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REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

16 – 22 Funda Crescent, Lalor Park NSW 2147

November 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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DOCUMENT CONTROL REGISTER

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

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DOCUMENT SIGN-OFF


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- I do not consider I have any personal interests that would affect my professional judgement.
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1 Executive Summary

The subject site is located at 16-22 Funda Crescent, Lalor Park, and is legally described as Lots 360, 361, 362 and 363 in Deposited Plan 31954.

The proposed seniors housing development is described as follows:

Demolition of 4 existing dwellings and structures, removal of trees and construction of a new two storey seniors housing development with 18 independent living units (8 x 2 bedroom and 10 x 1 bedroom), at grade parking for 8 cars and associated landscaping, and consolidation of 4 lots into a single lot.

The proposed activity is permitted within the R2 zone and is located in a prescribed zone. Seniors housing can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Part 5, Division 8 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) as it does not result in more than 40 dwellings on the site and does not exceed 9.5m in height.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument (Blacktown Local Environmental Plan 2015) and is therefore permitted without consent under the provisions of the Housing SEPP.

The removal of trees on the site is covered by the definition of consent under Section 6 of the Housing SEPP. It has therefore been incorporated in this review of environmental factors under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Part 8 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the Seniors Living Policy: Urban Design Guidelines for Infill Development and taken into consideration Good Design for Social Housing and LAHC's Design Requirements;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Blacktown City Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- 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; and
- Blacktown City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 7 August 2023, with an additional response received on 23 August 2023. Comments on the response are provided in Section

7.1 of this REF. Three submissions were received from occupiers of adjoining land. Comments on the submissions are provided in Section 7.2 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 within 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 4 existing dwellings and structures, removal of trees, and the construction of 18 independent living seniors housing units comprising 10 x 1 bedroom and 8 x 2 bedroom units, with associated landscaping and fencing, surface parking for 8 cars, consolidation of the 4 lots into a single lot at 16-22 Funda Crescent, Lalor Park.

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

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

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 Purpose of this Review of Environmental Factors (REF)

The purpose of this REF is to assist LAHC to fulfil its obligations as a determining authority for the proposed activity in accordance with Part 5 of the EP&A Act and Section 171 of the EP&A Regulation by:

- describing the existing environment;
- describing the proposed activity;
- analysing the potential impacts of the activity on the environment;
- identifying measures to mitigate those impacts;
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment; and
- recommending Identified Requirements to ensure the mitigating measures are implemented if the activity were to proceed.

2.2 Assessment Methodology

The following methodology was applied in undertaking this REF for the proposed development activity under Part 5 of the EP&A Act:

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Blacktown Local Environmental Plan 2015* (BLEP 2015);
- it was determined that seniors housing is 'permitted with consent' in the R2 Low Density Residential zone pursuant to the BLEP 2015, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- Identified Requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Blacktown local government area (LGA) and comprises 4 residential allotments. A location plan is provided at **Figure 1**.

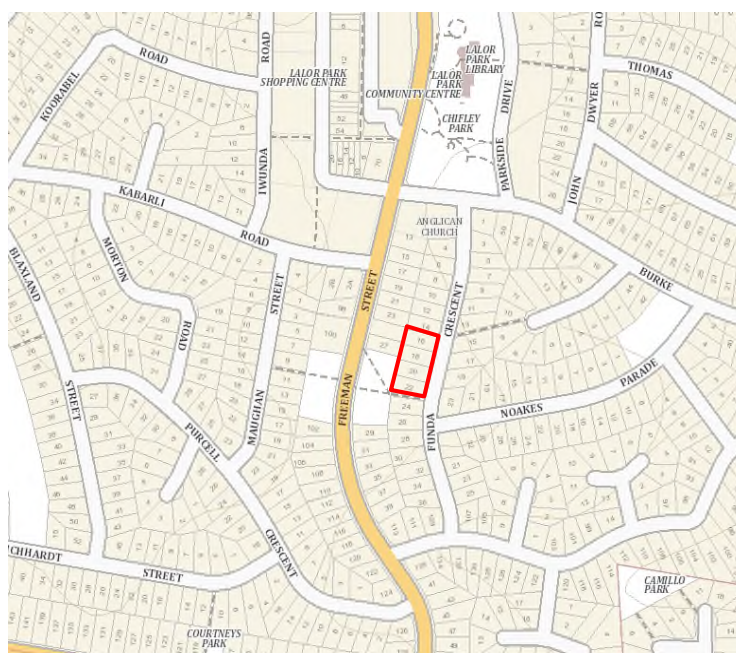


Figure 1 Location Plan (Source: SIX Maps, August 2023)

The site is currently occupied by 4 single storey clad dwellings with tiled roofs and associated structures (refer to photographs at **Figures 2-5**).



Figure 2 Development site – 16 Funda Crescent (Source – BRS, August 2023)



Figure 3 Development site – 18 Funda Crescent (Source – Google Maps)



Figure 4 Development site – 20 Funda Crescent (Source – Google Maps)



Figure 5 Development site – 22 Funda Crescent (Source – Google Maps)

The property immediately to the north (14 Funda Crescent) contains a single-storey clad dwelling house with a sheet metal roof (refer photograph at **Figure 6**). The property to the south (24 Funda Crescent) contains single storey clad dwelling house with tile roof (refer to photograph at **Figure 7**).



Figure 6 Adjoining development – 14 Funda Crescent (Source – BRS, August 2023)



Figure 7 Adjoining development – 24 Funda Crescent (Source – Google Maps)

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos PL2023/05798, PL2023/05800, PL2023/05802 and PL2023/05804) dated 2 May 2023 are provided in **Appendix F**.

The site has a total area of 2,294.016m², a frontage to Funda Crescent of 62.785m, side (northern) boundary of 35.55m, side (southern) boundary of 36.13m and a rear (western) boundary of 66.16m (refer to the submitted Detail and Level Survey Plan in **Appendix D**).

The site falls from the rear (eastern) boundary toward Funda Crescent approximately 3m. An easement for stormwater drainage is not required.

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

An Arboricultural Impact Assessment and Tree Management Plan observed 10 trees located within the site and adjoining its boundaries. These trees are generally located within the front and rear setbacks of each allotment. Three trees will be retained and protected. Of the other 7 trees proposed to be removed, 6 are considered to be of low retention value and 1 is considered priority for removal (refer to Arboricultural Impact Assessment in **Appendix J**).

Water, sewer, electricity, gas and telephone facilities are available to the site (refer to the submitted Contour and Detail Plan for the location of available services at **Appendix D**). All services are located along the road alignment of Funda Crescent, with the sewer service running within the front boundary of the site.

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

3.3 Neighbouring Development and Locality

The site is located within an established residential area. Built form in the locality is characterised by older style single storey detached dwelling houses of weatherboard, clad and brick construction with sheet metal and tiled roofs interspersed with more recent 2-storey dwelling houses, dual occupancy and medium density developments (refer to photographs at **Figure 8 – Figure 12**). A pedestrian pathway runs along the southern boundary of the site which then splits into two pathways crossing the open space at the rear of the site. These pathways connect to the nearest bus stops on Freeman Street.



Figure 8 More recent dual occupancy development at 8A Noakes Parade (east of the site) (Source - BRS, August 2023)



Figure 9 More recent dual occupancy development at 2 Holmes Street (east of the site) (Source - BRS, August 2023)



Figure 10 Multi storey brick medium density development at 19 Commercial Road (north west of the site) (Source - BRS, August 2023)



Figure 11 More recent dual occupancy development at 86 Kennedy Parade (east of the site) (Source - BRS, August 2023)



Figure 12 Two storey brick medium density development at 13-17 Parkside Drive (north of the site) (Source – Google Maps)

There are numerous bus stops located within proximity of the site. Two bus stops are located on Freeman Street approximately 39m and 53m walking distance west of the site (refer to the Long Section Surveys provided at **Appendix D**). These stops are serviced by Hillbus Route 711, which connects Blacktown to Parramatta via Constitution Hills including train stations, major shopping centres, local centres and a hospital in these areas. The adjacent pedestrian pathway has two bicycle bollards which are deemed capable of achieving compliance for wheelchair clearance. Nonetheless, there is an alternative route along Funda crescent with accessible pathway across the site which connects to bus stops on Freeman Street and within 400m walking distance.

Surrounding land use is predominantly residential with other surrounding land uses including open space, commercial development and an educational establishment. The Lalor Park Shopping Centre is located approximately 250m north of the site comprising an IGA, post office, take-away food, bakery, service station and other retail development. An area of public recreation is also located approximately 250m north of the site. Within this area is the Lalor Park library, a community garden, a community centre, landscaped gardens and seating areas. Lalor Park Public School is located approximately 450m north of the site.

4 Project Description

The proposed activity can be described as follows.

4.1 Demolition

The proposed activity includes demolition of 4 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to **Appendix A**).

4.2 Removal of Trees

The Arboricultural Impact Assessment and Tree Management Plan considered 10 trees as part of the assessment undertaken for the activity (refer to **Appendix J**). Of the 10 trees considered, 7 trees are located within the site, 1 within neighbouring property and 2 within the Funda Crescent road reserve. Of the 10 trees located within the site and adjacent allotments, the proposal is for the removal of 7 trees.

Within the site 6 trees are to be removed. In addition, 1 tree within the Funda Crescent road reserve is also to be removed. Of the 7 trees proposed to be removed, 6 are considered to be of low retention value and 1 is considered a priority for removal. One tree within the site, 1 within the Funda Crescent road reserve and 1 within neighbouring property are to be retained and protected.

The tree removal is recommended primarily to accommodate the proposed development or the individual species are recommended for removal as they are not considered to be worthy of retention (refer to submitted Arboricultural Impact Assessment and Tree Management Plan in **Appendix J**).

More appropriate tree plantings, including trees capable of reaching mature heights of 6m-8m, will be provided as part of the proposed landscape plan to compensate for the loss of these trees (refer to submitted Landscape Plan in **Appendix B**).

4.3 Proposed Dwellings

The proposed Seniors Housing development will deliver 18 independent living units, comprised of 10 x 1 bedroom and 8 x 2 bedroom dwellings. The building has been designed to be 2 storey. A driveway providing access to the communal car parking area is in the centre of the site. The car park is located at ground level within the rear north-western portion of the site.

Of the 18 independent living units, 9 (ground floor units) have been designed as liveable units which are capable of being adapted to suit persons with a disability should the need arise in the future. A photomontage of the development is provided at **Figure 13**, below.



Figure 13 Photomontage of the development (Source – Mode, 2023)

The proposed housing represents a contemporary, high-quality design. The use of face brick and cladding for external walls and Colorbond metal roofing is consistent with the developing character of the Lalor Park suburb. Of the 18 proposed units, 8 will address the Funda Crescent (Units 2, 5, 7 & 9 on the ground floor and Units 11, 14, 16 and 18 on the first floor) with habitable rooms, living area windows and upper-level balconies facing the street for passive surveillance. The proposed design is illustrated at **Figures 14-17**, below.

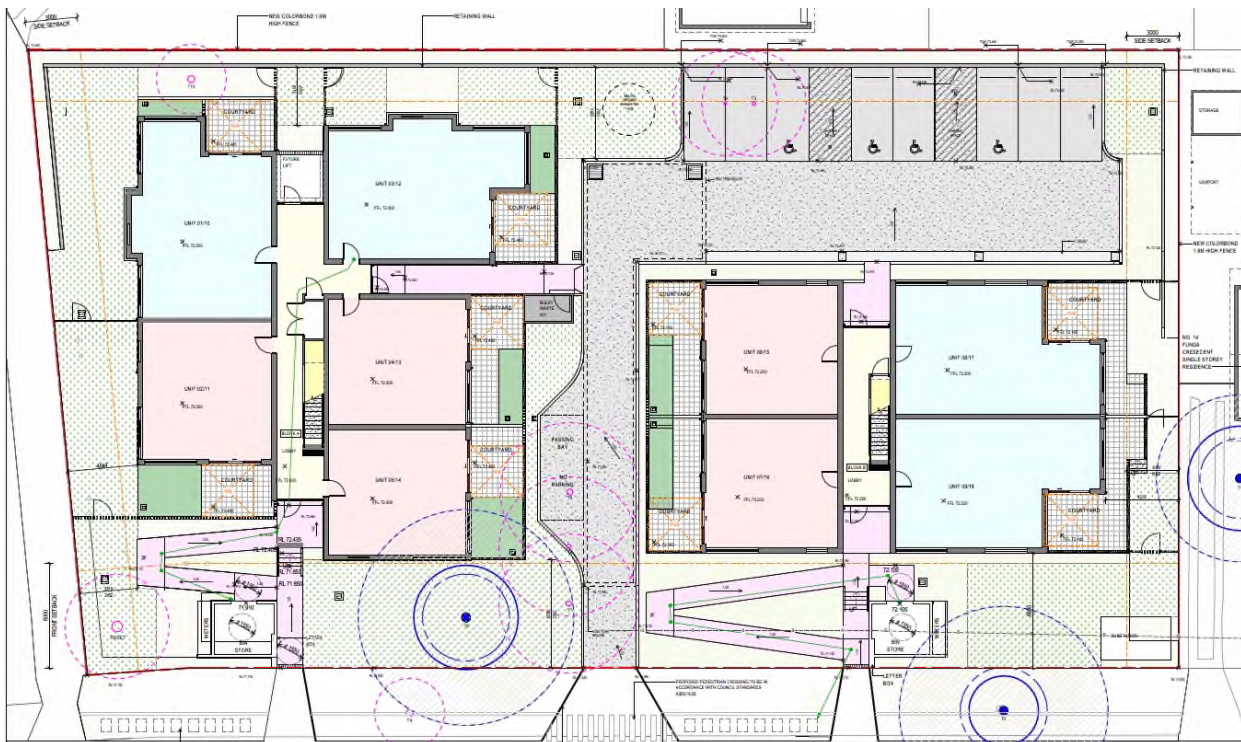


Figure 14 Site Plan (Source – Mode, 2023)

