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REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

36-38 Birdwood Avenue, Pagewood, NSW 2035

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

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DOCUMENT SIGN-OFF

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Having prepared the Review of Environmental Factors: <ul style="list-style-type: none">I have declared any possible conflict of interests (real, potential or perceived) to the A/Head of Policy and Innovation, NSW Land and Housing Corporation.I do not consider I have any personal interests that would affect my professional judgement.I will inform the A/Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest. <p>Name: Frances Beasley</p> <p>Designation: Planning Officer, NSW Land & Housing Corporation</p> <p>Signature:  Date: 8 June 2023</p>	
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I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading. <p>Name: Carolyn Howell</p> <p>Designation: Manager, Planning & Assessment, NSW Land & Housing Corporation</p> <p>Signature:  Date: 8 June 2023</p>	
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A handwritten signature in black ink, appearing to read 'Yolanda Gil', is placed over a white rectangular background.

Date: 22 June 2023

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B	Landscape Plans	Xeriscapes	09/03/23 Rev D

Appendix	Document	Author	Rev/Ref/Date
C	Civil Plans	Northrop	17/01/23 Rev 2
D	Part 5 Checklist	NSW Land and Housing Corporation	27/02/23
E	Section 10.7 Planning Certificates	Bayside Council	19/01/23
F	Notification Plans	CKDS Architecture	09/03/23 Rev 3
G	Access Report	Lindsay Perry Access	27/02/23 Rev 3
H	AHIMS Search	Heritage NSW	03/05/23
I	Arboricultural Impact Assessment Report	Allied Tree Consultancy	January 2023
J	BASIX Certificate	NSW Department of Planning, Industry and Environment	22/01/2023
J	NatHERS Report	Evergreen Energy Consultants Pty Ltd	22/01/2023
K	BCA Report	Philip Chun Building Compliance	02/03/2023
L	Design Compliance Certificates	Various	27/02/23; 09/03/23; 01/03/23
M	Housing for Seniors Checklist	NSW Land and Housing Corporation	-
N	Geotechnical Investigation	STS Geotechnics Pty Ltd	June 2022
O	Survey Plan and Longitudinal Survey	Premise Surveying and Cardno Hard & Forester	16/06/22 and 21/02/14
P	Title Search and Deposited Plan	InfoTrack	05/05/22
Q	Waste Management Plan	Bayside Council/NSW LAHC	-
R	Noise Impact Assessment Report	Spectrum Acoustics	February 2023
S	Traffic and Parking Assessment Report	McLaren Traffic Engineering & Road Safety Consultants	08/03/23 Rev B
T	Hydraulic Drawings	McCallum PFCA	27/03/23 Rev 2
U	Compliance Tables	NSW Land and Housing Corporation	-

1 Executive Summary

The subject site is located at 36-38 Birdwood Avenue, Pagewood, and is legally described as Lots 3 & 4 in Deposited Plan 35317. The proposed seniors housing development is described as follows:

Demolition of existing dwellings and structures, removal of trees including 1 street tree, and the construction of 10 independent living seniors housing units comprising 8 x 1 bedroom and 2 x 2 bedroom units, with associated landscaping and fencing, surface parking for 4 cars, and consolidation into a single lot.

The proposed activity is located in a prescribed zone and seniors housing is permitted on the site under the *Bayside Local Environmental Plan 2021* (BLEP). Therefore the proposed activity can 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 the development does not result in more than 40 dwellings on the site and does not exceed 9.5 metres in height.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the applicable local environmental planning instrument and is therefore permitted without consent under the provisions of the Housing SEPP.

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

The Review of Environmental Factors (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 Bayside 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; and
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.

Bayside Council and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP. A response was received from Council on 17 April 2023 stating that they had no comments on the proposed activity. Two submissions were received from occupiers of adjoining land. Comments on the submissions are provided in **Section 6.2** of this REF.

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

2 Introduction

2.1 Background

This REF has been prepared under Part 5 of the EP&A Act and is for an activity involving the demolition of existing dwellings and structures, removal of trees, and the construction of an 10 unit seniors housing development with associated landscaping and fencing, surface parking for 4 cars, and lot consolidation at 36-38 Birdwood Avenue, Pagewood.

The activity¹ will be carried out by, or on behalf of, NSW LAHC which is the determining authority and proponent of the activity under Part 5 of the EP&A Act. The registered owner of the subject land is LAHC.

This REF has been prepared by LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the 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.

2.2 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;
- Establishing the need for the proposed activity;
- 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;
- Recommending Identified Requirements to ensure the mitigating measures are implemented if the activity were to proceed; and
- Outlining the notification and consultation process that was undertaken prior to the preparation of the REF.

2.3 Assessment Methodology

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

¹ The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an '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 *Bayside Local Environmental Plan 2021* (BLEP2021);
- it was determined that seniors housing is ‘permitted with consent’ in the R2 zoning pursuant to the BLEP2021, and can be carried out ‘without consent’ under the provisions of the Housing SEPP;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the LAHC 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 Environment

3.1 Site locality

The site is located in the Bayside local government area (LGA) and comprises 2 residential allotments, legally described as Lots 3 & 4 in DP 35317 and known as 36 and 38 Birdwood Avenue, Pagewood. A location plan is provided at **Figure 1**.



Figure 1 Location Plan, site outlined in red (Source: SIX Maps)

3.2 Site characteristics

The development site is irregular in shape with an overall area of approximately 1,280m² and is located on the southern side of Birdwood Avenue. It has a frontage of approximately 31m to Birdwood Avenue, east and west side boundaries of 36.575m and 40.88m respectively, and an irregular shaped rear boundary of approximately 36.435m. A copy of the survey plan is provided under **Appendix O**.

The site is generally flat with a gentle fall of approximately 1m towards the rear boundary.

The site is currently occupied by 2 single storey brick dwellings with tiled roofs and associated outbuildings as shown in **Figure 2** and **Figure 3**. There are 5 trees on the site, 1 street tree on Birdwood Avenue and 4 trees on adjoining land and in proximity to the site boundaries.

Traffic and Access

Vehicular access is currently provided to each dwelling, via a shared crossover from Birdwood Avenue. Unrestricted kerbside parking is permitted along both sides of Birdwood Avenue, which is signposted with a 50km/h speed limit. There is a sealed pedestrian footpath and one power pole at the sites frontage.

Services

Water, sewer, electricity, gas and telephone facilities are available to the site (refer to *Appendix O*). Water, electricity, gas and telephone services are located along the road alignment of Birdwood Avenue. A 150mm diameter sewer main traverses the rear of the site and is identified on the Certificate of Title for both lots (*Appendix P*). There are no additional encumbrances identified on title, Section 10.7 certificates or indicated on the Detail and Level Survey Plan which are relevant to the proposed development. Copies of the Section 10.7(2) & (5) Planning Certificates dated 19 January 2023 are provided in *Appendix E*.

Encumbrances

The Certificate of Titles (*Appendix P*) do not list any encumbrances that would impact the proposed development of the site. Both properties were previously leased to the Red Cross and a copy of the lease agreement is contained within the title documentation. The lease expired in 2004 and had an option of extending by an additional 3 years. The lease agreement has no implications on the proposed development as the land is owned by LAHC.

