

Department of Planning and Environment

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# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

17-21 Kimberley Street, Merrylands NSW 2160

Lots 206, 207 & 208 Deposited Plan 926

October 2023





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REVIEW OF ENVIRONMENTAL FACTORS

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



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2	29.08.2023	V2	LAHC Senior Planner Review	All
3	18.09.2023	V3	LAHC Manager Review	All
4	19.09.2023	V4	LAHC Senior Planner Review	All

## DOCUMENT SIGN-OFF

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- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the Acting Head of Policy and Innovation as soon as I become aware of a possible conflict of interest.

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Signature:		Date: 19.09.2023

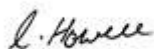
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2. I do not consider I have any personal interests that would affect my professional judgement.
3. I will inform the Acting Head of Policy and Innovation as soon as I become aware of a possible conflict of interest.

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Date: 20 October 2023

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# 1 Executive Summary

The subject site is located at 17 – 21 Kimberley Street, Merrylands, and is legally described as Lots 206, 207 and 208 in Deposited Plan 926. The proposed seniors housing development is described as follows:

Demolition of existing dwelling and structures (19 Kimberley Street), removal of trees, and the construction of 16 independent seniors living units comprising 8 x 1 bedroom and 8 x 2 bedroom units, at grade parking for 8 cars and associated landscaping and fencing, and consolidation of three lots into a single lot.

The proposed activity is located in a prescribed zone and seniors housing is permitted on the site under the *Cumberland Local Environmental Plan 2021* and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Part 5, Division 8 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 40 dwellings on the site and does not exceed 9.5m in height.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument and is therefore permitted without consent under the provisions of the Housing SEPP. The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this review of environmental factors under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration *Good Design for Social Housing* and LAHC's *Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Cumberland City Council;
- BASIX and NatHERS certificates and stamped plans have been submitted for the proposed activity 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 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 activity on 10 May 2023 under the provisions of Housing SEPP. Email responses were received from Council dated 25 July 2023 and 27 July 2023. Responses to the comments received from Council are provided in Section 6.1 of this REF. No submissions were received from occupiers of adjoining land.

The proposed activity, if carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long term negative impacts on the environment and can proceed subject to the implementation of the Identified Requirements included in the **Activity Determination**.



## 2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of an existing dwelling and structures, removal of trees, and the construction of a 16 unit seniors housing development comprising 8 x 1 bedroom and 8 x 2 bedroom independent living units, with associated landscaping and fencing, surface parking for 8 cars, and consolidation of the 3 lots into a single lot at 17 – 21 Kimberley Street, Merrylands.

The activity\* will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the Housing SEPP.

This REF has been prepared by *Barker Ryan Stewart* on behalf of LAHC in satisfaction of the provisions of Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulations).

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

**\*Note:** *The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the Environmental Planning and Assessment Act 1979.*

### 2.1 Summary of Proposed Activity

The main features of the development are summarised as follows:

- site preparation works including demolition of one existing dwelling and structures, and associated earthworks;
- removal of 14 trees within the subject site;
- construction of 16 independent living units, comprising 8 x 1 bedroom and 8 x 2 bedroom units;
- surface parking for 8 vehicles;
- associated landscaping and fencing; and
- consolidation of the 3 lots into a single lot.

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

#### Plans, Drawings & Supporting Document Details

The development is outlined in the following plans and drawings:

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]	Prepared by:
<b>Architectural – Appendix A</b>				
Coversheet	DA00	Rev E	18.04.2023	Brewster Murray Pty Ltd
Block Analysis	DA01	Rev E	18.04.2023	Brewster Murray Pty Ltd
Site Analysis	DA02	Rev E	18.04.2023	Brewster Murray Pty Ltd
Demolition Plan	DA03	Rev E	18.04.2023	Brewster Murray Pty Ltd
Site Plan	DA04	Rev E	18.04.2023	Brewster Murray Pty Ltd
Ground Floor	DA05	Rev E	18.04.2023	Brewster Murray Pty Ltd

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]	Prepared by:
First Floor	DA06	Rev E	18.04.2023	Brewster Murray Pty Ltd
Roof Plan	DA07	Rev E	18.04.2023	Brewster Murray Pty Ltd
Elevations 1	DA08	Rev E	18.04.2023	Brewster Murray Pty Ltd
Elevations 2	DA09	Rev E	18.04.2023	Brewster Murray Pty Ltd
Sections	DA10	Rev E	18.04.2023	Brewster Murray Pty Ltd
Section 2 – Retaining Walls	DA11	Rev E	18.04.2023	Brewster Murray Pty Ltd
Cut and Fill Plan	DA12	Rev E	18.04.2023	Brewster Murray Pty Ltd
Shadow Diagram	DA13	Rev E	18.04.2023	Brewster Murray Pty Ltd
View From Sun Diagram	DA14	Rev E	18.04.2023	Brewster Murray Pty Ltd
Materials and Finishes	DA15	Rev E	18.04.2023	Brewster Murray Pty Ltd
Lot Consolidation Plan	DA16	Rev A	27.03.2023	Brewster Murray Pty Ltd

#### Landscape Plan – Appendix B

Landscape Plan	1 of 2	Rev E	24.04.2023	Greenland Design Pty Ltd
Landscape Details and Specification	2 of 2	Rev E	24.04.2023	Greenland Design Pty Ltd

#### Civil Plans – Appendix C

Notes and Legends	C01	6	19.04.2023	Greenview Consulting Pty Ltd
Ground Floor Drainage Plan	C02	6	19.04.2023	Greenview Consulting Pty Ltd
Site Stormwater Details Sheet	C03	6	19.04.2023	Greenview Consulting Pty Ltd
Road Frontage Plan	C11	2	19.04.2023	Greenview Consulting Pty Ltd

#### Notification Plans – Appendix E

Notification Cover Sheet	N01	E	18.04.2023	Brewster Murray Pty Ltd
Notification Site/Landscape Plan	N02	E	18.04.2023	Brewster Murray Pty Ltd
Notification Development Data	N03	E	18.04.2023	Brewster Murray Pty Ltd
Notification Elevation 1	N04	E	18.04.2023	Brewster Murray Pty Ltd
Notification Elevation 2	N05	E	18.04.2023	Brewster Murray Pty Ltd
Notification Finishes Schedule	N06	E	18.04.2023	Brewster Murray Pty Ltd
Notification Shadow Diagram	N07	E	18.04.2023	Brewster Murray Pty Ltd

#### Surveys – Appendix D and Appendix T

Detail and Level Survey Lot 206, 207, 208 in DP 926	1 of 1	-	11.05.2022	S.J Surveying Services Pty Ltd
Survey Footpath Long Section – Appendix T	1 of 1	-	08.11.2021	S.J Surveying Services Pty Ltd

#### BASIX – Appendix K

BASIX	BASIX Certificate No 1327670M	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate – Appendix N	Certificate No 0008499640	-	14.03.2023	Greenview Consulting Pty Ltd

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]	Prepared by:
NatHers Certificate Unit 1	Certificate No 008499600	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERs Certificate Unit 2	Certificate No 0008499592	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 3	Certificate No 0008499584	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERs Certificate Unit 4	Certificate No 0008499576	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 5	Certificate No 0008499535	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 6	Certificate No 0008499568	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 7	Certificate No 0008499550	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 8	Certificate No 0008499543	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 9	Certificate No 0008499527	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 10	Certificate No. 0008499626	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 11	Certificate No 0008499485	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 12	Certificate No 0008499493	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 13	Certificate No 0008499501	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 14	Certificate No 0008499477	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 15	Certificate No 0008499469	-	14.03.2023	Greenview Consulting Pty Ltd
NatHERS Certificate Unit 16	Certificate No 0008499451	-	14.03.2023	Greenview Consulting Pty Ltd

#### Environmental Site Management Plan – Appendix U

Notes and Legends	ESM1	3	14.03.2023	Greenview Consulting Pty Ltd
Environmental Site Management Plan	ESM2	4	05.04.2023	Greenview Consulting Pty Ltd

#### Specialist Reports

Arboricultural Impact Appraisal and Method Statement – Appendix J	-	A	02.05.2023	Naturally Trees
Acoustic Report – Appendix S	23-2854-R1	-	May 2023	Revers Acoustics
Access Report - Appendix H	21527_ADR_DA_v1.3	1.3	02.05.2023	ABE Consulting Pty Ltd
BCA Report – Appendix L	023-219796	R04	02.05.2023	Philip Chun Building Compliance
Geotechnical Investigation and Acid Sulfate Soil Assessment - Appendix P	21/29675	-	November 2021	STS Geotechnics Pty Ltd
Waste Management Plan – Appendix R	BGYF2	2	15.03.2023	Brewster Murray Pty Ltd
Traffic and Parking Impacts Report - Appendix V	T21355	5	21.04.2023	Genesis Traffic

#### Design Compliance and Checklists

Housing for Seniors – Checklist – **Appendix O**

Architect's Certificate of Building Design Compliance, dated 02.05.2023 - **Appendix M**

Electrical and Hydraulic Engineer's Certificate of Design Compliance, dated 24.04.2023 - **Appendix M**

Stormwater Engineer's Certificate of Design Compliance, dated 19.04.2023 - **Appendix M**

## Part 5 Activity Package Submission Checklist

### Section 10.7 Planning Certificates – Appendix F

Section 10.7(2)(5) Planning Certificate No PC2023/1376 – No. 17 Kimberley Street, Merrylands NSW 2160, Lot 208 DP 926, dated 29.03.2023

Section 10.7(2)(5) Planning Certificate No PC2023/1377 – No. 19 Kimberley Street, Merrylands NSW 2160, Lot 207 DP 926, dated 29.03.2023

Section 10.7(2)(5) Planning Certificate No PC2023/1379 – No. 21 Kimberley Street, Merrylands NSW 2160, Lot 206 DP 926, dated 29.03.2023

### Titles and Deposited Plans – Appendix Q

Certificate of Title Folio 206/926, search date 04.05.2023

Certificate of Title Folio 207/926, search date 04.05.2023

Certificate of Title Folio 208/926, search date 04.05.2023

Deposited Plan 926

### AHIMS – Appendix I

AHIMS Search Result, 17 Kimberley Street Merrylands 2160 – 200m search buffer, date 21.03.2023

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## 2.2 Demolition

The proposed activity includes demolition of 1 single storey detached dwelling house and associated structures at 19 Kimberley Street, Merrylands.

The dwelling and associated structures at 21 Kimberley Street are indicated for demolition on the submitted demolition plan. It is noted that from the time of the survey of the site and the preparation of this REF, the dwelling and associated structures at 21 Kimberley Street have since been demolished. The dwelling was demolished on 4 May 2023 under a Complying Development Certificate issued by Cumberland City Council on 16 March 2023.

The dwelling at 17 Kimberley Street has been demolished as indicated on the demolition plan (refer to **Appendix A**).

---

## 2.3 Removal of Trees

The Arboricultural Impact Appraisal and Method Statement report reviewed a total of 16 trees, 15 of which are located within the subject site and 1 street tree located at the frontage of 21 Kimberley Street.

### Trees to be removed:

14 trees within the site are proposed for removal due to their low significance and to accommodate the proposed development. None of these trees are considered significant or worthy of special measures to ensure their preservation. A variety of low maintenance tree plantings with mature heights ranging from 3m – 9m are proposed in the front setback and 13 large trees with mature height of 3m – 9m are proposed within the rear setback to compensate for the removal of existing trees.

### Trees to be retained:

Two trees are proposed for retention.

One tree located within the rear of the site will be retained. The proposed development has been designed to avoid this tree and therefore no impacts are expected provided appropriate measures are properly specified and controlled in accordance with the Arboricultural Method Statement (Refer to **Appendix J**).

One tree located within the street frontage of Kimberley Street is proposed to be retained without any adverse effects if appropriate protective measures are properly specified and controlled in accordance with the Arboricultural Method Statement (Refer to **Appendix J**).

All trees on neighbouring properties will be retained.

---

## 2.4 Proposed Dwellings

Of the 16 independent living units, 8 (ground floor units) have been designed as accessible units. A photomontage of the proposed development is provided at **Figure 1**.



Figure 1 Photomontage of the development (Source: Brewster Murray Pty Ltd, 2023)

The proposed housing represents a contemporary, high quality design. The use of face brick for external walls and Colorbond metal roofing is consistent with the developing character of the Merrylands locality. Eight of the 16 proposed units will address the street (Units 1, 3, 5 and 7 on the ground floor and Units 9, 11, 13 & 15 on the first floor) with living areas, living area doors and private open space facing the street for passive surveillance. The development is detailed in **Figures 2-5**, below.