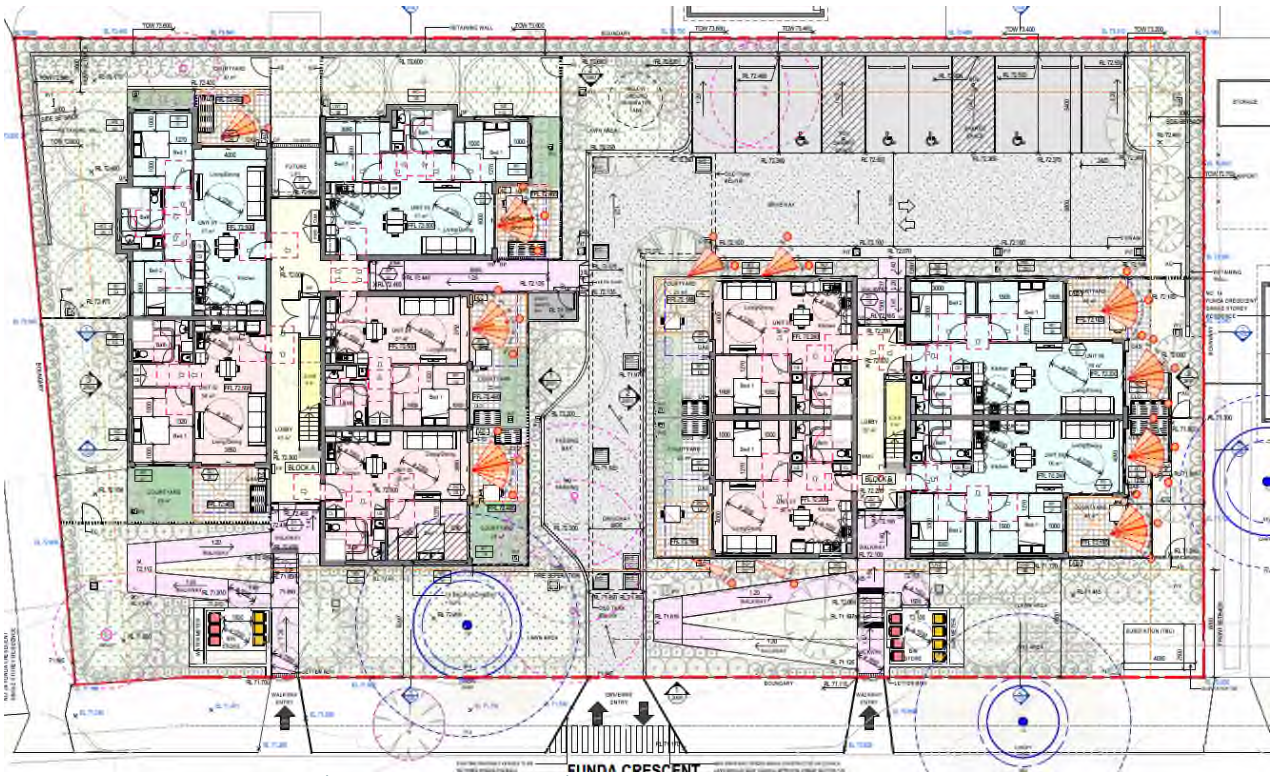


Figure 15 Ground Floor Plan (Source – Mode, 2023)

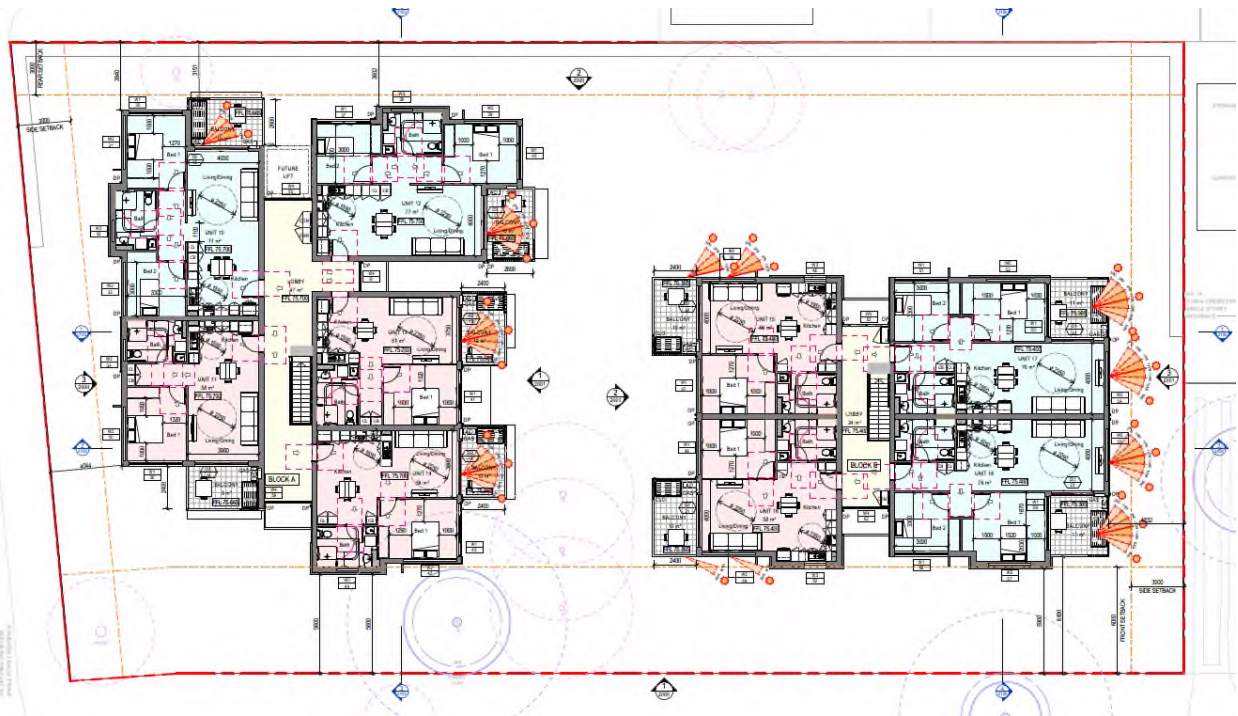


Figure 16 First Floor Plan (Source – Mode, 2023)



Figure 17 Funda Crescent (east) elevation (Source – Mode, 2023)

Minor cut and fill is proposed to provide a level building platform as shown in **Appendix C**. A retaining wall to a maximum height of 1.2m high is proposed along the western (rear) boundary and a portion of the northern (side) and southern (side) boundary to assist with stability of the site as shown on the Architectural Plans (refer to **Appendix A**).

A variety of new landscape plantings, including trees capable of reaching a mature height of 6-8m (refer **Appendix B**) are proposed to offset the tree removal and also to enhance the appearance of the site and the microclimate for new occupants and neighbours. New plantings will consist of a mixture of native trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape.

Each unit will be provided with its own enclosed private open space area. Private open space areas are in the form of either a courtyard or balcony and have been designed to be directly accessible from living areas. An extract from the proposed landscape plan is provided at **Figure 18**.

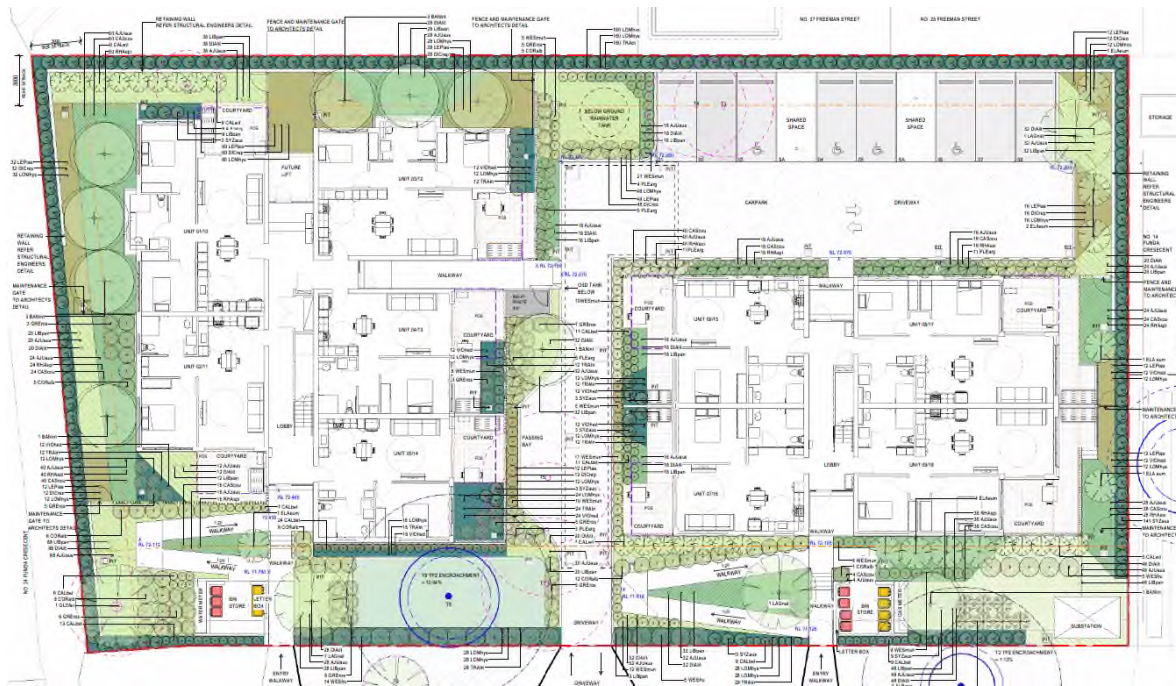


Figure 18 Landscape Plan (Source - Mode, 2023)

A total of 8 surface car parking spaces will be provided on the site, including 4 accessible spaces.

Stormwater will be collected via a series of stormwater pits and pipes on the site connected to an underground detention tank. The outlet from the detention tank will drain a pit at the site frontage which will connect to the Funda Crescent street drainage system. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow diverted to the underground detention tank.

Colorbond fencing is proposed along the side and rear boundaries maximum 1.8m in height. Vertical slat fencing is also provided to the private open space areas of each ground floor unit 1.5m in height. The front of the development is generally orientated to Funda Crescent.

Upon completion of the development the 4 existing lots will be consolidated into 1 lot.

4.4 Supporting information

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

Plans, Drawings & Supporting Document Details

The development is outlined in the following plans and drawings:

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural – Appendix A				
Coversheet	AR – 0000	O	14.09.2023	Mode
Legends/Notes	AR – 0001	M	14.09.2023	Mode
3D View & Development Data Table	AR – 0002	O	14.09.2023	Mode

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
3D Views	AR – 0003	L	14.09.2023	Mode
Site Analysis	AR – 0004	I	14.09.2023	Mode
Block Analysis Plan	AR – 0005	I	14.09.2023	Mode
Site Plan	AR – 0100	P	14.09.2023	Mode
Demolition Plan	AR – 0500	L	14.09.2023	Mode
General Arrangement Plan – Ground Level	AR – 1000	S	14.09.2023	Mode
General Arrangement Plan – First Level	AR – 1001	P	14.09.2023	Mode
General Arrangement Plan – Roof Plan	AR – 1002	L	14.09.2023	Mode
Elevations – Sheet 1	AR – 2000	M	14.09.2023	Mode
Elevations – Sheet 2	AR – 2001	M	14.09.2023	Mode
Sections	AR – 2100	M	14.09.2023	Mode
Door & Window Schedules	AR – 4100	L	14.09.2023	Mode
Photomontage	AR – 8000	H	14.09.2023	Mode
Area Plan	AR – 8050	G	14.09.2023	Mode
Solar Analysis	AR – 8100	L	14.09.2023	Mode
Solar Analysis	AR – 8101	D	14.09.2023	Mode
Solar Study – Sheet 1	AR – 8200	J	14.09.2023	Mode
Solar Study – Sheet 2	AR – 8201	J	14.09.2023	Mode
Landscape Plan – Appendix B				
Landscape Plan	LD – 1000	F	14.09.2023	Mode
Civil Plans – Appendix C				
General Notes	C00.01	F	30.08.2023	Engineering Studio
Sediment & Erosion Control Plan	C01.01	F	30.08.2023	Engineering Studio
Stormwater Drainage Plan	C02.01	F	30.08.2023	Engineering Studio
Stormwater Details Sheet 1	C02.02	F	30.08.2023	Engineering Studio
Typical Details Sheet 2	C02.03	F	30.08.2023	Engineering Studio
Proposed Design Levels	C02.04	F	30.08.2023	Engineering Studio
Driveway Longsection	C02.05	F	30.08.2023	Engineering Studio
External Catchment Swale analysis	C02.06	F	30.08.2023	Engineering Studio
Bulk excavation Plan	C03.01	F	30.08.2023	Engineering Studio
Contour and Detail Survey – Appendix D				
Detail and Level Survey	1 of 10	-	-	Norton Survey Partners
Detail and Level Survey	2 of 10	-	-	Norton Survey Partners
Detail and Level Survey	3 of 10	-	-	Norton Survey Partners
Detail and Level Survey	4 of 10	-	-	Norton Survey Partners
Detail and Level Survey	5 of 10	-	-	Norton Survey Partners
Detail and Level Survey	6 of 10	-	-	Norton Survey Partners
Detail and Level Survey	7 of 10	-	-	Norton Survey Partners
Detail and Level Survey	8 of 10	-	-	Norton Survey Partners
Detail and Level Survey	9 of 10	-	-	Norton Survey Partners
Detail and Level Survey	10 of 10	-	-	Norton Survey Partners