A sewer main traverses the rear portion of the site in a NW/SE direction (38 Birdwood Avenue) and NE/SW direction (36 Birdwood Avenue). The proposed development has been designed to avoid conflict with the zone of influence associated with this infrastructure.

Aircraft noise impacts

The property is identified as being between the 20 and 25 ANEF contours. A Noise Impact Assessment Report (*Appendix R*) has been prepared to ensure the development can satisfy the noise mitigation requirements under the local planning controls.



Figure 2 36 and 38 Birdwood Avenue (Source: LAHC, November 2022)



Figure 3 36 and 38 Birdwood Avenue (Source: LAHC, November 2022)

3.3 Neighbouring development and locality

The site is located within an established residential area and is neighboured by a mix of single storey inter-war brick dwellings with pitched roofs and modern, single and 2 storey dwellings as shown in **Figure 4** to **Figure 8**. A dual occupancy has recently been constructed at 40A Birdwood Avenue (**Figure 9**) and immediately adjoins the site to the west. Rowland Park is located directly opposite to the north, and the Bonnie Doon Golf Club and UNSW David Phillips Sport Field are located immediately to the west of the site across Banks Avenue.

Access to services

The closest shopping precinct is in Kingsford which is approximately 1km north of the site. Kingsford shopping precinct offers a full range of services and facilities including a Commonwealth bank branch, a pharmacy, medical centre, supermarket and cafes.

Public transport

The site is approximately 430m and 490m walking distance from two north bound bus stops (ID 203519 and ID 203520) and 451m to bus stop ID 203225 (south bound) which are all located on Bunnerong Road to the east as shown in **Figure 10**. These bus stops are serviced by route 392 which provides access to Kingsford and the Sydney CBD (north bound) and Eastgardens Shopping Centre (south bound). The footpath from the site to the bus stops is generally level and meets the overall average gradients to satisfy the definition of a 'suitable access pathway' as defined in the Housing SEPP. A survey of the walking distance and footpath gradients to bus stops ID 203520 and ID 203225 is provided under **Appendix O**.



Figure 4 34 Birdwood Avenue, adjoining the site to the east (Source: Google Street view, February 2022)



Figure 5 30 Birdwood Avenue (left) and 30 Prince Edward Circle (right) (Source: LAHC, November 2022)



Figure 6 27 Birdwood Avenue (Source: LAHC, November 2022)



Figure 7 21 Birdwood Avenue (Source: LAHC, November 2022)



Figure 8 32 Banks Avenue (Source: LAHC, November 2022)



Figure 9 Dual occupancy at 40 Birdwood Avenue (Source: LAHC, November 2022)



Figure 10 Walking route to bus stop ID 203519 (red line), bus stop ID 203225 (yellow line) and bus stop ID 203520 (blue line). Site outlined blue (Source: Nearmap, April 2023)

4 Proposed Activity

4.1 Need for the Proposed Activity

There is a demonstrated need for more social housing in the Bayside LGA, with an expected waiting time on the wait list of 5-10 years for a 1-bedroom property, and 10+ years for anything larger². Approval of the proposed activity will facilitate the construction of 10 seniors housing units and will assist LAHC in meeting its obligation to increase the supply of social housing to reduce the wait list as set out in Action 1.1 of the *Future Directions for Social Housing in NSW* 10 year plan.

4.2 Description of Proposed Activity

The main features of the development are summarised as follows:

- Site preparation works, including demolition of 2 existing dwellings and structures, and associated earthworks;
- Removal of 4 trees within the subject site and 1 in the road reserve;
- Construction of 10 independent living units, comprising 8 x 1-bedroom units and 2 x 2-bedroom units
- Surface parking for 4 vehicles;
- Associated landscaping and fencing; and
- Consolidation of 2 lots into a single lot.

The proposal is detailed in the drawings and specialist reports listed in the appendices of this REF and contained in the Activity Determination.

4.2.1 Demolition

The proposed activity includes demolition of 2 single storey detached dwellings and associated structures, as shown on the Demolition Plan (refer to *Appendix A*).

4.2.2 Removal of trees

The Arboricultural Impact Assessment Report (*Appendix I*) has identified and assessed 17 trees on and adjoining the site, including 1 street tree in the Birdwood Avenue road reserve. The street tree and all trees identified on the site are rated as medium retention value. None of the subject trees and/or shrubs on the site or road reserve have any heritage significance, or any listings in the *Biodiversity Conservation Act 2016*, or the *Environmental Protection and Biodiversity Conservation Act 1999*.

Tree removal is required as the proposed building footprint is either in direct conflict with existing vegetation, such as for trees 2, 3 & 6, or it would result in a major encroachment into the Tree Protection Zone (TPZ) which is the case for trees 1 & 5.

Appropriate tree plantings, including trees capable of reaching mature heights of up to 12m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in *Appendix B*).

² Source: <https://www.facs.nsw.gov.au/housing/help/applying-assistance/expected-waiting-times> (viewed 08/05/23)

The proposal also requires the removal of 1 street tree as it is in direct conflict with the location of the proposed driveway crossover. The removal of this tree is supported by Council subject to appropriate replacement planting.

4.2.3 Proposed development

The proposal is for a 2-storey seniors housing development containing 10 dwellings (8 x 1-bedroom units and 2 x 2-bedroom units), with 4 at-grade parking spaces including 2 accessible spaces. Each unit will be provided with its own enclosed private open space area directly accessible from the internal living area. The proposed development represents a contemporary, high-quality design that compliments the character of the surrounding area through the use of brick external walls and pitched roofing. A photomontage of the Birdwood Avenue elevation is provided in **Figure 11** below.

Colorbond fencing in 'Woodland Grey' is proposed along the side and rear boundaries to a maximum height of approximately 1.8m. Aluminium palisade privacy fencing, ranging in height from 1.6m – 1.8m, is provided to the private open space areas of each ground floor unit, with 1.2m palisade and brick fencing provided along the frontage to Birdwood Avenue.

Landscaping within the front setback incorporates a mix of plant varieties with a focus on native species as well as 3 feature trees which will grow to mature heights of 5-8m. Native shrubs and ground covers are proposed along the front boundary which will soften the presentation of the development from the street. A densely planted landscaped area to the rear of the site incorporates shade trees and native shrubs which will provide a pleasant setting for the communal seating area. One street tree is proposed to be removed and replaced with 2 trees of the same species.

Stormwater will be collected via a series of stormwater pits and gutters on the site which will be connected to infiltration trenches located at the front and rear before being directed to a new RHS connection on Birdwood Avenue. Roof water will be collected from downpipes and connected to above ground rainwater reuse/OSD tanks at the eastern boundary with overflow directed to the new connection on Birdwood Avenue.

The proposal achieves a high NatHERS rating with an average of 8.7 stars which exceeds the minimum targets set by LAHC. A 10kW photovoltaic system has also been incorporated to offset energy use in the development.

