



REVIEW OF ENVIRONMENTAL FACTORS

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



For

**Demolition of the existing dwelling and associated structures, and
construction of a manor house containing 4 x 2 bedroom dwellings with
surface parking for 2 vehicles, associated landscaping, fencing and civil
works**

at

**13 Latty Street, Fairfield NSW 2165
Lot 4 DP 35006**

April 2023

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1. Executive Summary

The subject site is located at 13 Latty Street, Fairfield NSW 2165, and is legally described as Lot 4 in Deposited Plan 35006.

The proposed development is described as follows:

Demolition of the existing dwelling and associated structures, and construction of a manor house containing 4 x 2 bedroom dwellings with surface parking for 2 vehicles, associated landscaping, fencing and civil works.

Pursuant to Clause 3B.1A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) manor houses are permitted with consent on land within the R3 Medium Density Residential zone where multi dwelling housing is permitted with consent. The subject site is within an R3 Medium Density Residential zone, and multi dwelling housing is permitted within that zone under *Fairfield Local Environmental Plan 2013* (FLEP 2013).

The proposed activity is being carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it is permitted with consent under another environmental planning instrument, does not result in more than 60 dwellings on the site, does not exceed 9 metres in height and provides parking in accordance with the provisions for development that is within an 'accessible area'.

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. Tree removal is not proposed as part of the proposed development.

A Review of Environmental Factors (REF) has been undertaken of the proposed development activity 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 determined that 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 of determination, 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 the design principles and better practices set out in the *Seniors Living Policy: Urban design guidelines for infill development*, and taken into consideration the *Good Design for Social Housing, Land and Housing Corporation Dwelling Requirements*, and the relevant provisions of Part 3B of the Codes SEPP, as specified in the Housing SEPP;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Fairfield City Council;
- a BASIX certificate, NatHERS certificate 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.

Fairfield City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP. A response was received from Council dated 21 December 2022. Comments on the response are provided in Section 6.1 of this REF. One (1) submission was received from occupiers of adjoining land. Comments on the submission are provided in Section 6.2 of this REF. Notification of specified authorities was not required (refer to Section 6.3 of this REF).

The proposed activity, when 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 of determination contained 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 the existing dwelling and associated structures, and construction of a manor house containing 4 x 2 bedroom dwellings with surface parking for 2 vehicles, associated landscaping, fencing and civil works at 13 Latty Street, Fairfield NSW 2165.

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 WSP Australia on behalf of LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation).

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

Architectural

- Studio Johnston, architectural consultant –
 - A - 001-001, Rev 03 dated 27.10.2022 – Cover
 - A - 100-001, Rev 03 dated 27.10.2022 – Site Plan
 - A - 100-002, Rev 03 dated 27.10.2022 – Block Analysis
 - A - 100-003, Rev 03 dated 27.10.2022 – Site Analysis
 - A - 100-004, Rev 03 dated 27.10.2022 – Demolition Plan
 - A - 100-005, Rev 03 dated 27.10.2022 – Cut and Fill Plan
 - A - 110-001, Rev 03 dated 27.10.2022 – Ground Level
 - A - 110-002, Rev 03 dated 27.10.2022 – Level 1
 - A - 110-003, Rev 03 dated 27.10.2022 – Roof
 - A - 200-001, Rev 03 dated 27.10.2022 – East & South Elevation
 - A - 200-002, Rev 03 dated 27.10.2022 – West & North Elevation
 - A - 300-001, Rev 03 dated 27.10.2022 – Section AA & BB
 - A - 400-001, Rev 03 dated 27.10.2022 – GFA Diagrams
 - A - 410-001, Rev 03 dated 27.10.2022 – Landscaped Open Space
 - A - 420-001, Rev 03 dated 27.10.2022 – Adaptable Unit
 - A - 700-001, Rev 03 dated 27.10.2022 – Shadow Diagrams
 - A - 710-001, Rev 03 dated 27.10.2022 – View from sun 21 June
 - A - 710-002, Rev 03 dated 27.10.2022 – View from sun 21 June

Landscape

- Site Image Landscape Architects, landscape consultant –
 - 000, Issue F dated 25.10.2022 – Coversheet

- 100, Issue E dated 25.10.2022 – Landscape Plan
- 101, Issue D dated 28.10.2022 – BASIX Calculation Plan
- 500, Issue E dated 25.10.2022 – Details and Specifications

Drainage and Stormwater Water Management

- Greenview Consulting Pty Ltd, consulting engineers –
 - Drawing No C01, Rev 6 dated 27.10.2022 – Notes and Legends
 - Drawing No C02, Rev 6 dated 27.10.2022 – Ground Floor Drainage Plan
 - Drawing No C03, Rev 6 dated 27.10.2022 – Site Stormwater Details (Sheet 1)
 - Drawing No C04, Rev 6 dated 27.10.2022 – OSD Catchment Plan

Soil Erosion and Sediment Control

- Greenview Consulting Pty Ltd, consulting engineers –
 - Drawing No ESM1, Rev 4 dated 27.10.2022 – Notes and Legends
 - Drawing No ESM2, Rev 4 dated 27.10.2022 – Environmental Site Management Plan

Survey

- S.J Surveying Services Pty Ltd, consultant surveyors –
 - Drawing dated 02.09.2021 – Detail and Level Survey Lot 4 in DP 35006

BASIX / NatHERS

- Greenview Consulting Pty Ltd, Dean Gorman Accreditation No. DMN/13/1645 –
 - BASIX Certificate No 1275824M_02 dated 04.11.2022
 - NatHERS Certificate No 0007707970 dated 04.11.2022
 - BASIX Stamped Architectural Plans, No 0007707970 dated 04.11.2022
 - BASIX Thermal Specification

Specialist Reports

- Greenview Consulting Pty Ltd, traffic consultant –
 - Traffic Impact and Parking Assessment, dated 27 October 2022
- Green Spaces Consultancy, consultant arborist –
 - Arboricultural Impact Assessment and Tree Protection Plan and specification, dated 27 October 2022
- Morris Goding Access Consulting, access consultant –
 - Access Review – Final Part 5 submission, dated 27 October 2022
- Philip Chun Building Compliance, BCA consultant –
 - Building Code of Australia 2019 Amendment 1 Final Report, dated 27 October 2022
- Greenview Consulting Pty Ltd, consulting engineers –
 - Flood Review for proposed Residential Development, dated 30 March 2023

- Studio Johnston, architectural consultant –
 - Waste Management Plan, dated 27 October 2022
- STS Geotechnics Pty Ltd, geotechnical consultant –
 - Geotechnical Investigation and Acid Sulphate Soil Assessment, dated September 2021

Design Compliance and Checklists

- Seniors Living Policy: Urban Design Guidelines for Infill Development Checklist, dated 13.05.2022
- Architect's Certificate of Building Design Compliance, dated 27 October 2022
- Engineer's Certificate of Design Compliance, dated 28 October 2022
- Landscape Architect's Certificate of Design Compliance, dated 28 October 2022

Supporting Information

- Fairfield City Council –
 - Section 10.7(2)&(5) Planning Certificate No 315/2023 – 13 Latty Street FAIRFIELD NSW 2165, Lot: 4 DP: 35006, dated 01.02.2023
- Title search and Deposited Plans –
 - Certificate of Title Folio 4/35006, search date 20.03.2020

2.2 Demolition

The proposed activity includes demolition of 1 single storey detached dwelling house and associated structures, as identified in the Demolition Plan (refer to **Appendix D**).

2.3 Removal of Trees

No tree removal is proposed as part of this development activity.

2.4 Proposed Dwellings

The proposed development represents a contemporary design that is compatible with the existing and emerging character of the area and provides a high-quality development outcome. The proposed development is constructed predominately of face brickwork. A metal roof is proposed with Colorbond capping and fascia, gutters and downpipes. The proposed development addresses the streetscape, with the primary living spaces and the balcony and terrace for 2 of the 4 units facing the street to enable passive surveillance.

Of the 4 units, 1 unit (Unit 1) was designed as an adaptable dwelling capable of being adapted to suit persons with a disability. The site is identified as being subject to flooding in a PMF event and a small portion of the site is also subject to flooding in a 1 in 100 year event. Based on the advice contained in the Flood Review prepared by Greenview Consulting, during a PMF event the site may be subject to a rapid rise in floodwaters and early offsite evacuation would be required. Given these

considerations, it is recommended that the use of Unit 1 as an adaptable dwelling be deleted. An Identified Requirement (No. 73) is recommended to this effect.

The site falls gently from the north eastern corner at the front to the south western corner at the rear by 0.5m. Minor earthworks are proposed, with a maximum 300mm of fill and maximum cut of 200mm being proposed within the building footprint and driveways to provide a level building platform and appropriate access.

A variety of new landscape plantings are proposed to enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers within the front, rear, and side setback areas.

Each unit will be provided with its own private open space in the form of ground floor terraces for Unit 1 and 2 and Level 1 balconies for Units 3 and 4. All principal private open spaces are directly accessible from the internal living areas of each dwelling. A landscaped communal open space including seating is proposed at the rear of the site to provide opportunities for passive recreation and social interaction, as well as providing a consolidated deep soil area.