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Notification Plans – Appendix E				
Cover Page	AR-N01	G	05.06.2023	Mode
Site & Landscape Plan	AR-N02	G	05.06.2023	Mode
Development Data	AR-N03	G	05.06.2023	Mode
Elevations 1/2	AR-N04	G	05.06.2023	Mode
Elevations 2/2	AR-N05	G	05.06.2023	Mode
Schedule of Finishes	AR-N06	G	05.06.2023	Mode
Shadow Diagrams	AR-N07	G	05.06.2023	Mode
Structural Plans – Appendix H				
Ground Floor Plan	SK01	4	12.01.2023	Core Consulting Engineers
First Floor Plan	SK02	4	12.01.2023	Core Consulting Engineers
Roof Plan	SK03	4	12.01.2023	Core Consulting Engineers
AHIMS Web Search – Appendix I				
AHIMS search	-	-	23.08.2023	LAHC
Access Report – Appendix J				
Development Application Accessibility Report	10360DA	3	13.01.2023	Purely Access
Arborist's Impact Assessment and Tree Management Plan – Appendix L				
Arborist's Impact Assessment and Tree Management Plan	7717	-	05.04.2023	Redgum Horticultural
BASIX – Appendix M				
BASIX Certificate	BASIX Certificate No. 1340983M_04	-	03.04.2023	Green Start Energy Solutions
BCA Report – Appendix N				
BCA Report	023-219785	-	04.04.2023	Philip Chun Building Compliance
NatHERS Certificate – Appendix O				
Thermal Assessor Certificate	Nathers Certificate no. 0003180114	-	20.06.2023	Tutis Consulting
Geotechnical Investigation Assessment - Appendix R				
Geotechnical Investigation	22/0595	-	February 2022	STS Geotechnics
Waste Management Plan – Appendix T				
Waste Management Plan	22318	-	January 2023	Dickens Solutions
Traffic Impact Statement - Appendix K				
Traffic Impact Statement	22.036r01v03	-	28.04.2023	Traffix
Safety in Design Report – Appendix U				
Safety in Design Report	22032	-	02.12.2022	Mode

Section 10.7 Planning Certificates – Appendix F

Lot 360 DP 31954, Cert no. PL2023/05798, dated 02.05.2023 - Blacktown City Council

Lot 361 DP 31954, Cert no. PL2023/05800, dated 02.05.2023 - Blacktown City Council

Lot 362 DP 31954, Cert no. PL2023/05802, dated 02.05.2023 - Blacktown City Council

Lot 3603 DP 31954, Cert no. PL2023/05804, dated 02.05.2023 - Blacktown City Council

Notification letters & submissions – Appendix G

Design compliance and checklists – Appendix P

Architect's Certificate of Building Design Compliance – 21.12.2022

Certificate of Civil Design Documentation Compliance –20.12.2022

Certificate of Landscape Documentation Compliance –30.08.2023

Housing for seniors checklist – Appendix Q

Seniors Living Urban Design Guidelines, LAHC Design requirements & Good design for social housing, undated.

Titles and Deposited Plans – Appendix S

Title Search, Folio: 360/31954, Search date 19.04.2022, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 361/31954, Search date 19.04.2022, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 362/31954, Search date 19.04.2022, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 363/31954, Search date 19.04.2022, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 31954, Search Date 10.12.2018

5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Blacktown Local Environmental Plan 2015* (BLEP 2015) (**Figure 19**). The proposed development is defined as ‘seniors housing’ under the provisions of BLEP 2015 and is permitted with consent in the R2 zone.



Figure 19 Extract of Land Zoning map (Source - eSpatial Viewer)

Senior's housing is permitted in the R2 zone under BLEP 2015. The relevant objectives of the R2 zone, as set out in BLEP 2015 are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable certain activities to be carried out within the zone that do not adversely affect the amenity of the neighbourhood.

The proposed development provides seniors housing that meets the identified needs of the community and includes a mix of 1 and 2 bedroom units. The proposal is therefore consistent with the relevant objectives of the R2 zone.

Section 108B of the Housing SEPP permits seniors housing development that may be carried out ‘with consent’ to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that clause. **Table 4** in subsection 6.5 of this REF demonstrates compliance with the relevant provisions of Division 8 of the SEPP.

6 Planning and Design Framework

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

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act

Matter for consideration

Sub-section 3

Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the *Wilderness Act 1987*) in the locality in which the activity is intended to be carried on.

Effect of Activity

No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the *Wilderness Act 1987*).

6.2 Biodiversity Conservation Act 2016 (BC Act)

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

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

6.3 Other Acts

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

6.4 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** and **Table 3** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 2 Environmental Planning and Assessment Regulation 2021 Section 171

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes - Department of Planning and Environment issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EPA Regulation 2021.

Table 3 Factors to be taken into account concerning the impact of an activity on the environment

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Yes	x	X	
(b) transformation of a locality;	Yes		X	
(c) environmental impact on the ecosystems of the locality;	Yes		X	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Yes	x	X	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	Yes		X	
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	NA			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	NA			
(h) long-term effects on the environment;	Yes		X	
(i) degradation of the quality of the environment;	Yes	x	X	
(j) risk to the safety of the environment;	NA			
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	X	
(m) environmental problems associated with the disposal of waste;	Yes		X	

(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		X	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		X	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.1		X	
(r) other relevant environmental factors.	Yes – discussed in Section 8.	x	X	

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

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

The proposed seniors housing development is not expected to generate any significant or long term impacts on the environment. The short term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Regional Plan, District Plan, Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 6.4.1 of this report.

6.4.1 Strategic Planning Framework

Greater Sydney Regional Plan – A Metropolis of Three Cities

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

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

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

This proposal, which will expand the supply of affordable housing, with 18 new seniors housing units, is consistent with these objectives. The site is located within the Blacktown local government area which is part of the Central City District and the details of this plan are provided below.

Our Greater Sydney 2056 Central City District Plan

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

The plan states that the District will see a 183% proportional increase in people aged 85 and over, and a 95% increase in the 65–84 age group, is expected by 2036. This means 16% of the District’s population will be

aged 65 or over in 2036, up from 11% in 2016. This will require more diverse housing opportunities, including medium density housing located in walkable neighbourhoods. This will enable older people to continue living in their community, where being close to family, friends and established health and support networks. This proposal will provide 18 seniors living units which will assist in providing alternative social housing types in an existing residential area.

Blacktown Local Strategic Planning Statement 2020

The Blacktown Local Strategic Planning Statement was endorsed by Blacktown City Council in March 2020. It is a 20 year plan that identifies 18 Planning Priorities for the LGA, focused around “*sustainable growth, supported by essential infrastructure, efficient transport, a prosperous economy and equitable access to a vibrant, healthy lifestyle*”.

Notably, Priority 5 seeks to promote a greater housing supply with more diverse and affordable housing options. The proposed development will be contributing 12 seniors living units to the affordable housing supply in the Blacktown LGA. It is diversifying the residential uses in Blacktown by introducing seniors living housing options to accommodate the ageing population in the locality and is well serviced by existing public transport options.

The proposed development, of 18 seniors living units contributes to the objectives of the Blacktown Local Strategic Planning Statement, with more density and diversity in housing types and will increase the provision of affordable and seniors living units.

Community Strategic Plan: Our Blacktown 2041

The Our Blacktown 2041 Community Strategic Plan was adopted by Blacktown City Council in June 2022. It is a 10 year plan that outlines 6 strategic directions for the LGA that are derived from an extensive community engagement process, which identified priorities for the community’s future. The 6 strategic directions include:

- A vibrant, inclusive and resilient community
- A clean, sustainable and climate resilient city
- A smart and prosperous economy
- A growing city supported by accessible infrastructure
- A healthy, sporting and active city
- A leading city.

Under these strategic directions there are key focus areas and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business and indicators to measure progress towards achieving the long term community outcomes.

The proposed development for 18 seniors living units is not in conflict with the Our Blacktown 2041 Community Strategic Plan and will provide new housing supply which supports affordable seniors housing within the LGA.

6.4.2 Activities in Catchments [Section 171A]

The site is located within a regulated catchment, namely, the Sydney Harbour Catchment, as defined in Part 6.2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).

LAHC, as determining authority, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must take into account the controls on development set out in Part 6.2, Division 2 of the Biodiversity and Conservation SEPP.

An assessment of these controls on development is provided in **Table 10** of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Sydney Harbour Catchment.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

The Housing SEPP is very specific in terms of the matters that LAHC must consider in determining whether or not to proceed with a seniors housing development that meets the thresholds for self-approval under the SEPP. There are locational and detailed design requirements that also need to be considered. These are discussed below.

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

Table 4 Compliance with relevant provisions under sections Part 5, Division 8 of the SEPP for ‘seniors housing development without consent’ carried out by LAHC

Provision	Compliance
108A – Development to which Division applies This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is permissible with consent within the R2 Low Density Residential zone under the BLEP 2015.
(b) in a prescribed zone or an equivalent land use zone.	The R2 zone is also a prescribed zone under the SEPP. Part 5, Division 8 of the SEPP therefore applies.
108B – Seniors housing permitted without development consent (1) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent if -	
(a) the relevant authority has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	Consideration of the development standards are provided in Table 5 and Table 6 below.
(b) the development will not result in a building with a height of more than- (i) 9.5m, or (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m and the servicing equipment complies with section 84(3) – 11.5m, and	The maximum building height is 8.6m.
(c) the seniors housing will not contain more than 40 dwellings on the site.	The development is for 18 dwellings on the site.
(2) <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 clauses –	Sections 2.15 and 2.17 of State Environmental Planning Policy (Transport and Infrastructure) 2021 are not applicable to the site or development.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.

Provision	Compliance
108C – Requirements for carrying out seniors housing (1) Before carrying out development to which this Division applies, a relevant authority must –	
(a) request the council to nominate a person or persons who must, in the council’s opinion, be notified of the development, and	Advice was sought from Blacktown City Council regarding persons or properties that should be notified of the development on 11 October 2022. Council provided a response on 12 October 2022 advising that the extent of notification was satisfactory with the exception of two sites and requested consideration of the sites for notification. Properties identified by LAHC for notification as well as the additional 2 properties requested by Council were notified of the proposed development, as detailed below.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Blacktown City Council of the proposed development activity was sent by LAHC on 4 July 2023. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC’s notification by email dated 7 August 2023. An additional response from Council was received on 23 August 2023 with additional comment. Comments on the response are provided in Section 7.1 of this REF. Three submissions were received from adjoining owners or occupiers. Comments on the response are provided in Section 7.2 of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in Appendix Q and subsection 6.5.3 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 6.5.3 of this report. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints, site and locality characteristics and specific LAHC design requirements and policies.
(d1) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable.
(e) if the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to subsections 6.5.4 and 6.5.5 of this REF and the Architect’s Statement and Certificate of Building Design Compliance in Appendix P which indicate that the design and dwelling requirements have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in Table 9 .

Provision	Compliance
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.
108D - Exempt development Development for purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of a relevant authority in relation to seniors housing	Noted.
108E - Subdivision of seniors housing not permitted Development consent must not be granted for subdivision of seniors housing.	No subdivision proposed.

Housing SEPP requires LAHC to consider the applicable development standards specified in clause 84(2) (c) (iii), 85, 88, 89 and 108. Consideration of these sections of the SEPP is demonstrated in the **Table 5** and **Table 6** below:

Table 5 Compliance with section 84(2) (c) (iii), 85, 88, 89 of the Housing SEPP 2021

Provision	Compliance
84 Development standards—general (2) Development consent must not be granted for development to which this section applies unless— (c) for development on land in a residential zone where residential flat buildings are not permitted— (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys—the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	Proposed development is in R2 zone where residential flat buildings are not permitted. The proposed development has a maximum height of 8.6m. NA NA. Proposed development is two storeys only.
85 Development standards for hostels and independent living units (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4. (2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider. Note— Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the Building Code of Australia.	The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in Table 7 below. Noted.

<p>88 Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following –</p> <ul style="list-style-type: none"> (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part. <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>Complies. An Identified Requirement no. 74 is recommended to achieve compliance.</p> <p>An Identified Requirement no. 74 is recommended to achieve compliance.</p>
<p>89 Use of ground floor of seniors housing in business zones</p> <p>(1) This section applies to a building used for the purposes of seniors housing on land in a business zone.</p> <p>(2) Development consent must not be granted for development under this Part unless the part of the ground floor of the building that fronts a street will not be used for residential purposes.</p> <p>(3) Subsection (2) does not apply to a part of a building that –</p> <ul style="list-style-type: none"> (a) faces a service lane that does not require active street frontages, or (b) is used for 1 or more of the following purposes – <ul style="list-style-type: none"> (i) a lobby for a residential, serviced apartment, hotel or tenanted component of the building, (ii) access for fire services, (iii) vehicular access. <p>(4) Subsection (2) does not apply if another environmental planning instrument permits the use of the ground floor of the building for residential purposes.</p>	<p>Not applicable. The proposed development is in an R2 low density residential zone.</p>

Table 6 Non-Discretionary standards for Independent Living units (Section 108)

Development Standard	Required	Comment
Building Height:	9.5m or less	Compliant. Maximum height 8.6m.
Density and Scale:	Floor Space Ratio 0.5:1 or less	Non-Compliant. 0.58:1 as per Architectural Plans, however non-compliance does not result in any adverse impacts on adjoining properties or the streetscape (refer to variation discussion below).
Landscaped Area:	Minimum 35m ² per dwelling (18 x 35m ² = 630m ²)	Compliant. 719m ² as per Architectural plans.
Deep Soil Zone:	Minimum 15% of area of site (15% x 2294m ² = 344.1m ²)	Compliant. 432m ² or 19% as per Architectural Plans.