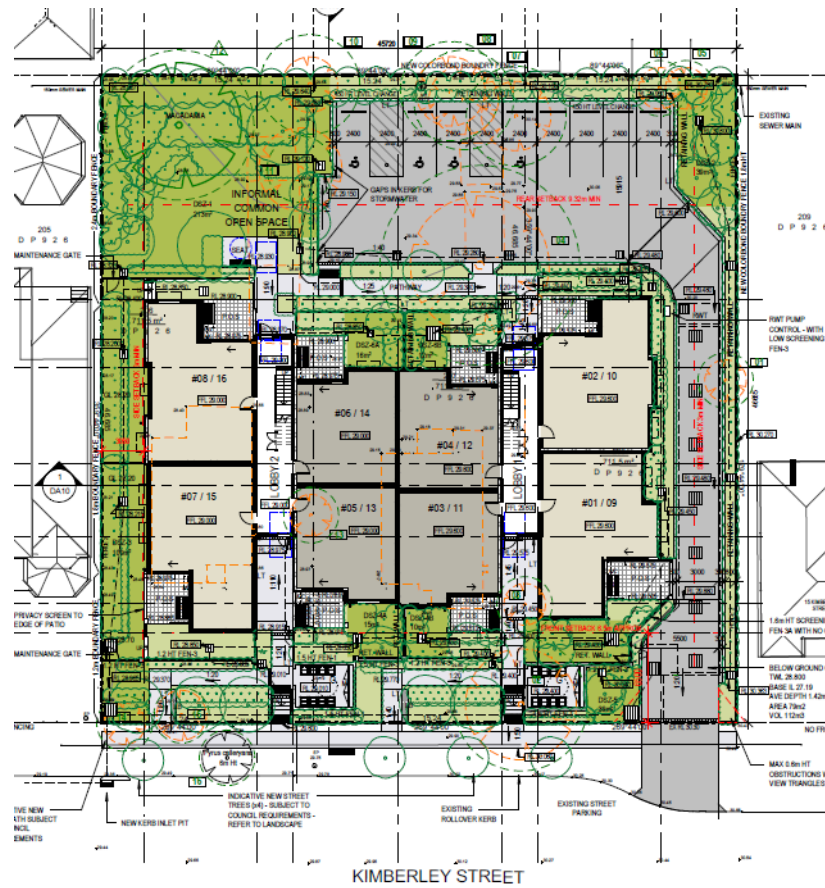


Figure 2 Site Plan (Source: Brewster Murray Pty Ltd, 2023)

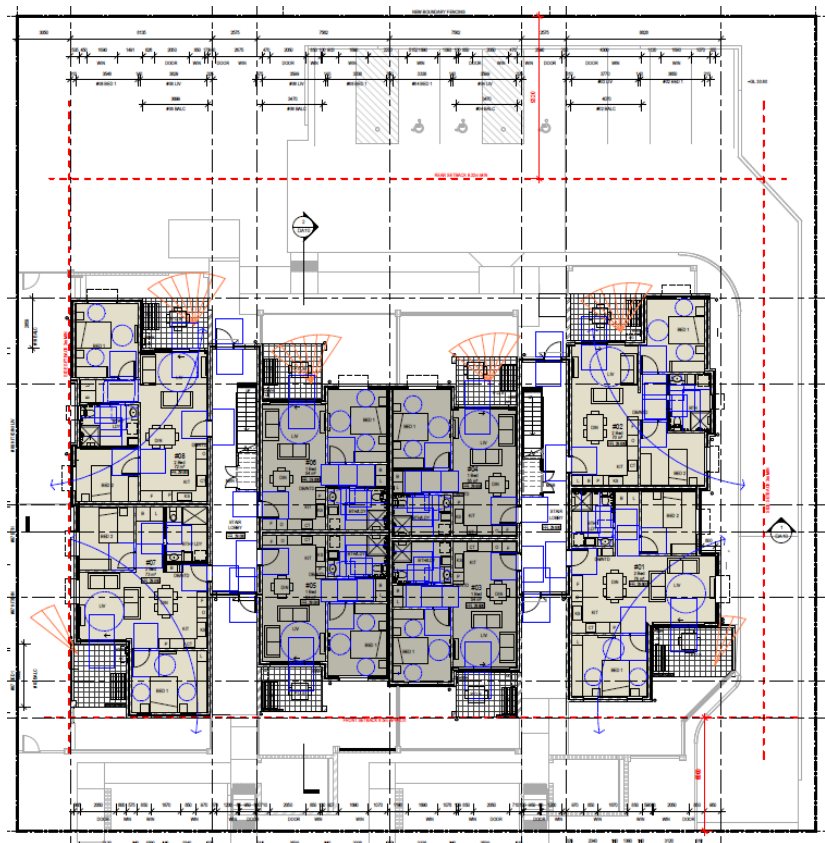


Figure 3 Ground floor plan (Source: Brewster Murray Pty Ltd, 2023)



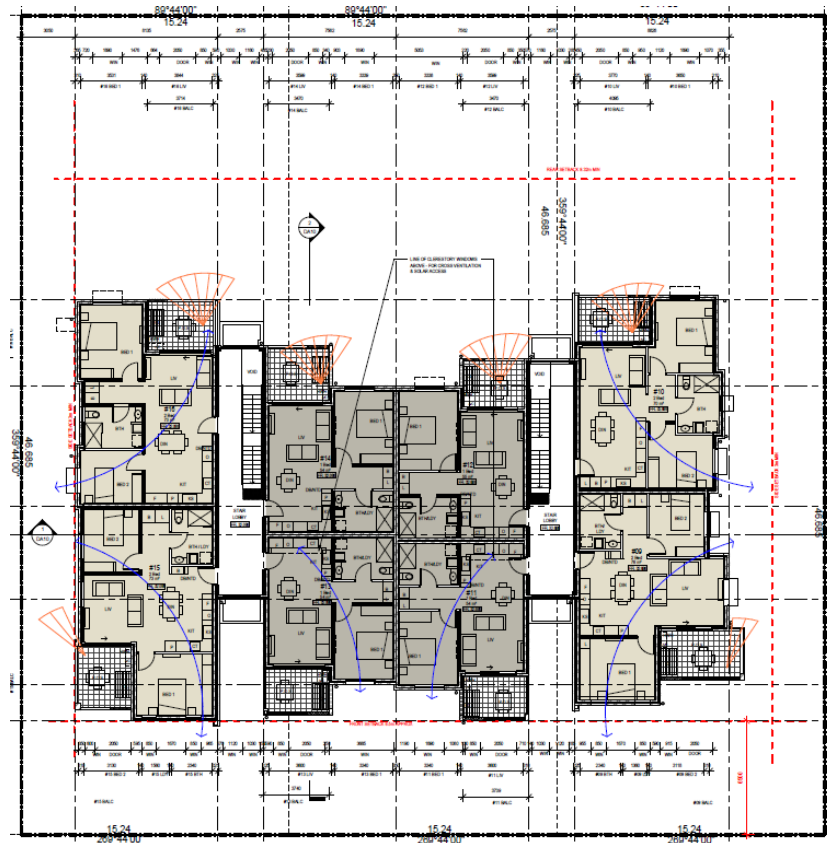


Figure 4 First Floor Plan (Source: Brewster Murray Pty Ltd, 2023)



Figure 5 Street Elevation (Source: Brewster Murray Pty Ltd, 2023)

Moderate cut and fill is proposed to provide a level building platform. This degree of cut and fill is within Council's DCP standards. Retaining walls are proposed around the car park, along the length of the driveway and within the front and rear setbacks for site stabilisation as shown on the Site Plan (refer to **Appendix A**).

New landscape plantings will consist of a mixture of native trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. A variety of new landscape plantings, including trees capable of reaching a mature height of 3m – 9m, will be provided as part of the proposed landscaping to offset the proposed tree removal and to enhance the appearance of the site and the microclimate for new occupants and neighbours (refer to Landscape Plan in **Appendix B**).

Colourbond fencing of between 1.2m and 2.4m in height is to be installed along the side and rear boundaries. Shrub planting adjacent to the fencing will provide further privacy to neighbouring properties. An extract from the Landscape Plan is provided at **Figure 6**, over page. A combination of feature brick and slatted privacy fencing will be provided at the front of the development within the setback to Kimberley Street.



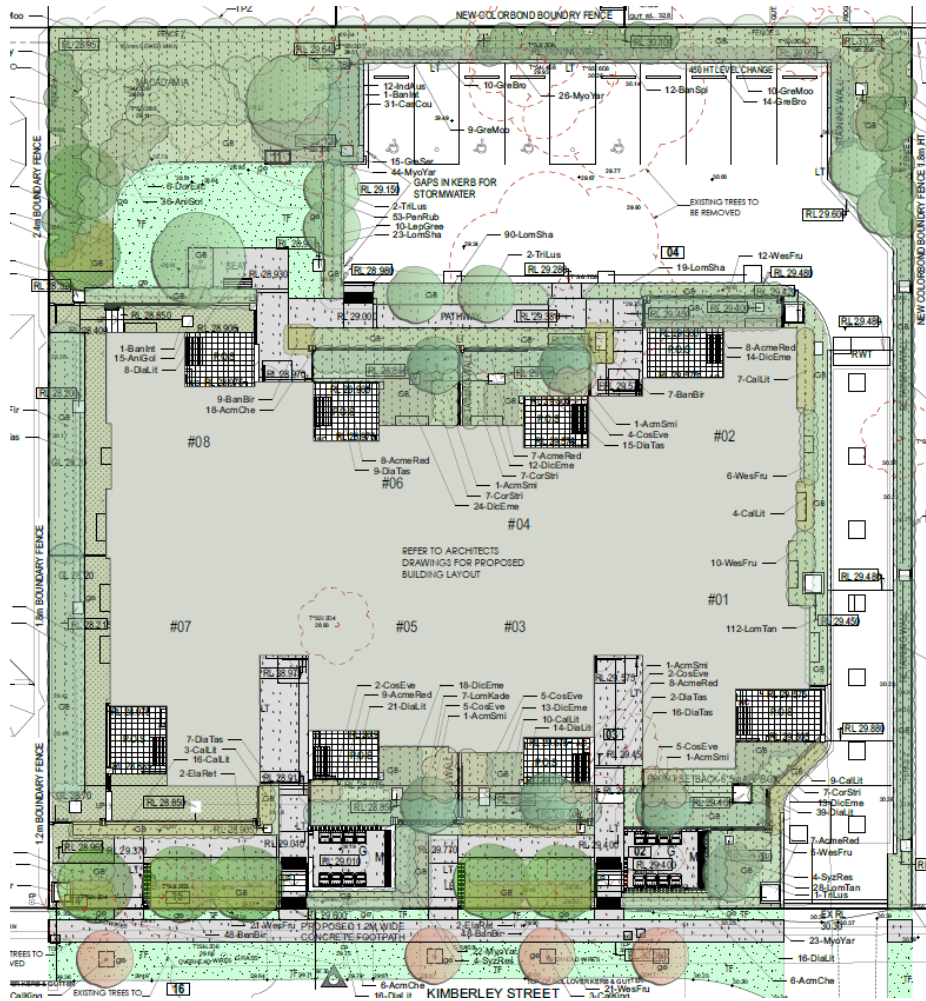


Figure 6 Landscape Plan (Source: Greenland Design Pty Ltd, 2023)

Each unit will be provided with its own enclosed private open space area in the form of either a courtyard or balcony directly accessible from the internal living areas. An informal common open space area is also provided within the rear north western portion of the site.

A total of 8 at-grade car parking spaces will be provided on the site, including 4 accessible spaces, within a communal parking area located within the rear northern portion of the site.

Stormwater will be collected via a series of stormwater pits and drains on the site connected to a below ground on site detention tank which will ultimately drain to the existing stormwater network along Kimberley Street. Two kerb inlet pits are proposed to be installed at the front of 21 and 29 Kimberley Street, with approximately 85m of new stormwater pipe to be run within Kimberley Street to connect the proposed kerb inlet pits. Stormwater is to be piped to the existing kerb inlet pit located on the southern side of Kimberley Street (30 Kimberley Street).

Roof water will be collected from downpipes and connected to a below ground rainwater tank of 2,700L capacity for recycling and use on landscaped areas with overflow connected to the underground detention tank.

## 3 Existing Site & Locality

### 3.1 Existing Site and Immediately Adjoining Development

The site is located in the Cumberland local government area (LGA) and comprises 3 residential allotments. A location plan is provided at **Figure 7** Error! Reference source not found.



Figure 7 Location Plan (Source: SIX Maps)

Two of the allotments are currently vacant (17 and 21 Kimberley Street). Number 19 Kimberley Street is currently occupied by a single storey fibro clad dwelling with pitched tiled roof and associated structures (refer to photographs at **Figure 8 & 9**).

The property immediately to the east (15 Kimberley Street) contains a single-storey fibro dwelling house with tile roof (refer photograph at **Figure 10**). The property to the west of the site (23 Kimberley Street) contains a two-storey rendered brick dwelling house with tile roof (refer to photograph at **Figure 11**).

The northern rear boundary of the site adjoins residential properties oriented to Earl Street. These properties have addresses of 18, 18A, 20 and 22 Earl Street. Upon these sites there is currently a 2 storey attached dual occupancy developments at 18/18A Earl Street, a 2 storey dwelling at 20 Earl Street and a single storey dwelling at 22 Earl Street.





Figure 8 Development site – No 21 & 19 Kimberley Street, Merrylands (Source: BRS, 2023)



Figure 9 Development site – No 17 Kimberley Street, Merrylands (Source: BRS, 2023)





Figure 10 Adjoining development – No 15 Kimberley Street (Source: BRS)

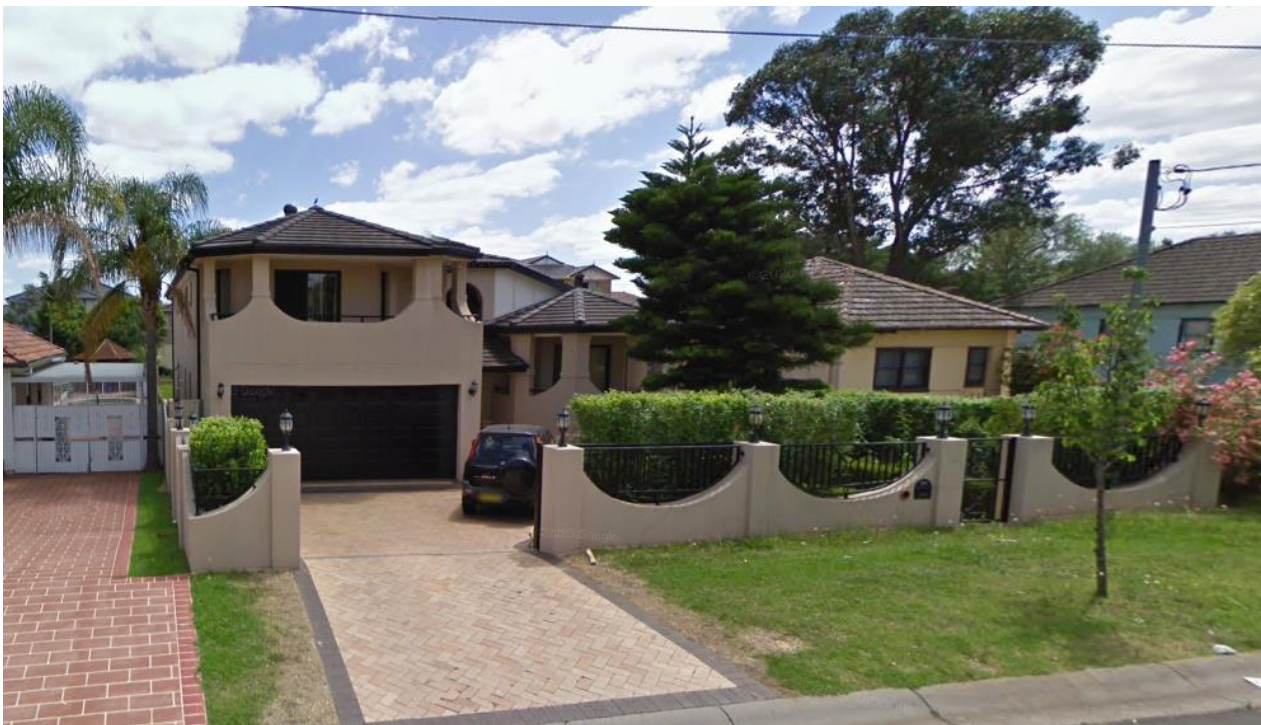


Figure 11 Adjoining property – No 23 Kimberley Street, Merrylands (Source: Google Street view)

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## 3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates Nos 2023/1376, 2023/1377 and 2023/1379 dated 29.03.2023 are provided in **Appendix F**. The site has a total surveyed area of 2,134.5m<sup>2</sup>. The frontage to Kimberley Street is 45.72m, the eastern side boundary is 46.685m, the western side boundary is 46.685m and the northern rear boundary is 45.72m (refer to the submitted Detail and Level Survey Plan in **Appendix D**).

