council's concerns and confirms that the driveway design complies with the relevant requirements of AS2890.1:</p> <ul style="list-style-type: none"> - A driveway width of 3m complies with Australian Standard as Phillips Avenue is a local road and the car court contains less than 25 spaces. - The Australian Standard does not require a passing bay where a driveway is less than 30 metres in length and where the predicted number of vehicle movements is less than 30 at peak hour. <p>However, the Traffic Impact Assessment recommends that an internal 'Give Way' sign be erected within the parking area accessed from Phillips Avenue to minimise any potential for vehicle conflict. Site specific identified requirement (No. 81) requires the development to provide a give way sign in accordance with the recommendations in the Traffic Impact Assessment report.</p> <p>The Traffic Impact Assessment report confirms that the parking layout complies with AS 2890.1 and AS2890.6.</p>
<p>5. Drainage management Council's Development Engineer has reviewed the proposed plans and the following comments are provided for consideration, having regard to stormwater management:</p> <ol style="list-style-type: none"> a) The proposed stormwater outlet is not supported by Council as it interferes with the driveway access to the adjoining site. The stormwater outlet shall be located within the frontage of the development. b) The submitted OSD design not supported by Council. The OSD design shall be modified to address the following: <ol style="list-style-type: none"> i. High early discharge control pit shall be provided in accordance with Council's DCP. The details shall be prepared by a suitably qualified person and must be in accordance "Auburn Development Control Plans 2010 - Stormwater Drainage". ii. Detailed on-site detention calculation sheets and Council's submission checklist should be consulted to inform the design. The OSD calculation sheet 	<p>(a)-(e) Refer to discussion under the headings 'Drainage Management' and 'Street Drainage Extension Works' beneath this table.</p>

Table 14: Council comments and LAHC response

Council Comment	LAHC Response
<p>shall follow the Council's OSD calculation sheet format.</p> <p>iii. Stormwater inlets shall be discharged to high early discharge control pit.</p> <p>iv. Grated pit shall be provided behind the flap valve in accordance with Council's standard Drawing.</p> <p>v. All access grates to the detention facility shall be double (2/900x450) hinged grates.</p> <p>vi. Headroom within the OSD tank shall be minimum 900mm.</p> <p>c) Stormwater runoff from the bypassing area shall be collected and discharged by pipe drainage system.</p> <p>d) Stormwater runoff from the manoeuvring area, including access ways, is required to undergo some form of standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, a stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.</p> <p>e) Overland flow from adjacent properties shall be maintained. Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site.</p> <p>f) A crest shall be provided in the access ramp within the site to prevent stormwater runoff from the street enters into the site. The crest shall be minimum 100mm above the adjacent top of kerb level. Crest shall be provided within the site. Speed humps are not accepted. Crest shall form part of the driveway.</p>	
<p>6. Boundary fence/ wall Any changes to the boundary fence/ wall shall be designed and constructed in consultation with adjoining affected property owner(s) at full cost to the developer. In this regard, owners' written consent from all affected property owner(s) shall be obtained for any proposed changes.</p>	<p>Identified requirement No. 84 is recommended to address the requirement to consult with affected property owner(s) where any changes to boundary fencing are proposed.</p>
<p>7. Tree protection & pruning works It is recommended that all trees that are to remain as part of the proposed development of this site(s) are appropriately protected as per Australian Standard 4970 – 2009 Protection of trees on development.</p> <p>During construction or any time during the development, any pruning works should be carried out to Australian Standard 4373 – 2007 Pruning of amenity trees.</p> <p>It is acknowledged that the Landscape Plan proposes the planting of two (2) native street trees along Phillips Avenue and an internal property native planting palette, which is supported by Council.</p>	<p>Trees to be retained and pruned will be protected in accordance with the recommendations in the Arboricultural Impact Assessment report (refer to Appendix F and standard identified Requirement (No 45).</p> <p>Noted.</p>
<p>8. Acoustic impacts</p>	