	Minimum 65% to be preferably located at rear of site (65% x 432 ² = 280.8m ²)	Non-Compliant. 220m ² or 50.9% provided at rear of site as per architectural plans (refer discussion below).
	Minimum dimension 3m	Compliant. Minimum dimension 3m.
Solar Access:	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9 am and 3 pm at mid-winter	Compliant. 14 Units (3hr) = 78% 14 Units (2hr) = 78%
Private Open Space:	Ground level:	
	Minimum 15m ² per dwelling	Compliant. Minimum 20m ²
	One area minimum 3m x 3m, accessible from living area	Compliant. Minimum 3m x 3m
	Upper level/s: 1 bedroom: Minimum 6m ² Minimum dimensions 2m 2 or more bedrooms: Minimum 10m ² Minimum dimensions 2m	Compliant. Minimum 9m ² Minimum 2m Minimum 10m ² Minimum 2m
Car parking:	Minimum 1 car parking space for each 5 dwellings (LAHC concession) – 3.6 car parking spaces required	Compliant. 8 car parking spaces for 18 dwellings, including 4 accessible parking spaces.

Non-Compliance with FSR Standard

The development proposes a total gross floor area (GFA) of 1,328m² calculated in accordance with the Housing SEPP definition. This translates to an FSR of 0.58:1 and represents an exceedance of 181m² to the 0.5:1 FSR development standard provided in clause 108(2)(c).

In this instance, it is considered that the density of the development is still appropriate and compatible with the development site and locality. That is, despite this exceedance, it is considered the bulk and scale of the proposed development is compatible with the emerging and desired character of the locality, maintains appropriate visual relationships with the existing area, will not adversely affect the streetscape, skyline or landscape, and does not result in adverse environmental effects on adjoining lands, as demonstrated below.

Importantly, the BLEP 2015 does not impose a maximum FSR. Rather, the BDCP 2015 sets a landscaped area, building height and setback controls for the site, against which the proposed development provides a general level of compliance, as detailed in Table 12. On this basis, it is considered that the proposed built form and density is consistent with the desired character of the locality.

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

- separation of building form to reflect the nature of existing detached development within the locality;

- significant landscaping within the site, along perimeters with adjoining properties and between buildings to break up hard surfaces and building bulk;
- provision of considered dwelling layouts, including the careful placement and sizes of window/door openings, the treatment of windows and balconies with privacy screens and substantial buffer landscaping along boundaries to ensure no overlooking of adjoining residential private open space areas or living areas occurs;
- ensuring dwellings could be provided with a high level of amenity demonstrated through compliance with the Seniors Housing design standards prescribed by the HSEPP, e.g., high levels of solar access, natural ventilation, accessibility etc;
- materials and finishes including brick walls and sheet metal roofing are similar to the materials and finishes of recent developments in the Lalor Park locality with a variety of materials used for wall sheeting, balcony balustrades and external privacy screens to add visual interest to the development;
- the proposal sits within a compliant envelope, with setbacks and height generally meeting Housing SEPP and DCP requirements;
- the development has been stepped along the frontage to minimise the bulk and scale of the development; and
- the additional floor space does not contribute to excessive bulk and scale the development.

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

The proposed development will also not generate any significant adverse amenity impacts on surrounding properties in terms of overlooking or overshadowing. Shadows to neighbouring development to the south (24 Funda Crescent) encroach the site throughout the day however shadows are limited and do not affect the whole site. No solar impact to the built form will be generated to development north or west of the site. The proposal therefore generates no unacceptable solar impacts to surrounding development and the numerical non-compliance in relation to FSR is supportable.

The proposed development accommodates the variation to FSR without impacting side setback and building separation between adjacent development. Adequate side setbacks are provided to mitigate overlooking and privacy impacts with perimeter landscaping to be implemented to further soften the built form.

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

- contributes to the increase in supply of suitable accommodation for seniors;
- meets the current and future accommodation needs of Sydney's ageing population;
- delivers a well-designed development which reflects and enhances the locality while providing a reasonable level of amenity for residents;
- provides seniors accommodation close to existing infrastructure;
- is well located to public transport connections; and
- does not affect any heritage assets.

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

6.5.2 Development standards for Accessibility

Consideration of the development standards for accessibility set out in section 85 and Schedule 4 is demonstrated in **Table 7** below.

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

Table 7 Accessibility and useability standards [Schedule 4]

Development Standard (Sch 4)	Required	Comment
2.Siting Standards:		
Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	Compliance. 100% of ground floor units are fully accessible as confirmed by the submitted Accessibility Report prepared by Purely Access.
'Sloping' sites i.e. with gradients entirely or partially >1:10	% of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS1428.1 to driveway or public road that is accessible to all residents	Not applicable, as the site does not have a gradient of more than 1 in 10.
Common areas	All common areas and facilities to have wheelchair accessibility as per AS1428.1	Compliance. All common areas have accessible paths of travel in accordance with AS1428.1 as confirmed by the submitted Accessibility Report prepared by Purely Access.
3. Security:		
Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide min 20 lux at ground level	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. All lighting will be designed as per requirements at construction documentation stage. Identified Requirement No. 75 has been imposed to ensure compliance.
4. Letterboxes:		
	To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS1428.1)	Capable of compliance. as indicated in the submitted accessibility report prepared by Purely Access. Letterboxes have been provided in two locations adjacent to the Funda Crescent pedestrian entries with suitable manoeuvring space.

5. Private car accommodation:

Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890 and at least 5% of the total number of car parking spaces (or at least 1 space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8m	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. 4 accessible car parking spaces are provided, which meet the requirements of AS2890.
Garages	Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date	Not applicable - no garages proposed.

6. Accessible entry

Every entry, whether front entry or not:	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Entry doors have adequate landings, clear opening widths and circulation. Threshold details will be required to be reviewed at construction documentation stage. Identified Requirement No. 73 imposed to ensure compliance.
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7. Interior: general

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

	Internal doorways must have a minimum clear opening that complies with AS1428.1 Internal corridors must have a minimum unobstructed width of 1,000mm Circulation space at approaches to internal doorways must comply with AS1428.1	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Door circulation and corridors are suitably wide. The leading leaf of the double doors is required to achieve a minimum clear opening. Identified Requirement No. 73 imposed to ensure compliance.
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8. Bedroom

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

	At least one bedroom within each dwelling must have: (a) an area sufficient to accommodate a wardrobe and a bed sized as follows: (i) in the case of a dwelling in a hostel-a single - size bed, (ii) in the case of a self-contained dwelling - a queen size bed, and (b) a clear area for the bed of at least: (i) 1,200mm wide at the foot of the bed, and (ii) 1,000mm wide beside the bed between it	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Circulation spaces are indicated to each unit. Further detailed information relating to electrical information will be required to be assessed at construction documentation stage. Identified Requirement No. 73 imposed to ensure compliance.
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- and the wall, wardrobe or any other obstruction, and
- (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and
 - (d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
 - (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
 - (f) wiring to allow a potential illumination level of at least 300 lux

9. Bathroom

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

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

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

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

Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Bathrooms comply with requirements as per AS 1428.1.

Further detailed information relating to fixtures and fittings will be required to be assessed at construction documentation stage. Identified Requirement No. 73 imposed to ensure compliance.

10. Toilet

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

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

Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.

All bathrooms have been designed to meet Clause 15 of AS1428.1 2009.

.11. Surface finishes

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

Balconies and external paved areas must have slip-resistant surfaces

Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.

Drawing notes indicate compliance. Identified Requirement No. 73 imposed to ensure compliance.

12. Door Hardware

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

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299

Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.

Drawing notes indicate compliance. Identified Requirement No. 73 imposed to ensure compliance.

13. Ancillary Items

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

Switches and power points must be provided in accordance with AS4299

Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.

Drawing notes indicate compliance. Identified Requirement No. 73 imposed to ensure compliance.

15. Living and dining room

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

A living room in a self-contained dwelling must have:

(a) a circulation space in accordance with clause 4.7.1 of AS4299, and

(b) a telephone adjacent to a general power outlet.

A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux

Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.

The spatial arrangements of the units demonstrate compliance.

Drawing notes indicate compliance. Identified Requirement No. 73 imposed to ensure compliance.

16. Kitchen

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

A kitchen in a self-contained dwelling must have:

(a) a circulation space in accordance with clause 4.5.2 of AS4299, and

(b) a width at door approaches complying with clause 7 of this Schedule, and

Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.

The spatial arrangement and general layout of the kitchens meet the

	<p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS4299:</p> <p>(i) benches that include at least one work surface at least 800mm in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300mm of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed</p>	<p>requirements. Identified Requirement No. 73 imposed to ensure compliance.</p>
<p>17. Access to kitchen, main bedroom, bathroom and toilet</p> <p>Note: consideration only required for ground floor units in accordance with clause 85(2)</p>		
	<p>In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level</p>	<p>Not applicable, as dwellings are not multi-storey.</p>
<p>18. Lifts in Multi storey buildings</p> <p>Note: consideration only required for ground floor units in accordance with clause 85(2)</p>		
	<p>In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.</p>	<p>Lift access is not required for this development under the Housing SEPP. However, future provision is indicated to serve one of the buildings. The proposed lift space allocated would be capable of meeting the BCA and compliance is indicated as per the submitted Accessibility Report prepared by Purely Access.</p>
<p>19. Laundry</p> <p>Note: consideration only required for ground floor units in accordance with clause 85(2)</p>		
	<p>A self-contained dwelling must have a laundry that has:</p> <p>(a) width at door approaches that complies with cl.7 of this Schedule, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p>	<p>Capable of compliance. as indicated in the submitted accessibility report prepared by Purely Access. Laundries are located within bathrooms.</p> <p>Step free access is required to the doorways leading to the clothesline areas within courtyard and balcony</p>

	<p>(c) a clear space in front of appliances of at least 1,300mm, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling</p>	<p>areas. Identified Requirement No. 73 imposed to ensure compliance.</p>
20. Storage for Linen		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299</p>	<p>Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.</p> <p>Linin cupboards are provided within each unit. Identified Requirement No. 73 imposed to ensure compliance.</p>
21. Garbage		
	<p>A garbage storage area must be provided in an accessible location.</p>	<p>Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.</p> <p>Bin stores are accessed via walkways.</p>

6.5.3 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the design of the activity against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix Q**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 8**.

Table 8 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
3.06 Setback upper levels behind the front building façade?	Upper levels are not setback further than the front building façade to simplify construction. The setbacks of the first floor level aligns with ground floor with projecting balconies to achieve the character within the street. Setbacks are generally compliant with DCP requirements. A mix of materials and finishes allow for a varied façade that works well within the streetscape.
3.07 Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses?	It is not a common practice within the streetscape to locate second storeys within the roof space. This requirement is therefore not applicable to the development.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	An at grade car park has been proposed with a single driveway. Driveways and paths are concrete to meet LAHC maintenance and durability requirements. Parking is not allocated to individual units.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	Driveway gates to common parking areas are not consistent with the LAHC Design Requirements for maintenance reasons.

4.05 Incorporate second stories within the roof space and provide dormer windows?	Second storeys within roof spaces and dormer windows are not a characteristic in the locality. The proposed second storey complies with height and generally complies with setback requirements. The proposal does not give rise to any adverse streetscape or amenity impacts.
4.20 Position driveways so as to be a buffer between new and existing adjacent dwellings?	The development provides a single driveway and the width of vehicular crossing is consistent with neighbouring properties. The proposed location and configuration increase the safety of pedestrians.

6.5.4 Good Design for Social Housing

Good Design for Social Housing establishes the four key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Clause 108C(1)(e)(i) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed seniors housing development under Part 5, Division 8 of the Housing SEPP.

The following assessment against the *Good Design for Social Housing* demonstrates that the proposed development has adequately considered the goals and principles outlined. Each goal is individually addressed below, and detailed responses are provided by the architect in the Housing for Seniors Checklist in **Appendix Q**.

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe. The floor plan design allows for future adaptation to accommodate the changing needs of tenants over time and allowing them to age in place.

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The design achieves a high BASIX/NatHERS score and as such provides appropriate thermal comfort year-round (**Appendix M & O**).

Each unit is provided with an area of private open space with attractive gardens at ground floor levels, planted with low maintenance species to attract bird life without requiring regular watering. High quality landscaping across the site will enhance the amenity for residents.

Ample parking is provided to residents, and pedestrian access through the site is highly accessible and has good passive surveillance.

Belonging

The form and materiality of the proposed development have been selected to respond to the style and character of the local area and will make a high quality contribution to the streetscape. The use of predominantly exposed brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time. The development has been designed to reduce bulk and scale. The development has been broken up into a pattern of townhouse style dwellings.

The pedestrian entries and foyers have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces. The incorporation of lighting, visual surveillance and fencing assist in the provision of a good sense of security for residents.

The mixed unit sizing caters to the needs of a diverse range of tenants and meets the requirements for seniors housing to cater for seniors and their household members.