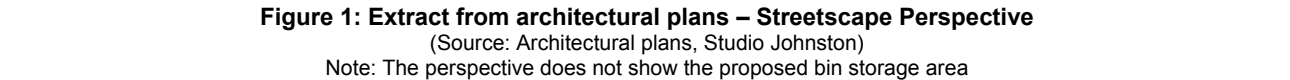
A total of 2 car parking spaces will be provided within the side setbacks of the site, with access from the new driveway crossovers from Latty Street.

Stormwater will be collected via a series of stormwater pits and strip drains connected to a 6.3m³ aboveground on-site detention basin located within the front setback area, discharging to a proposed new kerb inlet pit in Latty Street. A drainage pipe extension of approximately 60m is required to connect to existing drainage infrastructure in the street. Roof water will be collected via downpipes and connected to a 5000L aboveground rainwater tank located at the rear of the site, with overflow to discharge to the stormwater system.

A covered bin holding bay is proposed adjacent to the southern side boundary for the storage of waste and recycling bins. Colorbond fencing to a height of 2.1m is proposed on the southern side boundary adjacent to the bin storage area, which in conjunction with the roof and additional screening will minimise any potential adverse impacts on the adjoining property.

A new 1.8m high Colorbond fence is proposed along the side and rear boundaries. Additional lattice screening will be provided on top of the Colorbond fence along part of the southern side boundary adjacent to the pedestrian walkway, lobby entrance and car parking space, to a maximum combined height of 2.1m. The additional screening will minimise any potential overlooking or amenity impacts from the common areas of the development to the adjoining property to the south. Angled vertical metal slat fences to height of 1.5m are proposed to private open spaces to provide privacy while allowing for passive surveillance of public and communal domains.

Figures 1 and 2 are extracts from the architectural plans and drawings illustrating the proposed development.



3. Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Fairfield local government area (LGA) and comprises 1 residential allotment. A location plan is provided at **Figure 3**.



Figure 3: Location Plan
(Source: SIX Maps)

The site is currently occupied by a single storey fibre cement dwelling house with tiled roof (refer to photograph at **Figure 4**).



Figure 4: Development Site – 13 Latty Street Fairfield
(Source: Google Maps)

The property immediately to the north (11 Latty Street) contains a single storey weatherboard dwelling house (refer photograph at **Figure 5**). The property to the south (15 Latty Street) contains a single storey fibre cement dwelling house, with a secondary dwelling located in the rear of the property (refer to photograph at **Figure 6**). The properties to the east of the site on the opposite side of Latty Street (14, 16 & 16A Latty Street) contain contemporary 2 storey dwellings (refer to photograph at **Figure 7**).



Figure 5: Adjoining development – 11 Latty Street
(Source: Google Maps)



Figure 6: Adjoining Development – 15 Latty Street
(Source: Google Maps)



Figure 7: Multi dwelling housing development opposite the subject site – 14, 16 & 16A Latty Street
(Source: Google Maps)

3.2 Site Description

A copy of the Section 10.7(2) & (5) Planning Certificate (No 315/2023), dated 1 February 2023 is provided in **Appendix A**.

The site is rectangular in shape and has an area of 780.3m². It has a frontage to Latty Street of 18.29m, side boundaries of 42.67m and a rear boundary of 18.29m (refer to the submitted Survey Plan in **Appendix O**).

The site falls gently from the northeast corner to the southwest corner by 0.5m. An easement for stormwater drainage is not required.

There are no existing trees within the site or within the road reserve in front of the site. A large tree (*Eucalyptus punctata*, grey gum) is located in the rear of the adjoining property at 11 Latty Street, in close proximity to the common side boundary with the subject site.

Water, electricity, sewer and telephone services are available to the site. All services are located along the street alignment, with the exception of a sewer line which traverses the rear of the property.

The Section 10.7 Certificate identifies the site as being located within a flood planning area and subject to flood related development controls. A Flood Review has been prepared by Greenview Consulting engineers to review the flood impacts for the proposed development (refer to **Appendix P**).

There are no encumbrances on title.

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older single storey detached dwelling houses of brick, fibrous and lightweight weatherboard construction with tiled roofs, interspersed with 2 storey residential dwellings, dual occupancy developments and multi dwelling housing developments (refer to photographs at **Figures 8 & 9**). Two and 3 storey residential flat buildings are located to the north of the subject site in Ulverstone and Wilga Streets.



Figure 8: Dual occupancy development at 5 and 5A Latty Street (to the north of the site)
(Source: Google Maps)



Figure 9: Recently constructed 2 storey multi dwelling housing development at 27 Latty Street (to the south of the site)
(Source: Google Maps)

Fairfield Train Station is approximately 600m walking distance from the site. Fairfield Train Station provides public transport linkages on the T2 and T5 Leppington Lines; the T2 Line provides direct access for commuters to the Sydney CBD.

The nearest bus stop is located on The Crescent next to Fairfield Train Station to the north (approximately 750m walking distance) which services Routes 800, 808, 812, 813, 814 and 817.

4. Zoning and Permissibility

The site is zoned R3 Medium Density Residential under *Fairfield Local Environmental Plan 2013* (FLEP2013) (refer to **Figure 10**). The proposed development is defined as a 'manor house' under the provisions of State *Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

Clause 3B.1A of the Codes SEPP permits, with consent, development for the purposes of a manor house on land zoned R3 Medium Density Residential where multi dwelling housing is permitted in the zone. Multi dwelling housing is permitted in the R3 zone under FLEP2013 and therefore, development for the purposes of a manor house is permissible.

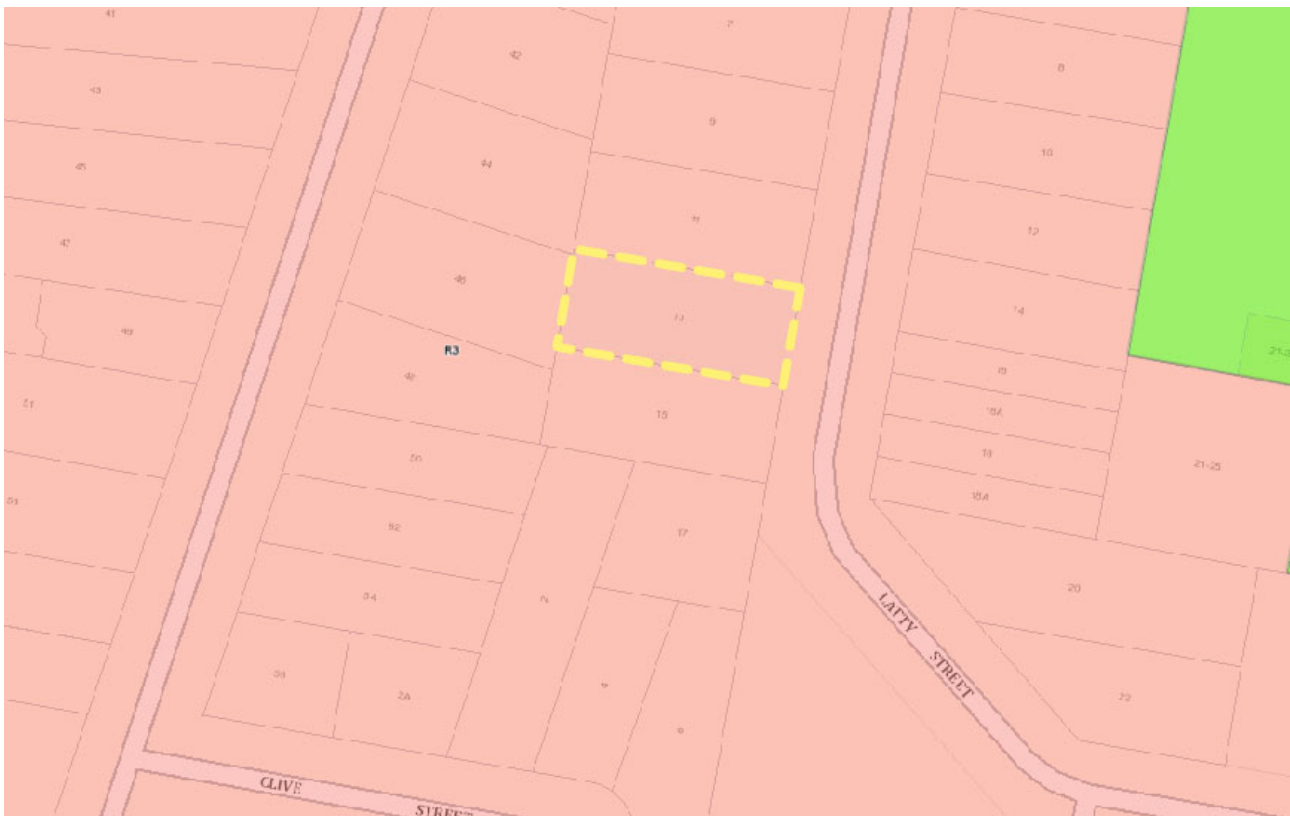


Figure 10: Land zoning map
(Source: ePlanning Spatial Viewer)

The relevant objectives of the R3 zone, as set out in FLEP 2013 are:

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

The proposed development contributes to the provision of diverse forms of medium density housing in the area to meet the identified needs of the community and will therefore be consistent with the zone objectives.