Table 14: Council comments and LAHC response

Council Comment	LAHC Response
<p>The development is likely to include mechanical plant which has the potential to generate noise that may impact on existing nearby residential receivers. It is recommended that an acoustic report be prepared and submitted to the consent authority, which establishes suitable noise emission criteria for the development and provides recommendations in how compliance with the criteria can be achieved.</p>	<p>Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.</p> <p>Buildings will be constructed to comply with the deemed-to-comply provisions of the Building Code of Australia with respect to noise transmission.</p>
<p>9. Demolition & ongoing waste management</p> <p>Given the age of existing dwellings on the site, it is expected that asbestos may need to be removed from the current site(s). It is recommended that appropriate removal and disposal of hazardous materials be carried-out prior to construction works.</p> <p>The proposed bin rooms are required to be enclosed, in order to protect the amenity of the development.</p>	<p>Standard identified requirements (Nos 34 and 49-57) are recommended to ensure that demolition and removal/ disposal of any hazardous materials is carried out in accordance with relevant standards.</p> <p>Each bin room is enclosed by a combination of face brickwork and palisade metal fencing 1200mm high.</p> <p>In addition, shrubs and ground covers as detailed on the Landscape Plan (Appendix E) and as summarised below soften the appearance of the bin rooms.</p> <p><u>Phillips Avenue bin room:</u></p> <ul style="list-style-type: none"> • shrubs: <ul style="list-style-type: none"> - 7 x 'New Zealand Cabbage Tree' (height: 3 – 4m; spread: 1 – 2.0m); and - 7 x 'Gymea Lilly' (height: 1.5 – 2m; spread 1.2 – 2.0m). • ground covers: <ul style="list-style-type: none"> - numerous 'Spiny-headed mat rush' (height: 0.45 – 0.6m; spread: 0.6 – 0.9m). <p><u>Richardson Avenue bin room:</u></p> <ul style="list-style-type: none"> • shrubs: <ul style="list-style-type: none"> - 3 x 'Gymea Lilly' (height: 1.5 – 2m; spread: 1.2 – 2m) • Ground covers: <ul style="list-style-type: none"> - 18 x 'Trident Blue' (height & spread: 0.4 – 0.5m). <p>The proposed fencing, in combination with the proposed landscaping are considered adequate to maintain the amenity of the development from the street and within the development.</p>
<p>10. Concluding Comments</p> <p>Council recommends that the issues raised in this letter are addressed and that appropriate amendments are made to the proposal.</p> <p>Council also recommends that the NSW Land and Housing Corporation adhere to the relevant provisions contained within the <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>.</p>	<p>Amendments to the proposal have been made and/ or Identified Requirements recommended in response to Council's comments as detailed in this table and in the discussion below.</p> <p>The proposal has been designed to comply with the relevant requirements of the Seniors SEPP. Refer to discussion at Section 6.1.6 of this REF.</p>

Drainage Management:

In response to Council's submission, amended civils plans were forwarded to Council on 24 August 2021. Council responded by letter dated 7 September 2021 (refer **Appendix P**), providing the following comments:

- 1) ***In principle, there is no objection to the proposed stormwater extension design. Detail design from the street drainage extension shall be submitted to an approved by Council's Engineering Section as part of S138 application.***

Comment: Noted. Whilst LAHC, as a public authority, is not required to obtain a Section 138 approval in accordance with Clause 5 of Schedule 2 of the savings, transitional and other provisions of the *Roads Act 1993*, the street drainage extension works will be designed and constructed in accordance with Council's policies and guidelines, in collaboration with Council's engineering section.

- 2) ***Following matters shall also be addressed in the application:***

- a) ***It appears services are interfering with the proposed stormwater pipe line. The matter shall be addressed. In this regard, existing and proposed service location shall be annotated on the longitudinal section.***

Comment: The longitudinal section (**Appendix E**) has been amended to identify the new stormwater pipe and its relationship with existing services. The longitudinal section indicates that the proposed stormwater pipe will not interfere with existing services.

- b) ***Written consent shall be obtained for the relocation of services.***

Comment: Identified requirement (No 85) is recommended requiring that the relevant service providers requirements are obtained prior to commencement.

- c) ***It appears minimum cover has not been provided for the stormwater pipe in some sections. Minimum 500mm cover shall be provided over the pipe***

Comment: The Civils plans (**Appendix E**) have been amended to generally provide 500mm or more of cover to the pipework. However, there are some sections of pipe where cover is proposed at approximately 480mm. Identified requirement (No. 90b) is recommended requiring LAHC to notify Council of any discrepancies to the required amount of cover.