Value

The development meets sustainability targets, with the development achieving an average NatHERS rating of 6.2. The scheme will incorporate sustainable features including insulation, glazing, clothes lines, native plantings, ceiling fans, water efficient fittings, abundant natural light, natural cross ventilation and is a design that can be modified to accommodate the changing needs of tenants.

The building materials, construction method and services have been selected to ensure that the development is durable, minimises maintenance and contributes to the low on-going running costs of the dwellings.

The yield is compatible with the planning provisions and the capability of the site, whilst providing a comfortable space for tenants and a positive streetscape contribution for the wider community.

Collaboration

The project involved a rigorous design process in collaboration with design professionals and engineers to ensure that the development incorporates the current best practice in affordable housing design. The development is in keeping with current government initiatives to deliver quality housing stock.

The design and assessment process involved close collaboration with a number of stakeholders, including input from adjoining landowners and Blacktown City Council.

6.5.5 Land and Housing Corporation Design Requirements

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

Clause 108C(1)(e)(ii) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed seniors housing development under Part 5, Division 8 of the Housing SEPP.

The proposed development was designed in accordance with the *Land and Housing Corporation Dwellings Requirements 2020* (refer **Appendix Q**). These requirements were replaced by the *Land and Housing Corporation Design Requirements* in February 2023, after design was completed. However, the proposed development is generally in accordance with the provisions of the updated Requirements. Further detail will be incorporated in the construction documentation.

6.5.6 Housing SEPP Design Principles

The proposed activity is located in an established urban area and there are no known natural environmental considerations affecting the subject land (including known significant environmental values, resources or hazards). The existing and approved uses of land immediately adjoining the proposed development is for residential and recreation purposes.

A site analysis was undertaken as part of the design process. The impact of the bulk, scale and built form is considered to be compatible with the existing uses and the future character of the area. There are services, facilities and infrastructure that will be available to meet the demands arising from the proposed activity.

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

Table 9 Response to Design Principles (Part 5, Division 8)

Neighbourhood amenity and streetscape [section 99]
<p><i>Seniors housing should be designed to –</i> <i>(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and</i></p>
<p>N/A no residential care facility proposed.</p>
<p><i>(b) recognise the desirable elements of –</i> <i>(i) the location's current character, or</i> <i>(ii) for precincts undergoing a transition – the future character of the location so new buildings contribute to the quality and identity of the area, and</i></p>
<p>The existing character of Lalor Park is predominantly single and two storey residential development of varying age and architectural style. Weatherboard cladding, fibro and brick construction with pitched roofs is a prominent feature of housing in the immediate area. Dispersed throughout the neighbourhood are more recent additions including larger contemporary two storey dwellings, dual occupancies and medium density developments. The proposal is generally compatible in form, scale and character with more contemporary residential development in the Lalor Park and the wider Blacktown locality. Contemporary residential development in the Lalor Park locality of the proposed development is suggestive of a transition of character in the Blacktown suburb and likely future development.</p> <p>The buildings have been designed as two distinct, but compatible forms when viewed from the street, and responds to the character and scale of contemporary development in the area. The front setback of the proposal is consistent with the surrounding setbacks to Funda Crescent. High quality finishes, natural materials and the well-considered design of the development add to the identity of the locality.</p>
<p><i>(c) complement heritage conservation areas and heritage items in the area, and</i></p>
<p>The site is not located within a heritage conservation area nor are there any heritage items that adjoin the site.</p>
<p><i>(d) maintain reasonable neighbourhood amenity and appropriate residential character by –</i> <i>(i) providing building setbacks to reduce bulk and overshadowing, and</i> <i>(ii) using building form and siting that relates to the site's land form, and</i> <i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</i> <i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></p>
<p>The development has been designed to reflect the desirable characteristics of the area including prominent entry points and ample landscaping within the front setback and private open space areas.</p> <p>The proposed building setbacks are compatible with the streetscape character of the locality and are generally consistent with Council's DCP requirements. Building setbacks allow for substantial landscape plantings, providing amenity for both residents and the streetscape. Greater side and rear setbacks have been provided where possible, particularly where the design includes a balcony at first floor level on the side northern elevation.</p> <p>The development is below the height limit permitted under the Housing SEPP and BLEP 2015, and retains more than 2 hours solar access to the living areas and private open spaces of neighbouring dwellings in mid-winter.</p> <p>The built form respects and follows the topography of the site, without the need for excessive cut and fill. A suitable balance of cut and fill is proposed to address the access requirements for seniors housing under the Housing SEPP.</p> <p>The proposal does not locate buildings directly upon the boundaries.</p>
<p><i>(e) set back the front building on the site generally in line with the existing building line, and</i></p>
<p>The building line is consistent with the setbacks of dwelling houses in the locality.</p>
<p><i>(f) include plants reasonably similar to other plants in the street, and</i></p>
<p>The proposed landscape design incorporates substantial plantings throughout the development which will enhance the streetscape and provide quiet spaces for residents to enjoy. Native species have been chosen to complement existing vegetation within the surrounding locality. The scheme incorporates a mix of low maintenance ground covers, native shrubs and feature trees which will create a pleasant environment for residents and attract animal and birdlife.</p> <p>Retention of 3 mature trees within the site, street and neighbouring development will further reduce the visual impact</p>

of the proposed development and contribute to the amenity of residents.

A street tree will be planted within the Funda Crescent road reserve to replace a street tree subject to removal as part of the development. The street tree will be a bottle brush, which is the same species to be removed and is in keeping with existing street trees in the locality.

(g) retain, wherever reasonable, significant trees, and

Due to the development footprint and site constraints, 7 existing trees on the site and within the Funda Crescent road reserve are proposed for removal. As outlined above, substantial replacement planting is proposed to compensate for the loss of existing vegetation. This will include at large (6-8m mature height) shade trees at the rear and side, and feature trees at the front.

A large mature tree within the front setback is to be retained and incorporated into the development. An existing street tree within the Funda Crescent road reserve and all neighbouring vegetation is to be retained.

(h) prevent the construction of a building in a riparian zone.

The site is not located within or adjacent to a riparian zone.

Visual and acoustic privacy [section 100]

Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by –

(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and

(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

The proposed development has been designed to maintain visual and acoustic privacy to adjoining properties and within the development. Design solutions include appropriate building setbacks and heights, dwelling layouts, placement and sizing of window openings and location of landscaping, particularly at the side and rear boundaries.

The buildings have generally been designed so that high use areas such as living rooms and private open space areas are oriented to the front, internally or to the area of public open space adjoining the site at the rear to minimise privacy impacts on adjoining development. Where windows and balconies are proposed, adequate setbacks have been maintained and privacy screening provided to restrict direct overlooking where appropriate. Windows from first floor living rooms on the side, southern boundary are provided with minimum 1.6m sill heights to restrict direct line of sight into the neighbouring property (24 Funda Crescent). Windows from first floor living rooms on the side, northern boundary are provided with minimum 1.6m sill heights and balconies within this elevation are provided with full length privacy screening to restrict direct line of sight into the neighbouring property (14 Funda Crescent). The privacy screens are to be installed in such a way that it prevents overlooking into neighbouring property. An Identified Requirement 87 is recommended to ensure appropriate privacy screens are installed.

Boundary fencing to a height of 1800mm will assist with mitigation of visual and acoustic impacts associated with the internal hard stand car parking. Landscaping will also act as a visual and acoustic buffer between the car park and adjacent development. Mature trees reaching a height of 7m, shrubs and groundcovers are proposed within the rear (western) boundary of the site and within the vicinity of the communal parking area. Perimeter planting is also proposed for the length of the driveway to the parking area, providing privacy and reducing the acoustic impact to residents of the development.

A large deep soil area is provided which will accommodate shade trees and dense landscape plantings which will create a pleasant outlook when viewed from neighbouring properties.

Solar access and design for climate [section 101]

The design of seniors housing should –

(a) for development involving the erection of a new building – provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and

(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

The proposed design ensures good daylight to all units through solar access, appropriate room depths and window sizes and balanced privacy screening. The design and siting of the proposed development will provide adequate daylight access to its living areas and private open spaces and the living areas and private open spaces of adjoining

properties.

78% of the overall proposed dwellings (13/18) will receive a minimum of 3 hours sunlight between 9am and 3pm on June 21 to their living area and private open space which exceeds the targets set under the Housing SEPP (refer to solar access diagrams in **Appendix A**). Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 6.2.

Solar access to the private open space of the majority of adjoining sites is maintained throughout most of the day in mid-winter (Refer to shadow diagrams at **Appendix A**). Overshadowing to neighbouring properties is minimal, and more than 2 hours solar access is maintained to living spaces and private open space of neighbouring dwellings in mid-winter.

No solar impact will be generated to development north and west of the site. Shadows to neighbouring development in the south (24 Funda Crescent) encroach the site at various times throughout the day. During the morning periods, the property will be affected by overshadowing to their private open space, however it is limited and will not affect the whole site. Encroachment in the afternoon is limited to the side setback of the development and a portion of the front setback.

Landscaping will also assist in microclimate management.

Stormwater [section 102]

The design of seniors housing should aim to –

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

Stormwater catchment design, including on site stormwater detention and a rainwater tank, have been provided and incorporated into the design to achieve Council's requirements.

Impervious surfaces have been minimised in the design to reduce the potential impact from stormwater and to maximise landscaping and deep soil zone requirements. Landscaping and pervious paving has been maximised in the landscape design.

Site stormwater will be captured and drained as shown on the submitted stormwater management plans (**Appendix C**), with a 7000L rainwater tank provided to facilitate water re-use.

Crime prevention [section 103]

Seniors housing should –

- (a) be designed in accordance with environmental design principles relating to crime prevention, and*
- (b) provide personal property security for residents and visitors, and*
- (c) encourage crime prevention by –*
 - (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and*
 - (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and*
 - (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

The principles of *Crime Prevention Through Environmental Design* have been applied to the design to manage the safety of residents.

Site planning enforces territorial reinforcement by establishing clear entry points and boundaries through fencing and landscaping. Access points are observable from living areas and private open space of all proposed dwellings. Units 2, 5, 7, 9, 11, 14, 16 and 18 have habitable rooms, living areas, courtyards or balconies facing Funda Crescent providing casual surveillance of the street.

The central entry point to each block provides a secure progression from public to private spaces and will create a safe environment for residents. Fencing will be constructed along the side and rear boundaries, and all areas of private open space are fenced to create security and further delineate between public and private spaces. It is advised

to reduce the side boundary fence height to 1.2m for front setback part of the site. This will ensure clear visibility into pedestrian link on southern side boundary from Funda Cres entry and exit points. An Identified requirement no. 87 is recommended to ensure the fence height is reduced to 1.2m as describe above.

The design of the proposed development will allow for general surveillance of common areas including walkways to each block and the communal car park. Units 2, 7, 11 and 16 having living areas or private open space observing internal walkways. Units 3, 6, 12, 15 and 17 directly observe the common car park from living areas and private open space. Units 5, 4, 6, 7, 13, 14, 15 and 16 overlook the shared driveway.

Accessibility [section 104]

Seniors housing should –

- (a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

The Access Report (**Appendix J**) demonstrates that obvious and safe pedestrian links are available, from the site to transport services and local facilities. There are two bicycle bollards on the pedestrian link which do not impede compliance with accessibility requirements. Alternatively, there is also a footpath along Funda Crescent across the site which provide safe pedestrian link from the site to transport services.

The provided assessment demonstrates compliance with Clause 93 of the Housing SEPP as the site is within 400m of public transport, facilities and services. Bus stops are located between 39-53 metres away on Freeman Street which has an accessible footpath. Further, this site is within approximately 400m of shops and recreation facilities. The Footpath Survey (**Appendix D**) demonstrate the footpath connecting the site to the bus stops is compliant and does not require any upgrades.

The proposed development will provide an attractive and safe environment for pedestrians and motorists with convenient access to car parking areas for residents. Car parking is provided for residents within the site, including 4 accessible parking spaces. Accessible pathways are provided between the car parking area and the entry points of the proposed dwellings. There is ample street parking available on Funda Crescent for visitors.

Waste management [section 105]

Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.

Two waste storage areas are provided at the pedestrian entry points of the site along Funda Crescent. The waste storage areas will accommodate general waste and recycling. All waste is to be collected by Council, with bins taken to the kerb by a LAHC contractor.

A bulky waste storage area has been provided within the central area of the development, adjoining the accessway. A LAHC contractor will arrange cleanup operations and transfer of bulky waste material for collection from the waste storage area to the ground floor collection area.

The storage areas have been appropriately screened to minimise visual impact whilst retaining good visibility to avoid the creation of entrapment spaces.

6.6 Other State Environmental Planning Policies

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

Table 10 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Sustainability Buildings) 2022	<p>As of 1 October 2023, the SEPP (Building Sustainability Index: BASIX) 2004 was repealed and replaced by the SEPP (Sustainable Buildings) 2022.</p> <p>A BASIX Certificate has been obtained for the development proposal (refer to Appendix M).</p>
SEPP (Transport and Infrastructure) 2021	<p>The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and childcare facilities and major infrastructure corridors.</p> <p>The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.</p>
SEPP (Biodiversity and Conservation) 2021	<p>This SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p>The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 7 trees (refer to Arboricultural Impact Assessment Report and Tree Management Plan at Appendix L).</p> <p>Notwithstanding, Clause 6 of the Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p>An assessment of the proposed tree removal has been undertaken within section 4.2 of this REF.</p> <p>The site is located within a regulated catchment, namely, the Sydney Harbour Catchment. Accordingly, the controls for development set out in Division 2 of Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.</p> <p>Under Section 171A(1) of the EP&A Regulation, LAHC, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must consider State Environmental Planning Policy (Biodiversity and Conservation) 2021 sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1).</p> <p>Further, as the consent authority LAHC must be satisfied under State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).</p> <p>6.6 Water quality and quantity</p> <p>This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> • have a neutral or beneficial effect on the quality of water entering a

waterway;

- have an adverse impact on water flow in a natural waterbody;
- increase the amount of stormwater run-off from a site, and
- incorporate on-site stormwater retention, infiltration or reuse.