Section 42 of the Housing SEPP permits residential 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 5.2.1 of this REF demonstrates compliance with the relevant provisions of Section 42 of the Housing SEPP.

5. Planning and Design Framework

5.1 State Legislation

5.1.1 Environmental Planning and Assessment Act 1979

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

5.1.2 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, it is considered that the proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats as the land does not contain threatened species, ecological communities or constitute habitat of threatened species. The proposed development will not be a key threatening process and the land is not part, or in the vicinity of, any declared area of outstanding biodiversity value. Therefore, no further assessment is considered necessary.

5.1.3 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 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: Factors to be taken into account concerning the impact of an activity on the environment.	Relevant? Yes/ N/A	Impact		
		Temporary	Minor	Significant [Note 1]
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines. [Note 1]	N/A			
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines. [Note 2]	Y			

Have the following environmental factors listed in s171(2) of the Regulation been taken into account and any likely impact considered:

(a) environmental impact on the community	Y	x	x	
(b) transformation of a locality;	Y		x	
(c) environmental impact on the ecosystems of the locality;	Y		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	N/A			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	N/A			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment;	Y		x	
(i) degradation of the quality of the environment;	Y	x	x	
(j) risk to the safety of the environment;	N/A			
(k) reduction in the range of beneficial uses of the environment;	N/A			
(l) pollution of the environment;	Y	x	x	
(m) environmental problems associated with the disposal of waste;	Y		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Y		x	

Table 2: Factors to be taken into account concerning the impact of an activity on the environment.	Relevant? Yes/ N/A	Impact		
		Temporary	Minor	Significant [Note 1]
(o) cumulative environmental effect with other existing or likely future activities.	Y		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 3]	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y		x	
(r) other relevant environmental factors.	Y		x	

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

Note 2: This means the Department of Planning and Environment's Guidelines for Division 5.1 assessments (June 2022) in force under Section 171, not guidelines such as the *Seniors Living Urban Design Guidelines*, that are in force under other legislation or instruments.

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

The proposed 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 benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS), Community Strategic Plan and District Strategic Plan are considered below in Section 5.1.4 of this REF.

5.1.4 Strategic Planning Framework

Western City District Plan (2018)

The Western City District Plan, prepared by the Greater Sydney Commission, provides a 20-year plan to manage growth in the district, while enhancing liveability, productivity and sustainability. The plan identifies 22 Planning Priorities, structured around the strategies for infrastructure and collaboration, liveability, productivity and sustainability. The following Planning Priority is relevant to the proposed housing development:

- *Planning Priority W5. Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

The proposed housing development is consistent with this priority as it will contribute to the provision of diverse and affordable infill housing to meet the NSW Government's projections of population and household growth in the Western City District. The proposed development is located in close proximity to Fairfield city centre which has good access to public transport, facilities, services and jobs to support future residents.

2022-2032 Fairfield City Plan - Community Strategic Plan

The 2022-2032 Fairfield City Plan Community Strategic Plan, prepared by Fairfield City Council, sets out the community's vision, priorities and goals for a 10 year period. It identifies 5 themes to achieve these priorities and goals, including community wellbeing, places and infrastructure, environmental sustainability, strong and resilient economy, and good governance and leadership. Theme Two

'Places and Infrastructure' includes the following goal and outcome which is relevant to the proposed housing development:

- *Goal A – An accessible and liveable city – Outcome 3 – Affordable high quality development that improves the local character of the City*

The proposed housing development is consistent with this goal as it provides affordable housing that integrates renewable practices, such as rainwater reuse, and provides a high quality development that will contribute to the character of the local area.

Fairfield City 2040 A Land Use Vision – Shaping a Diverse City – Local Strategic Planning Statement (2020)

The Fairfield City 2040 Local Strategic Planning Statement (LSPS) prepared by Fairfield City Council provides the 20-year land use vision for Fairfield City and the local strategic planning framework to deliver on the Planning Priorities within the Western City District Plan and the goals and outcomes of the Fairfield City Plan.

The LSPS identifies 16 Planning Priorities, including the following that are relevant to the proposed housing development:

- *Planning Priority 1 – Provide housing that accommodates the needs of existing and future residents*
- *Planning Priority 2 – Deliver greater housing diversity and affordability to meet the changing needs of the community.*

The proposed development is consistent with these priorities as it contributes to the provision of affordable housing to meet the needs of existing and future residents of Fairfield LGA. The proposed development is in the form of a manor house containing 4 units, which adds to the diverse housing options in the area.

5.2 Environmental Planning Instruments and Codes

5.2.1 State Environmental Planning Policy (Housing) 2021

Development without Consent

Section 42 of the Housing SEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 3** below demonstrates compliance with the relevant provisions of sections 42 and 43 of the Housing SEPP.

Table 3: Compliance with relevant provisions under sections of Chapter 2, Part 2, Division 6 of the Housing SEPP for 'residential development without consent' carried out by LAHC	
Provision	Compliance
42(1) This Division applies to residential development if — (a) the development is permitted with consent on the land under another environmental planning instrument, and (b) all buildings will have a height of not more than 9m, and	 The development is permissible with consent under the provisions of the Codes SEPP and FLEP2013. The maximum building height is 8.3m, which is below the specified 9m maximum.

<p>(c) the development will result in 60 dwellings or less on a single site, and</p> <p>(d) for development on land in an accessible area—the development will result in at least the following parking spaces—</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms—1 parking space, and <p>(e) for development on land that is not in an accessible area—the development will result in at least the following parking spaces—</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—1 parking space, (iii) for each dwelling containing at least 3 bedrooms—1.5 parking spaces. 	<p>The development is for 4 units, which is below the specified 60 dwelling maximum.</p> <p>The development is located in an accessible area and provides 2 car parking spaces.</p> <p>The relevant car parking calculation is provided below:</p> <p>4×0.5 (2-bedroom dwellings) = 2 car parking spaces.</p> <p>The car parking provision complies with the provision.</p> <p>Not applicable.</p>
<p>(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument —</p> <ul style="list-style-type: none"> (a) the demolition of buildings and associated structures if the building or structure is on land— <ul style="list-style-type: none"> (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area, (b) the subdivision of land and subdivision works. <p>Note— Section 32 prohibits the subdivision of a boarding house.</p>	<p>Demolition of 1 existing single storey detached dwelling and associated structures on the development site is proposed.</p> <p>The site does not contain a heritage item identified in any environmental planning instrument or an interim heritage order or on the State Heritage Register.</p> <p>The site is not identified in an environmental planning instrument as being within a heritage conservation area.</p> <p>Not applicable, as no subdivision is proposed.</p>
<p>(3) This Division does not apply to—</p> <ul style="list-style-type: none"> (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4. 	<p>Noted. Division 5 does not apply in this instance.</p> <p>Noted. No part of the part of the project has been determined under former section 75P to be subject to Part 4 of the Act.</p>
<p>(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.</p>	<p>The proposed development is being carried out by LAHC and therefore can be undertaken without development consent.</p>
<p>(5) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>, sections 2.15 and 2.17 apply to the development and, in the application of the sections—</p> <ul style="list-style-type: none"> (a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and (b) a reference in the sections to a public authority is taken to be a reference to the relevant authority. 	<p>Consultation with specified public authorities, other than Council, was not required for the proposed development.</p>
<p>43 Requirements for carrying out residential development</p> <p>(1) Before carrying out development under this Division, the Land and Housing Corporation must—</p>	

<p>(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and</p> <p>(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</p> <p>(c) take into account the responses to the notice that are received within 21 days after the notice is given, and</p> <p>(d) take into account the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i>, March 2004, published on the Department's website, to the extent to which it is not inconsistent with this Division, and</p> <p>(e) consider the <i>Good Design for Social Housing and the Land and Housing Corporation Design Requirements</i>, September 2020, published on the website of the Land and Housing Corporation, to the extent to which it is not inconsistent with this Division, and</p> <p>(f) if the development is for the purposes of manor houses or multi dwelling housing (terraces)—consider the provisions of the Codes SEPP, Part 3B, to the extent to which the provisions apply to the development.</p> <p>(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.</p>	<p>Advice was sought from Fairfield City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 2 December 2021. Council provided a response on 14 December 2021 requesting amendments to the neighbour notification map by nominating additional properties that were included in an updated notification list.</p> <p>A letter notifying Fairfield City Council of the proposed development activity was sent by LAHC on 21 November 2022. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.</p> <p>Council responded to LAHC's notification by letter dated 21 December 2022. Comments on the response are provided in Section 7.1 of this REF. One submission was received from adjoining occupiers. Comments on the submission are provided in Section 7.2 of this REF.</p> <p>Refer to checklist in Appendix C and subsection 5.2.2 of this REF. These conclude that the development has taken into account the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> and complies with the guidelines, with the exception of the minor variations discussed in Subsection 5.2.2 of this report. In these cases, suitable alternatives are proposed.</p> <p>Refer to section 5.2.3 and 5.2.4 of this report and the Architect's Certificate of Building Design Compliance in Appendix N which indicate that the design requirements have been considered.</p> <p>The development is for the purposes of a manor house. The provisions of Part 3B Low Rise Housing Diversity Code of the Codes SEPP have been considered, as discussed in Section 5.2.5 of this REF and the compliance table contained in Appendix Q.</p> <p>Noted.</p>
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5.2.2 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 C**. The design has followed the Guidelines, except in relation to the following justifiable departures as discussed in **Table 5**, below:

Table 5: Seniors Living Policy: Urban design guidelines for infill development departures	
Guideline Requirement	Response
2.20 Use semi-pervious materials for driveways, paths and other paved areas	Semi-pervious materials have not been used in this instance, to meet LAHC's accessibility, maintenance and durability requirements.
3.06 Set back upper levels behind the front building façade	The upper floor is not setback further than the front building façade, side or rear building lines to simplify construction. The upper floor has been designed to provide shading and

Table 5: Seniors Living Policy: Urban design guidelines for infill development departures

Guideline Requirement	Response
4.03 Set upper storeys back behind the side or rear building line	weather protection to the ground level. A staggered façade, provision of a balcony facing the street, and the use of varied finishes and materials breaks up the visual bulk and scale of the building.
3.08 Reduce the apparent bulk and visual impact of the building by breaking down the roof into smaller roof elements 4.04 Reduce the visual bulk of roof forms by breaking down the roof into smaller elements rather than having a single uninterrupted roof structure	Breaking down the roof into smaller elements was not considered necessary as the visual bulk of the building has been minimised through architectural design elements such as articulation of the front façade and variation in building materials and finishes. The recessed common lobby also provides a visual and spatial break in the massing.
3.36 Locate or screen all parking to minimise visibility from the street	Parking spaces are located beyond the 6m front setback and the front façade of the building. Planting is proposed along the edges of the driveways to soften the visual impact of paved areas.
4.05 Incorporate second stories within the roof space and provide dormer windows	Locating second storeys within the roof space and using dormer windows is not common practice in the streetscape.
4.13 Design dwellings so that they do not directly overlook neighbours' private open space or look into existing dwellings	The upper floor balcony of Unit 4 is provided with a 1.6m high privacy screen to reduce privacy impacts and overlooking into the private open space of adjoining properties. Considered placement and design of windows facing the side boundaries will ensure privacy is maintained to adjoining dwellings. The deep soil planting also creates a buffer zone to ensure direct overlooking is minimised to adjoining properties.
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	Access and durability requirements limit the material palette choices for paving in private open spaces. Substantial deep soil and landscaped areas are provided within the development site to allow for water percolation. The provision of pervious pavers within private open spaces is not warranted in this instance.

5.2.3 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 6** below.

Table 6: Good Design for Social Housing – Relevant Goals & Principles

Goals	Principles	Comment - Discussion on how the design responds to the principles:
Wellbeing	<ul style="list-style-type: none"> • Healthy environments • Good for tenants • Quality homes 	<ul style="list-style-type: none"> • The site is within walking distance of public recreation areas including Fairfield Park. • Safe access is provided from the car parking areas to entries of the building. • The units have been designed to ensure residents have privacy and feel safe. • The development is compliant with BASIX requirements (Appendix G). • Sun shading devices around windows as well as balcony overhangs provide weather protection and sun shading to the dwellings.

Table 6: Good Design for Social Housing – Relevant Goals & Principles

Goals	Principles	Comment - Discussion on how the design responds to the principles:
		<ul style="list-style-type: none"> The proposal includes high quality landscaping to enhance the site amenity for residents and the streetscape.
Belonging	<ul style="list-style-type: none"> Mixed tenure Good shared and public spaces Contribute to local character 	<ul style="list-style-type: none"> Easily identified front entrance. Attractively designed landscaping along the street frontage. The development is small in scale which minimises the resident density. Landscaped communal open space provided at the rear of the site for passive recreation. The building design and landscaping makes a positive contribution to the surrounding residential neighbourhood.
Value	<ul style="list-style-type: none"> Whole of lifecycle approach Sustainability and resilience Make every dollar count 	<ul style="list-style-type: none"> Low maintenance landscape species. Durable building materials. The orientation of each dwelling and private open space areas have been designed to optimise natural light. A rainwater tank is provided for the development to assist with sustainability and on-site water retention and reuse. Collaboration and consultation with key stakeholders was undertaken at critical design milestones.

5.2.4 Land and Housing Corporation Design Requirements

The proposed development was designed in accordance with the *Land and Housing Corporation Dwelling Requirements* (refer to Certificate of Compliance from the Architect in **Appendix N**). These requirements were replaced by the *Land and Housing Corporation Design Requirements* in February 2023. The proposed development is generally in accordance with the provisions of the updated requirements. The development exceeds the NatHERS targets specified in the Design Requirements as it achieves an average NatHERS rating of 8.1 stars across the development and a minimum rating of 7.7 stars for each dwelling. The Design Requirements note that light-coloured metal roofs are preferred, however a dark-coloured roof is proposed (Dulux monument). The Design Requirements also specify the provision of electric appliances, however gas cooktops are proposed. In this instance, the proposed variations are acceptable as the development achieves BASIX and NatHERS targets. Further detail will be incorporated in the construction documentation.

5.2.5 Part 3B Low Rise Housing Diversity Code – State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

An assessment of the project against the relevant provisions of Part 3B of the Low Rise Housing Diversity Code and the design criteria and objectives set out in the *Low Rise Housing Diversity Design Guide for Development Applications* (Design Guide) are provided in Tables A and B in **Appendix Q**.

The development generally complies with the provisions of Part 3B, except in relation to the following matters.

- Clause 3B.29(1)(b) - Windows in habitable rooms near boundaries or other dwellings - A window in a habitable room must have a privacy screen over any part of that window that is less than 1.5m above the floor level of the room in the following cases—**

(b) the floor level of the habitable room is more than 3m above ground level (existing) and the window faces a side or rear boundary and is less than 6m from that boundary

The living room window of Unit 3 is located less than 6m from the northern side boundary and has a sill height less than 1.5m above the floor level of the room. The floor level of the room is more than 3m above existing ground level. The window is located towards the front of the building and will predominantly have an outlook to the public domain. It has a glazed area of approximately 2.1m². The window is not located within close proximity to windows in the adjoining dwelling nor the private open space on the neighbouring property. Given the location and size of the window, it is not anticipated to result in unacceptable privacy impacts. Provision of screening is therefore not considered warranted in this instance and the non-compliance with the requirement is justified.

• **Clause 3B.30(2) - One parking space must be provided for each dwelling.**

Under the control the following parking provision is to be provided:

- Units: 4 x 1 parking space per unit = 4 parking spaces.

The proposed development provides a total of 2 parking spaces.

This non-compliance is justifiable as the proposed development's parking provision is compliant with the requirements of Section 42 of the Housing SEPP, which relates to residential development carried out by LAHC.

Under this control, 0.5 spaces are to be provided per dwelling, which equals a total of 2 car parking spaces. Therefore, the provision of 2 car parking spaces is deemed suitable to meet the needs of the future residents of the proposed development. The site is also in close proximity to public transport and on street parking is available along Latty Street.

5.2.6 Other State Environmental Planning Policies

Table 7 below outlines applicability of, and compliance with, other State Environmental Planning Policies (SEPPs).

Table 7: Compliance with other applicable State 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 Appendix G).
SEPP (Transport and Infrastructure) 2021	The site is not located in close proximity to a State Classified Road or rail infrastructure, nor is it defined as traffic generating development. The proposed development is not likely to affect an electricity transmission or distribution network.
SEPP (Biodiversity and Conservation) 2021	Tree removal is not proposed as part of the development.
SEPP (Resilience and Hazards) 2021	The site is located within a developed residential area of Fairfield. The s10.7 planning certificate has not identified the site as being potentially contaminated (refer to Appendix A). Given the long-term residential use of the site, it is unlikely there will be issues of soil contamination that would require remediation. A standard recommended Identified Requirement (No. 16) requires implementation of management measures in the event of contamination during construction works.

5.3 Local Planning Controls

5.3.1 Fairfield Local Environmental Plan 2013 (FLEP2013)

Compliance with the relevant provisions / development standards set out in the FLEP 2013 is demonstrated in **Table 8** below.