- d) ***Copy of the service search details shall also be submitted***

Comment: Identified requirement (No 87) is recommended requiring a copy of the Dial Before You Dig search to be provided to Council.

- e) ***Design for the street drainage extension shall be finalised in consultation with Council's Senior Design Engineer.***

Comment: The street drainage extension works will be constructed in accordance with Council's policies and guidelines, in collaboration with Council staff. Refer to comments under the heading 'Street Drainage Extension Works', below.

Street Drainage Extension Works

As noted under the heading 'drainage management', whilst Council provided in principle support for the street drainage extension works design, Council requested LAHC to obtain a 'Section 138 Approval' (Section 138 Approval refers to the requirement under Section 138 of the *Roads Act 1993*

to obtain the road authority's permission (in this case, Cumberland City Council) to undertake works within the road reserve).

As noted above, LAHC is not required to obtain approval to undertake works in the road reserve. However, works must nevertheless be carried out in accordance with Council's policies and guidelines. Accordingly, LAHC submitted additional detailed information to Council's engineering staff for their consideration.

On 6 December 2021, Council provided the following response:

'Reference is made to the street stormwater drainage works with respect to the above development, submitted on the plan No 202402 Issue 1 pages C54.01 and C55.11 dated 30/08/2021 prepared by Northrop is generally satisfactory to Councils' requirements with the following conditions.

Submitted street drainage extension works design plan is approved Council subject to the following conditions:

Prior to commencement of any construction works (with respect to the street drainage works)

- 1. Applicant shall obtain a road opening permit AND a road occupancy licence (short term road closure). Restoration charges will be estimated at the completion of the street drainage works.***

Comment: LAHC, as a public authority, is not required to obtain approval road opening permit and road occupancy licence in accordance with Clause 5 of Schedule 2 of the savings, transitional and other provisions of the *Roads Act 1993*. The street drainage extension works will be designed and constructed in accordance with Council's policies and guidelines, in collaboration with Council's engineering staff.

- 2. Applicants' nominated drainage contractor's details including the copy of a valid public liability insurance (minimum 10 million) shall be submitted to Council.***

Comment: Standard identified requirement (No 23) is recommended requiring the building contractor to maintain a valid public liability insurance policy of at least \$10million.

- 3. All services shall be identified by applicant's contractor. All underground services interfere with the proposed street drainage design, shall be adjusted to be clear of the proposed street drainage system in consultation with the relevant asset owners.***

Comment: Identified requirement (No 85) is recommended requiring the builder to obtain the relevant service providers requirements prior to commencement.

- 4. Existing top of kerb levels shall be transferred clear of the excavation area (approximately 1100mm for the face of kerb) at 5m intervals. This shall be carried out by a registered surveyor and the level sheet shall be forwarded to council.***

Comment: Identified requirement (No. 88) is recommended to address this requirement.

Traffic Management Plan

- 5. Prior to commencement of construction works a traffic management plan (TMP) prepared by a suitably qualified person shall be submitted to Council and approved.***

Comment: Identified requirement (No. 85) is recommended requiring the preparation of a Construction Works Traffic Management Plan prior to commencement of works and for a copy of the

plan to be provided to Council for information. However, as noted above, LAHC, as a public authority, is not required to obtain approval in accordance with Clause 5 of Schedule 2 of the savings, transitional and other provisions of the *Roads Act 1993*.

Access to the affected properties and road users

- 6. Arrangements shall be made with residents of all affected properties with respect to the vehicular and pedestrian access to the properties.***

Comment: Identified requirement (No. 89a) is recommended to address this requirement.

- 7. Minimum 7 days notification shall be provided to the affected properties and arrangements shall be negotiated to suit the individual needs of the occupants of the affected properties.***

Comment: Identified requirement (No. 89b) is recommended to address this requirement.

- 8. Vehicular and pedestrian access to all affected properties shall be provided all times with minimal obstructions as per the agreed work time across each access driveways.***

Comment: Identified requirement (No. 89c) is recommended to address this requirement.

- 9. All affected access driveway of adjacent properties shall be reconstructed to adjacent property owner's and Council's satisfaction.***

Comment: Identified requirement (No. 89d) is recommended to address this requirement.