The consent authority is also required to assess the impact of the development

- on the level and quality of the water table;
- the cumulative environmental impact of the development on the regulated catchment;
- and whether the development makes adequate provision to protect the quality and quantity of ground water.

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

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

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

Identified Requirement (No. 13) recommends that sediment control measures be implemented during construction in accordance with Council requirements and/or the guidelines contained in the *Blue Book Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004).

Identified Requirements (Nos 6 and 42) are applied to the Activity Determination recommending that stormwater management of the activity is designed in accordance with Blacktown City Council's technical guidelines and policies.

6.7 Aquatic ecology

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

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

of the waterbody.

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

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

Comment: The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The proposal seeks the removal of 7 trees. Tree removal will be appropriately substituted with planting of suitable native indigenous vegetation. In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.

6.8 Flooding

This clause relates to flood liable land.

Comment: The site is not located on flood liable land.

6.9 Recreation and public access

This clause relates to development on recreational land and public access to natural water bodies and foreshores.

Comment: The proposed activity will not impact recreational land uses or alter public access to recreational land or foreshores.

SEPP (Resilience and Hazards) 2021	<p>The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.</p> <p>Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The site is located within a developed residential area of Blacktown LGA. The s10.7 planning certificate (Appendix F) has not identified the site as being potentially contaminated.</p> <p>A recommended Identified Requirement (No. 17) requires implementation of management measures in the unlikely event of contamination prior or during construction works.</p>
SEPP (Precincts – Western	The subject site is located within the 3-30km zone as shown on the Wind Turbine

Parkland City) 2021

Buffer Zone Map.

Section 4.2 of this SEPP regulates the construction of wind monitoring towers and development for the purposes of an electricity generating works comprising a wind turbine on land within 30 kilometres of the Airport.

The proposal does not include this type of development and therefore consultation with the relevant Commonwealth body is not required.

6.7 Blacktown Local Environmental Plan 2015 (BLEP 2015)

Compliance with the relevant provisions / development standards set out in the BLEP 2015 is demonstrated in **Table 11** below.

Table 11 Blacktown Local Environmental Plan 2015

Relevant Provisions / Development Standards for Seniors Housing

Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (9 metres)	Maximum building height (measured in accordance with the LEP definition) is 8.6 metres.

6.8 Blacktown Development Control Plan 2015

Blacktown Development Control Plan 2015 (BDCP 2015) contains some specific development controls for seniors housing. However, the building setbacks for Multi Dwelling Housing have been considered for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 12** below.

The general controls for all development set out in BDCP 2015 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 12 Blacktown Development Control Plan 2015

Compliance with setback controls for multi-unit housing

Multi-unit housing

Clause	Requirement	Proposed
5.2 Building Setbacks	The building setback from the street is 6m	<p>The proposed development is setback 6.2m from the front (east) boundary at ground level.</p> <p>At the first level, the proposed development is setback 5.6m from the front (east) boundary. This proposed minor 400mm non-compliance is considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> - the minor encroachment is

		<p>from the walls only of Unit 14, 16 and 18. No rooms or balconies are located within the front setback;</p> <ul style="list-style-type: none"> - the encroachment does not last the full length of the proposed development and does not comprise more than 50% of the building façade; - the majority of the proposal is setback greater than 6m from Funda Crescent; - the proposal offers strong façade articulation; - the minor encroachment is unobtrusive; and - the minor encroachment will not create any undesirable effects on site distances.
5.5 Building Height	<p>The height of any attached dwelling or multi dwelling housing is to be in accordance with Clause 4.3 (Height of buildings) of Blacktown LEP 2015.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (9 metres)</p>	<p>The proposed development is a maximum 8.6m.</p>
5.9 Setback of Dwellings	<p>Each dwelling shall be setback from the site boundaries (other than the street frontage boundary), from other dwellings on the site and from common accessways in accordance with the following principles:</p> <p>(a) The minimum distance from any wall of a building to a site boundary shall be 2.3m. No eaves, window hoods or structures likely to obstruct the access of light and air may extend into this minimum setback distance by more than 600mm</p> <p>(b) As far as practicable, long walls or groups of walls along a boundary setback area should be broken or staggered, subject to the maintenance of reasonable solar access to all dwellings</p> <p>(c) Main building walls shall be setback from the pavement of a common accessway by at least 3m.</p>	<p>The proposed development is setback a minimum of 4m to the northern side boundary and 4m to the southern side boundary.</p> <p>The proposed development is setback 3.6m to the building line and 3.1m to the balcony from the rear boundary.</p> <p>Walls along the side boundary setbacks have been staggered.</p> <p>Units 4, 5, 6, 7, 13, 14, 15 and 16 adjoin a common driveway. The main building walls of these units have been setback greater than 3m from the shared driveway.</p> <p>In addition, landscaping has been proposed along the length of the</p>

	<p>(d) Where dwellings are attached to each other and constructed in groups, the minimum distance between any external wall of one group of dwellings and any external wall of another group of dwellings shall be 6m</p> <p>(e) Where individual detached dwellings are constructed, the minimum distance between any external walls of any 2 dwellings shall be 2.5m.</p>	<p>building wall to increase privacy to residents.</p> <p>The development proposes a minimum distance of 13.19m between Block A and Block B.</p> <p>Not applicable to the proposed development.</p>
5.18 Drainage	Adequate provision must be made for the collection and disposal of surface and roof water runoff.	Stormwater runoff and drainage has been designed in accordance with Council's requirements as outlined within the Civil Design Compliance Certificate (Appendix P).
7.2.1 Types of housing for seniors or people with a disability	Where housing for seniors or people with a disability is to be constructed in the general form of a dwelling house, multi dwelling housing, attached dwellings or a residential flat building, the provisions of Blacktown LEP 2015 and this Part of Blacktown DCP 2015 related to those forms of development will apply.	<p>The general form of the development is multi dwelling housing with setbacks for this type of development addressed above. The general controls including site layout and building design have been addressed under the provisions of the Housing SEPP above.</p> <p>It is noted given the development is two storeys in height, the provisions of SEPP65 and the ADG would not otherwise be relevant.</p>
7.2.2 Height of Buildings	Depending on the level of disability involved, buildings for seniors or people with a disability should be 1 storey in height.	Development has been designed in accordance with the housing needs of LAHC. 2-storey development is deemed appropriate in the circumstances and is compliant with Councils maximum building height of 9m.
7.2.3 Minimum room sizes	Room sizes of self-contained dwellings and hostel accommodation shall comply with the provisions of the Building Code of Australia.	The proposed development complies with the Building Code of Australia.
7.2.4 Designing for people with a disability	<p>Access for persons in wheelchairs should be provided where appropriate.</p> <p>Designs should incorporate ramps and steep slopes should be avoided.</p> <p>Units should be oriented to received direct sunlight to habitable rooms during winter months.</p> <p>A variety of sizes of self-contained dwellings should also be provided wherever practicable</p>	The development has been designed to meet the needs of future residents in accordance with LAHC's requirements. The development also meets the requirements of the Housing SEPP in relation to accessibility, solar access and dwelling sizes. It is considered that the development is consistent with the DCP design controls.
7.2.5 Laundries	Automatic washing and drying facilities shall be provided to the satisfaction of	Each unit is provided with a laundry with space for an automatic washing

	Council.	machine and clothes dryer to be installed as per the requirements of Schedule 4 of the Housing SEPP.
7.2.6 Wheelchair access	Wheelchair access shall be in accordance with Australian Standard 1428 – 2003 Design for access and mobility and the requirements of the Building Code of Australia. The maximum gradient for internal and external wheelchair access areas and pathways shall be 1:12.	As outlined within Table 7 above and the Accessibility Report prepared by Purely Access (Appendix J) confirms the development will be compliant with AS1428.
7.2.7 Facilities for nursing	All nursing and convalescent homes and hostel developments should provide on-site the following facilities: (a) Consulting rooms for medical services (b) Caretaker's office (c) Kitchen area (d) Craft/communal activities room (e) Reading library area (f) Television viewing area (g) Dining room (h) A small canteen.	Not applicable to the proposed development.
7.2.8 Community facilities for self-contained dwellings	All developments shall provide suitable indoor and outdoor community facilities for the use of residents and their visitors. The extent of the community facilities required will depend upon the scale of the development and the proximity of the development to suitable external community facilities.	Community facilities are not required considering the scale of the development (18 dwellings). The provision of appropriate living rooms and outdoor private open space areas for each unit is suitable for use by the residents and their visitors.
7.2.9 Common rooms	All developments shall provide a suitable common room facility.	As above. Community rooms are not required for the development considering its scale and the provision of appropriate living rooms and private open space areas for each unit.
7.2.10 Car parking	Car parking to be provided in accordance with Council's off-street car parking rates or relevant State Environmental Planning Policy.	Car parking provided in accordance with the requirements of the Housing SEPP.

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

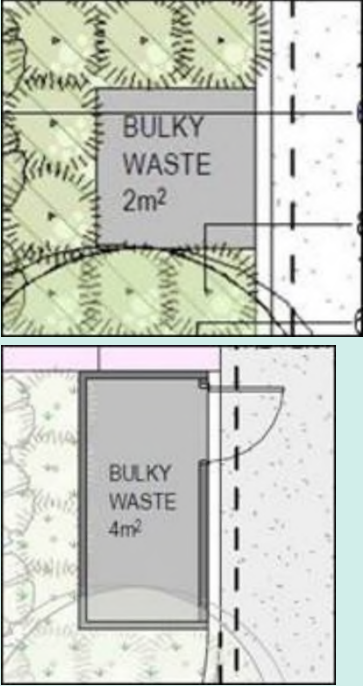
In accordance with section 108C of the Housing SEPP, Blacktown City Council was notified of the development by letter dated 4 July 2023 (refer to **Appendix G**). The notification response period formally closed on 28 July 2023 and Council responded to the notification by email dated 7 August 2023 with matters raised outlined in **Table 13** below. An additional response was received from Council on 23 August 2023 which included recommended consent conditions, which have been incorporated into the Identified Requirements listed in the **Activity Determination**.

Table 13 Issues raised in Council submission

Issues raised	Response
Planning	
FSR has not complied with the requirement (0.5:1) which is now proposed as 0.58:1. It is advised this variation and justification for the departure should be addressed in the REF but it is not found.	Despite the departure from the FSR standard, the proposed development results in an acceptable built form which does not result in any adverse impacts on adjoining properties or the streetscape. Refer to the justification in Section 6.5.1 of the REF.
It is noted that the development has been proposed as two storeys, but the plans show only a 'future' lift for one of the buildings and no lift shown for the other to provide access to the first floor in the event that a resident on the first floor has less moveability. It is unclear how Land Housing Corporation ensure residents are able to age in place in line with the Senior Housing Adaptable standards. Concern with a 'future' lift is that there is no assurance it will be provided at a future time as funding constraints at the future time or other circumstance may prevent this. As the facility is intended for senior housing then we consider a lift or at least chair lifts for each building as an interim measure should be installed at the outset to cater for the residents.	<p>LAHC holds a concession whereby the provision of a lift in multi-storey buildings is not required. A chairlift is not proposed to be installed.</p> <p>Lift access is not required for this development under the BCA as per the Accessibility Report prepared by Purely Access. The proposed development also meets the requirements of Land and Housing Corporation Dwelling Requirements 2020 and Land and Housing Corporation Design Requirements 2023.</p> <p>LAHC manages its property portfolio to respond to resident's needs. Provision is included as part of the design to enable the installation of a future lift to serve the first floor levels, should this be required in the future to meet demand.</p>

More information is required to show how the internal stairs can be adapted to include chair lifts and when these will be installed. In particular whether the stairs are wide enough to accommodate these. There is a statement which says "Provisional space for a future lift installation has been nominated on the plans" which will need to be clarified (ie is there any plan complemented by committed funding to provide lifts at a future date and if so when). As indicated above we would like to see the lift provided at the outset or if that is not possible then chair lifts installed at the outset.	<p>A chairlift is not proposed to be installed.</p> <p>Lift access is not required for this development under the BCA as per the Accessibility Report prepared by Purely Access. The proposed development also meets the requirements of Land and Housing Corporation Dwelling Requirements 2020 and Land and Housing Corporation Design Requirements 2023.</p> <p>LAHC manages its property portfolio to respond to resident's needs. Provision is included as part of the design to enable the installation of a future lift to serve the first floor levels, should this be required in the future to meet demand.</p>
Drainage	
The proposed design and volume of the OSD is satisfactory. However, the development needs to be provided with a swale to capture the surface flow from upstream catchment areas. The swale shall be designed as a by-pass of the proposed OSD system.	Civil plans have been updated. Refer Appendix C
On lot water quality treatment shall be provided in accordance with Council's WSUD developer handbook.	Civil plans have been updated. Refer Appendix C
Recreation Planning	
Proposed development should ensure it does not encroach into RE1 land.	An Identified Requirement (No 82) has been included to ensure that no works are to occur on or encroach upon adjoining RE1 zoned land.
DSU Engineering	
The proposed levels of the site will be in cut of approximately 1m and over at different locations. Applicant is to include cut and fill (Earthwork) plan as part of the Engineering package.	Civil plans have been updated. Refer to Appendix C
The Applicant must provide full engineering details of the proposed retaining wall structure. The design of the retaining wall must be prepared by a Registered Engineer.	Civil plans have been updated. Refer to Appendix C
Swept paths are to be included to confirm a three point turn can be achieved, otherwise a turning bay is to be proposed within the site.	<p>A swept path analysis has been undertaken with a B99 design vehicle that demonstrates satisfactory vehicle movements (refer Traffic Impact Statement contained in Appendix K).</p> <p>It is noted that the northern accessible parking space shared area will be designed as a shared turning bay.</p>
Stormwater pits are to be numbered, and pipe grade of 1% is to be achieved	Civil plans have been updated. Refer to Appendix C
Vehicular crossings on architectural and landscape plans do not meet council standards. Proposed vehicular crossing is to be in accordance with Council Standards A(BS)102S. Any redundant vehicular crossings are to be removed and verges reinstated.	An Identified Requirement no. 83 has been included to ensure the vehicular crossing is as per Council standards and any redundant crossings shall be removed and verges to be reinstated.