Table 8: Fairfield Local Environmental Plan 2013 Relevant Provisions / Development Standards			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	Maximum building height of 9 metres.	Maximum building height (measured in accordance with the LEP definition) is 8.3 metres.
4.4	Floor Space Ratio	Maximum floor space ratio of 0.45:1.	Proposed FSR is 0.44:1 (calculated in accordance with the LEP definition).
5.10	Heritage Conservation	To conserve the environmental heritage of Fairfield	The site does not contain a heritage item or fall within a heritage conservation area. The site is not located within close proximity to a heritage item nor a heritage conservation area.
5.21	Flood Planning	<p>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p>	<p>The Section 10.7(2) & (5) Planning Certificate identifies the land or part of the land as being within the flood planning area and subject to flood related development controls.</p> <p>A Flood Review for proposed Residential Development has been prepared by Greenview Consulting engineers (Appendix P) which states that based on the site survey and Council's flood information, the site is almost entirely flood free in the 1% AEP (Annual Exceedance Probability) event, with flood depths less than 100mm being confined to the rear north western corner of the site. The review confirms the site does not contain any High Hazard areas in the 1% AEP event.</p> <p>The development as proposed will have no impacts on the flood behaviour of the floodplain for the 1%AEP event and smaller, as it is almost entirely flood free during this event for both overland flows and mainstream flooding. Council has not raised any matters in relation to potential effects on flood behaviour, in response to notification of the proposed activity.</p> <p>The Flood Review estimates the areas near the site are likely to be 'H1 Hazard' during the 1% AEP event, which is defined as 'generally safe for vehicles, people and buildings'. The Flood Review recommends a minimum floor level of RL8.4m AHD, being 500mm above the highest adjacent 1% AEP flood level. The ground floor level of the proposed development is</p>

**Table 8: Fairfield Local Environmental Plan 2013
Relevant Provisions / Development Standards**

Clause	Provision / Development Standard	Required	Provided
		<p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters –</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>	<p>RL8.8m AHD. Residents will be able to shelter-in-place within their dwellings during flood events, up to and including the 1% AEP event. The Review also provides recommendations regarding use of flood compatible materials below the flood planning level to ensure structural soundness.</p> <p>Measures will be implemented during and post construction works to ensure there are no significant adverse soil erosion and sedimentation impacts. The site is located approximately 250m from Orphan School Creek and is therefore unlikely to adversely affect the stability of river banks or the watercourse.</p> <p>The scale and nature of the proposed development is unlikely to impact projected changes to flood behaviour as a result of climate change.</p> <p>The proposal is for 2 storey infill residential development, in keeping with the density and scale of contemporary 2 storey development in the area and the R3 Medium Density Residential zoning of the land.</p> <p>The proposed development provides finished floor levels with adequate freeboard above the 1% AEP event to enable residents to shelter-in-place during flood events up to and including the 1% AEP event. The Flood Review, estimates areas near the site are likely to be 'H1 Hazard' during the 1% AEP event (generally safe for vehicles, people and buildings).</p> <p>The proposed development has been designed to provide a finished floor level with sufficient freeboard above the 1% AEP event and will incorporate flood compatible materials below the flood planning level to ensure the structural integrity of the building in the 1%AEP event.</p>
6.1	Acid Sulfate Soils	<p>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>Class of land: 5</p>	<p>The land is mapped as being within a Class 5 acid sulfate soils area and is within 500m of adjacent Class 3 land.</p> <p>A Geotechnical Investigation and Acid Sulfate Soil Assessment was prepared by STS Geotechnics Pty Ltd (refer to Appendix I) which concludes that</p>

**Table 8: Fairfield Local Environmental Plan 2013
Relevant Provisions / Development Standards**

Clause	Provision / Development Standard	Required	Provided
		Works: Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	based on onsite observations, the proposed works will not intercept any acid sulfate soils in the area nor cause lowering of any groundwater.
6.2	Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p>	<p>Minor earthworks are proposed, with a maximum of 300mm of fill and maximum cut of 200mm being proposed within the building footprint and driveways.</p> <p>The civil engineering consultant has certified that site drainage has been designed generally in accordance with Council's requirements (Appendix N).</p> <p>The proposed earthworks facilitate continued residential use of the land.</p> <p>The soil is not known to be contaminated. Any fill will be virgin excavated natural matter, as required by Identified Requirement (No.42).</p> <p>The proposed level changes will not result in any unacceptable overshadowing or privacy impacts on adjoining properties and therefore will not adversely impact the existing and likely amenity of adjoining properties.</p> <p>A detailed waste management plan will address the disposal of excavated material. Any fill will be virgin excavated natural matter, as required by identified requirement (No.42).</p> <p>No relics are known to be located on the site. Identified requirements (Nos. 43 & 44) are recommended to address the potential disturbance of any relics found on the site.</p> <p>The site is located approximately 250m from Orphan School Creek. The site is not located within a drinking water catchment or environmentally sensitive area. Onsite stormwater detention and rainwater retention, as well as soil erosion and sedimentation measures, will be implemented during works to ensure there are no adverse impacts on any waterway or environmentally sensitive area.</p> <p>Earthworks are contained within the building footprint and ancillary development and is of a minor nature</p>

Table 8: Fairfield Local Environmental Plan 2013 Relevant Provisions / Development Standards			
Clause	Provision / Development Standard	Required	Provided
		(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	(max 300mm). Sediment and erosion control measures will be implemented during earthworks and construction to mitigate the impacts of the development.
6.4	Floodplain risk management	<p>(2) This clause applies to land between the flood planning level and the level of a probable maximum flood, but does not apply to land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p> <p>(3) Development consent must not be granted to development for the following purposes on land to which this clause applies unless the consent authority is satisfied that the development will not, in flood events exceeding the flood planning level, affect the safe occupation of, and evacuation from, the land—...</p> <p>(h) residential accommodation</p>	<p>The Section 10.7(2) & (5) Planning Certificate identifies the land or part of the land as being between the flood planning area and the probable maximum flood. Development for residential accommodation is subject to flood related development controls.</p> <p>The Flood Review for proposed Residential Development prepared by Greenview Consulting engineers (Appendix P) recommends early evacuation offsite under the direction of the SES as the preferred management strategy to ensure safe evacuation from the land during a PMF event.</p>

5.3.2 Fairfield Citywide Development Control Plan 2013 (FCW DCP 2013)

The key relevant controls within FCW DCP 2013 are set out within Table 9 below where they are not covered by Part 3B of the Codes SEPP. FCW DCP 2013 does not include specific requirements for manor houses, therefore the general controls relating to multi dwelling housing have been used as a guide.

Table 9 Fairfield Citywide Development Control Plan 2013		
Chapter 6A Multi dwelling housing: Townhouse and Villas		
Clause	Requirement	Proposed
6A.6. Drainage	Proper drainage and reuse of rainwater is important to reduce downstream flooding, stormwater damage, and overland flow.	The proposed development will direct stormwater runoff into Council's drainage system. Site stormwater will be collected via stormwater pits and will drain to the OSD (refer to drainage plans at Appendix D). Roof water will drain to the rainwater tank. Council did not raise an objection to the proposed system of stormwater management for the site in response to notification of the proposed development.
6A.7 Site servicing	<p>The site must be serviced by water, electricity, sewer services etc.</p> <p>Appropriate waste management procedures to be indicated.</p>	<p>The development will be provided with access to essential services such as water, electricity, sewer etc.</p> <p>A standard Identified Requirement (No. 35) is recommended to ensure a final Waste Management Plan is prepared which details demolition, construction and operational waste management procedures.</p>

Flood Related Development Controls - Chapter 11 - Flood Risk Management Schedule 6 – Other flood plains (including areas affected by Local Overland Flood)		
Planning considerations applying to residential development in Low Flood Risk and Medium Flood Risk Precincts		
Planning Consideration	Required	Provided
Floor Level	<p>2. Habitable floor levels to be no lower than the 100 year flood level plus freeboard</p> <p>6. Non-habitable floor levels to be equal to or greater than the 100 year flood level plus freeboard where possible, or otherwise no lower than the 20 year flood level unless justified by site specific assessment</p> <p>7. A restriction is to be placed on the title of the land, pursuant to s88B of the Conveyancing Act, where the lowest habitable floor area is elevated more than 1.5m above finished ground level, confirming that the undercroft area is not to be enclosed</p>	<p>The Flood Review recommends minimum floor levels to be adopted (Appendix P) and an Identified Requirement is recommended to this effect (No. 70). The proposed habitable ground floor level is FFL 8.8m AHD, which exceeds 500mm freeboard above the highest adjacent 100 year flood level (i.e. 7.9m AHD).</p> <p>The proposed non-habitable ground floor level is FFL 8.8m AHD, which is in excess of 500mm freeboard above the highest adjacent 100 year flood level (7.9m AHD).</p> <p>Not applicable, as no undercroft area is proposed.</p>
Building Components	1. All structures to have flood compatible building components below the 100 year flood level plus freeboard.	As recommended by the Flood Review, all building components to be used below the ground floor levels are to be constructed from flood compatible materials. A structural engineer designing the development is to confirm all materials below the flood planning level (FPL) of 8.40m AHD meet this requirement. An Identified Requirement (No. 71) is recommended in this regard.
Structural Soundness	2. Applicants to demonstrate that the structure can withstand the forces of flood water, debris and buoyancy up to and including a 100 year flood plus freeboard, or a PMF if required to satisfy evacuation criteria (see below). An engineer's report may be required.	<p>As recommended by the Flood Review, a structural engineer will be required to confirm that the proposed construction is able to withstand the forces of floodwaters up to the ground floor level, including:</p> <ul style="list-style-type: none"> • Force from floodwater (flows) • Force from debris • Uplift forces due to buoyancy <p>An Identified Requirement (No. 72) is recommended in this regard.</p>
Flood Effects	2. The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: <ul style="list-style-type: none"> i. loss of flood storage ii. changes in flood levels and velocities caused by alterations to the flood conveyance; and iii. the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required. 	As stated in the Flood Review, the proposed development will have no impacts on the flood behaviour of the floodplain for the 100 year ARI event and smaller, as it is almost entirely flood free during this event for both overland flows and inundation from mainstream flooding.