The site falls from the eastern boundary down towards the western boundary approximately 2m. The topography of the site enables stormwater to drain to the street.

The site is not within a flood planning area and is not subject to flood related development controls.

There are 15 trees within the site, generally located within the front and rear yards. One street tree is located within the Kimberley Street Council verge.

Water, electricity, gas, sewer and telephone facilities are available to the site. Water, electricity, gas and telephone services are located along the road alignment of Kimberley Street. Sewer services are located within the rear of the subject site (refer to the submitted Detail and Level Survey for the location of available services at **Appendix D**).

There are no encumbrances on title, section 10.7 certificates or indicated on the submitted Contour and Detail Plan.

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## 3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of fibro and weatherboard clad construction with tile roofs interspersed with more recent 2-storey dwelling houses, dual occupancy and multi-dwelling developments (refer to photographs at **Figure 12, 13 & 14**).



Figure 12 Recent 2 storey dual occupancy development at No 20 Kimberley Street (directly south of the site), (Source: BRS, 2023)





Figure 13 Recent 2 storey dual occupancy development at No 3 Kimberley Street (east of the site) (Source: BRS, 2023)



Figure 14 Newer 2 storey multi dwelling development at No 9-11 Kimberley Street (east of the site), (Source: BRS, 2023)

There are four bus stops located within proximity of the site. Two bus stops are located on each side of Excelsior Street approximately 230m walking distance east of the site (refer to the Long Section Surveys provided at **Appendix T**). These stops are serviced by Transport for NSW Network Route 906 and 908. Network Route 906 connects Parramatta to Fairfield servicing Granville and Guildford. Network Route 908 connects Merrylands to Bankstown servicing Auburn, Berala and Regents Park. Both services connect to train stations and local centres in these areas. Auburn Hospital and St Joseph's Hospital are also serviced by Route 908.

Two bus stops are located on each side of Woodville Road approximately 320m walking distance west of the site. These stops are serviced by Transport NSW Network Route 907, which connects Blacktown to Parramatta via Bass Hill including train stations and local centres in these areas. The frequency of bus services at these two bus stops is consistent with the service frequency requirements for an accessible area as defined within the Housing SEPP and quoted below:

*(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between –*

- (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and*
- (ii) 8am and 6pm on each Saturday and Sunday.*

Minor regrading works along the pedestrian foot pathway is proposed to ensure that compliance with the maximum grades for a "suitable access pathway" as required by Section 93 of the Housing SEPP is achieved. These re-grading works are identified in the Long Section Surveys provided at **Appendix T**.

The area, although residential in nature is also close to a number of small commercial uses, open space, community-based land uses, such as schools and churches. A small commercial centre is located approximately 200m east of the site along Woodville Road. It contains an ALDI supermarket and other services including takeaway food, a medical and cosmetics practice and a service station. Other services are scattered along Woodville Road including a medical centre, takeaway food and other specialised services. The site is also located within walking distance of the Granville South Public School to the south west. The site is well located close to amenities and facilities in the area.



## 4 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Cumberland Local Environmental Plan 2021* (CLEP 2021). The proposed development is defined as 'seniors housing' under the provisions of CLEP 2021 and is permissible with Council's consent in the R2 zone. The zoning context of the site is shown at **Figure 15**.

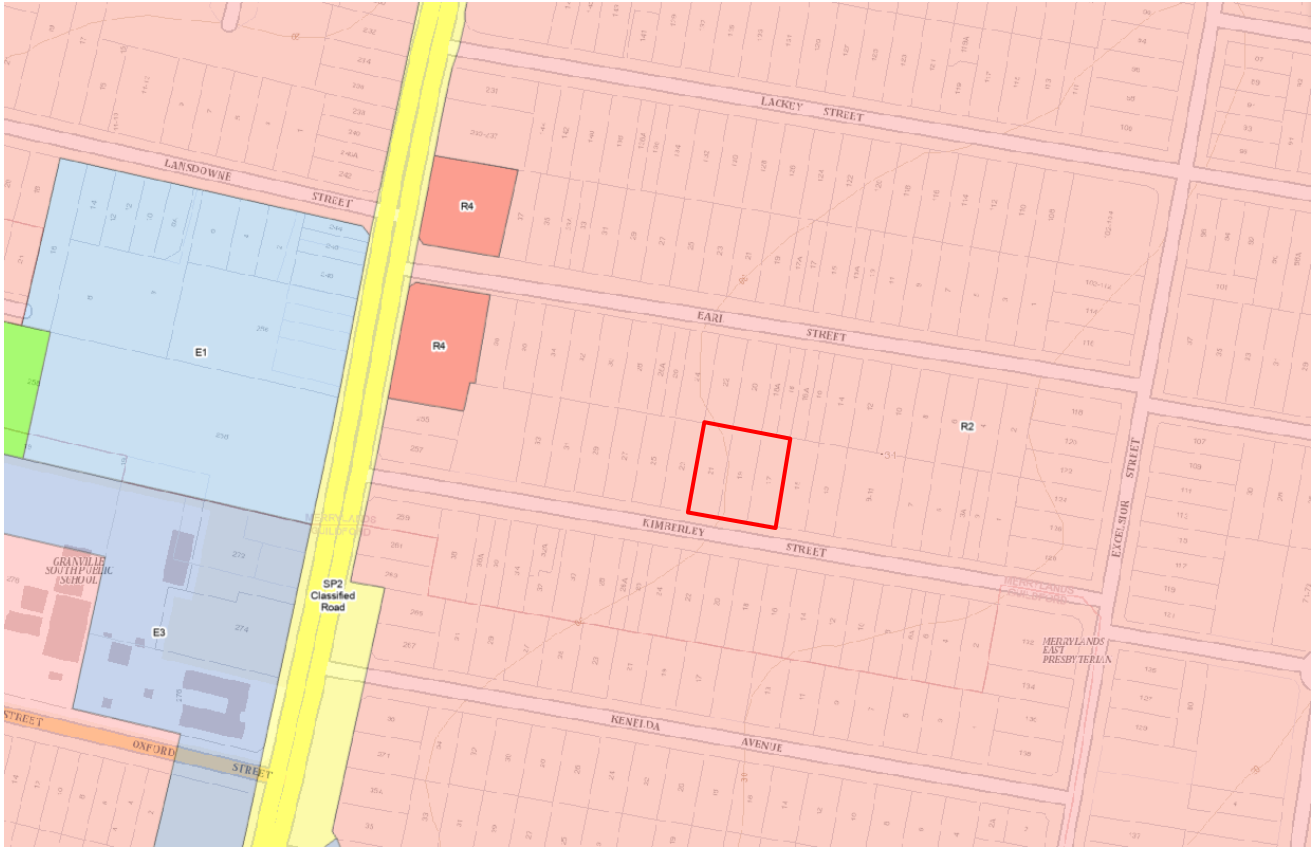


Figure 15 Extract from Land Zoning map of Cumberland LEP 2021 (Source: ePlanning spatial viewer)

Seniors housing is permitted in the R2 zone under CLEP 2021, and the subject land is not excluded from the provisions of the Housing SEPP set out under section 80(1)(b). Therefore, seniors housing is permitted on the subject land with consent under the provisions of the SEPP pursuant to Part 5 Division 1.

The relevant objective for development in the R2 zone, as set out in CLEP 2021 is:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposed development provides a mix of 1 and 2 bedroom dwellings for seniors housing in an area of high demand for these dwelling types. The expected waitlist time for social housing in Merrylands for a 1 bedroom dwelling being 5-10 years and for 2 bedroom dwelling 10+ years. The proposed development will provide housing opportunities to some of the most vulnerable people in the community. This housing is designed specifically to meet the identified needs of senior residents and will therefore be consistent with this zone objective. The development has also been sympathetically designed to fit within its context and complement the surrounding area and streetscape. The proposal is therefore consistent with the relevant objectives of the R2 zone.

Section 108B of the Housing SEPP permits seniors housing 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 3** in subsection 5.5.1 of this REF demonstrates compliance with the relevant provisions of section 108B of the SEPP.

# 5 Planning and Design Framework

## 5.1 Environmental Planning and Assessment Act 1979

### 5.1.1 Duty to consider environmental impact [Section 5.5]

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

**Table 1** below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 1 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<b>Sub-section 3</b>  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> ).

## 5.2 Biodiversity Conservation Act 2016 (BC Act)

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

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

## 5.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity.

## 5.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 2** 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 2 Environmental Planning and Assessment Regulation 2021 Section 171

Factors to be taken into account concerning the impact of an activity on the environment.	Comment			
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines  This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.			
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued “Guidelines for Division 5.1 assessments” made under Section 170 of the EP&A Regulation 2021.			
Factors to be taken into account concerning the impact of an activity on the environment				
Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	x	
(b) transformation of a locality;	Yes		x	
(c) environmental impact on the ecosystems of the locality;	Yes		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	NA			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		x	
(i) degradation of the quality of the environment;	Yes	x	x	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	

(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. <b>[Note 2]</b>	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in subsection 5.4.2 below		x	
(r) other relevant environmental factors.	Yes – discussed in Section 7		x	

**Note 1:** A significant impact triggers the preparation of an Environmental Impact Statement.

**Note 2:** The *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* provides guidance on considering projected climate change conditions such as sea level rise.

The proposed seniors housing development is not expected to generate any significant or long-term impacts on the environment. The short term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 5.4.2 of this report.

## 5.4.2 Strategic Planning Framework

### Greater Sydney Regional Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan - A Metropolis of Three Cities was adopted in 2018 and “*is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan’s performance.*”

Direction 4 of the regional plan is Housing the City which endeavours to provide residents with housing choice and includes the following objectives:

- Objective 10. Greater housing supply
- Objective 11. Housing is more diverse and affordable

This proposal, which will expand the supply of affordable housing, with 16 new seniors housing units, is consistent with these objectives. The site is located within the Cumberland LGA which is part of the Central City District and the details of this Plan are provided below.

### Our Greater Sydney 2056 Central City District Plan

Our Greater Sydney 2056 Central City District Plan was adopted in March 2018 and covers the local government areas of Blacktown, Cumberland, Paramatta and The Hills. Similar to the main regional strategy, the Central City District Plan identifies planning priorities to achieve a liveable, productive and sustainable future for the District, which includes a priority to provide housing supply, choice and affordability, with access to jobs, services and public transport.

The plan states that the District will see a 183% proportional increase in people aged 85 and over, and a 95% increase in the 65–84 age group, is expected by 2036. This means 16% of the District's population will be aged 65 or over in 2036, up from 11% in 2016. This will require more diverse housing opportunities, including medium density housing located in walkable neighbourhoods. This will enable older people to continue living in their community, where being close to family, friends and established health and support networks. This proposal will provide 16 seniors living units which will assist in providing alternative social housing types in an existing residential area.

## **Cumberland 2030: Our Local Strategic Planning Statement**

Cumberland 2030: Our Local Strategic Planning Statement (Cumberland 2030) was adopted by Council in February 2020. It is a 10 year plan which outlines the Cumberland area's economic, social and environmental land use needs over the next 10 years, and is aligned to the 20 year vision for Cumberland. Cumberland 2030 identifies planning priorities and the actions the city will take to achieve them. These planning priorities are informed by four broad themes being:

1. Access and Movement
2. Housing and Community
3. Economy, Employment and Centres
4. Environment and Open Spaces

The proposed development aligns with a series of planning priorities including:

- Planning Priority 5: Delivering housing diversity to suit changing needs; and
- Planning Priority 6: Delivering affordable housing suitable for the needs of all people at various stages of their lives.

Further, Cumberland 2030 identifies Merrylands as a proposed strategic centre and as an area for growth and development. The plan identifies the delivery of additional housing in Merrylands as an opportunity based on strategic consideration. The population of Merrylands is projected to increase from 24,522 people in 2018 to 48,895 people by 2036. To accommodate the predicted population increase, Cumberland 2030 states approximately 4,200 additional dwellings are proposed for Merrylands.

The proposed development will be contributing 16 seniors living units to the affordable housing supply in the Cumberland LGA. It is diversifying the residential uses in Merrylands by introducing seniors living housing options to accommodate the ageing population in the locality and is well serviced by existing public transport options.

## **Cumberland City Council Community Strategic Plan 2017-2027**

The Cumberland City Council Community Strategic Plan 2017-2027 is a 10 year plan that sets out aspirations and priorities for the Cumberland community. The Plan identifies four strategic goals to achieve the community vision. The 4 strategic goals include:

- Supporting Community Health, Safety and Wellbeing
- Enhancing the Natural and Built Environment
- Delivering Sustainable Infrastructure and Services
- Providing Local Leadership

Under these strategic goals there are objectives and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business to achieve long term community outcomes.

The proposed development for 16 seniors living units is not in conflict with the Cumberland City Council Community Strategic Plan 2017-2027 and will provide new housing supply which supports affordable seniors housing within the LGA.

### 5.4.3 Activities in catchments [Section 171A]

The site is located within a regulated catchment, namely, the Sydney Harbour Catchment, as defined in Part 6.2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP). LAHC, as determining authority, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must take into account the controls on development set out in Part 6.2, Division 2 of the Biodiversity and Conservation SEPP. An assessment of these controls on development is provided in Error! Reference source not found. of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Sydney Harbour Catchment.