<p>The substation is located close to a neighbouring property's driveway (neighbour next door to the north). Please ensure the distance of the substation from the neighbour's driveway allows for sufficient sight distance to meet the applicable Australian standard so that the substation does not cause any obstruction to sight lines.</p>	<p>Appendix A shows the location of substation, however, the engineer has confirmed it is not required. Endeavor Energy is upgrading the existing infrastructure which will serve the proposed development. Details will be provided at the construction documentation.</p>
<p>Waste</p>	
<p>All waste comments reflect the agreement made between NSW Land and Housing Corporation and BCC Waste Section.</p>	<p>Noted.</p>
<p>Allow for the LAHC generation rates of 1x240L waste bin and 1x240L recycling bin per 2 units</p> <p>o This development requires 9 waste bins and 9 recycling bins.</p>	<p>The Architectural Plans (Appendix A) show 9 recycling bins and 9 waste bins.</p> <p>It is acknowledged that the Waste Management Plan (Appendix T) allocates 9 waste bins, 6 recycling bins and 3 FOGO bins. As no FOGO bins are required at this stage, these bins will be allocated to recycling bins. The proposal will therefore comply with this waste requirement.</p>
<p>Demonstrate on amended plans, suitable frontage for bin collection allowing 1m per 240L bin clear of driveways, light and power poles, traffic management devices, street furniture, bus stops, landscaping and trees. Bins must be collected from the kerbside in single file and must not be stacked.</p>	<p>Plans have been updated to reflect comment. Refer Appendix A.</p>
<p>Demonstrate on amended plans, that any doorway used to move bins and bulky waste around, is a minimum 1.5m wide to aid movement of waste bins and discarded bulky waste such as lounges and fridges.</p>	<p>Plans have been updated to reflect comment. Refer Appendix A.</p>
<p>Demonstrate on amended plans, that the maximum walk distance for residents to walk with bagged rubbish does not exceed 30m.</p>	<p>Plans have been updated to reflect comment. Refer Appendix A.</p>
<p>Demonstrate that bin travel distances do not exceed 30m for 240L bins</p>	<p>Plans have been updated to reflect comment. Refer Appendix A.</p>
<p>BCC Waste section acknowledges that the Building Manager will be responsible for transferring all waste and recycling bins to the street for kerbside collection (see WMP screenshot below)</p> <div data-bbox="119 1608 815 1662" style="border: 1px solid black; padding: 2px;"> <p>On the evening prior The Building Manager or their authorized representative will remove all 9 x 240-litre waste bins from both WSA's and transfer them to the Funda</p> </div> <div data-bbox="119 1686 815 1720" style="border: 1px solid black; padding: 2px;"> <p>Crescent kerbside where they will be presented for servicing.</p> </div>	<p>Noted.</p>

<p>Amend plans to provide a 4m² bulky waste storage area for bulky waste items such as lounges and fridges etc.</p> <ul style="list-style-type: none"> o architectural plans indicate 4m², however landscape plans indicate 2m² and WMP states an area of 8m² (see screenshots below) o note: the area must be caged (but using suitable external decorative treatment so to look attractive in the street scape) and sign posted for this specific use <p>This area is located in the rear yard area of the site as indicated on the Architectural Drawings. This area has internal dimensions of 4.0m x 2.0m, with an area of approximately 8sqm. Council's requirement for 18 units is 8sqm.</p> 	<p>Plans have been updated to reflect comment. Refer Appendix A.</p>
<p>BCC Waste section acknowledges that LAHC contractors are responsible for removing small amounts of bulky waste from the site (refer to 'Blacktown Waste Tour' email, 3/5/23).</p>	<p>Noted.</p>
<p>BCC Waste section acknowledges that it is the Building Manager's responsibility to transfer all bulky waste material for Council clean-ups from the Bulky Waste Storage to kerbside for collection (see WMP screenshot below)</p> <p>It will be the responsibility of the Building Manager to liaise with Council in relation to the arrangement of clean-up operations. The Building Manager or their representative to transfer all bulky waste material for collection from the Bulky Waste Storage to the ground floor collection area.</p>	<p>Noted.</p>
<p>Note: Council clean-up services cannot collect directly from the bulky waste storage area along the driveway onsite, all bulky waste material must be transferred kerbside for collection – Council clean-up contractors cannot walk more than 10 steps to collect bulky waste material.</p>	<p>Noted.</p>
<p>Street Tree Planting</p>	

<p>In the event of the necessity to remove street trees or to locate aspects of the development within the dripline of any street trees, it is strongly advised that you make early contact with Council's Open Space Policy & Tree Management Coordinator.</p>	<p>An Identified Requirement (No 85) has been included to make early contact with Council's Open Space Policy & Tree Management Coordinator should street tree removal be required or should the development be located within the drip-line of any street trees.</p>
<p>Carparking</p>	
<p>The passing bay should be line marked or sign posted to indicate this is a passing bay/no parking area to deter persons using it for parking.</p> <p>Signage should be provided in the main carpark to indicate which spaces are for resident use and which are for visitors.</p>	<p>Plans have been updated to reflect comment. Refer Appendix A.</p> <p>LAHC does not allocate parking to residents and visitor parking is not a requirement under SEPP (Housing) 2021.</p>
<p>Privacy</p>	
<p>We note that the plans provide for high sill height windows to the first floor living rooms of units 17 and 18 which we support as this will reduce privacy impacts and this approach is also seen on the upper floor of the southern elevation for various rooms. For the balconies of units 17 and 18 that face north there appears to be privacy screens shown along the northern elevations of these balconies. We request that these be to a height of at least 1.8m above the balconies and be of sufficient density in their surface material so as to be effective for privacy (not have too wide a gap in the slats that would make them still see through).</p>	<p>Plans have been updated to reflect comment. Refer Appendix A. An Identified Requirement no. 87 is recommended to ensure appropriate privacy screens are installed.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 11 October 2022. Council provided an email response on 12 October 2022 advising that the extent of notification was satisfactory with the exception of two sites and requested consideration of the sites for notification. Further advice was sought from Council on 10 March 2023. Council responded that the proposed scope of notification is consistent with mapping and acknowledge the inclusion of additional properties. Properties identified by LAHC for notification as well as the additional 2 properties requested by Council were notified of the proposed development, as detailed below. **Figure 20** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 20 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 108C(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 4 July 2023. Copies of the notification letters are provided at **Appendix G**.

The notification response period formally closed on 28 July 2023 and 3 submissions were received. Submissions are discussed in below **Table 14**.

Table 14 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Submission 1 <ul style="list-style-type: none"> - Queried about fencing between properties - Queried how parking spaces will be allocated and concerned that Funda Crescent will be used for overflow parking. 	<p>The neighbour will be contacted regarding fencing options at the time of completion of construction and meanwhile a temporary construction fence will be installed.</p> <p>The proposed development meets the parking requirements set out under SEPP (Housing) 2021. It is noted that residents of seniors housing may not have their own vehicle and will rely on public transport and other services. Car parking will not be allocated to residents.</p>
Submission 2 <ul style="list-style-type: none"> - Interest received from resident to occupy a unit in the future. 	<p>This is not a relevant planning consideration.</p>

<p>Submission 3</p> <ul style="list-style-type: none">- Supports the proposed development- Concerns raised regarding no. of parking spaces- Confirm how the additional traffic movement does not have negative impact on local street network- Consider change in design to allow extra parking on-site.	<p>The proposed development meets the parking requirements set out under SEPP (Housing) 2021. It is noted that residents of seniors housing may not have their own vehicle and will rely on public transport and other services. The Traffic Impact Assessment report (Appendix K) indicates that traffic generation rate for housing for aged and disables persons is 0.4 vehicles trips per dwelling during PM peak period only. This results in 7 vehicles trips per hour for 18 dwellings at 80-20 split during the PM peak (6 in, 1 out). The development will have a projected net decrease of 4 vehicles per hour in the AM peak hour and a net increase in 3 vehicle trips per hour in the PM peak hour. The projected net change in traffic activity as a consequence of the development proposal is negligible and will not have any unacceptable implications in terms of road network capacity.</p> <p>In view of the above, the proposed development complies with the parking requirements and the net increase at PM peak time have minor impact on surrounding road network, therefore, the proposed development is considered suitable.</p>
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7.3 Notification of Specified Public Authorities

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

8 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 6.5.1 of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

8.1 Neighbourhood Character

The site is located within an established residential area. The dominant form of development in the locality is older style detached, single storey, weatherboard cladding, fibro and brick construction dwellings. These dwellings tend to sit within lightly landscaped and lawned allotments and have predominately pitched roofs. The character of the area is showing signs of evolving, with a number of newer, 2 storey dwellings, dual occupancy developments and multi-unit developments interspersed throughout the locality of Lalor Park and the wider Blacktown local government area. These dwellings take a more contemporary form and introduce new design features to the area, including flat roofs and muted grey, brown and white tones. It is anticipated that the proposed development may act as a catalyst for more contemporary 2 storey development in area of Lalor Park, while maintaining the low density scale of the neighbourhood character.

The bulk and scale of the proposed development will be compatible with the existing and emerging character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The proposed housing represents a contemporary, high quality design, which will be an improvement in comparison to the existing ageing housing stock currently occupying the site. The 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

Mitigation Measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding dwelling houses. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

8.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding newer development in the locality of Lalor Park. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development is split into two separate buildings with stepped setbacks from Funda Crescent and designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a maximum height of 8.6m which is generally consistent with a low-density residential area. The proposed 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R2 Low Density Residential zone, which encourages a variety of housing types and densities including dual occupancies and seniors housing.

LAHC is required to consider the FSR control of 0.5:1 contained within the HSEPP 2021. The proposal incorporates a floor space ratio of 0.58:1 which is an exceedance to the 0.8:1 FSR development standard provided in clause 108(2)(c) of the SEPP. Despite this exceedance, it is considered the bulk and scale of the

proposed development is compatible with the emerging character of the locality, maintains appropriate visual relationships with the existing area, will not adversely affect the streetscape, skyline or landscape, and does not result in adverse environmental effects on adjoining lands. The proposed development will also not generate any significant adverse amenity impacts on surrounding properties in terms of overlooking or overshadowing. No solar impact to the built form will be generated to development north or west of the site.

Notwithstanding, the proposed development is considered to have a reasonable floor space ratio, be generously setback from side and rear boundaries and will provide expansive deep soil areas, which will all minimise its perceived bulk. The proposal includes new plantings of native species, and retention of existing mature trees within the site which further softens the bulk of the development.

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

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development activity is compatible with the form of medium density development emerging in the surrounding locality. The street façade is divided into a number of distinct elements, separated with substantial landscaping resulting in a finer grained streetscape appearance, consistent with existing dwellings in the area. In addition, the hard stand car parking area will be generally obscured from street view, resulting in a built form that has been designed with consideration of the dwellings surrounding.

In conjunction with strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development will make a positive contribution to the streetscapes of Funda Crescent. The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary residential development.

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

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

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

The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette will assist with the overall aesthetic of the site.

Substantial new landscaping is proposed within the front setback area including new, native canopy trees that will soften the visual impact of dwelling when viewed from the public domain. The Funda Crescent front

setback will retain an existing mature Brunnings Cypress with a height of approximately 6m. New landscaping within the front setback will incorporate planting of a number of mature trees with heights of 6-8m. Various shrubs and groundcovers will also be incorporated into the landscaping.

An additional street tree will be planted within the Funda Crescent road reserve to replace a street tree subject to removal as part of the development. The street tree will be a bottlebrush, which is in keeping with existing street trees in the locality. One mature bottlebrush street tree will also be retained within the road reserve.