General

- 10. The approval for the works shown on the above plans is granted only for the on-street drainage extension works associated with Council's stormwater system.***

Comment: Noted.

- 11. The internal property drainage system has not been assessed or approved as part of this approval.***

Comment: As noted above under the heading 'Drainage management, in response to notification LAHC provided Council with an updated set of the civils plans for review. In a letter dated 7 September 2021, Council did not raise objection to the proposed stormwater design.

Standards and specifications

- 12. All construction shall comply with Council's standards. All standard drawings associated with the constructions shall be obtained from Cumberland Council prior to commence any construction works.***

Comment: Refer to recommended identified requirement (No.90a).

- 13. Minimum 500mm cover shall be maintained for the pipes any discrepancies shall be notified to Council.***

Comment: A longitudinal section has been prepared demonstrating that the pipes generally achieve cover of 500mm. However, there are some sections of pipe that achieve 480mm of cover, a relatively minor discrepancy. Identified requirement (No. 90b) is recommended requiring Council to be notified of any discrepancies.

14. Street drainage extension (pipes) shall be constructed under the kerb & Gutter. Pipe shall be minimum 375mm diameter RCC class 3 pipes.

Comment: Identified requirement (No. 90c) is recommended to address this requirement.

15. All structures shall be cast in-situ except for the lintels. Please note the combined lintel and gutter tray with grate and precast pits are NOT accepted. All pit walls shall be reinforced.

Comment: Identified requirement (No. 90d) is recommended to address this requirement.

16. All Kerb inlet pits shall be constructed minimum 1200mm away from new proposed driveways and any exiting adjacent property driveway. And minimum 1200mm lintels shall be provided.

Comment: Identified requirement (No. 90e) is recommended to address this requirement.

17. Kerb levels and alignment (including the kerb inlet pits) shall be checked and verified by the applicant/ applicant's contractor prior to formwork inspection and prior to pour the concrete.

Comment: Pursuant to s6.28 of the Act, the LAHC, as a Crown authority, can certify its own building works as complying with the State's building laws (i.e. the Building Code of Australia) and therefore, supervision and inspections carried by Council or an Accredited Person are not required for Crown development. The Land & Housing Corporation will ensure compliance with the relevant standards of the Building Code of Australia.

18. Minimum width of asphalt saw-cut shall be 500mm (along the lip line) and all trenches shall be temporally reinstated to comply with Councils standard temporary trench restoration drawing.

Comment: Identified requirement (No. 90f) is recommended to address this requirement.

Compulsory Inspections required.

19. The following drainage works inspections will be required:

- i. After the excavation of pipeline/ pit trenches**
- ii. After the laying of all pipes prior to backfilling**
- iii. After the formwork for pits prior to pouring concrete**
- iv. After the formwork for kerb and gutter.**
- v. After the completion of all pits and connection points.**

A minimum 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's engineering section.

Work is not to proceed until they have been inspected and approved by Council.

Comment: Pursuant to s6.28 of the Act, the LAHC, as a Crown authority, can certify its own building works as complying with the State's building laws (i.e. the Building Code of Australia) and therefore, supervision and inspections carried by Council or an Accredited Person are not required for Crown development. LAHC will ensure compliance with the relevant standards of the Building Code of Australia.

All proposed works within the public road and footway shall be designed and constructed in accordance with Council's standards. The applicant/ developer will arrange for the necessary inspections.

Fees and charges – inspections

20. Prior to book the initial inspection all required inspection fees associated with the street drainage works shall be paid in accordance with Council's fees and charges. Applicant's contractor shall determine the number of compulsory inspections required, as per the above condition 20, and the required inspections need to be paid as per the following Council's current fees and charges.

Comment: Refer to the response at 19, above.

Restoration works – Concrete footpath, kerb & gutter and vehicular crossings

21. All concrete restorations works shall be carried out by applicant's contractor.

- ***All form work shall be inspected by Council prior to pour concrete***
- ***No Partial restorations footpath panels are permitted. Footpath panels, access driveway pads and kerb and gutter sections shall be reconstructed form joint to joint.***

Comment: Refer to the response at 19, above.