Minor cut and fill is proposed across the site to provide a level building platform. To assist with stability of the site, retaining walls ranging in height from 340mm up to 750mm are proposed along sections of the east and west boundaries and adjoining the car parking area at the rear. Details of proposed retaining walls are shown in the Architectural Plans (*Appendix A*) and the Civil Plans (refer to *Appendix C*).



Figure 11 Photomontage of proposed development as viewed from Birdwood Avenue (Source: Architectural Plans, CKDS Architecture, 19/01/2023)

5 Planning and Design Framework

5.1 State Environmental Planning Policy (Housing) 2021

5.1.1 Development without Consent

The proposed activity includes demolition of existing structures on the site. Section 42(2)(a) of the Housing SEPP permits LAHC to undertake demolition as “*development without consent*” provided the land the structures are located on is “*non-heritage land*” and is not “*identified in an environmental planning instrument as being within a heritage conservation area*”. The subject site contains neither of these heritage notations and therefore demolition can be undertaken by LAHC as “*development without consent*”. A waste management plan has been prepared and several Identified Requirements have been recommended in the Activity Determination to appropriately manage site safety and environmental protection during the demolition and construction phase.

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 within Part 5, Division 8. An assessment against the relevant provisions of that section is provided in **Table 1** below.

Table 1 Compliance with relevant provisions under Part 5, Division 8 of the Housing 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 land is zoned R2 under the <i>Bayside Local Environmental Plan 2021</i> (BLEP). Seniors Housing is a permitted use in the R2 zone under the BLEP, therefore Part 5, Division 8 of the SEPP applies.
(b) in a prescribed zone	
108B – Seniors housing permitted without development consent	

Provision	Compliance
(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	<p>The proposed development satisfies the applicable standards under sections 84(2)(c)(iii), 85, 88 and 89, except where discussed under Section 5.1.2 below. Detailed consideration of these development standards is provided in <i>Appendix U</i>.</p> <p>The proposed development satisfies the applicable standards under section 108 as demonstrated in <i>Appendix U</i>, with the exception of a variation to the FSR standard as discussed in Section 5.1.2.</p>
(b) the development will not result in a building with a height of more than - (i) 9.5 m, 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, including rooftop servicing equipment is 8.9m.
(c) the seniors housing will not contain more than 40 dwellings on the site.	The development is for 10 dwellings on the site.
(2) State Environmental Planning Policy (Transport and Infrastructure) 2021, sections 2.15 and 2.17 apply to the development and, in the application of the clauses -	Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> 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.
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	<p>Advice was sought from Bayside Council on 3 August 2022 regarding the scope of notification. Council responded on 9 August 2022 advising that additional properties were to be notified. These properties were included in the scope and a list of current owner's details was provided by Council on 19 September 2022.</p> <p>Refer to Section 6 below for further detail.</p>
(b) give written notice of the intention to carry out the development to - (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	<p>A letter notifying Bayside Council of the proposed development activity was sent by LAHC on 13 March 2023. Letters notifying landowners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.</p> <p>Refer to Section 6 below for further detail.</p>
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	<p>Council responded to LAHC's notification by email dated 17 April 2023 confirming they had no comments on the proposed development.</p> <p>Two submissions were received from adjoining occupiers. Comments on the submissions are provided in Section 6.2 of this REF.</p>

Provision	Compliance
(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	It is demonstrated in Appendix M of this REF that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in Section 5.1.4 . In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.
(d1) if the relevant authority is the Aboriginal Housing Office— consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	The relevant authority for the subject application is LAHC therefore (d1) is 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 Section 5.1.5 and 5.1.6 of the REF and the Seniors Housing Checklist in Appendix M which demonstrate that the <i>Good Design for Social Housing</i> and <i>NSW LAHC Design Requirements</i> have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in Section 5.1.7 .
(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

5.1.2 Consideration of Section 85 of Housing SEPP

Section 108B(1)(a) requires LAHC to consider the applicable development standards specified in section 85 of the Housing SEPP, which refers to the standards contained in Schedule 4 – *Standards concerning accessibility and usability for hostels and independent living units*.

As demonstrated in **Appendix U**, the proposed development is capable of satisfying all applicable standards contained in Schedule 4 with the exception of clause 5 ‘Private car accommodation (disabled car parking)’.

To achieve compliance with clause 5, the parking spaces provided in accordance with section 108(j) of the Housing SEPP must comply with the requirements for parking for persons with a disability set out in AS2890.6. In addition, at least 10% of the total number of car parking spaces (or at least 1 space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8m.

Two parking spaces, No’s 1 and 4, are provided to achieve compliance with section 108(j) of the Housing SEPP. Parking space 1 has been designed to reflect a configuration in keeping with AS2890.6 (2009) including a surface with 1:40 maximum grade. As identified in the Traffic and Parking Assessment Report (**Appendix S**), parking space 4 does not strictly comply with AS2890.6. However, space 4 has a width of 3.8m which complies as an accessible space in accordance with the Australian Standards for accessible car parking, AS4299. The proposal has been reviewed by Lindsay Perry access consultant who has confirmed that parking

space 4 complies with the intent of the Housing SEPP in relation to the provision of accessible parking spaces (*Appendix G*) and is therefore acceptable.

5.1.3 Consideration of Section 108 of Housing SEPP

Non-compliance with FSR standard

The development proposes a total gross floor area (GFA) of 746m² calculated in accordance with the definition of GFA under section 82 of the Housing SEPP which includes all areas measured from the inner face of the external enclosing walls. This translates to an FSR of 0.58:1 and represents an exceedance of 106m² to the 0.5:1 FSR development standard under clause 108(2)(c). LAHC have discretion to consider variations to the development standards under section 108 of the Housing SEPP where they are considered appropriate and of sufficient merit.

Under the Bayside LEP 2021, the site is subject to an FSR of 0.55:1 or 704m² of GFA. Calculated based on the definition of GFA under the Bayside LEP 2021, which excludes areas for common vertical circulation such as lifts and stairs, the proposal would generate an FSR of 0.55:1 which is consistent with the local provisions.

The variation is considered acceptable as the proposed development is compatible with its surroundings in terms of visual bulk and architectural style. The design has implemented a range of measures as follows:

- The building form incorporates pitched roofs and exposed brick to external facades which is consistent with the character of dwellings on adjoining lots and in Birdwood Avenue more broadly.
- The building has been separated into two distinct components, with a recessive central corridor with a lowered roof and glazed elements to create the impression of a visual 'break' in the building form.
- The roof of the western massing rotates 90 degrees to that of the eastern massing to create variation in the building form and break up repetition in the streetscape.
- Materials and finishes including exposed brick walls and double hung windows to side elevations reflect some of the key features of the mid to late 20th century dwellings in the street.
- First floor balconies have been incorporated into the front façade to provide articulation and reduce building bulk.
- Minimum setbacks of 3.9m and 9.8m are maintained from side and rear boundaries respectively which will assist in minimising visual impact when viewed from neighbouring properties.
- The proposal includes a well-considered landscape scheme, incorporating a diversity of plant types within the front setback as well as medium sized feature trees which will create a pleasant setting at street level and assist in softening the appearance of hard surfaces.

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.