Considered tree and shrub planting along the side and rear boundaries of the site will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity through a range of measures including careful and considered site landscaping, new 1.8m high fencing, adequate site setbacks and strategic placement of windows to avoid direct overlooking of neighbours. In particular:

- Balconies associated with Units 11, 16 and 18 are orientated toward Funda Crescent with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents. The privacy screen to Unit 18 is to be designed to avoid any overlooking into the adjoining property. An Identified requirement no. 87 is included.
- Balconies associated with Units 12, 13, 14, 15, 16 and 17 are orientated toward the central common driveway or car parking area of the site as such will not directly overlook the windows or private open space at adjacent sites. The privacy screen to Unit 17 is to be designed to avoid any overlooking into the adjoining property. An Identified requirement no. 87 is included.
- The balcony of Unit 10 is orientated toward the area of public open space to the rear of the site and Unit 4,5,6 & 7 are oriented towards the driveway with appropriate privacy screens to avoid overlooking into each other's private open spaces and to maintain privacy from the common driveway area.
- The use of landscaping throughout the site as well as appropriate setbacks between the building forms will ensure privacy for future residents.
- Windows from first floor living rooms on the side, southern boundary are provided with minimum 1.6m sill heights to restrict direct line of sight into the neighbouring property (24 Funda Crescent).
- Windows from first floor living rooms on the side, northern side boundary are provided with minimum 1.6m sill heights and balconies within this elevation are provided with full length privacy screening to restrict direct line of sight into the neighbouring property (14 Funda Crescent).
- The proposed dwellings have been designed in accordance with the requirements of the *National Construction Code* for sound and impact transmission so that acceptable noise levels between dwellings and adjoining properties are achieved.
- Visual and acoustic privacy within the development and to adjacent neighbours is provided and maintained through the strategic use of privacy screens, considered window locations including high sill windows, and screen planting.

- The front setback is generally consistent with BDCP 2015 and the prevailing building line on Funda Crescent and includes substantial landscaping to further mitigate privacy impacts. Where the development encroaches the front setback, 1.6m sill heights are proposed.
- Side and rear setbacks are compliant with BDCP 2015. Planting is used within the side and rear setbacks providing privacy for adjoining dwellings.
- Extensive landscaping has been provided in the side and rear setbacks to provide a visual and acoustic buffer between the internal car parking area within subject site and properties to the west and north.
- Vertical slat privacy fencing around the private open space of ground level units fronting Funda Crescent delineates between private and public space, providing increased privacy to residents.
- Proposed 1.8m Colorbond fencing will mitigate unacceptable overlooking to and from adjoining properties.
- First floor balconies facing Funda Crescent enable passive surveillance of the street without compromising the privacy of the internal bedrooms associated with these balconies.
- Principal private open spaces are set back from neighbouring properties with privacy screens and landscaping provided to ensure privacy.
- Landscaping is provided along the length of the driveway and around the parking area to ensure privacy to units adjoining these features.

Mitigation Measures

Proposed development incorporates different types of privacy screening, fencing and landscaping to mitigate potential internal & external privacy concerns.

An Identified Requirement no. 87 is recommended to ensure the proposed privacy screens located on the balconies of Units 17 and 18 are to be designed to prevent overlooking into neighbouring properties. This is to be achieved by angling the slats, restricting the aperture between the slats or a combination of the both.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*. The submitted Architectural Plans indicate that 78% of dwellings receive at least 3 hours direct solar access to the living and POS areas on June 21, which meets the requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas on June 21.

Shadow diagrams also confirm the proposed development will facilitate sunlight to living areas and private open space of the dwellings on adjoining sites.

Proposed living and open space areas have been carefully sited to maximise solar access and the proposal is consistent with the Housing SEPP requirements.

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

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

At 9am, shadows generated by the proposed development are generally contained within the site and adjacent backyard at 24 Funda Crescent. At 12pm, shadows are contained within the subject site with minor impacts to the side setback area of adjacent development at 24 Funda Crescent. At 3pm, shadows are cast to the south east and are generally contained within the site and out to Funda Crescent. A portion of the front yard of adjoining property, 24 Funda Crescent, will be affected by overshadowing at this time.

The only adjoining property marginally affected by overshadowing from the proposed development is 24 Funda Crescent. Despite this, overshadowing is minimal and limited to within the side setback and a portion of the front and rear yard. Resultantly, the dwelling shall receive not less than 2 hours of sunlight at the mid-winter solstice between 9am and 3pm. No solar impact will be generated to development north and west of the site.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

Surface car parking is provided for 8 residents vehicles on site, including 4 accessible spaces. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Unrestricted street parking is available on Funda Crescent to accommodate any overflow parking demand generated by the proposed development.

The Traffic Impact Statement (**Appendix K**) indicates that the development will have a projected net decrease of 4 vehicles per hour in the AM peak hour and a net increase in 3 vehicle trips per hour in the PM peak hour. The projected net change in traffic activity as a consequence of the development proposal is negligible and will not have any unacceptable implications in terms of road network capacity.

The Traffic Impact Statement examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design is suitable based on an assessment of the project vehicle movements.

Mitigation Measures

A convex mirror is to be placed in the location of the access drive to ensure safe circulation as identified on the Swept Paths Analysis Plan within the Traffic Impact Statement (Identified Requirement No.80).

8.9 Flora and Fauna

An Arboricultural Impact Assessment and Tree Management Plan has been prepared for the site by Redgum Horticultural (**Appendix L**). The report considers 10 trees, 7 of which are located within the subject site, 2 are street trees within the Funda Crescent road reserve and 1 within a neighboring property.

The report recommends the removal of 7 existing trees within the site and 1 street tree that are not worthy of retention and are either located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones. Tree no. 9 is recommended for removal

due to its poor condition and to be replaced with more appropriate species. It also recommends retention of 3 existing trees Tree no. 1, 2 & 8 located within neighbouring property, within road reserve and within the site respectively. Trees 2 and 8 will be subject to minor encroachment and are to be retained and protected as per AS 4970 (2009) Section 3.

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

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

Mitigation Measures

Retained trees are to be protected in accordance with the recommendations contained within the Arboricultural Impact Assessment and Tree Management Plan (**Appendix L** and Identified Requirement No. 36).

Removal of trees within the boundaries of the site and street verge is to be carried out in accordance with the trees shown for removal on the approved Landscape Plan and Arboricultural Impact Assessment and Tree Management Plan and no other trees shall be removed without further approval(s) (refer to Identified Requirement No. 20). Blacktown City Council is to be contacted prior to removal of street tree (refer to Identified Requirement No. 85)

8.10 Heritage (European / Indigenous)

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

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 23 August 2023 (**Appendix I**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, 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 Blacktown City Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

Mitigation Measures

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

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

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

- The subsurface conditions generally consist of topsoil overlying silty clays and weathered rock. The topsoil is present from the surface to depths of 0.2 to 0.4 metre. Stiff, becoming very stiff with depth, silty clay underlies the topsoil to depths of 1.1 to 1.2 metres and could not be penetrated below depths of 0.6 and 0.7 metre in BH3 and BH5. Weathered rock underlies the silty clays to the depth of auger refusal, 1.4 and 1.6 metres.
- Groundwater was not observed during drilling works.

Mitigation Measures

During construction, should the subsurface conditions vary from those inferred above, STS would be contacted to determine if any changes should be made to recommendations of the Geotechnical Site Investigation. The exposed bearing surfaces for footings should be inspected by a geotechnical engineer to ensure the allowable pressure given has been achieved (refer to Identified Requirement No.79).

Contamination

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

Mitigation Measures

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

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, Council does not have an adopted policy that restricts the development of the land because of the likelihood of acid sulfate soils.

A review of the NSW Government ePlanning Spatial viewer does not identify the land as having the potential to contain Acid Sulfate Soils.

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that Council does not have an adopted policy that restricts development of the land because of the likelihood of salinity.

Mitigation Measures

No mitigation measures are required.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater 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 gutters on the site connected to an underground detention tank. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank. Stormwater will be connected to the existing network in Funda Crescent.

Flood

The Section 10.7(2) & (5) Planning Certificates issued by Council for the subject site indicate that the land is not subject to flood related development controls.

Hydrology

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

Water Quality

The proposed development is subject to section 7.11 Contributions Plan No. 19 – Blacktown Growth Precinct and shall meet the water quality requirements through the provision of contributions in accordance with the Contributions Plan as adopted by Council. The contributions are only payable for developments with consent, however, the proposed development is ‘Development without consent’ under Housing SEPP 2021.

Nonetheless, LAHC intends to voluntarily make the payment of contribution in lieu of provision of water quality filtration system and a MUSIC model. Blacktown City Council is supportive of the voluntary payment.

Blacktown City Council has provided a quote for s 7.11 contributions for stormwater quality in their letter dated 5 September 2023. Identified Requirement No. 84 requires the following monetary contribution under Section to be paid prior to the commencement of any construction work on site.

The current indexed contributions are:

S7.11 Contribution	Amount
Stormwater Quality	\$23,912.00.

These contributions are based upon the developable area of 0.2289 hectares.

Contributions are subject to quarterly indexation using the Consumer Price Index (CPI) to the date of payment (refer to **Appendix U**).

Mitigation Measures

Identified Requirements (Nos. 6-9, 42 & 72) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

An Identified Requirement no. 84 has been recommended to ensure payment of contribution in lieu of providing water quality treatments is made prior to commencement of construction.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Demolition / Construction

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

During Occupation

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

Buildings will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

Mitigation Measures

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

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

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

8.15 Air Quality

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

Mitigation Measures

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

8.16 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:

- Excavated materials and overburden to be reused for topsoil for landscaping, shore on site and support for retaining walls or disposed of at an approved facility.
- Green waste to be separated, chipped, and stored on site for re-use in landscaping or disposed of at an approved facility.
- Bricks are to be cleaned and lime mortar removed. Bricks are to be re-used in new footings, and where broken, to be used for internal walls. Bricks will also be crushed and used as aggregate or as drainage backfill. Bricks not reused or recycled will be disposed of at an approved facility.
- Concrete is to be crushed and used as aggregate, drainage backfill or disposed of at an approved facility.

- Timber is to be reused for formwork, studwork, landscaping and shoring or disposed of at an approved facility.
- Plasterboard and fibro are to be processed and disposed of off-site at an approved facility.
- Metals/steel/guttering and downpipes are to be disposed of at an approved facility.
- Tiles are to be broken up and used as fill, aggregate and driveway or disposed of at an approved facility.
- Fixtures and fittings are to be broken up and used as fill or disposed of at an approved facility.
- Glass, electrical, light fittings, PC items and ceramics to be disposed of at an approved facility.
- Residual waste to be disposed of at an approved 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:

- Excavated materials and overburden to be reused for topsoil for landscaping, shore on site and support for retaining walls or disposed of at an approved facility.
- Bricks are to be cleaned and lime mortar removed. Bricks are to be re-used in new footings, and where broken, to be used for internal walls. Bricks will also be crushed and used as aggregate or as drainage backfill. Bricks not reused or recycled will be disposed of at an approved facility.
- Concrete is to be crushed and used as aggregate, drainage backfill or disposed of at an approved facility.
- Timber is to be reused for formwork, studwork and landscaping or disposed of at an approved facility.
- Plasterboard and fibro are to be transported for disposed of off-site at an approved facility.
- Metals/steel/guttering and downpipes are to be disposed of at an approved facility.
- Tiles are to be broken up and used as fill or disposed of at an approved facility.
- Plastics are to be disposed of at an approved facility.
- Glass, electrical, light fittings and PC items to be disposed of at an approved facility.
- Fixtures and fittings are to be broken up and used as fill or disposed of at an approved facility.
- Pallets are to be disposed of at an approved facility for reuse and resale.
- Residual waste to be disposed of at an approved facility.

During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins located in the garbage storage enclosures and placed on the street kerb by LAHC contractor for collection by Council's waste services. Waste bins will be serviced 2 days per week.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosures and placed on the street kerb by LAHC contractor for collection by Council's waste services. Waste bins will be serviced 1 day per week.

A bulky waste storage area has been provided adjoining the pedestrian entry of Block A from car park area. The LAHC contractor will collect the bulky waste from the storage area and dispose off at an approved facility.

Mitigation Measures

Standard Identified Requirements (Nos. 37, 52-56 and 66) are recommended to ensure construction/demolition waste is appropriately managed and disposed of. Identified requirements (Nos. 88-95) are recommended to ensure ongoing waste is appropriately managed and disposed of as mentioned in Waste Management Plan.

8.17 Resource Use & Availability

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

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

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

Mitigation Measures

No additional mitigation measures are required.

8.18 Community / Social Effects

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

- achieve the objective of the EP&A Act 1979 (d) to promote the delivery and maintenance of affordable housing;
- assist LAHC in meeting its significant, long-standing and continually growing demand for social housing in the Blacktown local government and surrounding area wherein the expected waiting time for a 1 bedroom dwelling is 5-10 years and for a 2 bedroom dwelling is 10+ years, as at 30 June 2022 (GW03 Blacktown Allocation Zone);
- as per the waiting list data available on NSW Communities and Justice website, there are more than 1000 people on general waitlist and approximately 46 people on priority waitlist, as at 30 June 2022;
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

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

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

8.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 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 and that there are no key issues that have been identified that require further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 and 171A of the EP&A Regulation. 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, BLEP 2015, and the design principles and better practices set out in the relevant guidelines.

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

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

9.2 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**.

10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – CIVIL PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION SCOPE, LETTERS AND SUBMISSIONS

APPENDIX H – STRUCTURAL PLANS

APPENDIX I – AHIMS

APPENDIX J – ACCESS REPORT

APPENDIX K – TRAFFIC REPORT

APPENDIX L – ARBORIST REPORT

APPENDIX M – BASIX CERTIFICATE

APPENDIX N – BCA REPORT

APPENDIX O – NatHERS CERTIFICATE

APPENDIX P – DESIGN COMPLIANCE CERTIFICATES

APPENDIX Q – HOUSING FOR SENIORS CHECKLIST

APPENDIX R – GEOTECHNICAL INVESTIGATIONS

APPENDIX S – TITLE SEARCH & DP

APPENDIX T – WASTE MANAGEMENT PLAN

APPENDIX U – SAFETY IN DESIGN REPORT

APPENDIX V – S. 7.11 CONTRIBUTION QUOTE