## 5.5 State Environmental Planning Policy (Housing) 2021

### 5.5.1 Development without Consent

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

Table 2 Compliance with relevant provisions under sections Part 5, Division 8 of the SEPP for ‘seniors’ housing development without consent’ carried out by LAHC

Provision	Compliance
108A – Development to which Division applies This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is permissible with consent within the R2 Low Density Residential Zone under the CLEP 2021.
(b) in a prescribed zone	The site is zoned R2 which is a prescribed zone in accordance with Part 5, Division 1, Clause 79 of the Housing SEPP.
108B – Seniors housing permitted without development consent (1) Development to which this Division applies may be carried out by or on behalf of the Land and Housing Corporation without development consent if -	
(a) the Land and Housing Corporation has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	Consideration of the standards is provided in <b>Table 4 &amp; 5</b> below.
(b) will not result in a building with a height of more than 9.5 m, and	The maximum proposed building height is 7.5m.
(c) the development will result in more than 40 dwellings on the site.	The development is for 16 dwellings.
(2) State Environmental Planning Policy (Transport and Infrastructure) 2021, sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	No consultation with authorities other than Council was required for this activity.

(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
108C – Requirements for carrying out seniors housing (1) Before carrying out development to which this Division applies, a relevant authority must –	
(a) request the council to nominate a person or persons who must, in the council’s opinion, be notified of the development, and	Advice was sought from Cumberland City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 27 May 2022. Council provided a response on 29 June 2022 advising that as a minimum, adjoining and opposite properties be notified. Advice was sought again on 8 February 2023 to confirm Council were still satisfied with the proposed scope of notification due to the time lapsed between initial advice and proposed notification. Council provided a response on 9 March 2023.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Cumberland City Council of the proposed development activity was sent by LAHC on 10 May 2023. Letters notifying owners / occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC’s notification by email dated 25 July 2023 and 27 July 2023. Comments on the responses are provided in Section 6.1 of this REF. No submissions were received from adjoining occupiers.
(d) take into account the relevant provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development, published by the Department in March 2004, and	Refer to checklist in <b>Appendix O</b> and subsection 5.5.2 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in section 5.5.3 of this report. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.
(d1) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the Aboriginal Housing Design Guidelines, published by the Aboriginal Housing Office in January 2020, and	Not applicable.
(e) if the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) Good Design for Social Housing, published by the Land and Housing Corporation in September 2020, and (ii) Land and Housing Corporation Design Requirements, published by the Land and Housing Corporation in February 2023, and	Refer to section 5.5.4 and 5.5.5 and the Architect’s Statement and Certificate of Building Design Compliance in <b>Appendix M</b> which indicate that these design requirements have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in <b>Table 9</b> .
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.



108D - Exempt development Development for purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of the Land and Housing Corporation in relation to seniors housing	Noted.
108E - Subdivision of seniors housing not permitted Development consent must not be granted for subdivision of seniors housing.	No subdivision proposed.

The Housing SEPP requires LAHC to consider the applicable development standards specified in clause 84(2) (c) (iii), 85, 88, 89 and 108. Consideration of these sections of the SEPP is demonstrated in the **Table 4** and **Table 5** below:

Table 3 Compliance with section 84(2) (c) (iii), 85, 88, 89 of the Housing SEPP 2021

Provision	Compliance
<b>84 Development standards— general</b> (2) Development consent must not be granted for development to which this section applies unless — (a) ... (b) ... (c) for development on land in a residential zone where residential flat buildings are not permitted — (i) ... (ii) ..., and (iii) if the development results in a building with more than 2 storeys — the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	NA. Proposed development is two storey only.
<b>85 Development standards for hostels and independent living units</b> (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4. (2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider. Note — Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the Building Code of Australia.	The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in <b>Table 5</b> below. Not applicable to LAHC developments.

<p><b>88 Restrictions on occupation of seniors housing</b></p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following –</p> <ul style="list-style-type: none"> <li>(a) seniors or people who have a disability,</li> <li>(b) people who live in the same household with seniors or people who have a disability,</li> <li>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</li> </ul> <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>Complies. An Identified Requirement no.74 is recommended to achieve compliance.</p> <p>An Identified Requirement no. 74 is recommended to achieve compliance.</p>
<p><b>89 Use of ground floor of seniors housing in business zones</b></p>	<p>NA, as the site is zoned R2.</p>

Table 4 Non-Discretionary standards for Independent Living units (Section 108)

Development Standard	Required	Comment
Building Height:	9.5m or less	Compliant Maximum height 7.5m
Density and Scale:	Floor Space Ratio 0.5:1 or less	Non-compliant Total GFA = 1,188.7m <sup>2</sup> 0.557:1
Landscaped Area:	Minimum 35m <sup>2</sup> per dwelling (16 x 35m <sup>2</sup> = 525m <sup>2</sup> )	Compliant 840m <sup>2</sup>
Deep Soil Zone:	Minimum 15% of area of site (15% x 2134.5m <sup>2</sup> = 320.2m <sup>2</sup> )	Compliant 444m <sup>2</sup> or 19.49%
	Minimum 65% of the deep soil zone is to be located at the rear of the site (65% of 320.0m <sup>2</sup> ).	Compliant 65% of 320.2m <sup>2</sup> is 208.13m <sup>2</sup> Proposal provides 252m <sup>2</sup>
	Minimum dimension 3m	Compliant Minimum dimension 3m
Solar Access:	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9 am and 3 pm at mid-winter	Compliant 75% of units receive minimum 2 hours direct solar access to living areas and main private open space. 50% of units achieve 3 hours of solar access to living areas and main private open space.
Private Open Space:		
Ground level:	Minimum 15m <sup>2</sup> per dwelling	Compliant All ground floor units have greater than 15m <sup>2</sup> POS. The minimum POS achieved is 22m <sup>2</sup> .
Ground level:	One area minimum 3m x 3m, accessible from living area	Compliant Minimum 3m x 3m

Upper level/s:	1 bedroom: Minimum 6m <sup>2</sup> Minimum dimensions 2m	Compliant Minimum 8.5m <sup>2</sup> Minimum 2m
	2 or more bedrooms: Minimum 10m <sup>2</sup> Minimum dimensions 2m	Compliant Minimum 10m <sup>2</sup> Minimum 2m
Car parking:	Minimum 1 car parking space for each 5 dwellings (LAHC concession) – 4 car parking spaces required.	Compliant 8 car parking spaces for 16 dwellings, including 4 accessible parking spaces.

### **Non-Compliance with FSR Standard**

The development at the time of exhibition proposes a total gross floor area (GFA) of 1,201m<sup>2</sup> (0.56:1) calculated in accordance with the GFA definition contained within the Housing SEPP at that time. The definition of GFA at the time of exhibition (May 2023) is provided below.

**gross floor area** means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the inner face of the external enclosing walls, as measured at a height of 1.4m above each floor level —

- (a) excluding columns, fin walls, sun control devices and elements, projections or works outside the general lines of the inner face of the external wall, and
- (b) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and
- (c) excluding —
  - (i) car parking needed to meet the requirements of this Part or the council of the local government area in which the development is located, and
  - (ii) internal access to the car parking, and
- (d) excluding space for the loading and unloading of goods, including access to the space, and
- (e) for in-fill self-care housing — including car parking provided at ground level, other than for visitors, in excess of 1 per dwelling, and
- (f) for a residential care facility — excluding floor space used for service activities provided by the facility below ground level (existing).

During the assessment of this activity, the definition of GFA contained within the Housing SEPP changed on 18 August 2023. The change to the definition now excludes “areas for common vertical circulation, including lifts and stairs”. The updated wording of the definition of GFA as contained in the Housing SEPP as of 18 August 2023 is quoted below.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from another building, measured at a height of 1.4m above the floor —

- (a) excluding the following —
  - (i) columns, fin walls, sun control devices and elements, projections or works outside the general lines of the internal face of an external wall,
  - (ii) cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts,

- (iii) car parking and internal access to the car parking,*
  - (iv) space for the loading and unloading of goods, including access to the space,*
  - (v) areas for common vertical circulation, including lifts and stairs,*
  - (vi) storage, vehicular access, garbage and services within the basement,*
  - (vii) for a residential care facility — floor space used for service activities provided by the facility within the basement,*
  - (viii) terraces and balconies with outer walls less than 1.4m high,*
  - (ix) voids above a floor at the level of a storey or storey above, and*
- (b) for in-fill self-care housing — including car parking provided at ground level, other than for visitors, in excess of 1 per dwelling.*

LAHC has undertaken a revised assessment of the proposed GFA in accordance with this definition, and it is identified that the proposed activity has a GFA of 1,188.7m<sup>2</sup> (0.557:1). This presents an exceedance of 121.7m<sup>2</sup> (variation of 11.4%) to the 0.5:1 FSR development standard under Section 108(2)(c) of the Housing SEPP. LAHC's assessment of GFA is contained at **Appendix W**.

While numerically non-compliant with the Housing SEPP, the proposal does not give rise to any adverse impacts on the amenity of adjoining properties and the proposed design is compatible with the character of the emerging streetscape in the broader locality. The proposed two-storey development is consistent with the newer developments in the locality and the emerging character and context, maintains appropriate visual relationships with the existing area, will not adversely affect the streetscape, skyline or landscape, and does not result in adverse environmental effects on adjoining lands, as demonstrated below.

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

- articulation of building form to reflect the nature of existing detached development within the locality;
- significant landscaping within the site to break up hard surfaces and building bulk;
- retention of the existing vegetation along the edges of the site including within adjoining properties and the road reserve and new street trees are proposed to maintain the current streetscape and to blend into the character of the area;
- windows and balconies are facing to the front street and rear of the site, and screened to mitigate minor privacy impacts;
- materials and finishes including cladding, brick walls and sheet metal roofing are similar to the materials and finishes of existing recent development in the street with a variety of materials used for wall sheeting, balcony balustrades and external privacy screens to add visual interest to the development;
- ensuring dwellings could be provided with a high level of amenity demonstrated through compliance with the Seniors Housing design standards prescribed by the HSEPP, e.g. high levels of solar access, ventilation, accessibility etc;
- the proposal is for a development that is residential in nature and therefore is unlikely to generate unreasonable levels of noise and disturbance;
- the proposal sits within a compliant envelope, with setbacks and height meeting Housing SEPP and DCP requirements; and
- the additional floor space does not contribute to excessive bulk and scale.

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

The proposed development will also not generate any significant adverse amenity impacts on surrounding properties in terms of overlooking or overshadowing. No solar impact to the built form will be generated to development west of the site. Solar access to the private open space of the majority of adjoining sites is maintained throughout most of the day in mid-winter. The proposal therefore generates no unacceptable solar impacts to surrounding development and the minor numerical non-compliance in relation to FSR is supportable.

The proposed development accommodates the variation to FSR without contributing to variations to side setbacks or height of building standards and controls. The building separation between the proposed and the adjacent developments is contextually suitable and mitigates overlooking and privacy impacts with perimeter landscaping to be implemented to further soften the built form.

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

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

The proposed exceedance of the floor space ratio therefore has significant environmental and social benefits as the development increases the supply of seniors housing while positively contributing to the streetscape and surrounding area.

### 5.5.2 Development Standards for Accessibility

Consideration of the development standards for accessibility set out in section 85 and Schedule 4 is demonstrated in **Table 5** below (Note: where referenced ‘subject to identified requirement’ in the table, refer to Activity Determination).

It should be noted that pursuant to section 85(2), LAHC is exempt from the siting standards for wheelchair access and access to common area / facilities set out below in relation to a unit or part of a unit that is located above the ground floor in a multi-storey building.

Table 5 Accessibility and useability standards [Schedule 4]

Development Standard (Sch 4)	Required	Comment
2.Siting Standards:		
Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	Compliance is readily achievable as confirmed by the Access Report prepared by ABE Consulting in <b>Appendix H</b> .  The development proposes an accessible path to all ground floor

		units. Further details will be provided with construction documentation.
'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 AS1428.1 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 AS1428.1	Compliance is readily achievable as confirmed by the Access Report prepared by ABE Consulting in <b>Appendix H</b> . Further details will be provided with construction documentation.
<b>3. Security:</b>		
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	Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage.  Compliant exterior lighting will be provided.
<b>4. Letterboxes:</b>		
	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 AS1428.1)	Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage.  Compliant letterboxes are provided. The plans indicate that two letterbox areas will be installed adjacent to the front boundary. A circulation area adjacent to the letterboxes is provided to comply with this requirement.
<b>5. Private car accommodation:</b>		
Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890 and at least 10% of the total number of car parking spaces (or at least 1 space if there are fewer than 10 spaces) must be designed to	Four accessible car parking spaces and shared zones are provided, which meet the requirements of AS2890.6.

	enable the width of the spaces to be increased to 3.8m	A 3.8m space is capable of being designed at a future time should it be required.
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.
<b>6. Accessible entry</b>		
Every entry, whether front entry or not:	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	<p>Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage, as confirmed by the submitted Access Report prepared by ABE Consulting.</p> <p>All ground floor entries comply with AS4299.</p>
<b>7. Interior: general</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	<p>Internal doorways must have a minimum clear opening that complies with AS1428.1</p> <p>Internal corridors must have a minimum unobstructed width of 1,000mm</p> <p>Circulation space at approaches to internal doorways must comply with AS1428.1</p>	<p>Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage, as confirmed by the submitted Access Report prepared by ABE Consulting.</p> <p>Circulation space provided at all corridors and doorways to ground floor units provided in accordance with AS 1428.1.</p>
<b>8. Bedroom</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	<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) 1,200mm wide at the foot of the bed, and</p> <p>(ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p>	<p>Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage, as confirmed by the submitted Access Report prepared by ABE Consulting.</p> <p>One bedroom to each ground floor unit complies with all relevant requirements.</p> <p>Further detailed information will be required to be assessed at Construction Certificate stage (refer to Identified Requirement No. 73).</p>



- (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (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
- (f) wiring to allow a potential illumination level of at least 300 lux

## 9. Bathroom

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

At least 1 bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS1428.1:

- (a) a slip-resistant floor surface,
- (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS1428.1,
- (c) a shower that complies with AS1428.1, except that the following must be accommodated either immediately or in the future:
  - (i) a grab rail,
  - (ii) portable shower head,
  - (iii) folding seat,
  - (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
- (e) a double general power outlet beside the mirror

The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility

Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage, as confirmed by the submitted Access Report prepared by ABE Consulting.