Restoration works – asphalt works

22. Minimum width of asphalt saw-cut shall be 500mm adjacent to the new concrete works.

Comment: Identified requirement (No. 91a) is recommended to address this requirement.

23. All trenches across the road shall be temporarily reinstated with cold/ hot mix to comply with Councils standard temporary trench restoration drawing.

Comment: Identified requirement (No. 91b) is recommended to address this requirement.

24. All final asphalt restorations works shall be carried out [by] Council. As [sic] engineers estimate will be provided with the road opening permit approval which shall be paid prior to commence street drainage works.

Comment: Identified requirement (No. 91c) is recommended to address this requirement.

Documents to be submitted at the completion

25. At the completion of the street drainage extension works the following shall be submitted

- a. ***A work as executed plan prepared by a registered surveyor***
- b. ***A professional CCTV camera report clearly identifying the length, diameter of the pipe. The report shall identify any joint displacements and whether the displacements are within tolerance.***
- c. ***Compaction test results for the trench back filling.***

Comment: Identified requirement (No. 92) is recommended to address these requirements.

26. All costs shall be borne by the applicant.'

Comment: Noted.

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under Clause 40A(2) of ARH SEPP, the Council for the area was requested to nominate any other persons/properties who should, in the Council's opinion, be notified of the development via an email dated 31 August 2020. Council advised in email of 31 August 2020 that it was satisfied with the notification list prepared by LAHC.

Under Clause 40A(2)(b) of ARH SEPP, occupiers of adjoining land, as identified in the following map (**figure 13**) were notified of the proposed development activity by letter from LAHC dated 14 December 2020. Copies of the notification letters are provided at **Appendix B**.