Flood Related Development Controls - Chapter 11 - Flood Risk Management Schedule 6 – Other flood plains (including areas affected by Local Overland Flood)		
Planning considerations applying to residential development in Low Flood Risk and Medium Flood Risk Precincts		
Planning Consideration	Required	Provided
Car Parking and Driveway Access	<p>1. The minimum surface level of open car parking spaces or carports shall be as high as practical, and not below</p> <ul style="list-style-type: none"> i. the 20 year flood level; or ii. the level of the crest of the road at the location where the site has access (whichever is the lower). <p>3. Garages capable of accommodating more than 3 motor vehicles on land zoned for urban purposes, or enclosed car parking, must be protected from inundation by floods equal to or greater than the 100 year flood.</p> <p>5. Where the level of the driveway providing access between the road and parking space is lower than 0.3m below the 1 in 100 year flood, the following condition must be satisfied...</p> <p>6. Enclosed car parking and car parking areas accommodating more than 3 vehicles (other than on Rural zoned land) with a floor level below the 20 year flood level or more than 0.8m below the 100 year flood level shall have adequate warning systems, signage and exits.</p> <p>7. Restraints or vehicle barriers to be provided to prevent floating vehicles leaving a site during a 100 year flood.</p>	<p>The Flood Review states the site is almost entirely flood free in the 100 year event, and thus all carparking controls are readily achieved. The surface level of the proposed car parking (8.79m AHD) is not below the 20 year flood level or the crest of the road (approx. RL8.45m).</p> <p>Not applicable.</p> <p>Not applicable, as the levels of the driveways (8.79m AHD) are above the nearest 1 in 100 year flood level (7.9m AHD).</p> <p>Not applicable.</p> <p>The proposed car parking spaces are not located within the part of the land affected by the 100 year flood, therefore restraints and barriers are not required.</p>
Evacuation	<p>2. Reliable access for pedestrian or vehicles is required from the building, commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF level, or a minimum of 20% of the gross floor area of the dwelling to be above the PMF level.</p> <p>3. The development is to be consistent with any relevant flood evacuation strategy or similar plan.</p>	<p>The Flood Review provides the following comment regarding evacuation to safe refuge during the PMF event:</p> <p><i>We believe the subject site has reliable rising access to flood free areas (i.e. above the PMF) as depicted in Figure D in the report. We do not recommend that the proposed development be constructed with a PMF refuge (e.g. Level 1) as it is unlikely residents will feel safe during the peak of a PMF event, where the entire lower floor will be inundated.</i></p> <p><i>This evacuation strategy is consistent with the recommendations of the Bewsher Floodplain Risk Management study for Prospect Creek (2010).</i></p>
Management and Design	Not applicable.	Noted.

6. Notification, Consultation and Consideration of Responses

6.1 Council Notification

In accordance with section 43 of the Housing SEPP, Fairfield City Council was notified of the development by letter dated 21 November 2022 (refer to **Appendix B**). The notification response period formally closed on 16 December 2022. Council responded to the notification by a letter dated 21 December 2022, which has been extracted below. A response is provided in relation to the comments and matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements in the **Activity Determination**.

Table 10 Issues raised in Council submission	
Issues raised	Response
<p>Stormwater Drainage While Council does not object to proposed drainage pipe (approximately 60 metres in length) in Latty Street, it is suggested that the Applicant's Engineer look at the possibility of doing a kerb connection to avoid costly works on street. The OSD storage may be provided over the hardstand areas to make kerb connection possible.</p> <p>Only stormwater runoff shall be directed to the drainage system. The grated drains proposed within the building footprint at ground floor level are likely to collect wastewater and therefore should be deleted from the plans.</p>	<p>Consideration has been given to the location of the proposed OSD. A kerb connection results in issues with gravity discharge to the kerb and to maintain a min. 300mm freeboard. The OSD is therefore proposed to remain as per its original location.</p> <p>The grated drains have been nominated where the internal to external slope is less than 50mm and are proposed to protect the internal areas from potential water ingress.</p>
<p>Acoustic Management The documents submitted to Council do not address how noise will be managed between the adjoining tenancies.</p>	<p>The proposed development will be constructed in accordance with the National Construction Code and will therefore provide adequate attenuation measures to address noise transmission between dwellings.</p>
<p>Private Open Space The submitted Architectural Drawings indicate the private open space (POS) area allocated to Unit 1 will be located within the front setback of the building. It is recommended that POS be relocated away from the front setback as POS in the front is not allowed by Council's controls within the Fairfield City Wide Development Control Plan 2013 (FCW DCP 2013) and is uncharacteristic in this locality.</p>	<p>The siting of the principal POS of Unit 1 to the front of the development is consistent with the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i>, which allows for the provision of POS in front setbacks where possible, and assists in providing casual surveillance to the public domain. The principal POS is setback behind the front building line and does not encroach into the front setback area. Unit 1 also has an additional private open space area located within the northern side setback area.</p>
<p>Setback of Upper Levels The submitted Architectural Drawings indicate the upper levels of the front building façade to be setback in front of the building façade. It is recommended that the upper levels be setback behind the building façade in accordance with Clause 3.06 of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development Checklist</i>.</p>	<p>The upper level of the building is located above the ground floor level for buildability reasons. The upper floor balcony extends beyond the ground floor dwelling to provide shade and weather protection to the ground level terrace. The proposed balcony contributes to the articulation of the front façade and does not encroach into the required 6m front setback. Setting the upper level behind the front building façade is not considered warranted in this instance.</p>
<p>Roof Design It is recommended that the roof be broken into smaller elements to reduce the apparent bulk and visual impact of the building in accordance with Clause 3.08 of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development Checklist</i>.</p>	<p>The bulk and visual impact of the building has been broken up through the use of architectural elements including a staggered front facade, articulation and use of varied building materials and finishes. The visual impact of the proposed development is considered to be in keeping with contemporary 2 storey development in the surrounding area.</p>

Table 10 Issues raised in Council submission

Issues raised	Response
<p>Privacy <i>In order to reduce potential privacy impacts to the neighbouring Unit No. 4, it is recommended that any liveable spaces be oriented towards the front and rear setbacks of the premises. Also, it is recommended that the upper floor level windows that do not have a sill height of more than 1.5 metres, be obscured or glazed to optimise privacy to adjoining dwellings.</i></p>	<p>The sliding doors to the living area of Unit 4 are oriented to face the rear of the site and are set back over 10m to the rear boundary. Windows to the living area of Unit 4 which face the northern side boundary have been designed with sill heights of 1.5m to provide privacy whilst allowing solar access.</p> <p>Remaining upper floor windows which face side boundaries are to bedrooms (windows <2m² in size) and bathrooms only, and are therefore not considered to result in unacceptable overlooking impacts.</p> <p>The upper floor living room window of Unit 3 which faces the northern side boundary has a sill height <1.5m, however it is located towards the front of the building and will predominantly have a view to the public domain.</p> <p>Translucent glazing is recommended for the full height vertical window to the first floor lobby which faces the southern side boundary to ensure privacy to the adjoining dwelling is maintained. An Identified Requirement (No. 74) has been recommended in this regard.</p>

6.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 43(1)(b) 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 an email dated 2 December 2021. Council provided an email response on 14 December 2021 requesting amendments to the notification map by including additional properties. **Figure 11** illustrates the properties in which the occupiers were notified of the development.



Figure 11 – Map of Properties Notified of the Proposed Development

Source: LAHC

Under section 43(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 21 November 2022.

The notification response period formally closed on 16 December 2022. One submission was received. Matters raised in the submission are discussed in **Table 11**.

Table 11: Issues raised by adjoining owners / neighbours	
Issues raised	LAHC Response
<p>Waste</p> <p><i>The Bin Holding Bay is located next to the fence between the site and the adjoining property to the south. Concern was raised regarding the impact of odour and flies on the adjoining home.</i></p>	<p>The proposed bin storage area is located next to the driveway and carport of the adjoining property to the south and is not in direct proximity to windows of the adjoining dwelling.</p> <p>The architectural plans have been amended to provide a roof and additional screening to the bin storage area to minimise any potential adverse impacts to the adjoining property. A solid Colorbond metal panel fence to a height of 2.1m will be provided along the southern side boundary adjacent to the bin storage area. The proposed metal panel roof and additional screening of the bin storage area will provide adequate separation and minimise potential adverse impacts such as odour and flies to the neighbouring property.</p> <p>An Identified Requirement (No. 75) is recommended which addresses the provision of the bin holding bay roof, screening and 2.1m high Colorbond fence to minimise any adverse impacts on the adjoining properties.</p>

6.3 Notification of Specified Public Authorities

As required by section 42(5) 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 other public authorities other than Council.

7. Review of Environmental Factors

A review of environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

7.1 Neighbourhood Character and Streetscape

The site is located within an established residential area that is characterised by older single storey detached dwelling houses, interspersed with 2-storey dwelling houses, dual occupancies and multi dwelling housing developments. Two and 3-storey residential flat buildings are located to the north of the site within Ulverstone and Wilga Streets.