One bathroom to each ground floor unit complies with circulation requirements as per AS1428.1.

Further detailed information will be required to be assessed at Construction Certificate stage (refer to Identified Requirement No. 73).

## 10. Toilet

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

A dwelling must have at least 1 toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS4299

The bathroom configuration of ground floor dwellings appears to accommodate the visitable toilet circulation space in accordance with AS4299.

#### 11. Surface finishes

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

Balconies and external paved areas must have slip-resistant surfaces	Slip resistant tiles to be used. Slip resistivity to be nominated at detailed design stage.  Will be required to comply (refer to Identified Requirement No.73).
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#### 12. Door Hardware

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

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299	Door hardware will be provided in accordance with AS4299 and all relevant standards. Door hardware to be nominated at detailed design stage.  Will be required to comply (refer to Identified Requirement No.73).
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#### 13. Ancillary Items

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

Switches and power points must be provided in accordance with AS4299	Switches & power points will be provided in accordance with AS4299. Location of GPOs to be nominated at detailed design stage.  Will be required to comply (refer to Identified Requirement No.73).
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#### 15. Living and dining room

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

<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 AS4299, and</p> <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>All living rooms comply with circulation requirements.</p> <p>Location of telephone to be nominated at detailed design stage.</p> <p>Will be required to comply (refer to Identified Requirement No.73).</p>
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#### 16. Kitchen

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

<p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS4299, 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 AS4299:</p>	<p>Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage, as confirmed by the submitted Access Report prepared by ABE Consulting.</p> <p>All ground floor units comply with kitchen relevant requirements.</p>
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	<ul style="list-style-type: none"> <li>(i) benches that include at least one work surface at least 800mm in length that comply with clause 4.5.5 (a),</li> <li>(ii) a tap set (see clause 4.5.6),</li> <li>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</li> <li>(iv) an oven (see clause 4.5.8), and</li> <li>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</li> <li>(e) general power outlets: <ul style="list-style-type: none"> <li>(i) at least one of which is a double general power outlet within 300mm of the front of a work surface, and</li> <li>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed</li> </ul> </li> </ul>	Will be required to comply (refer to Identified Requirement No.73).
<b>17. Access to kitchen, main bedroom, bathroom and toilet</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level	Not applicable, as all ground floor units are single level.
<b>18. Lifts in Multi storey buildings</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	Not applicable, as no lifts proposed.
<b>19. Laundry</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A self-contained dwelling must have a laundry that has: <ul style="list-style-type: none"> <li>(a) width at door approaches that complies with cl.7 of this Schedule, and</li> <li>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</li> <li>(c) a clear space in front of appliances of at least 1,300mm, and</li> <li>(d) a slip-resistant floor surface, and</li> </ul>	Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage, as confirmed by the submitted Access Report prepared by ABE Consulting.  Laundries for ground floor units are located within bathrooms and comply with relevant requirements.  Will be required to comply (refer to Identified Requirement No.73).

	(e) an accessible path of travel to any clothes line provided in relation to the dwelling	
<b>20. Storage for Linen</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299	Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage, as confirmed by the submitted Access Report prepared by ABE Consulting.  Linen storage in accordance with AS4299 will be available in all of the proposed dwellings.
<b>21. Garbage</b>		
	A garbage storage area must be provided in an accessible location.	Compliance is readily achievable with minor design development and/or specification at the Detailed Design Stage, as confirmed by the submitted Access Report prepared by ABE Consulting.  Two bin storage areas have been provided at the pedestrian entries of the site along Kimberley Street adjacent to the letterboxes. These areas are serviced by accessible pathways and circulation areas.

### 5.5.3 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the design of the activity against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix O**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 6**.

Table 6 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
<b>3.07 Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses?</b>	It is not common practice within the streetscape to locate second storeys within the roof space. This requirement is therefore not applicable to the development and no dormer windows are proposed.
<b>5.29 Provide private open space areas that use pervious pavers where private open space is predominantly hard surfaced to allow for water percolation and reduced run-off?</b>	LAHC policy is to provide hard surface areas for maintenance and durability reasons and to provide stable, non-slip surfaces. The size of hard paved areas is balanced against soft planting areas.

Guideline Requirement	Response
5.30 Provide communal open space that is clearly and easily accessible to all residents and easy to maintain and includes shared facilities, such as seating and barbecues to permit resident interaction?	An informal communal landscape area is provided in the form of landscaping around the existing large tree at the rear of site. The area is easily accessible from the common pathways and provides increased amenity to residents and users of the space.

## 5.5.4 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 8** below. Refer to Housing for Seniors Checklist in **Appendix O**.

Table 7 Good Design for Social Housing – Relevant Goals & Principles

Goals	Principles	Comment - Discussion on how the design responds to the principles:
<b>Wellbeing</b>	Healthy environments Good for tenants Quality homes	<ul style="list-style-type: none"> <li>Multiple pathways for safe access are provided from the car park to entries of the building.</li> <li>The units have been designed to ensure residents have privacy and feel safe with clear separation between shared common space and private spaces.</li> <li>Each unit has been designed to include quality private open space.</li> <li>The development has been designed to reduce energy costs for the residents.</li> <li>The development is compliant with BASIX requirements (<b>Appendix K</b>).</li> <li>The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape.</li> <li>The majority of dwellings can achieve natural cross ventilation.</li> <li>Open plan living/dining areas have been designed with light and bright northern aspect.</li> <li>The proposed development is of modern style architecture.</li> </ul>
<b>Belonging</b>	Mixed tenure Good shared and public spaces Contribute to local character	<ul style="list-style-type: none"> <li>Each unit has been designed to include an easily identifiable front entrance.</li> <li>The development proposes attractively designed landscaping along street frontage, shared driveway, and shared open space.</li> <li>The building design and landscaping integrates with the surrounding residential neighbourhood.</li> <li>The development proposes 16 units and is generally small in scale which minimises the resident density.</li> <li>The development includes a mix of 1 and 2 bedroom units which allows a variety of tenants to be accommodated.</li> </ul>

Goals	Principles	Comment - Discussion on how the design responds to the principles:
		<ul style="list-style-type: none"> <li>The proposed development is consistent with newer style developments in the Merrylands locality.</li> </ul>
<b>Value</b>	Whole of lifecycle approach Sustainability and resilience Make every dollar count	<ul style="list-style-type: none"> <li>The redevelopment is an efficient and economical use of existing serviced urban land as the proposal is for the replacement of older housing stock with new and additional high-quality dwellings, designed to be fit-for-purpose, and incorporating sustainable design elements.</li> <li>The proposed development will utilise low maintenance and durable materials and landscape species, contributing to the whole-of-life cost of the design.</li> <li>The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas contributing to reduce running costs.</li> <li>An underground rainwater tank is provided for the development to assist with sustainability and on-site water reuse.</li> <li>The development has also been designed in accordance BASIX (<b>Appendix K</b>) and BCA requirements (<b>Appendix L</b>).</li> </ul>
<b>Collaboration</b>	<ul style="list-style-type: none"> <li>A good partner</li> <li>Place making</li> <li>Continuous improvement</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is of a scale and character that assists with place making and complements the surrounding development.</li> <li>Collaboration with a number of stakeholders has been undertaken during the design and assessment process, with the development shaped by input from a wide range of consultants and stakeholders, including Cumberland City Council.</li> </ul>

### 5.5.5 Land and Housing Corporation Design Requirements 2023

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

Clause 108B (e)(ii) of the Housing SEPP requires LAHC to consider the relevant provisions of the Land and Housing Corporation Design Requirements when assessing a proposed residential housing development under Chapter 3. Part 5, Division 8 of the Housing SEPP.

The proposed development was designed in accordance with the Land and Housing Corporation Design Requirements 2023 (refer **Appendix O**).

### 5.5.6 Housing SEPP Design Principles

The proposed activity is located in an established urban area. The existing and approved uses of land in the vicinity of the proposed development is for residential purposes.



A site analysis was undertaken as part of the design process. The impact of the bulk, scale and built form is considered to be compatible with the existing uses, approved uses and the likely future character of the area.

There are services, facilities and infrastructure that will be available to meet the demands arising from the proposed activity.

The Housing SEPP articulates a range of design principles that the LAHC must consider in determining whether or not to proceed with a proposed seniors housing activity. **Table 9** below demonstrates how the principles have been considered in the design of the proposal.

Table 8 Response to Design Principles (Part 5, Division 8)

Design Principle	Response
Neighbourhood amenity and streetscape [Section 99]	
<p>The proposal is for self-care infill housing. The proposal is generally compatible in form, scale and character with more contemporary residential development in the locality as illustrated in <b>Figures 12, 13 and 14</b> above. The Merrylands locality is beginning to transition with an emergence of in-fill housing in the locality that are replacing older housing stock with new contemporary developments.</p> <p>The proposed development is contemporary and comprises of a mixture brick material finishes, architectural features and a sheet metal roof. High quality finishes and the well-considered design add to the identity of the locality.</p> <p>The site does not contain and is not in the vicinity of a heritage item. It is not located within a heritage conservation area.</p> <p>The building setbacks are consistent with the streetscape character of the locality and are consistent with Cumberland DCP 2021 requirements. Building setbacks allow for substantial landscape plantings, providing amenity for both residents and the streetscape. Further, the location of driveways and parking facilities will establish generous side and rear setbacks to minimise visual bulk and overshadowing.</p> <p>The built form respects and follows the topography of the site, without the need for excessive cut and fill. Further, the layout of the development has been designed to respond to topography while ensuring the design meets access requirements.</p> <p>The building height is compliant and does not result in an excessive bulk and does not lead to unreasonable overshadowing of adjacent sites. The proposed development is of a scale commensurate with other nearby dwellings. The street front buildings will be two storey with the bulk of the development broken up through the use of a variety of materials and finishes, extensive landscaping, open space areas and appropriate setbacks.</p> <p>The proposal does not locate buildings directly upon the boundaries. The development is setback 6.5m from the front boundary which is compliant with the requirements of Cumberland DCP 2021. The development has been setback to generally align with surrounding development on Kimberley Street.</p> <p>The proposed high quality landscape design will enhance the appearance of the site and represents a positive outcome for the streetscape. All neighbouring trees and street trees are retained. Refer to the submitted Landscape Plan in <b>Appendix B</b> for further details.</p> <p>The removal of trees on site is in accordance with the recommendations of the Arboricultural Impact Appraisal and Method Statement report contained in <b>Appendix J</b>, and trees proposed to be provided are of a more suitable species.</p> <p>The site is not located within or adjacent to a riparian zone.</p>	
Visual and acoustic privacy [Section 100]	
<p>The proposed development has been designed to maintain visual and acoustic privacy to adjoining properties and within the development. Design solutions include appropriate building setbacks and heights, dwelling layouts, placement and sizes of window openings and location, privacy screening and landscaping suitable to the site</p>	

context.

All balconies and areas of private open space have been designed to incorporate privacy louvres or privacy fencing for mutual privacy. Further, windows on side elevations are minimised and are provided with obscured glazing where necessary to maintain visual privacy for residents and adjoining land users. Generous side and rear setbacks are demonstrated with separation created by driveways, parking and landscaping acting as a visual and acoustic buffer between adjacent developments.

Boundary fencing and perimeter landscaping in the side and rear setbacks will assist in mitigating potential visual and acoustic impacts associated with the communal car parking area.

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

#### Solar access and design for climate [Section 101]

The proposed design ensures good daylight to all units through solar access, appropriate room depths and window sizes and balanced privacy screening.

The design and siting of the proposed development will provide adequate daylight access to its living areas and private open spaces and the living areas and private open spaces of adjoining properties.

75% (12 of 16) of the proposed dwellings will receive a minimum of two hours sunlight between 9am and 3pm on June 21 to their living area and private open space. 50% of proposed dwellings achieve 3 hours of solar access to living areas and main private open space between 9am and 3pm mid winter. Of the 16 units, 2 units (12.5%), being Unit 03 and Unit 05 are no sun units as they are not provided with direct solar access to living and private open space areas. These ground floor units face south, and provision of direct sunlight was difficult to achieve. The corresponding upper floor units (Unit 11 and Unit 13) have been designed to include clerestory windows with a northern aspect which will improve the residential amenity within these units. These clerestory windows are shown at **Appendix A** in the elevation plans and roof plan. The proposed activity achieves compliance with the solar access requirements within the Housing SEPP and LAHC Design Requirements.

Solar access to the private open space of most adjoining sites is maintained throughout most of the day in mid-winter (Refer to shadow diagrams at **Appendix A**).

Shadows to neighbouring development in the west will be confined to the morning period with no impact generated to 23 Kimberley Street from 12pm. No solar impact will be generated to development north of the site and the private open space areas of properties to the south will retain high levels of solar access. The property to the east will receive adequate solar access in the morning and midday periods with solar impacts to the western elevation of the dwelling at 15 Kimberley Street limited to the afternoon.

Landscaping will also assist in microclimate management.

#### Stormwater [Section 102]

Stormwater catchment design, including on site stormwater detention and a rainwater tank, have been provided.

Impervious surfaces have been minimised in the design to reduce the potential impact from stormwater. Hard surfaces have been minimised in private garden areas and landscaping has been maximised in these locations.

Site stormwater will be drained as shown on the submitted stormwater drainage plans and incorporates on-site detention and a rainwater tank. Stormwater management has been designed to ensure that run-off through adjacent sites will not occur (Refer to the submitted stormwater drainage plans at **Appendix C**).

Crime prevention [Section 103]

Resident safety has been considered and will be maintained through the provision of good opportunities for the surveillance of the site and the surrounding streetscape.

Access points are minimised and observable from residential units. Units 1, 2, 3, 5, 7, 9, 11, 13 and 15 have habitable rooms, living areas, courtyards or balconies facing Kimberley Street providing casual surveillance of the street.

The design of the proposed development will allow for general surveillance of all common areas, particularly Units 2, 4, 6, 10, 12, 14 and 16.

Fencing will be constructed along the side and rear site boundaries to provide an appropriate level of safety and security to residents. All areas of private space are fenced to delineate between public and private areas.