Impacts to adjoining properties in terms of overshadowing are minimal. Shadows to neighbouring development are limited to either the morning or afternoon periods, with a small amount of shadow falling across the side passage next to the dwelling at 34 Birdwood Avenue at 12pm. All adjoining properties will maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9am and 3pm at the winter solstice (21 June). It is noted that adjoining properties will also retain high levels of solar access during the summer solstice (21 December) with almost no overshadowing impacts to private open space and living rooms generated by the proposed development during that time.

The development maintains adequate setbacks from side boundaries and an increased setback from the rear to mitigate overlooking and privacy impacts. A generous deep soil landscaped area is maintained at the rear with substantial canopy tree planting provided to preserve biodiversity.

The additional GFA will allow for the provision of an additional seniors housing unit without generating unacceptable impacts on the streetscape, the amenity of neighbouring residents or the comfort and amenity of future residents of the proposed development.

The development is consistent with the objectives of the R2 zone under the Bayside LEP 2021 in that it:

- Contributes to the increase in supply of suitable accommodation for seniors within the Bayside LGA.
- Facilitates development that is compatible with the context and setting, and that minimises impact on the character and amenity of the area.
- Provides seniors housing that is well located to public transport connections, thereby supporting public transport patronage in the local area.

The proposed exceedance of the FSR prescribed under section 108(2)(c) of the Housing SEPP therefore has significant environmental benefits as the development increases the supply of seniors housing whilst positively contributing to the streetscape and surrounding area.

5.1.4 Seniors Living Policy: Urban Design Guidelines for Infill Development

The *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG) (March 2004) has been prepared to assist in the design and assessment of applications for development under the Housing SEPP and is used for all Part 5 applications, excluding group homes and boarding houses.

The SLUDG outlines the design issues, principles and better practices that must be considered when designing a development for assessment under the Housing SEPP. There are five sections in the document, each corresponding to a key issue when designing development under the Housing SEPP. These include:

- Improving neighbourhood fit;
- Improving site planning and design;
- Reducing impacts on streetscape;
- Reducing impacts on neighbouring properties; and
- Improving internal site amenity.

Clause 108C(1)(d) of the Housing SEPP requires the relevant authority to take into account the relevant provisions of the SLUDG when assessing a proposed seniors housing development under Part 5, Division 8 of the Housing SEPP.

An assessment of the design of the activity against the SLUDG is provided at **Appendix M**. The design has followed the guidelines, except in relation to the following justifiable departures outlined in **Table 2**.

Table 2 Seniors Living: Urban Design Guidelines for Infill Development departures

Guideline Requirement	Response
2.05 Have developments more modest in scale towards the rear of the site to limit impacts on adjoining neighbours?	The proposed development remains 2-storeys across the site to facilitate an efficient use of the site area. Minimum side and rear setbacks of 3.9m and 9.8m respectively have been maintained to assist with minimising privacy and overshadowing impacts to neighbours.

Guideline Requirement	Response
	<p>The architect has incorporated articulation on side and rear elevations through the use of windows, balcony openings and recessed elements to reduce visual bulk when viewed from neighbouring properties.</p>
<p>2.07 Retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape?</p>	<p>1 street tree is proposed to be removed to accommodate the new driveway crossover. To compensate for the loss of this street tree, 2 replacement trees are proposed in the Birdwood Avenue road reserve as well as 3 feature trees in the front setback. The overall canopy cover will be increased as a result of the proposed development.</p>
<p>2.08 Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep-soil planting?</p>	<p>All existing trees on the site are proposed to be removed to accommodate the development. The scheme provides generous deep soil planting at the rear of the site and incorporates 10 new trees across the site with mature heights ranging from 5m to 12m.</p>
<p>2.09 Retain large or otherwise significant trees on other parts of the site through sensitive site planning?</p>	<p>There are 2 large trees located on the site which were identified in the Arboricultural Impact Assessment Report (<i>Appendix I</i>) as 'medium significance' trees. The proposal went through a rigorous design process in attempt to retain the trees where possible. Due to site constraints, in particular the existing sewer line and the stormwater requirements as outlined in the local Development Control Plan (DCP), none of the existing trees could be retained. As noted above, the landscape scheme incorporates substantial tree planting and the retention of deep soil areas, particularly at the rear of the site.</p>
<p>2.23 Maintain, where possible, existing crossings and driveway locations on the street?</p>	<p>The architect considered the retention of the centralised driveway however this would have resulted in two separate building forms that pushed closer to side boundaries and resulted in an encroachment into the 'zone of influence' for the existing sewer main.</p> <p>It was therefore considered more appropriate to provide a new crossover at the western boundary which provides access to the common car park, and a second crossover at the eastern boundary which will service a single parking space for unit 4.</p>
<p>3.06 Set back upper levels behind the front building façade?</p>	<p>The design hasn't incorporated upper levels that are set back behind the front building façade however adequate articulation is provided to minimise the visual bulk of the development when viewed in the streetscape.</p> <p>This is achieved through the use of first floor balconies, window openings, variation in setbacks to create articulation and a visual 'break' in the building form facilitated by the recessed entry lobby and first floor circulation area.</p>

Guideline Requirement	Response
3.20 Orientate mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings?	A 2m x 2m fire wall is required to separate the water hydrant located in the road reserve from the building. The fire wall has been used to accommodate the letterboxes so that it serves a dual purpose and removes the need to provide a separate brick structure elsewhere in the frontage.
3.22 Vary the alignment of driveways to avoid a 'gun barrel' effect?	Due to site constraints it was not possible to accommodate a driveway with bends. Adequate space has been provided to allow for quality landscaping along the side boundaries and at the termination of the driveway which will assist in softening the appearance of hard surfaced areas.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	Driveways and paths are concrete or permeable pavement 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 Standards for maintenance reasons.
4.03 Set upper storeys back behind the side or rear building line	Upper floors have not been set back behind the building line in order to simplify construction however side and rear setbacks exceed the minimums specified in the local DCP.
4.05 Incorporate second stories within the roof space and provide dormer windows?	Second storeys within roof spaces are not a characteristic in the locality. The proposed second storey complies with height and setback requirements and does not give rise to any adverse streetscape or amenity impacts.
4.16 Design dwellings around internal courtyards?	<p>The development has been designed so that private open space areas are predominantly located to the front or rear of the development to minimise impacts on neighbours.</p> <p>The design allows for general surveillance of the common seating area and car park at the rear, and casual surveillance of Birdwood Avenue at the front of the site. Each dwelling has external spaces that can be enjoyed without impinging on the amenity of neighbours.</p>

5.1.5 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 M*.

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 proposal achieves a high NatHERS rating with an average of 8.7 stars which exceeds the minimum targets set by LAHC. A 10kW photovoltaic system has been incorporated to offset energy use in the development. PV solar panels are positioned on the north and west facing roof elevations to maximise solar gains.

Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species at ground floor level. High quality landscaping across the site will enhance the amenity for residents, and the common seating area at the rear will encourage social interaction in a peaceful landscaped setting.

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 pedestrian entry, central foyer and communal spaces 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 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 exceeds sustainability targets, with 8 of the 10 dwellings achieving a NatHERS score of 8 or above. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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.