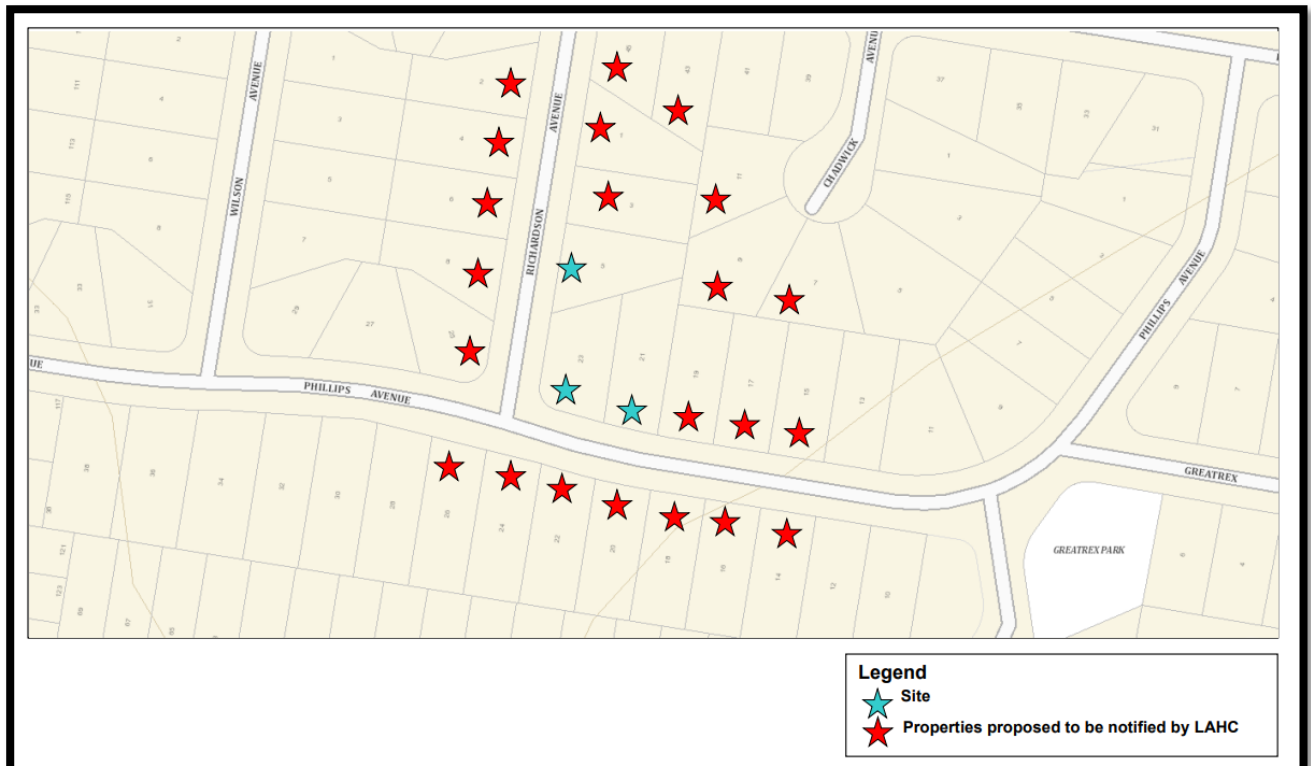


Figure 13 – Map of Properties Notified of the Proposed Development
(Source: LAHC)

The notification response period formally closed on 31 January 2021. One submission was received from No 20 Phillips Avenue. The neighbour submission is addressed in **table 15**, below.

Table 15: Summary of submissions from occupiers of nearby land and LAHC comments in response	
Issue	LAHC Response
Traffic noise from vehicles using the Phillips Avenue driveway.	The Traffic and Parking Assessment Report (Appendix L) indicates that the projected net increase in traffic as a consequence of the proposed development is statistically insignificant and is therefore unlikely to result in an unreasonable increase in traffic noise.

7.3 Notification of Specified Public Authorities

The development is “residential development” under Clause 40(1)(a) of ARH SEPP. As required by Clause 40(5) of ARH SEPP, consideration has been given to the need to notify the “specified public authorities” identified in clause 16 of *SEPP (Infrastructure) 2007*. The development is not located in an area which triggers the requirement to notify under this clause.

7.4 Consultation with Other Public Authorities

As indicated in Section 7.3 above, consultation with public authorities (other than the local Council) was not required.

8. Review of Environmental Factors

Environmental factors associated with the proposed development in terms of character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Seniors SEPP, as discussed in Section 6.1.6 of this REF. A review of other environmental factors associated with the proposed development and the measures required to mitigate any adverse impacts to the environment is provided below.

8.1 Traffic & Parking

A total of 6 car parking spaces, including 3 accessible spaces, are provided on the site to serve the proposed development. The level of provision of on-site car parking satisfies the parking requirements set out in both the ARH SEPP and Seniors SEPP for developments carried out by LAHC.

The Traffic and Parking Assessment Report (**Appendix L**) demonstrates that car parking for the site is designed in accordance with the relevant Australian Standards, with the exception of the proposed fence heights which would impact sight distances at the northern and eastern boundaries. The traffic consultant recommends that fence heights are limited to 1.15m above finished driveway level for a distance of 2.5m inward from the front boundary so as to ensure adequate sight distances are provided.

Whilst the car court and associated driveway have been assessed as meeting the requirements of the relevant Australian Standards and allow for vehicles to enter and leave the site in a forward direction, the traffic consultant has recommended that a 'Give Way to Entering Vehicles' sign be erected within the car parking area to reduce any potential for vehicle conflict.

Mitigation measures

An identified requirement (No. 81) is recommended for the provision of a 'Give Way to Entering Vehicles' sign and identified requirement (No. 83) is recommended to limit the height of the eastern and northern side boundary fences in accordance with the recommendations contained in the Traffic and Parking Assessment Report.

8.2 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by Creative Planning Solutions (**Appendix F**). The report considers a total of 14 trees, 11 of which are within the subject site while the remaining 3 are street trees.

The report recommends the removal of 8 existing trees that are either located within the proposed development footprint or that would be impacted by a major encroachment within the tree protection zone. The report also recommends retention of 6 existing trees - Tree Nos. T6, T8 and T14 within the site and Tree Nos. T5, T10 and T11 located in the road reserve.

New, more appropriate plantings of tree species are proposed, as indicated on the landscape plan and details. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term.

There will be no significant impact on native fauna as a result of the proposed development, it being noted that compensatory planting is proposed.

Mitigation measures

Identified Requirements (No's. 1, 18 – 20 & 45) are included in **Appendix C** to require implementation of the *Landscape Plan* and tree protection measures as recommended in the arborist report.

8.3 Heritage (European / Indigenous)

The Section 10.7(2) & (5) Planning Certificates and Cumberland LEP 2021 heritage mapping do not identify any heritage item(s) located on or in the vicinity of the site.