The proposed development is compatible with contemporary dual occupancy and multi dwelling housing developments within the surrounding neighbourhood. The 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

The proposed built form incorporates an articulated façade which utilises a variety of materials and finishes. The proposed development has been designed to address the street frontage through the provision of street facing windows and doors, as well as ground floor private open space and first floor balcony, improving casual surveillance of the street. The proposed development is appropriately setback from the street, provides setbacks to adjoining development that are consistent with surrounding dwelling houses, and is softened with landscaping and planting elements in the front, side and rear setbacks which assist in reducing the visual bulk and scale.

The proposed housing development will make a modern and positive contribution to the streetscape through the construction of a contemporary, fit-for-purpose residential building which will replace ageing housing stock that has reached the end of its economic life. No mitigation measures are required, as the design of the proposed development is sympathetic to the existing and developing neighbourhood character.

Mitigation Measures

No mitigation measures are required.

7.2 Bulk and Density

The proposed development has been designed to reduce bulk and scale by providing a rectangular shaped building footprint which presents to the streetscape as a single dwelling width, allowing for the main area of the building to be provided through the site. A modern palette of external finishes and materials also assists in reducing the bulk and scale of the development.

The proposed development results in a floor space ratio of 0.44:1 which is below the allowable floor space ratio provided by the FLEP 2013 of 0.45:1. The proposal will increase housing density in the area, which is consistent with the state and regional strategies and development controls which relate to the site. Development for the purposes of a manor house is consistent with the R3 zone objective to provide a variety of housing types within a medium density residential environment. The bulk and density of the proposed development is considered appropriate as it will deliver a built form outcome consistent with the planning controls for the locality and the emerging built form in Latty street.

Mitigation Measures

No mitigation measures are required.

7.3 Privacy

Appropriate design and privacy mitigation measures have been incorporated within the proposed development to maintain appropriate privacy to adjoining dwellings and private open spaces. Ground floor windows are setback from side and rear boundaries, and will be screened by the proposed boundary fencing and landscaping elements.

Upper floor living areas have been generally oriented to face the front or rear of the site, with appropriate setbacks to maintain privacy. A 1.6m high angled, vertical slat privacy screen is provided on the northern side of the balcony of Unit 4 to minimise potential overlooking of the adjoining property to the north.

Windows to the living area of Unit 4 which face the northern side boundary have been designed with sill heights of 1.5m to provide privacy whilst allowing solar access. The upper floor living room window of Unit 3 which faces the northern side boundary is located towards the front of the building and will predominantly have a view to the public domain. Remaining upper floor windows which face side boundaries are to bedrooms and bathrooms only, and are therefore not considered to result in unacceptable overlooking impacts.

Translucent glazing is recommended to the full height vertical window in the upper floor lobby to ensure privacy is maintained to the adjoining property to the south.

Mitigation Measures

An Identified Requirement (No.74) is recommended to require the lobby window to be fitted with translucent glazing.

7.4 Solar Access

The proposed housing development has been designed to achieve good solar access by providing northern orientation to living areas and private open spaces. As demonstrated by the view from sun diagrams (**Appendix D**), each dwelling will receive at least 3 hours direct solar access to living areas and private open spaces between 9am to 3pm on June 21. The communal open space area at the rear of the site will also receive solar access throughout the day.

Mitigation Measures

No mitigation measures are required.

7.5 Overshadowing

The proposed development will not result in any significant or unacceptable overshadowing impacts on adjoining development, as demonstrated by the shadow diagrams in **Appendix D**. Given the orientation of the site, some overshadowing of the adjoining property to the south of the site at 15 Latty Street will occur as a result of the proposed development. It should be noted that the northern façade of the dwelling at 15 Latty Street adjoins an attached carport, which would restrict solar access to the window on this façade. In this regard, the proposed development will not reduce solar access to the adjoining dwelling. As demonstrated by the shadow and view from sun diagrams, at least 50% of the rear private open space of 15 Latty Street will receive more than 3 hours of solar access on June 21.

Mitigation Measures

No mitigation measures are required.

7.6 Traffic & Parking

A total of 2 surface car parking spaces for residents will be provided on site to serve the proposed development. The provision of on-site car parking will satisfy the parking requirements set out in the Housing SEPP for developments in an accessible area carried out by LAHC. Unrestricted street parking is available on Latty Street directly adjacent to the site to accommodate any overflow parking demand generated by the proposed development.

Two new driveways are proposed from Latty Street to provide vehicular access to the proposed development. The Traffic Impact and Parking Assessment prepared by Greenview Consulting (refer to **Appendix K**) confirms that a B85 vehicle can enter, be parked, and exit each driveway in a compliant manner. Vehicles will be required to reverse onto the street to exit the site, which is considered acceptable given only 2 car spaces are provided.

The Traffic Impact and Parking Assessment indicates that the projected net increase in traffic as a consequence of the proposed development will not have detrimental traffic impacts in the locale in terms of the traffic efficiency, amenity, safety and/or road pavement life.

Mitigation Measures

No mitigation measures are required.

7.7 Flora and Fauna

No trees are currently located on the site, however an Arboricultural Impact Assessment and Tree Protection Plan and specification has been prepared by Green Spaces Consultancy (**Appendix E**) to assess a tree (*Tree 1*) on the adjoining property at 11 Latty Street.

Tree 1 is a *Eucalyptus punctata* (Grey Gum), located at the rear of 11 Latty Street near the common side boundary with the site (refer to **Figure 12** extracted from the Arboricultural Impact Assessment).



Figure 12 – Tree location plan

(Source: Excerpt from Arboricultural Impact Assessment and Tree Protection Plan, Green Spaces Consultancy)

The proposed encroachment on the existing tree as a result of the building and pathway associated with the development is less than 10% (5.63%) of the area of the tree protection zone (TPZ) and is outside the structural root zone (SRZ). The proposed drainage lines and pits are clear of the TPZ. The encroachment is therefore considered to be 'Minor' in accordance with Clause 3.2.2 of AS4970.

The Arboricultural Impact Assessment advises that it is considered that the proposed development will have little, if any, impact on Tree 1, provided tree protection measures are installed and works undertaken as specified in the recommendations of the report.

There will be no significant impact on native fauna as a result of the proposed development, given that no tree removal is proposed and new planting will be provided.

Mitigation Measures

Tree protection measures are to be installed in accordance with the Tree Protection Plan and specifications in the Arboricultural Impact Assessment (**Appendix E**).

Tree protection must be installed prior to any work, including demolition, commencing and shall remain in place until all work is completed.

All works are to be carried out as specified in Section 10.6 of the Arboricultural Impact Assessment (**Appendix E**). A Project Arborist is to be engaged to check that the tree protection is compliant with the recommendations within the report.

Specifications and methodologies are to be adhered to during the development works as outlined within the Arboricultural Impact Assessment (**Appendix E**).

An Identified Requirement (No.34) is recommended to ensure adequate tree protection.

7.8 Heritage (European / Indigenous)

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

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 28 November 2022 (**Appendix L**) 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 Fairfield City Council's Section 10.7(2) & (5) Planning Certificate and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

Mitigation Measures

A standard Identified Requirement (No. 43) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

7.9 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Investigation and Acid Sulfate Soil Assessment, prepared by STS Geotechnics Pty Ltd (**Appendix I**), indicates the following:

- The subsurface conditions generally consist of topsoil overlying clays. The topsoil is present from the surface to depths of 0.3 to 0.4 metres. In BH1, stiff, becoming very stiff with depth, natural clays underlie the topsoils to the depth of drilling, 3.0 metres. In BH2 and BH3 the stiff clays could not be penetrated beyond the depth of hand auger refusal, 0.7 metres.
- Groundwater was not observed during drilling works.

Mitigation Measures

Foundation design and construction methods are to be carried out in accordance with the recommendations of the Geotechnical Investigation and Acid Sulfate Soil Assessment, prepared by STS Geotechnics Pty Ltd (**Appendix I**).

Contamination

According to Council's Section 10.7(2) & (5) Planning Certificate, the land is subject to the provisions of Section 3.6 – Land Contamination of the FCW DCP 2013, which applies to all land in the Fairfield local government area. Given the long-term continuous use of the land for residential purposes, the highly disturbed nature of the site and that the site is not identified as being affected by any of the

matters contained in the Contaminated Land Management Act 1997, it is unlikely that the subject land is affected by contamination.

Mitigation Measures

A standard Identified Requirement (No. 16) 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 Certificate, the land is identified as being within Class 5 Land on the Acid Sulfate Soil Map under the FLEP2013. The site is located approximately 250m from Class 1 Land.

Clause 6.1 of FPLEP 2013 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.

A Geotechnical Investigation and Acid Sulfate Soil Assessment, prepared by STS Geotechnics Pty Ltd, advises that given the proposed development has a surface elevation of approximately RL 8 to 10 m and no ground water was encountered during the drilling operations, this is not consistent with the geomorphic criteria necessary for the presence of Acid Sulfate Soils (ASS). In addition, as there is no proposed basement excavation, the site development is extremely unlikely to result in the lowering of the groundwater where nearby ASS may be present. The report concludes that, based on onsite observations, the proposed development will not intercept any ASS in the area nor cause lowering of any groundwater.