5.1.6 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.

An assessment of the proposed development against the LAHC Design Requirements has been undertaken and deemed to achieve compliance except where discussed below, refer to Certificate of Compliance from the Architect in *Appendix L*. Further detail will be incorporated in the construction documentation.

Green infrastructure – Tree Canopy

The LAHC Design Requirements specifies that new trees are to be located at least 3m from built structures and major services, including on neighbouring properties, to avoid structural damage and reduce maintenance burden. The proposed landscape scheme includes 4 trees with mature heights ranging from 10m to 12m that are less than 3m from an existing sewer main located at the rear of the site.

To minimise the risk of damage and/or maintenance burden to the existing sewer main, an Identified Requirement (No. 79) has been included in the Activity Determination to replace these 4 trees with smaller shrub planting. The landscape scheme will still include 3 new canopy trees (mature heights up to 12m) which will provide shade to the communal outdoor seating area and car park at the rear of the site, and 4 smaller feature trees (mature heights from 5-8m) at the front of the site.

5.1.7 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 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 3** below demonstrates how the principles have been considered in the design of the proposal.

Table 3 Response to Design Principles (Part 5, Division 8)

Neighbourhood amenity and streetscape [section 99]
Seniors housing should be designed to –
(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and
N/A no residential care facility proposed.
(b) recognise the desirable elements of –
(i) the location's current character, or
(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

The existing character is predominantly single and two storey residential development of varying age and architectural style. Face brick with pitched roofs is a prominent feature of housing in the immediate area, particularly dwellings constructed during the mid to late twentieth century. Dispersed throughout the neighbourhood are more recent additions including larger, contemporary rendered dwellings with flat roofs.

The local development controls reflect a future character of residential development with a 9m height limit and density of 0.55:1.

The proposed development reflects the existing character of the local area through the use of a dark hue face brick to all external elevations, pitched roof forms and low front fencing integrated with a diverse landscape scheme.

The building has been designed as two distinct, but compatible forms as viewed from the street, and responds to the character and scale of development in the area.

(c) complement heritage conservation areas and heritage items in the area, and

The site is not located within a heritage conservation area nor are there any heritage items that adjoin the site.

There is one heritage item (No. I335) which comprises the Bonnie Doon Golf Club house at 38 Banks Avenue however the item is located approximately 100m from the site, on a different road, and is not within the same visual catchment as the proposed development

(d) maintain reasonable neighbourhood amenity and appropriate residential character by—

- (i) providing building setbacks to reduce bulk and overshadowing, and*
- (ii) using building form and siting that relates to the site's land form, and*
- (iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and*
- (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*

The development has been designed to reflect the desirable characteristics of the area which include landscaped front setbacks, prominent entry points and face brick to external elevations. Additional street trees will contribute to the established corridor of street tree planting along Birdwood Avenue.

The proposed building setbacks are compatible with the streetscape character of the locality and are consistent with Council's DCP requirements. Greater side and rear setbacks have been provided where possible, particularly where the design includes a balcony at first floor level on the side western elevation.

The development is below the height limit permitted under the Housing SEPP and BLEP 2021, and retains more than 2 hours solar access to the living areas and private open spaces of neighbouring dwellings in mid-winter.

A suitable balance of cut and fill is proposed to address the access requirements for seniors housing under the Housing SEPP.

(e) set back the front building on the site generally in line with the existing building line, and

The building line is consistent with the setbacks of dwelling houses in the locality.

(f) include plants reasonably similar to other plants in the street, and

The proposed landscape design incorporates substantial plantings at the front and rear of the development which will enhance the streetscape and provide a quiet space for residents to enjoy at the rear.

The scheme incorporates a mix of ground covers, native shrubs including Bottlebrush and Kangaroo Paw, screen planting and feature trees including the native *Elaeocarpus Eumundi* – Emundi Quandong and *Tristaniopsis 'Luscious'* – Luscious Water Gum.

The proposal requires the removal of one street tree which will be replaced with 2 street trees of the same species, *Callistemon viminalis* – Weeping red bottlebrush. While *Lophostemon confertus* – brushbox is the most prevailing street tree, the smaller bottlebrush has been selected as it is more suitable for underneath powerlines.

Larger shade trees are proposed at the rear of the site and will grow to a mature height of 10-12m. Low maintenance planting in the common landscaped area will create a pleasant environment for residents and attract animal and birdlife.

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

Due to site constraints, which include an existing sewer main at the rear and councils stormwater management requirements, all existing trees on the site are proposed for removal. As outlined above, substantial replacement planting is proposed to compensate for the loss of existing vegetation. This will include at least 2 large (10-12m mature height) shade trees at the rear, and 4 feature trees (5-8m) at the front and side setback area.

(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 building has generally been designed so that high use areas such as living rooms and private open space areas are oriented to the front or rear of the site to minimise privacy impacts. Where windows and balconies are proposed, adequate setbacks have been maintained and privacy screening provided to restrict direct overlooking were appropriate. Windows from first floor living rooms on the side, eastern boundary are provided with minimum 1.7m sill heights to restrict direct line of sight into the neighbouring property.

Boundary fencing to a height of 1800mm / 2550mm (at highest point when viewed from 34 Banks Avenue due to change in levels) will assist with mitigation of visual and acoustic impacts associated with the internal hard stand car parking. Perimeter landscaping will also act as a visual and acoustic buffer between the car park and adjacent development. The generous rear setback to the south of the site provides a large deep soil area which will accommodate shade trees and dense landscape plantings which will create a pleasant outlook when viewed from neighbouring properties.

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

The site is located in the ANEF 20 to 25 contour and a Noise Impact Assessment Report has been provided (**Appendix A**). The report demonstrates that through standard construction methods and minor glazing upgrades the proposed development will satisfy the internal noise attenuation targets set under AS/NZS 2021-2015 relating to aircraft noise.

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 front of the site has a northerly orientation. The development has been designed so that 6 out of the 10 units have living areas and private open space that capture this northern orientation and achieve good solar access. The remaining 4 units capture direct sunlight to living areas and private open space during either the morning or afternoon periods.

80% of units achieve at least 3 hours of direct solar access to living areas in mid-winter, and 90% achieve direct solar access to an area of private open space which exceeds the targets set under the Housing SEPP. Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 8.7, with no individual unit achieving less than 7 stars.

As demonstrated on the shadow diagrams (*Appendix A*), overshadowing to neighbouring properties is limited to either the morning and afternoon periods, and more than 2 hours solar access is maintained to living spaces and private open space of neighbouring dwellings in mid-winter, as per the requirements under the local DCP.

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 infiltration trenches and rainwater OSD tanks, have been provided to achieve council requirements.

Hard surfaces have been minimised in private garden areas and landscaping and permeable paving have been provided in lieu of concrete driveway and parking areas.

Site stormwater will be captured and drained as shown on the submitted stormwater management plans (*Appendix C*), with 21kL rainwater tanks 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. The central entry point provides a secure progression from public to private spaces and will create a safe environment for residents. Six out of the 10 units address Birdwood avenue and provide passive surveillance of public areas as well as the pedestrian and vehicle entry points.