Accessibility [Section 104]

The proposed development is well located with safe pedestrian links within and adjacent to the site that provide access to transport services / local facilities and will provide an attractive and safe environment for pedestrians and motorists with convenient access to car parking areas for residents.

Despite not being a LAHC requirement the site meets access requirements as per Clause 93 of the Housing SEPP. The site is within 400m of bus stops that operate at the frequency as defined within the Housing SEPP for an accessible area by providing access to facilities and services.

The Survey Footpath Long Sections and associated advice prepared by Brewster Murray confirms that the path to the bus stops along Excelsior Street meet the frequency and gradient requirements for Seniors Housing, subject to the new kerb pram ramp at Excelsior Street. Refer to the Survey Footpath Long Sections attached in **Appendix T**.

Ample parking is provided to service residents and visitors and the development. Easily navigated paths provide access throughout the site, to the street and to the car parking area from each residential unit.

Waste management [Section 105]

Two bin storage areas have been provided at the pedestrian entries of the site along Kimberley Street. Waste and recycling facilities will be provided in accordance with the requirements of Cumberland Council. The proposed development provides shared waste and recycling collection facilities on the site. These are designed to be hard wearing and easy to maintain, while being somewhat unobtrusive within the site. Planting has been provided to help garbage/recycling areas have minimal visual impact.

# 5.6 Other State Environmental Planning Policies

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

Table 9 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to <b>Appendix K</b> ).
SEPP (Transport and Infrastructure) 2021	The site is located in close proximity to a State Classified Road. Kimberley Street adjoins the Woodville Road, a State Road, to west of the proposed development. The proposed development is located approximately 160m from Woodville Road. As identified in the Traffic Impact Assessment prepared by Genesis Traffic,

	<p>Woodville Road carries beyond 20,000 vehicles a day. The assessment considers the proposed development as adjacent to Woodville Road and concluded that an Acoustic Assessment and consideration in respect of road noise/vibration management would be required for the proposed development (Refer to the submitted Traffic Impact Assessment at <b>Appendix V</b>). A Road Traffic Noise Impact Assessment was prepared by Reverb Acoustics. The Assessment concluded that the site is suitable for the intended purpose and that there was no acoustic reason why the development should not be supported (Refer to the submitted Road Traffic Noise Impact Assessment at <b>Appendix S</b>).</p> <p>The proposed development is not defined as traffic generating development. The Traffic Impact Assessment concluded that the development traffic will not impact the existing local road network in an adverse manner (Refer to the submitted Traffic Impact Assessment at <b>Appendix V</b>).</p> <p>Other aspects of <i>Chapter 2 Infrastructure</i>, including <i>Division 15 Railways</i> and <i>Division 5 Electricity transmission or distribution</i>, have been reviewed and not considered applicable, or requiring further consideration/assessment.</p>
SEPP (Biodiversity and Conservation) 2021	<p>Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 14 trees (refer to Arboricultural Impact Appraisal at <b>Appendix J</b>).</p> <p>Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval, or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p>The site is located within a regulated catchment, namely, the Sydney Harbour Catchment. Accordingly, the controls for development set out in Division 2 of Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.</p> <p>Under Section 171A(1) of the EP&amp;A Regulation, LAHC, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must consider <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1), and</p> <p>Further, as the consent authority LAHC must be satisfied under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).</p> <p><b>6.6 Water quality and quantity</b></p> <p>This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> <li>• have a neutral or beneficial effect on the quality of water entering a waterway;</li> <li>• have an adverse impact on water flow in a natural waterbody;</li> <li>• increase the amount of stormwater run-off from a site, and</li> <li>• Incorporate on-site stormwater retention, infiltration, or reuse.</li> </ul> <p>The consent authority is also required to assess the impact of the development</p> <ul style="list-style-type: none"> <li>• on the level and quality of the water table;</li> <li>• the cumulative environmental impact of the development on the regulated catchment;</li> <li>• and whether the development makes adequate provision to protect the quality and quantity of ground water.</li> </ul>

Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:

- the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- the impact on water flow in a natural waterbody will be minimised.

Comment: Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground on site detention tank draining to the existing stormwater main on Kimberley Street. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

Identified Requirement (No. 13) recommends that sediment control measures be implemented during 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).

Identified Requirements (Nos 6 and 34) are applied to the activity determination recommending that stormwater management of the activity is designed in accordance with Cumberland City Council's technical guidelines and policies.

### 6.7 Aquatic ecology

This clause requires the consent authority to consider whether the development:

- will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,
- involves the clearing of riparian vegetation and, if so, whether the development will require either a controlled activity approval under the Water Management Act 2000, or a permit under the Fisheries Management Act 1994,
- will minimise or avoid the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody, or will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,
- includes adequate safeguards and rehabilitation measures to protect aquatic ecology,
- if the site adjoins a natural waterbody — whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.

Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:

- that the direct, indirect, or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,
- the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,
- if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation — the approval or permit has been obtained,
- the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody will be minimised,
- the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.

Comment: The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The proposal seeks the removal of 14 trees. Tree removal will be appropriately substituted with planting of suitable native

	<p>indigenous vegetation. In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.</p> <p><b>6.8 Flooding</b></p> <p>This clause relates to flood liable land.</p> <p><u>Comment:</u> The site is not located on flood liable land.</p> <p><b>6.9 Recreation and public access</b></p> <p>This clause relates to development on recreational land and public access to natural water bodies and foreshores</p> <p><u>Comment:</u> The proposed activity will not impact recreational land uses nor alter public access to recreational land or foreshores.</p>
SEPP (Resilience and Hazards) 2021	<p>Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The site is located within a developed residential area of Merrylands, which has a history of residential uses. Given the long-term continuous use of the land for residential purposes, the highly disturbed nature of the site, and given that the Section 10.7 Planning Certificates (<b>Appendix F</b>) have not identified the site as being potentially contaminated, it is unlikely that the subject land is affected by contamination.</p> <p>A standard recommended identified requirement requires implementation of management measures in the event of contamination during construction works.</p>
SEPP (Precincts – Western Parkland City) 2021	<p>The subject site is located within the 3-30km zone as shown on the Wind Turbine Buffer Zone Map.</p> <p>Section 4.2 of this SEPP regulates the construction of wind monitoring towers and development for the purposes of an electricity generating works comprising a wind turbine on land within 30 kilometres of the Airport.</p> <p>The proposal does not include this type of development and therefore consultation with the relevant Commonwealth body is not required.</p>

## 5.7 Local Planning Controls

### 5.7.1 Cumberland Local Environmental Plan 2021 (CLEP 2021)

Cumberland LEP 2021 came into force from 5 November 2021. The site is zoned R2 Low Density Residential, wherein ‘seniors housing’ is permissible.

The relevant objective of the R2 zone, as set out in CLEP2021 are:

- *To provide for the housing needs of the community within a low density residential environment*

The proposed development provides new housing comprising 1 and 2 bedroom units to meet the needs of the ageing community. The proposed development complies with the height and floor space area controls in the LEP and has been designed to be compatible within the low-density residential environment.

Compliance with the relevant provisions / development standards set out in the CLEP 2021 is demonstrated in **Table 11** below.



Table 10 Cumberland Local Environmental Plan 2021

Relevant Provisions / Development Standards for Seniors Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	<b>Height of Buildings</b>	<p>(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.</p> <p>The site is mapped having a maximum height of building of 9 metres.</p>	Maximum building height (measured in accordance with the LEP definition) is 7.5 metres.
4.4	<b>Floor Space Ratio</b>	<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>	<p>There is no maximum FSR control applicable to the site under Cumberland LEP 2021.</p> <p>The Housing SEPP Section 108(2)(c) stipulates a 0.5:1 FSR standard. Assessment of the proposed FSR based on the amended GFA definition as of 18 August 2023, identifies that the activity has a GFA of 1,188.7m<sup>2</sup> (0.557:1). This presents an exceedance of 121.7m<sup>2</sup> (variation of 11.4%) to the 0.5:1 FSR development standard under Section 108(2)(c) of the Housing SEPP. LAHC's assessment of GFA is contained at <b>Appendix W</b>.</p>
6.1	<b>Acid Sulfate Soils</b>	<p>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>The site is mapped as containing Class 5 Acid Sulfate Soils.</p>	The site is classed as Class 5 Acid Sulfate Soils. An Acid Sulfate Soil Assessment was prepared for the site by STS Geotechnics Pty Ltd ( <b>Appendix P</b> ) that concluded the proposed development has a surface elevation of approximately RL 30m AHD and that proposed construction will not intercept any ASS in the area nor cause lowering of any groundwater.

### 5.7.2 Cumberland Development Control Plan 2021

Cumberland Development Control Plan 2021 (CDCP 2021) does not contain specific development controls for seniors housing. As such, the building setbacks for Residential Flat buildings have been used for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 11** below.

The general controls for all development set out in CDCP 2021 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 11 Cumberland Development Control Plan 2021

Compliance with setback controls for residential flat buildings

Part B3 Residential Flat Buildings

Clause	Requirement	Proposed
3.1 Building Envelope	<p>C2. Residential flat building development shall be provided in accordance with Table 7.</p> <p><u>Front setbacks</u></p> <p>No less than 6m or correspond with the existing prevailing building setback or with emerging setbacks in areas undergoing transition.</p> <p><u>Side setbacks</u></p> <p>3m.</p> <p><u>Rear setbacks</u></p> <p>Up to four storeys: 20% the length of the site, or 6m, whichever is greater.</p> <p><u>Site area</u></p> <p>Minimum 1000m<sup>2</sup></p> <p><u>Street Frontage</u></p> <p>Minimum 24m</p>	<p>The development is setback 6.5m from the front boundary which is compliant with the requirements of Cumberland DCP 2021. The development has been setback to generally align with surrounding development on Kimberley Street.</p> <p>The proposed development is setback 3.0m from the eastern (side) boundary and 3.05 from the western (side) boundary.</p> <p>Complies. In accordance with the CDCP2021, 20% of the length of the site is 9.32m. The proposed development is setback 18.9m from the northern (rear) setback.</p> <p>Complies. The total site area is 2,134.5m<sup>2</sup>.</p> <p>Complies. The site has a street frontage of 45.72m.</p>
	<p>C3. For residential flat building not captured by SEPP 65, the development is also to achieve the objectives and design criteria of ADG</p>	<p>The NSW Land and Housing Corporation Design Requirements is informed by State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and Apartment Design Guide 2015 (ADG).</p> <p>The proposed development has been designed in accordance with the NSW Land and Housing Corporation Design Requirements and therefore satisfies the ADG objectives and design criteria.</p>
3.2 Basement Design	Relates to basement design.	N/A. No basement proposed.
3.3 Car Parking	<p>C1. Refer to Part G3 of this DCP for car parking provision requirements.</p> <p>Residential Flat Building, 1-2 Bedroom – 1 space per dwelling</p>	<p>The proposed development does not comply with this control. The proposed development has been designed to comply with the parking rates specified in the HSEPP for developments carried out by LAHC.</p>

Compliance with setback controls for residential flat buildings		
		A total of 8 surface car parking spaces for residents, including 4 accessible spaces, will be available on site to serve the proposed development. The provision of on-site car parking exceeds the HSEPP parking requirements by 4 spaces.

## 6 Notification, Consultation and Consideration of Responses

### 6.1 Council Notification

In accordance with section 108C of the Housing SEPP, Cumberland City Council was notified of the development by letter dated 10/05/2023 (refer to **Appendix G**). The notification response period formally closed on 02/06/2023 and Council responded to the notification by emails dated 25/07/2023 and 27/07/2023, which have 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 the Activity Determination.

Table 12 Issues raised in Council submission

Issues raised by Cumberland Council	Response
<b>Planning Comments</b>	
<p>Council has not performed a GFA calculation on the proposal. Plans state the proposed FSR is '0.56:1, Gross Floor Area calculation for H-SEPP excludes exterior walls but includes common vertical calculation space'.</p> <p>Gross Floor Area shall comply with the definition (of GFA and the 0.5:1 FSR).</p> <p>Proposal is required to comply.</p>	<p>The development proposes a total GFA of 1,188.7m<sup>2</sup> (0.557:1). This presents an exceedance of 121.7m<sup>2</sup> (variation of 11.4%) to the 0.5:1 FSR development standard under Section 108(2)(c) of the Housing SEPP. LAHC's assessment of GFA is contained at <b>Appendix W</b>.</p> <p>Section 108B(1)(a) requires LAHC to <b>consider</b> Section 108(2)(c), which contains the 0.5:1 density control. LAHC is not required to strictly comply with Section 108.</p> <p>While numerically non-compliant with Housing SEPP 2021, the proposal does not give rise to any adverse impacts on the amenity of adjoining properties and the proposed design is compatible with the characteristic of the emerging streetscape in the broader locality. It is also noted that the CLEP2021 does not contain an FSR standard for this site. The variation is acceptable.</p>
<b>Landscape Comments</b>	
<p><b>i. Retention of Project Arborist</b></p> <p>It is recommended that the applicant retain a suitably qualified AQF5 arborist throughout the life of the development to ensure that all vegetation proposed to be retained is protected as per AS4970 – 2009 'Protection of Trees on Development'.</p>	Noted. Included as Identified Requirement No 85.
<p><b>ii. Pruning works</b></p> <p>During construction or any time during the development, any pruning works should be carried out to AS4373 – 2007 Pruning of amenity trees.</p>	Noted. Included as Identified Requirement No 86.
<p><b>iii. Landscape works</b></p>	Noted. Included as Identified Requirement No 87.

The landscape works for the site should be carried out by minimum AQF3 qualified landscapers.

### Waste Comments

The waste management plan adequately addresses how wastes will be managed through the demolition and construction waste phases. The Waste management plan also addresses the normal generation of domestic waste and recycling materials but does not allow for the management of bulky waste items.

The waste management plan is silent on Bulky waste management. There does not appear to be a nominated storage area for bulky waste items in the drawings either. Bulky waste is required to form part of the overall domestic waste generation model as outlined in Council's DCP.

No bulky waste room is considered an acceptable design outcome. LAHC tenants of seniors housing developments typically occupy dwellings for a long period of time. Subsequently there is not a regular changeover of tenants in the units. A bulky waste room is therefore considered unnecessary.