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificate indicates that there is potential for salinity in the Western Sydney Region.

A Geotechnical Investigation and Acid Sulfate Soil Assessment, prepared by STS Geotechnics Pty Ltd, advises that results of testing of onsite soils, in reference to the DLWC (2002) "*Site Investigations for Urban Salinity*", indicate that ECe values of 0.1 and 0.5 dS/m are consistent with the presence of non-saline soils.

Mitigation Measures

No mitigation measures are required.

7.10 Drainage / Flood Prone Land / Hydrology/ Water Quality

Drainage

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 strip drains connected to an aboveground on-site detention basin, with connection to a proposed new kerb inlet pit in Latty Street. A drainage pipe extension approximately 60m in length is required to connect to existing stormwater infrastructure. A proposed 5000L above ground rainwater tank located at the rear of the

site will collect roof water for reuse for the purposes of irrigation, with overflow to connect to the proposed drainage system.

Mitigation Measures

Identified Requirements (Nos. 5-8 & 40) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

Flood Prone Land

The Section 10.7(2) & (5) Planning Certificate identifies the land as a flood control lot and subject to flood related development controls. The land is identified as being partly within a Medium Flood Risk Precinct and partly within a Low Flood Risk Precinct as a result of local overland flooding (refer to **Figure 13**). The land is also identified as being within the floodplain and a Low Flood Risk Precinct as a result of mainstream flooding.

Medium Flood Risk Precinct is defined as land below the 1% AEP (1 in 100-year) flood level that is not within a High Risk Flood Precinct. It is not subject to high hydraulic hazard or has significant evacuation difficulties. *Low Flood Risk Precinct* is land within the extent of the Probable Maximum Flood (PMF) but above the 100-year flood event.

A Flood Review of the proposed development has been undertaken by Greenview Consulting (**Appendix P**). As shown in **Figure 13**, only a small portion of the site in the rear north western corner is identified as Medium Flood Risk Precinct and therefore within the extent of the 1% AEP flood event. The Flood Review states that the site is essentially flood free in the 1% AEP event, with flood depths less than 100mm, and does not contain any High Hazard areas in the 1% AEP event.

The proposed building and associated car parking is not located within the area of the site affected by the 1% AEP event. The Flood Review recommends the finished ground floor level be set at a minimum of RL+8.40m AHD, being 500mm above the highest adjacent 1% AEP level. The proposed finished floor level is RL 8.8m, which exceeds this requirement. Use of flood compatible materials below the flood planning level and verification of structural soundness by a structural engineer are also recommended.

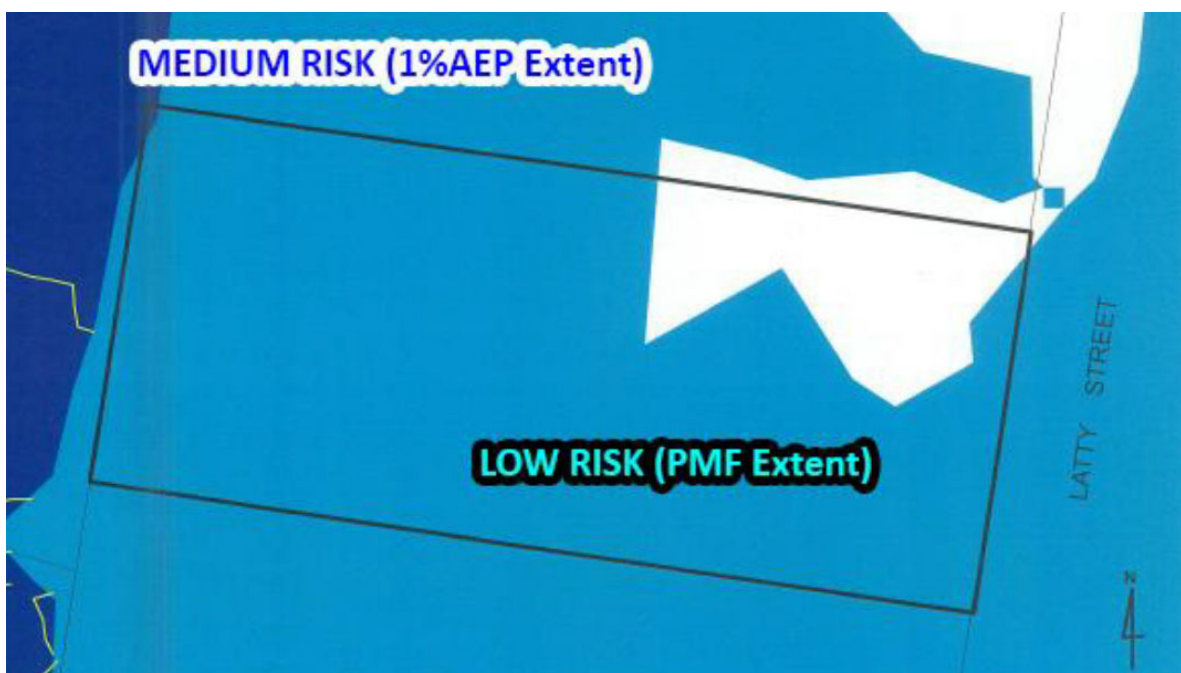


Figure 13 – 1% AEP (100yr ARI) flood mapping

(Source: Extract from Flood Review prepared by Greenview Consulting, based on Draft Fairfield CBD Floodplain Risk Management Study and Plan 2020)

As described in the Flood Review, the site is flood free in the 1% AEP event due to mainstream flooding, however based on the predicted PMF level of 10.8m AHD extracted from the *Prospect Creek Floodplain Management Plan* (Bewsher Consulting 2006), the site would be inundated by over 2m in a PMF event. The critical duration for the PMF is 60 minutes, which would equate to a rapid rise in floodwaters. The proposed development would function as a safe refuge for some large storm events (1%AEP and smaller), however it is unlikely that residents would feel safe during the peak of the PMF event, in which the lower floor would be inundated. Early evacuation under the guidance of the SES or other emergency personnel is therefore the recommended management strategy in a PMF event.

Mitigation Measures

Identified requirements (Nos. 70, 71 & 72) have been recommended to ensure that potential flood impacts are managed in accordance with the recommendations of the Flood Review.

Hydrology

The proposed development has been designed to have no adverse impact on the hydrology within the local area.

Mitigation Measures

No mitigation measures are required.

Water Quality

Sediment and erosion control measures will be installed and maintained to ensure sediment runoff from the site will not affect water quality.

Mitigation Measures

An Identified Requirement (No. 12) is recommended to ensure that erosion and sediment control measures are implemented.

7.11 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

7.12 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours prescribed under the former Department of Environment, Energy and Science guidelines and/or in accordance with the local council requirements.

During Occupation

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

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

Mitigation Measures

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

The building 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.

Standard Identified Requirements (Nos. 2, 55 & 57) have been applied to ensure compliance with the above mitigation measures.

7.13 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 standard identified requirements (Nos. 61 & 62) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

7.14 Waste Minimisation

The following waste minimisation 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:

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

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

During Construction

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

- bricks, tiles and concrete to be transported to a building recycling facility;
- timber shall be re-used on site, where possible, or mulched or sent to second hand suppliers;
- plasterboard shall be returned to the supplier for recycling; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

During Occupation

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

Mitigation Measures

Standard Identified Requirements (Nos. 25, 32b, 46-51) are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

An Identified Requirement (No. 35) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

7.15 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 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.

7.16 Community / Social Effects

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

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

Mitigation Measures

No mitigation measures are required.

7.17 Economic Impact

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

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- 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.

7.18 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

8.1 Summary of Key Issues Raised in Assessment

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, other than low to medium flood risk, 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 of the EP&A Regulation. 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 consistent with the relevant objectives and standards set out in the Housing SEPP, FLEP 2013, 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 2 bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

8.2 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** accompanying this REF.

APPENDIX A – SECTION 10.7(2) & (5) PLANNING CERTIFICATE

APPENDIX B – NOTIFICATION & CONSULTATION

APPENDIX C – SENIORS LIVING POLICY: URBAN DESIGN GUIDELINES FOR INFILL DEVELOPMENT

APPENDIX D – DEVELOPMENT PLANS

APPENDIX E – ARBORICULTURAL IMPACT ASSESSMENT

APPENDIX F – ACCESS REPORT

APPENDIX G – BASIX & NATHERS CERTIFICATES

APPENDIX H – BUILDING CODE OF AUSTRALIA COMPLIANCE ASSESSMENT REPORT

APPENDIX I – GEOTECHNICAL INVESTIGATION AND ACID SULFATE SOIL ASSESSMENT

APPENDIX J – WASTE MANAGEMENT PLAN

APPENDIX K – TRAFFIC & PARKING ASSESSMENT

APPENDIX L – AHIMS SEARCH

APPENDIX M – TITLES & DP

APPENDIX N – DESIGN COMPLIANCE CERTIFICATES

APPENDIX O – SURVEY PLAN

APPENDIX P - FLOOD REPORT

APPENDIX Q – PART 3B LOW RISE HOUSING DIVERSITY CODE COMPLIANCE TABLE