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search dated 21 April 2020 (**Appendix M**) has not found any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* determines that no additional investigation is warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/ construction.

Other Cultural Heritage

The Section 10.7(2) & (5) Planning Certificates revealed the site does not contain any heritage items nor is it located within a heritage conservation area. However, as discovery of cultural material during development activities cannot be ruled out, identified requirements are recommended in the event that any cultural relics be discovered on the site during excavation/construction.

Mitigation Measures

Standard identified requirements (Nos 47 and 48) have been applied should any Aboriginal and/or cultural heritage relics be discovered on the site during excavation / construction.

8.4 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Site Investigation Report, prepared by SMEC Testing Services dated 30 January 2015 indicates the following:

- The subsurface conditions consist of topsoil overlying silty clays and weathered shale. The topsoil is present in all boreholes to depths of 0.3 to 0.4 metres. Silty clays underlie the topsoil and are present to depths of 1.3 to 1.7 metres. The strengths of these materials vary between firm and very stiff. Weathered shale underlies these soils and was observed to depths of 2.1 to 3.0 metres. Auger refusal occurred in BH3 and BH5 at a depth of 2.1 to 2.6 metres.
- No groundwater was observed in the boreholes during fieldwork.

Mitigation Measures

An identified requirements (Nos. 1 and 13) are recommended to require:

- implementation of the recommendations in the site investigation report; and

- that sediment control measures be implemented during demolition/construction in accordance with Council requirements and/or the guidelines contained in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004).

Contamination

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

The dwelling house and associated structures previously located at 21 Phillips Avenue were demolished pursuant to complying development certificate CDSEPP-9/2010 issued by the then Auburn City Council on 3 November 2010. The approval required any hazardous materials such as asbestos and lead paints to be removed in accordance with the applicable legislation at the time, which included removal of lead paints and asbestos.

The dwelling house and associated structures previously located at 23 Phillips Avenue were demolished pursuant to complying development certificate CDC2020/0262 issued by Cumberland City Council on 2 July 2020. The approval required removal of any hazardous materials such as asbestos and lead paints in accordance with relevant legislation.

Mitigation Measures

A standard identified requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.

Acid Sulfate Soils

As noted on Council's Section 10.7(2) & (5) Planning Certificates, the land is identified as being within Class 5 Land on the Acid Sulfate Soil Map under the Cumberland LEP 2021.

Clause 6.1 of the Cumberland LEP 2021 requires an Acid Sulfate Soil Management Plan for works on Class 5 Land that is within 500m of adjacent Class 1-4 Land below 5m AHD and by which the water table on adjacent Class 1-4 Land is likely to be lowered by 1m AHD.

The site is located over 500m from adjoining Class 4 land and is sited above 5m AHD. An acid sulfate soils management plan is not required.

Mitigation Measures

No mitigation measures are required.

Salinity

The site is not noted on Council's Section 10.7(2) & (5) Planning Certificates to be affected by salinity.

Mitigation measures

No mitigation measures are required.

8.5 Drainage / Flood Prone Land / Hydrology/ Water Quality

- Drainage:

In summary, stormwater drainage for the proposed development has been designed generally in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and pipes and directed to a 90.67m³ detention tank which discharges to Council's street drainage infrastructure located in the Richardson Avenue road reserve. Council's street drainage infrastructure will need to be extended for the proposed development.

Refer to **section 7.1** of this REF for more details about how drainage for the site is to be managed, including the proposed street drainage extension works.

Roof water will be collected via downpipes connected to one 10,000 litre underground rainwater tank for recycling with overflow connected to the underground detention tank.

- Flood affectation:

In summary, the flood hazard for the site is assessed as low flood risk and therefore, the site is not excluded on the basis of the level of flood hazard from the Seniors SEPP and, as the site is not located between the 1% AEP and the PMF, Special Flood Considerations under the then Department of Planning, Industry & Environment's guideline *Considering flooding in land use planning* (July 2021).

As the flood risk category for the site and surrounding street network is low for the PMF event, residents would be able to shelter in place. Nevertheless, a site-specific identified requirement (No 82) is recommended for the preparation of an emergency evacuation plan.