### Engineering Comments

The proposed stormwater plan needs to be amended as it is not acceptable and it does not function as required. The OSD system need to comply with the following requirements.

a) The stormwater runoff from the site must be managed by provision of the On-site detention (OSD) system as a part of the site stormwater management measures as specified under "Section G3 of Cumberland DCP 2013 and the Council's Design Guidelines". The on-site detention system must be designed with the site storage requirement (SSR) of 470m<sup>3</sup>/ha and the Permissible site discharge (PSD) of 80 l/s/ha as the OSD parameters under Upper Parramatta River Catchment.

b) A high early discharge (HED) control chamber/ pit and an overflow chamber must be provided.

c) All the runoff from the site must be directed to the High Early Discharge (HED) control pit of the OSD system and the outflow from the OSD system must be disposed by gravity onto the appropriate council's stormwater system.

d) The cross-section details drawing must show all the levels including the water levels centreline level in standard datum of mAHD. The details must include dimensions.

e) The OSD system must be designed based on the Tail water level at the point of discharge and the OSD storage adjusted accordingly. The tailwater level will be the Grate Surface level of the proposed new kerb inlet pit. However, considering the proximity of the point of discharge to the kerb inlet pit to the top of the catchments site a lower level may be considered for the tail water level. However, the level must not be considered lower than crown level of the outlet pipe.

The proposed development has an OSD of volume requirement. The OSD has a volume of 100.345m<sup>3</sup> which equals 470m<sup>3</sup>/ha x 0.2135ha. The OSD call for an orifice plate of d68mm in diameter to comply with the PSD of 80L/s/ha (0L/s/ha x 0.2335ha = 17L/s). Reference should be made to the Ground Floor Drainage Plan Calculations in **Appendix C**.

A HED control chamber TOW set at +28.80 is provided. Reference should be made to the Ground Floor Drainage Plan Calculations and Drawing 2 Revision 6 in **Appendix C**

As per the design intent, all inflow pipes are directed to the HED control chamber. Reference should be made to the Ground Floor Drainage Plan Calculations and Drawing 2 Revision 6 in **Appendix C**

Reference should be made to the Ground Floor Drainage Plan Calculations and Drawing 2 Revision 6 in **Appendix C** for proposal details.

The proposed OSD invert level is +27.19AHD and the obvert of pipe proposed to connect the new kerb inlet pit is +26.85555. Resultantly, the OSD is 335mm above the obvert pipe of the road frontage.



<p>f) Information on the point of disposal such as the council's stormwater system (Pipe /pit, channel etc.) on to which the site stormwater is intended to be discharged must be obtained from the relevant authority (Council, Sydney water, or RMS whichever is applicable). If the information is not available then by appropriate survey investigation and the details clearly shown on the survey investigation plan.</p>	<p>Council's pipe system is to be upgraded. An investigative survey will be obtained to detail the proposed pipe extension, refer to Identified Requirement No 88.</p>
<p>g) The existing overland runoff from the upstream property (if any) must not be blocked. It must be collected and safely disposed onto the street bypassing the site on-site detention system.</p>	<p>The proposed design complies with the maximum bypass requirements as most of the overland/upstream flows bypass the OSD and are directed to the final pit.</p>
<p>h) A full set of stormwater plan incorporating the requirements must be submitted with the development proposal application.</p>	<p>Noted, however a development application is not required and detailed civil plans are provided in <b>Appendix C</b>.</p>
<p>Runoff from the site shall be routed through a sediment trap pit before it is discharged into Council's drainage system. Such sediment traps pits shall have a 200 mm sump below the invert level of the outlet pipe.</p>	<p>A 900 square pit is proposed to act as a sediment trap.</p>
<p><b>Stormwater Quality Improvement measures/ water reuse</b></p> <p>In accordance with Section 2.5 and 2.7 of Cumberland DCP2021 Part G4, the development must incorporate the Water quality improvement measures / water reuse measures to comply with the controls outlined therein.</p>	<p>The subject site does not trigger any stormwater quality measures. The subject site is 2,135m<sup>2</sup> which is less than the required 2,500m<sup>2</sup> to trigger this clause.</p>
<p><b>Vehicle manoeuvring and Parking provision.</b></p> <p>Parking provision should also consider parking provision for ambulance for emergency in addition to 8 parking spaces shown on the plan.</p>	<p>The proposed development is for independent living seniors housing. Ambulance provision is more applicable to a residential care facility. Given the low traffic nature of the street, there should be no issue with an ambulance standing on the street frontage or driveway crossover.</p>

## 6.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 108C (1)(a) of the Housing SEPP, the Council for the area was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

Advice was sought from Council regarding additional persons or property that should be notified of the development via emails dated 27/05/22 and 28/06/2022. Council provided an email response on 29/06/2022 advising that as a minimum, Council required properties adjoining and opposite the site to be notified. **Figure 16** illustrates the properties in which the owners / occupiers were notified of the development.



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

Under section 108C(1)(b) of Housing SEPP, owners / occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 10 May 2023. Confirmation of the scope of notification by council, the notification letter to Council and a sample of the letter sent to owners/occupiers of adjoining properties are provided at **Appendix G**.

The notification response period formally closed on 2 June 2023 and no submissions were received.

## 6.3 Notification of Specified Public Authorities

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

## 7 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 5.5.1 of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

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### 7.1 Neighbourhood Character

The site is located within an established residential area generally supporting single and 2-storey detached dwelling houses. The dominant form of development in the locality is older style detached, single-storey, brick dwellings. These dwellings tend to sit within lightly landscaped and lawned allotments and have predominately tiled, pitched roofs. The character of the area is evolving, with a number of newer, two-storey dwellings, dual occupancy developments and multi-unit developments interspersed throughout the locality. These dwellings take a more contemporary form and introduce new design features to the area, including flat roofs, rendered finishes and muted grey and brown tones.

The bulk and scale of the proposed development will be compatible with the evolving character of the neighbourhood and will deliver a built form outcome permissible within the planning controls for the locality and character. The proposed housing represents a contemporary, high quality design. The use of face brick for external walls and Colorbond metal roofing is consistent with the developing character of the Merrylands suburb. The 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

#### Mitigation Measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the emerging neighbourhood character and complies with setback requirements under Cumberland DCP. Suitable design treatments, including fencing, landscaping both within the site with a considered planting mix and planting of new street trees along Kimberley Street will ensure the proposal contributes to the emerging neighbourhood character.

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### 7.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding newer developments in the locality of Merrylands. The 2-storey building incorporates compliant setbacks distinguished by a variety of articulation features, landscaping, external finishes and materials to reduce the visual bulk of the development.

The proposal incorporates a maximum height of 7.5m which is generally consistent with a low-density residential area. The 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R2 Low Density Residential zone.

The Cumberland LEP 2021 does not contain a maximum permitted FSR for the site, however LAHC is required to consider the FSR control of 0.5:1 as contained within the HSEPP 2021. During the assessment of this activity, the definition of GFA contained within the Housing SEPP changed on 18 August 2023. The change to the definition now excludes “areas for common vertical circulation, including lifts and stairs”. LAHC has undertaken a revised assessment of the proposed GFA in accordance with this definition, and it is identified that the proposed activity has a GFA of 1,188.7m<sup>2</sup> (0.557:1). This presents an exceedance of 121.7m<sup>2</sup> (variation

of 11.4%) to the 0.5:1 FSR development standard under Section 108(2)(c) of the Housing SEPP LAHC's assessment of GFA is contained at **Appendix W**.

While numerically non-compliant with the Housing SEPP, the proposal does not give rise to any adverse impacts on the amenity of adjoining properties and the proposed design is compatible with the characteristic of the emerging streetscape in the broader locality. The proposed two-storey development is consistent with the newer developments in the locality and the emerging character and context, maintains appropriate visual relationships with the existing area, will not adversely affect the streetscape, skyline or landscape, and does not result in adverse environmental effects on adjoining lands.

The proposed development is considered to have an appropriate floor space ratio, be generously setback from all boundaries and will provide expansive deep soil areas, which will all minimise the building's perceived bulk. The proposal includes new plantings of native species, new street tree plantings along Kimberley Street, retention of existing mature trees within the site and in road reserve which further softens the bulk of the development.

Accordingly, the proposal is for a development of a bulk, scale and density that does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

#### **Mitigation Measures**

No mitigation measures are required.

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## **7.3 Streetscape**

The architectural style of the proposed development activity is compatible with the evolving form and treatment of development in the surrounding locality. The street façade is divided into a number of distinct elements, separated with landscaping resulting in a finer grained streetscape appearance, consistent with existing dwellings in the area. In addition, the hard stand car parking area will be obscured from street view, resulting in a built form that integrates with the evolving streetscape.

With its strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development makes a positive contribution to the Kimberley Street streetscape. The proposed development will provide a new contemporary residential development that will replace aging housing stock and provide building improvements to two currently vacant residential blocks.

The built form has been designed to address the street frontages through incorporation of street facing windows and doors, as well as courtyards and balconies within the front setback, improving casual surveillance of the street.

#### **Mitigation Measures**

No mitigation measures are required.

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## **7.4 Visual Impact**

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

The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and emerging neighbourhood

character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

Landscaping proposed in the Kimberley Street setback including new, native canopy trees with a mature height of up to 9m will soften the visual impact of dwellings when viewed from the public domain. Furthermore, four new street trees with a height of approximately 6m are proposed within the Kimberley Street road reserve, which will both provide additional canopy and shade to pedestrians and improve the aesthetic quality of the streetscape. The rear and side setbacks will also be heavily landscaped with shrubs, ground covers and mature trees adding to the long-term visual amenity of the development and further improving the appearance of the site from the street.

### Mitigation Measures

No mitigation measures are required.

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## 7.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered site landscaping, new 1.2-2.4m high fencing, adequate site setbacks and strategic placement of windows so as to avoid direct overlooking of neighbours. In particular:

- The proposed dwellings have been designed in accordance with the requirements of the *National Construction Code* for sound and impact transmission so that acceptable noise levels between dwellings and adjoining properties are achieved;
- Visual and acoustic privacy within the development and to adjacent neighbours is provided and maintained through the strategic use of privacy screens, considered window locations including high sill windows, and screen planting;
- The front setback is consistent with CDCP 2021 and the prevailing building line on Kimberley Street and includes substantial landscaping to further mitigate privacy impacts;
- Side and rear setbacks are compliant with CDCP 2021. The building is setback more 3m from side boundaries in accordance with the setback requirements in the CDCP 2021. Rear setbacks are generous, exceeding the minimum 20% length of site depth required by CDCP 2021. Planting is used within the side and rear setbacks providing privacy for adjoining dwellings;
- Extensive landscaping has been provided in side and rear setbacks to provide a visual buffer between the windows and balconies on the subject site and properties to the east, west and north;
- Proposed slatted privacy fencing within the front setback delineates between private and public space, providing increased privacy to residents;
- Proposed 1.2m-2.4m Colorbond fencing will mitigate unacceptable overlooking to and from adjoining properties;
- First floor balconies facing Kimberley Street enable passive surveillance of the street without compromising the privacy of the internal bedrooms associated with these balconies;
- Private open spaces and balconies have been oriented to the front and rear of the site, and as such will not directly overlook the windows or private open space at adjacent sites;
- Principal private open spaces are set back from neighbouring properties with privacy screens and landscaping provided to ensure privacy;



- Private open spaces and balconies have been oriented to the front and rear of the site, and as such will not directly overlook the windows or private open space of adjacent sites;
- Landscaping is provided along the length of the driveway and around the parking area to ensure privacy to units adjoining these features; and
- The development has been designed in response to the topography of the land further reducing any potential overlooking or adverse privacy impacts.

#### Mitigation Measures

No mitigation measures are required.

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## 7.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*. The submitted Architectural Plans indicate that 75% of dwellings receive at least 2 hours direct solar access to the living and POS areas on June 21 which meets the HSEPP requirement for 70% of dwellings to achieve 2 hours of direct solar access to the living and POS areas mid winter. However, 2 of the 16 units (12.5%), being Unit 03 and Unit 05 are no sun units as they are not provided with direct solar access to living and private open space areas. The corresponding upper floor units (Unit 11 and Unit 13) have been designed to include clerestory windows with a northern aspect which will improve the residential amenity within these units,. These clerestory windows are shown at Appendix A in the elevation plans and roof.

The proposed activity has been designed to achieve compliance with the solar access requirements contained within the Housing SEPP, however the design is not able to achieve the LAHC Design Requirements that seeks to design developments so that there are no 'no sun units'. Given the design outcomes and inclusion of the clerestory windows for Unit 11 and Unit 13, the minor departure from compliance with the Design Requirements is acceptable given that 2 additional dwellings will be constructed and that those dwellings will have a positive relationship to the streetscape.

#### Mitigation Measures

No mitigation measures are required.

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## 7.7 Overshadowing

Shadow diagrams in **Appendix A** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites.

The shadow diagrams show that throughout the day, shadows will largely be contained within the subject site, with incursions into 23 Kimberley Street to the west in the morning and shadowing upon 15 Kimberley Street to the east in the afternoon. No overshadowing will be generated to development north of the site and the private open space areas of properties to the south will retain high levels of solar access. The favourable orientation of the site and surrounding properties means that all adjacent properties will continue to receive substantial areas of sunlight to their private open spaces, in excess of three hours, at mid-winter.

The level of overshadowing of 23 Kimberley Street will result in this site losing sunlight in the morning. Shadows will move to the east around midday, meaning that this site will achieve sunlight in the afternoon. Conversely, 15 Kimberley Street will lose sunlight in the afternoon, but maintain more than 3 hours in the morning and midday. Accordingly, there are no unacceptable impacts.

## Mitigation Measures

No mitigation measures are required.

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## 7.8 Traffic & Parking

A total of 8 surface car parking spaces for residents, including 4 accessible spaces, will be available on site to serve the proposed development. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for developments carried out by LAHC by 4 spaces. This increased car parking provision is considered appropriate and will ensure standard car parking demands are contained within the development. As such, this proposed provision is considered acceptable and would result in a public benefit, thereby improving the amenity of other residents in the locality. Notwithstanding, unrestricted street parking is available on Kimberley Street directly adjacent to the site to accommodate any overflow parking demand generated by the proposed development.