Fencing will be constructed along the side and rear boundaries, and all areas of private open space are fenced to create security and delineate between public and private spaces. The design of the proposed development will allow for general surveillance of the rear common space and parking area, particularly units 1 and 5 which have kitchen windows looking onto these areas. Peep-holes will also be provided on the front doors of each dwelling to enable residents to view approaches to their dwelling without having to open the door.

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 G*) demonstrates that obvious and safe pedestrian links are available from the site to transport services and local facilities on Bunnerong Road located east of the site.

The closest surveyed bus stop is approximately 450m from the site which exceeds the 400m maximum distance specified under clause 93(3)(a) of the Housing SEPP. It is noted that the provisions under clause is a matter which LAHC must consider under Part 5, Division 8 of the Housing SEPP. Notwithstanding, the additional 50m is not seen to adversely affect access to public transport services for residents of the development and this sentiment is supported by the access consultant in *Appendix G*.

A formed and level footpath is available from the site to the bus stops on Bunnerong Road. Kerb ramps are provided at the intersections of Prince Edward Circuit, White Road and Bunnerong Road to facilitate wheelchair access across the roadways. The footpath has a concrete surface, is relatively level and in good condition and therefore is deemed to provide a suitable access pathway for residents. A signalised pedestrian crossing is available for safe pedestrian access across Bunnerong Road.

Car parking is provided for residents within the site, including 2 accessible parking spaces and accessible pathways are provided between the car parking area and the internal lobby. There is ample street parking available on Birdwood Avenue for visitors.

Waste management [section 105]

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

A waste storage area is provided at the rear of the development and will accommodate general waste, recycling and bulky waste. The storage area has been appropriately screened to minimise visual impact but still retain good visibility to avoid the creation of entrapment spaces. The site will be serviced by council's standard kerb-side pickup service, with bins taken to the kerb by a LAHC contractor.

5.2 Environmental Planning and Assessment Act 1979

5.2.1 Duty to consider environmental impact [Section 5.5]

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

Table 4 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 4 Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
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 <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

5.3 Biodiversity Conservation Act 2016 (BC Act)

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

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

5.4 Other Acts

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

5.5 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 5** 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 5 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 are in force. This does not include guidelines such as the <i>Seniors Living Urban Design Guidelines</i> 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.

The proposed activity is assessed against the factors of consideration in **Table 6** below.

The Department of Planning and Environment’s “Guidelines for Division 5.1 assessments” refers to the considerations detailed in clause 171(2) of the EP&A Regulations as factors which must be considered in the assessment of an REF. These factors are considered in **Table 6** below.

Table 6 Compliance with Section 171 of the EPA Regulations 2021

Factors to be taken into account concerning the impact of an activity on the environment.	Relevant?	Impact		
	Yes/NA	Tempo rary	Minor	Significant [Note 1]
(a) environmental impact on the community	Y	x	x	
(b) transformation of a locality;	Y		x	
(c) environmental impact on the ecosystems of the locality;	Y		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	N/A			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	N/A			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment;	Y		x	
(i) degradation of the quality of the environment;	Y	x	x	
(j) risk to the safety of the environment;	Y		x	
(k) reduction in the range of beneficial uses of the environment;	N/A			
(l) pollution of the environment;	Y	x	x	
(m) environmental problems associated with the disposal of waste;	Y		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Y		x	
(o) cumulative environmental effect with other existing or likely future activities.	Y		x	

(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y Discussed below in Section 5.6		x	
(r) other relevant environmental factors.	Y		x	

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

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

The proposed seniors housing development is not expected to generate any significant or long-term impacts on the environment. The short term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 5.6 of this report.

5.5.2 Activities in catchments

When considering the impact of an activity within a regulated catchment clause 171A of the EP&A Regulations requires certain controls contained within the Biodiversity and Conservation SEPP to be considered. The subject site is not located within a regulated catchment and therefore these controls do not apply to the site.

5.6 Strategic Planning Framework

5.6.1 Bayside Local Strategic Planning Statement 2020

The Bayside Local Strategic Planning Statement (LSPS) was endorsed by the Greater Sydney Commission on 18 March 2020. It is a 20 year plan that identifies 24 Planning Priorities for the LGA, focused around four themes:

- Infrastructure and Collaboration
- Liveability
- Productivity
- Sustainability.

Notably, Priority B7 seeks to provide choice in housing to meet the needs of the community and Priority B8 seeks to provide housing that is affordable. There is a demonstrated need for more social housing in the Bayside LGA, with an expected waiting time of 5-10 years for a 1-bedroom property, and 10+ years for anything larger. The LSPS identifies that Bayside Council will need to encourage more medium density dwellings to meet the future needs of the community, a portion of which are considered 'downsizers' which are typically aged 55+ years.

The proposed development will contribute 10 seniors housing units to the supply of affordable housing in the Bayside LGA in a location that is well serviced by existing public transport and that is close to public open space and other community facilities.

The proposed seniors housing development contributes to the objectives of the Bayside Local Strategic Planning Statement, and will increase the provision of affordable and seniors living units in the local area.

5.6.2 Bayside 2032 Community Strategic Plan

The Bayside 2032 Community Strategic Plan was adopted by Council on 11 May 2022. It is a 10 year plan that outlines four key themes to identify the priorities for the community's future. These key themes were derived by council from an extensive community engagement process, forecasting, and a review of relevant plans and principles. The key themes are as follows:

- Vibrant Place
- Connected in a Creative City
- Green, Resilient and Sustainable
- Prosperous Community

Under the four themes there are key community outcomes, and subsequent strategies for Council to deliver these outcomes in partnership with the community, government agencies and businesses. Community Outcome 1.1 is to ensure that Bayside's places are accessible to all by promoting the provision of affordable housing for those who need it. The proposed development for 10 seniors housing units directly promotes the provision of affordable housing and therefore assisting Bayside Council in delivering on this Outcome.

5.7 Other State Environmental Planning Policies

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

Table 7 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to <i>Appendix J</i>).
SEPP (Transport and Infrastructure) 2021	<p>The site is located approximately 350m from Bunnerong Road which is a State Classified Road. The provisions of the SEPP do not apply as the development is not defined as traffic generating development and is not located within 90m of the connection to the Classified Road (as per Schedule 3, Column 3 of the SEPP).</p> <p>The site is not affected by, or in proximity to, any railway and rail infrastructure, electricity transmission or distribution infrastructure or major infrastructure corridors. No other matters under the Transport and Infrastructure SEPP require consideration.</p>
SEPP (Biodiversity and Conservation) 2021	<p>Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy.</p> <p>Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission,</p>

State Environmental Planning Policy	Applicability
	<p>approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p>The proposed removal of 1 street tree on Birdwood Avenue requires Council consent. LAHC initially contacted Council via letter on 28 October 2022 regarding the proposed street tree removal and appropriate replacement plantings were suggested by Council on 1 November 2022. The replacement plantings have subsequently been incorporated into the proposed landscape scheme and no further concerns were raised by Council during notification.</p> <p>Semi-mature tree and shrub replacement planting proposed both on the site and in the Council street verge will enhance the landscape setting and improve the biodiversity value of the site.</p>
SEPP (Resilience and Hazards) 2021	<p>Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent.</p> <p>The site is located within a developed residential area of Pagewood. Based on historical aerial imagery viewed on https://portal.spatial.nsw.gov.au, the existing dwellings on each lot have been present since the land was originally subdivided and developed around 1955. Adjoining land was also developed for residential use at the same time.</p> <p>The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to Appendix E). A standard recommended Identified Requirement (No. 17) requires implementation of management measures in the event of contamination during construction works.</p>

5.8 Local Planning Controls

5.8.1 Bayside Local Environmental Plan 2021 (BLEP 2021)

The site is zoned R2 Low Density Residential under the *Bayside Local Environmental Plan 2021* (BLEP 2021). The proposed development is defined as ‘seniors housing’ under the provisions of the BLEP 2021 and is permissible with Council’s consent in the R2 zone. The site’s zoning context is illustrated in **Figure 12** below.