Refer to **table 11** and sections **6.3.1, 6.3.2 and 7.1** of this REF for more details about the flood affectation of the site.

Mitigation Measures

Identified requirements (Nos 6 - 9, 14, 35, 73 and 90-92) have been recommended to ensure that stormwater drainage is managed according to legislative requirements; and identified requirement (No 82) is recommended to require the preparation of an emergency evacuation plan for the residents.

8.6 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.7 Noise and Vibration

During Demolition / Construction

During demolition/ construction usual noise levels associated with demolition/ building works will be generated within the hours prescribed by the Environment Protection Authority (part of Department of Environment, Energy and Science) guidelines and/or in accordance with the local council requirements.

During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

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

Mitigation Measures

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

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

Appropriate standard identified requirements (Nos. 59 and 61) have been applied to ensure compliance with the above mitigation measures.

8.8 Air Quality

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

Mitigation Measures

Appropriate standard Identified Requirements (Nos 62, 65 - 67) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.9 Waste Minimisation

The following waste minimisation and management elements have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

During Demolition

Demolition materials will be stored wholly within the site prior to removal for recycling or disposal. Demolition waste will be removed from the site to an approved waste management facility or will be recycled, as follows:

- concrete and bricks will be crushed to be reused for filling, levelling or temporary road base;
- any asbestos sheeting and fibrous insulation will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility;
- mixed demolition materials will be transported to an approved building waste collection facility; and
- timber, metal, wall and roof cladding and other salvageable materials will be resold to various salvage yards where appropriate or disposed of at an approved building waste collection facility.

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

During Construction

Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or should be recycled, as follows:

- bricks to be crushed and reused for filling, levelling or temporary road base;
- concrete to be crushed and reused for filling, levelling or temporary road base;
- tiles to be crushed and reused for filling, levelling or temporary road base;
- timber to be re-used on site where possible or mulched or sent to second hand suppliers;
- plasterboard to be returned to supplier for recycling; and
- metals offcuts from gutter and downpipes etc. to be recycled wherever possible.

During Occupation

General and non-recyclable waste is to be disposed of in Council's standard waste storage bins located in the garbage storage enclosures and placed on the street kerb by residents for collection by Council's waste services.

Paper / metal / glass is to be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosures and placed on the street kerbs by residents for collection by Council's waste services.

LAHC maintenance contractors will be responsible for landscaping maintenance within the site and will dispose of any green waste using their own bins.

Mitigation Measures

Standard identified requirements (Nos 40(b), 51-57) are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

A standard identified requirement (No 46) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

8.10 Resource Use & Availability

The proposed development is not considered to result in any significant depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal.

Mitigation Measures

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

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

8.11 Community / Social Effects

The proposed development will have a number of positive community and social effects.

The proposed development will:

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Cumberland local government area and surrounding areas;
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

Mitigation Measures

No mitigation measures are required.

8.12 Economic Impact

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

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

Mitigation Measures

No mitigation measures are required.

8.13 Cumulative Impact Assessment

The proposed development activity is not likely to have any cumulative environmental impacts which are likely to combine with each other or with impacts of other activities to produce any unacceptable adverse effects for the following reasons:

- the proposed development activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed development activity when considered in combination; and
- there are no known environmental stresses in the area affected by the proposed development activity or likely contribution of the proposed activity to increasing or decreasing those stresses.

9. Conclusion

9.1 Summary of Key Issues Raised in Assessment

The proposed development activity, given its scale and location, will be sympathetic with the existing residential environment. Given the location, size and natural features of the subject site, and given it is not subject to any significant hazards, no key issues have been identified as being outstanding or requiring further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 of the EP&A Regulation. In this regard, it should be noted that following an analysis of the impacts associated with the proposed development activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in ARH SEPP, the Seniors SEPP, Cumberland LEP 2021 and the design principles and better practices set out in relevant design guidelines.

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

The proposed development will allow LAHC to meet the increasing need for 1 and 2 bedroom seniors housing dwellings in the local area. Therefore, the proposed development clearly in the public interest.

9.2 Recommendation

Given the above, it is recommended that LAHC proceed with the proposed activity, subject to the following recommendations:

1. Adoption of Identified Requirements listed in **Appendix C** of this REF.