A Traffic Impact Assessment prepared by Genesis Traffic (**Appendix V**) indicates that the projected net increase in traffic as a consequence of the proposed seniors' housing development is acceptable and any increase can be accommodated within the capacity of the existing local street network. The proposed development is expected to generate up to one vehicle movement per hour on average in the existing road network in the busier afternoon peak. The report concluded that 'traffic generation of this order of magnitude is not perceptible in the context of the existing road network'.

The Traffic Impact Assessment examined the adequacy of the proposed internal driveways and parking arrangement. Vehicular access to the off-street vehicle parking is proposed via one ingress / egress driveway connecting with Kimberley Street in the south-eastern corner of the site. The assessment confirmed that the proposed access and internal circulation are satisfactory based on an assessment of the projected vehicle movements.

### Mitigation Measure

Identified Requirements (No. 10, 11 & 12) has been recommended to ensure appropriate construction of vehicular access and parking on site.

A convex mirror shall be installed at both ends of the driveway per Drawing Ref No. T21355-V.4-SP of the Traffic Impact Assessment, refer to Identified Requirement No. 84.

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## 7.9 Flora and Fauna

An Arboricultural Impact Appraisal has been prepared for the site by Naturally Trees (**Appendix J**).

The report recommends the removal of 14 existing trees that are either located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within the tree protection zone. It also recommends retention of 2 existing trees (Tree Nos. 12 & 16) of which tree 12 is located within the rear of the site and tree 16 is located within the street verge.

Tree Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14 & 15 are either located within the construction zone or the TPZ/SRZs are unsustainably impacted by the proposed building footprint, its driveways or parking areas.

Trees 1, 3, 5, 6, 7, 8, 9, 10, 11 & 13 are exempt from protection under the Cumberland Council's Tree Preservation Order.

More appropriate replacement planting of tree species is 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, given that compensatory planting is proposed.

#### **Mitigation Measures**

Retained trees are to be protected in accordance with the recommendations and General Tree Protection Specification contained within the Arboricultural Impact Appraisal and Method Statement (refer **Appendix J** and Identified Requirement No. 44).

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## **7.10 Heritage (European / Indigenous)**

No heritage items are identified Cumberland City Council's Section 10.7(2) & (5) Planning Certificates located on or in the vicinity of the site.

#### **Aboriginal Heritage**

An Aboriginal Heritage Information Management System (AHIMS) search, dated 21 March 2023 (**Appendix I**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however and an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

#### **Other Cultural Heritage**

No cultural heritage items have been identified in Cumberland City Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

#### **Mitigation Measures**

An Identified Requirement (No. 46) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

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## **7.11 Soils / Contamination / Acid Sulfate Soils / Salinity**

#### **Geotechnical**

A Geotechnical Investigation and Acid Sulfate Soil Assessment, prepared by STS Geotechnics indicates the following:

- The subsurface conditions consist of topsoil overlying silty clays and weathered rock.
- The topsoils are present from the surface to a depth of 0.3 metres.
- Silty clay underlies the topsoil materials to depths of 1.3 to 1.4 metres.
- Weathered rock underlies the silty clays to the depth of auger refusal, 1.6 to 1.8 metres.
- No groundwater was observed during drilling works.

## **Mitigation Measures**

### **Sediment Control**

An Identified Requirement (No. 13) recommends 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* (4<sup>th</sup> edition, Landcom, 2004).

### **Geotechnical**

During construction, should the subsurface conditions vary from those inferred in the Geotechnical Investigation, STS Geotechnics Pty Ltd are to be contacted to determine if any changes should be made to recommendations.

The exposed bearing surfaces for footings should be inspected by a geotechnical engineer to ensure allowable pressure given has been achieved.

### **Contamination**

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to contaminated land. Furthermore, historical site investigations of the land do not reveal or indicate that the site has been used or exposed to potential contamination.

## **Mitigation Measures**

An Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.

### **Acid Sulfate Soils**

According to 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 CLEP2021.

Clause 6.1 of CLEP 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.

An Acid Sulfate Soil Assessment was prepared for the site by STS Geotechnics Pty Ltd (**Appendix P**) that concluded the proposed development has a surface elevation of approximately RL 30m AHD. No groundwater was encountered during drilling operations. The report concluded that proposed construction will not intercept any ASS in the area nor cause lowering of any groundwater.

Therefore, an Acid Sulfate Management Plan is not required.

## **Mitigation Measures**

No mitigations measures are required.

### **Salinity**

Council's Section 10.7(2) & (5) Planning Certificates indicate that Cumberland Council has not adopted a policy on salinity. Furthermore, a review of the Salinity Maps, does not identify the site as being affected by Salinity or Section 6.9 of the Cumberland LEP 2021.

## **Mitigation Measures**

No mitigation measures are required.

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## 7.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and drains on the site connected to an underground detention tank draining to the existing stormwater network along Kimberley Street. An underground rain water tank is located to the north of the OSD tank.

The Section 10.7(2) & (5) Planning Certificates issued by Council for the subject site indicate that the land is not subject to flood related development controls. The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

### **Mitigation Measures**

Identified Requirements (Nos. 6-9, 14, 34, 35 & 72) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

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## 7.13 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.

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## 7.14 Noise and Vibration

### **During Demolition / Construction**

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

### **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.

A Road Traffic Noise Impact Assessment was prepared by Reverb Acoustics to determine the noise impact, within habitable areas of the development from passing road traffic on Woodville Road. The assessment concluded that the site is suitable for the intended purpose of residential accommodation and found no acoustic reason why the proposal should be denied.

### **Mitigation Measures**

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

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



Appropriate Identified Requirements (Nos. 2, 58 & 60) have been applied to ensure compliance with the above.

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## 7.15 Air Quality

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

### **Mitigation Measures**

Appropriate Identified Requirements (Nos. 61, 64 & 65) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 7.16 Waste Minimisation

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

### **During Demolition**

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

- All waste disposal will be to approved waste management centres.
- Concrete waste will be packaged to concrete recycling centres.
- Building rubble will be separated by type – masonry, steel and plastics.
- Timber windows/doors and fittings – specialist re-sale merchant.

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

### **During Construction**

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

#### **Excavation – Ground Materials**

- All waste disposal will be to approved waste management centres.
- Excavated top soil, sand and loam will be separated by type.
- Rock material will be kept separate.

#### **Building – Excess Material**

- The primary material waste will be concrete, mortar and render material.
- All excess concrete, mortar and render will be deposited into water proof bunded plastic containment areas.

#### **Building – Materials Packaging**

- All pallets will be returned to sender.

- All cardboard, plastic and metal will be pre-sorted and separately disposed of to an approved waste management centre.

#### Building – Waste Water

- All waste water will be retained and held in metal drums to settle sediment.
- Sediment free waste water could be re-used on site.
- Sediment will be re-used as local fill.

#### Asbestos

- Allow for all removal of all asbestos and any hazardous materials on site. Dispose hazardous material in-accordance with EPA and local Council's requirement. Pay for fees associated with removal & disposal of waste.

#### During Occupation

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

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

A composting bin may be provided in a common garden area of the development.

#### Mitigation Measures

Identified Requirements (Nos. 49-54) are recommended to ensure construction/demolition waste is appropriately managed and disposed of. An Identified Requirement (No. 45) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

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## 7.17 Resource Use & Availability

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

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

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

#### Mitigation Measures

No additional mitigation measures are required.

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## 7.18 Community / Social Effects

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

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Cumberland local government and surrounding area wherein the expected waiting time for a 1 bedroom dwelling in Merrylands is 5-10 years and for a 2 bedroom dwelling is 10+ years, as at 30 June 2022 (GW01 Parramatta/Baulkham Hills/GW08 Holroyd Allocation Zone), see **Figure 17**;
- 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.

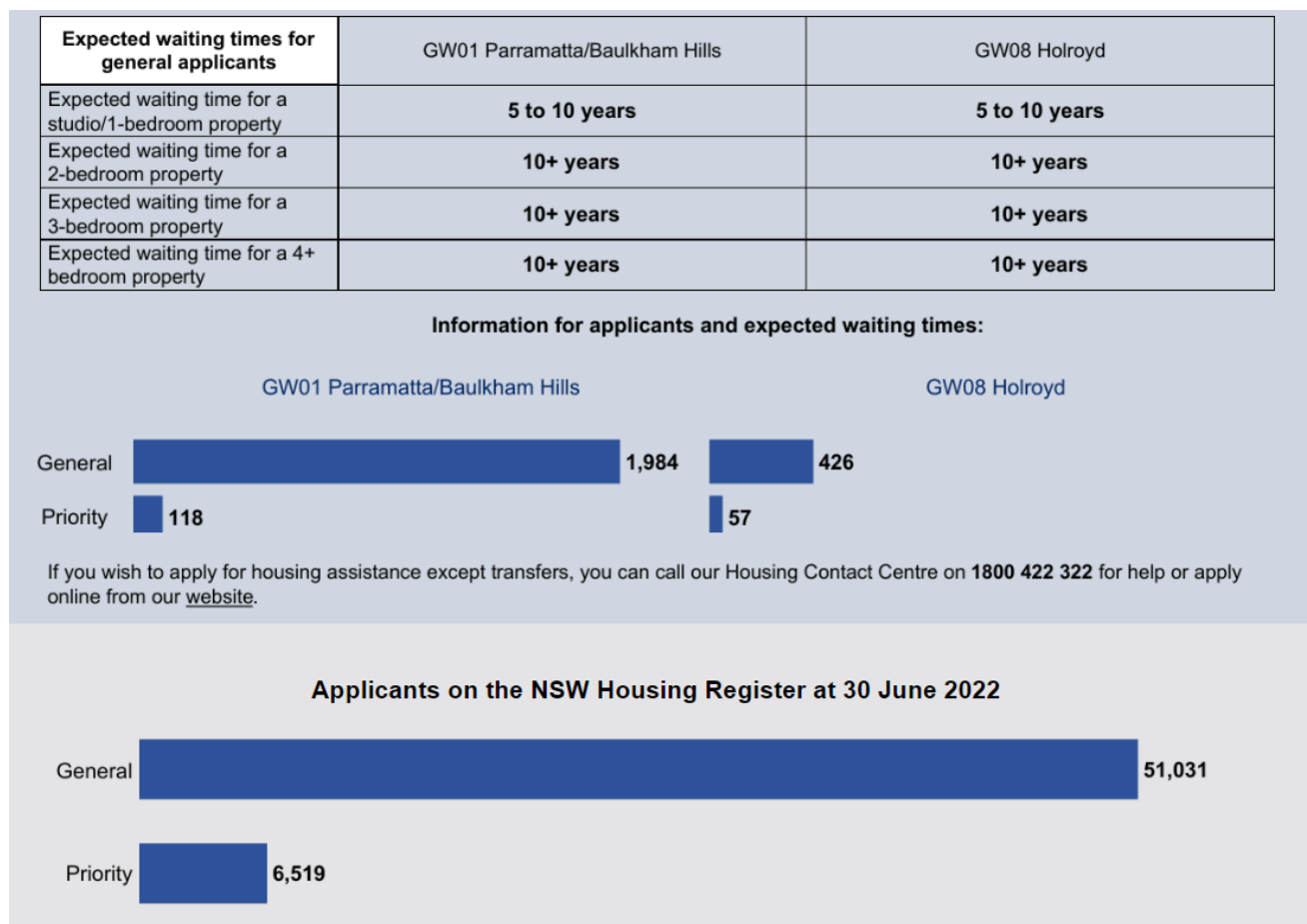


Figure 17 Waiting times for Social Housing GW01 Parramatta/Baulkham Hills/GW08 Holroyd Allocation Zone (Source: NSW Communities and Justice)

## Mitigation Measures

No mitigation measures are required.

## 7.19 Economic Impact

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

- more efficient use of land resources, existing infrastructure and existing services;

- local sourcing of construction materials, where available;
- the local sourcing of tradespeople and other construction-related professionals, where possible;
- 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.

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## **7.20 Cumulative Impact Assessment**

The proposed activity is not likely to have singular or cumulative environmental impacts which would result in unacceptable adverse effects for the following reasons:

- the proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- There are no known environmental stresses in the area of the proposed activity that would be increased.

#### **Mitigation Measures**

No mitigation measures are required.

## 8 Conclusion

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### 8.1 Summary of Key Issues Raised in Assessment

It is considered that the proposed activity, given its scale, location and design, will be sympathetic with its residential environment. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment.

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

As demonstrated in this REF, the proposed activity is considered to be consistent with the relevant objectives and standards set out in the Housing SEPP, CLEP 2021, and the design principles and better practices set out in the relevant guidelines.

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

The proposed development will enable LAHC to meet the increasing demand for 1 and 2 bedrooms seniors housing dwellings in the local area. Therefore, the proposed development is considered to be clearly in the public interest.

## 9 Recommendation

Given the above review of environmental factors, it is recommended that LAHC proceed with the proposed activity subject to the implementation of the Identified Requirements listed in the Activity Determination.



## APPENDIX A – ARCHITECTURAL PLANS

## APPENDIX B – LANDSCAPE PLANS

## APPENDIX C – CIVIL PLANS

## APPENDIX D – SURVEY PLANS

## APPENDIX E – NOTIFICATION PLANS



## APPENDIX F – SECTION 10.7 PLANNING CERTIFICATES

## APPENDIX G – NOTIFICATION LETTERS, SCOPE OF NOTIFICATION

## APPENDIX H – ACCESS REPORT

## APPENDIX I – AHIMS

## APPENDIX J – ARBORIST REPORT

## APPENDIX K – BASIX CERTIFICATE



## APPENDIX L – BCA REPORT

## APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

## APPENDIX N – NATHERS CERTIFICATE

## APPENDIX O – HOUSING FOR SENIORS CHECKLIST

## APPENDIX P – GEOTECHNICAL INVESTIGATIONS

## APPENDIX Q – TITLE SEARCH AND DP



## APPENDIX R – WASTE MANAGEMENT PLAN

## APPENDIX S – ACOUSTIC REPORT

## APPENDIX T – SURVEY FOOTPATH LONG SECTION

## APPENDIX U – ENVIRONMENTAL SITE MANAGEMENT PLAN

## APPENDIX V – TRAFFIC IMPACT ASSESSMENT

## APPENDIX W – AMENDED FLOOR SPACE RATIO CALCULATIONS