The relevant objective of the R2 zone, as set out in the BLEP is:

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

The proposed development provides housing that meets the identified needs of the community and will be consistent with this objective in the R2 zone.



Figure 12 Extract of zoning map from BLEP with site outlined in red (Source: NSW Planning Portal, accessed May 2023)

An assessment against the key development standards set out in the BLEP 2021 is demonstrated in **Table 8** below. It is relevant to note that the following provisions of the BLEP 2021 are not a matter for consideration under Part 5, Division 8 of the Housing SEPP, however have been considered during the design and assessment process to ensure the proposed development is compatible with the context and character of the local area.

Table 8 Bayside Local Environmental Plan 2021

Relevant Provisions / Development Standards for Seniors Housing			
Clause	Provision / Development Standard	Required	Provided
4.3(2)	Height of Buildings	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 BLEP 2021 definition) is 8.9 metres.
4.4(2)	Floor Space Ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (0.55:1).	Proposed FSR is 0.55:1 (calculated based on the definition of Gross Floor Areas as defined under the BLEP 2021).
6.8	Development in areas subject to aircraft noise	The site is between the 20 and 25 ANEF (2039) contours. The consent authority must consider the following:	A Noise Impact Assessment has been prepared (Appendix R) to assess the proposal against the requirements in clause 6.8 of the BLEP 2021 and relevant Australian Standards

Relevant Provisions / Development Standards for Seniors Housing			
		<p>(a) whether the development will result in an increase in the number of dwellings or people affected by aircraft noise;</p> <p>(b) the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021-2015; and</p> <p>(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 in AS 2021:2015 for residential accommodation located in an ANEF contour of 20 or greater.</p>	<p>relating to mitigating impacts from aircraft noise.</p> <p>The assessment concludes that the proposed double brick construction, along with standard construction techniques and specified glazing will readily satisfy the indoor design sound levels under AS 2021/2015 for residential accommodation located in an ANEF contour of 20 or greater.</p> <p>An Identified Requirement (IR 81) has been included in the Activity Determination to ensure the development is constructed in accordance with the recommendations of the Report.</p>

5.8.2 Bayside Development Control Plan 2022

Bayside Development Control Plan 2022 (BDCP) does not contain specific development controls for seniors housing. To ensure the design provided an appropriate response to site context and the scale of proposed development, a combination of the setback requirements for low density housing and multi-dwelling housing have been used as shown in **Table 9** below.

The general controls for all development set out in BDCP have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP. It is also noted that the provisions of the DCP are not a matter for consideration under Part 5, Division 8 of the Housing SEPP however have been considered during the design and assessment process to ensure the proposed development provides an appropriate response to local character and satisfies councils waste and stormwater management requirements.

Table 9 Bayside Development Control Plan 2022

Compliance with setback controls for multi-unit housing		
Multi-unit housing		
Clause	Requirement	Proposed
Low Density Housing Clause 5.2.1.3	<u>Front setback</u> The average of the dwellings on adjoining lots, or 6m.	<u>Front setback</u> The main building façade is setback 6m from the front boundary, with two first floor balconies protruding forward of the setback by a maximum of 1.79m. This is a minor encroachment into the front setback zone and provides articulation to the façade without impacting on the amenity of neighbours. The minor variation is

Compliance with setback controls for multi-unit housing

		compatible with the established streetscape which includes examples of development with elements that protrude forward of the building line, such as the 2-storey dual occupancy at 40A Birdwood Avenue.
Multi Dwelling Housing Clause 5.2.3.3 Setbacks	<p><u>C4. Side setbacks</u> Front two-thirds of site: 0.9m (ground floor) and 1.5m first floor and above.</p> <p>For the rear third of the site: 4m</p> <p><u>C5. Rear setback</u> Ground storey: 4m Above ground storey: 6m</p> <p><u>C10.</u> Two or three storey development is only permitted on the front of an allotment and may extend to a maximum of 70% of the depth of the site measured from the property boundary.</p>	<p><u>Side setbacks</u> The proposed development has a minimum side setback of 3.9m from the east boundary.</p> <p>Approximately 2m of the building is located in the rear third of the site and is setback 100mm less than that required under C4. This is considered to be a nominal amount and comprises the balcony off unit 10 only. The balcony is provided with appropriate screening to mitigate privacy impacts to the neighbouring property to the east.</p> <p>The setback from the west side boundary is 5.1m for the entire length of the building which exceeds the controls under C4.</p> <p>The proposed carport to the east elevation of unit 4 has a nil side setback. The carport is an ancillary structure and will generate no privacy or visual bulk impacts to the adjoining property.</p> <p>There are several examples of existing development with structures on a nil side setback in vicinity of the site. For example, 32 Birdwood Avenue has a roofed structure on a nil setback from its west boundary, and 24 Birdwood Avenue has a large double garage with a pitched roof also on a nil setback.</p> <p>The proposed variation to the side setback requirement to accommodate the proposed carport is considered compatible with existing development in the area and has no detrimental impact on streetscape quality, or amenity of adjoining residents.</p>

Compliance with setback controls for multi-unit housing

		<u>Rear setback</u> The minimum rear setback is 9.8m which exceeds that permitted under the BDCP.
Development in areas subject to aircraft noise and affected by Sydney airport's prescribed airspaces Clause 3.13	<p><u>C2.</u> Development in land in the ANEF affected area (ANEF 20+) must be designed and constructed in accordance with the relevant Australian Standard and other guidelines issued by relevant agencies and authorities.</p> <p><u>C3.</u> Development on land within an ANEF affected area (ANEF 20+) must be supported by a Noise Impact Assessment demonstrating indoor design sound levels in AS 2021-2000 can be achieved.</p>	<p>The site is between the 20 and 25 ANEF (2039) contours.</p> <p>A Noise Impact Assessment Report has been prepared (Appendix R) and concludes that the proposed development will achieve the applicable indoor sound levels required under AS 2021-2015 with standard construction methods, and subject to the recommendations outlined in section 3 of the Noise Impact Assessment Report.</p> <p>An Identified Requirement (IR 80) has been included in the Activity Determination to ensure the development is constructed in accordance with the recommendations of the Report.</p> <p>The requirements of clause 3.13 are satisfied.</p>

6 Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to the Council and to the adjoining occupiers are provided in *Appendix F*, together with a copy of responses from statutory authorities (where provided).

6.1 Council Notification

In accordance with section 108C of the Housing SEPP, Bayside Council was notified of the development by letter dated 13 March 2023 (refer to *Appendix F*). The notification response period formally closed on 6 April 2023 and Council responded by email dated 17 April 2023 stating that they had no comments to provide on the proposed development.

6.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council via an email on 3 August 2022 regarding the scope of notification. Council provided an email response on 9 August 2022 advising additional properties to be notified. **Figure 13** illustrates the properties in which the occupiers and landowners were notified of the development, including the additional properties requested by council.



Figure 13 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 13 March 2023. Copies of the notification letters are provided at **Appendix F**. The notification response period formally closed on 6 April 2023 and 2 submissions were received. The key issues raised in the submissions are discussed in **Table 10** below.

Table 10 Issues raised by adjoining owners / neighbours

Issues raised	Response
Privacy	<p>First floor balconies on side and rear elevations have been setback 3.9m – 5.1m from boundaries and are provided with fixed privacy screens to minimise overlooking.</p> <p>Full sized windows on side elevations at first floor level are from bedrooms only and will be fitted with blinds to protect the privacy of both adjoining neighbours and residents.</p> <p>Windows from living rooms on the east elevation are high level with minimum sill heights approximately 1.7m above finished floor level which is above the average eye line, thereby limiting direct views out of these windows. Living room windows on the west elevation have been offset from existing areas of private open space on adjoining land and are setback a minimum 5.1m from the side boundary.</p>
Solar access and overshadowing	<p>The BDCP specifies that new developments must maintain a minimum 3 hours solar access to living areas and private open space of neighbouring dwellings between 9am and 3pm on 21 June (mid-winter).</p> <p>The overshadowing diagrams provided under Appendix A demonstrate that the proposed development will generate some overshadowing impacts to neighbouring dwellings during either the morning or afternoon period but no impact during the middle of the day. A minimum of 3 hours solar access to neighbouring properties is retained in accordance with BDCP.</p>
Parking spaces and location of parking area (preference for parking in the front setback)	<p>The proposal incorporates 4 car parking spaces on the site, including 2 accessible spaces. This is consistent with the amount of car parking required under the Housing SEPP which is 1 space per 5 seniors living dwellings.</p> <p>Bayside Council does not permit parking at the front of developments due to the impact on streetscape amenity. The parking area at the rear of the proposed development will accommodate no more than 3 vehicles and will generate a low amount of traffic movements along the driveway.</p>
Density	The proposed FSR is 0.55:1 which is consistent with the density requirement specified under the BLEP 2021.
Security and anti-social behaviour	<p>The Department of Communities and Justice has an established Antisocial Behaviour Policy to ensure tenants engaging in anti-social behaviour are held accountable.</p> <p>LAHC do not install security gates at driveway entrances due to cost and ongoing maintenance.</p>
Roof material selection (preference for a tiled roof instead of colorbond)	The colorbond roofing material has been selected for its longevity and to minimise the need for on-going maintenance. For this reason, LAHC does not typically install tiled roofs in social housing developments of this scale.
Colour of proposed fencing	The proposed fencing type has been changed from timber to colorbond and the colour changed to 'Woodland Grey'. The selected fence colour will complement the external finish and materials of the proposed development as well as that of neighbouring homes.

Issues raised	Response
Property value	<p>The proposed development has been sympathetically designed to ensure it fits within the established character of the local area.</p> <p>The use of brick, concrete and quality finishes will ensure the development continues to make a positive contribution to the streetscape into the future. Landscaping in the front setback and the addition of 2 new street trees on Birdwood Avenue will further contribute to the aesthetic quality of the development over time.</p>

6.3 Notification of Specified Public Authorities

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

7 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in **Section 5.1** 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.

7.1 Neighbourhood Character

The site is located within an established low-density residential area characterised by single storey detached dwellings, and larger more modern homes. Adjoining the site to the east, and dotted throughout the locality, are single storey dwellings built during the late to mid twentieth century which feature face brick construction with tiled, pitched roofs and low street fencing.

The character of the area is evolving however, with a number of more recent additions dispersed throughout the locality including larger, contemporary rendered dwellings with flat roofs and double garages. A dual occupancy has been recently constructed on the adjoining land to the west at 40A Birdwood Avenue and features a combination of brick and rendered facades, pitched roofs and protruding balcony elements to the front façade.

Birdwood Avenue benefits from an avenue of established street trees which define the streetscape character and create a green, leafy outlook for most dwellings on the street. The local area also benefits from close access to a range of sporting facilities including the UNSW David Phillips sports field and the Bonnie Doon Golf Club as well as opportunities for passive recreation at Rowland Park, located directly opposite the site.

The proposed housing represents a contemporary, high quality design, whilst reflecting some of the key design characteristics of the inter-war housing stock. The use of face brick for all external walls, pitched roof forms and double hung windows on side elevations is consistent with the existing and developing character of the local area.

Two storey developments are not uncommon in the area, but they are typically associated with private dwelling houses and not medium density developments such as that proposed. Notwithstanding this, the proposal will provide much needed seniors housing for the local community that is of a scale commensurate with the existing and desired future character of the area.

The development complies with the FSR control of 0.55:1 under the BLEP 2021; complies with the overall height control and provides front and side setbacks that are compatible with established setbacks within the street. Whilst 1 existing street tree is proposed for removal, it will be replaced with 2 new street trees which will continue the legacy of street tree planting along Birdwood Avenue.

Mitigation measures

No mitigation measures are required.

7.2 Bulk and Density

The proposed development is compatible with the bulk and scale of existing development in the area and is generally in keeping with the building typology envisaged for the zone. The development has been designed

as two distinct, but connected forms with the use of void and glazed elements which visually separate the two building masses to reduce the apparent scale.

The proposal incorporates a floor space ratio of 0.55:1 (calculated based on the GFA definition under the BLEP) and a maximum height of 9m which is consistent with the scale of development envisaged for the R2 Low Density Residential zone. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the overall bulk and scale.

The development has been designed to reflect a scale similar to that of two dual occupancies, given the zoning does not permit medium density housing. The use of first floor balconies on the front façade provide articulation and facilitate active engagement with the streetscape. The roof of the western massing rotates 90 degrees to that of the eastern massing which creates a distinction between the two building forms and breaks up the roof line along the driveway.

In addition, the developments compatibility with the bulk and scale of adjoining development is aided through the provision of side setbacks that are generally greater than the prescribed minimum requirements in the BDCP, and the overall building depth proposed is similar to that of a modern 2-storey dwelling when viewed from neighbouring properties.

Mitigation measures

No mitigation measures are required.

7.3 Streetscape

The proposed development will make a positive contribution to the Birdwood Avenue streetscape, by virtue of the following:

- The proposed development will replace ageing housing stock that has reached the end of its economic life with a contemporary, architecturally designed residential development that reflects the desired characteristics of existing development in the locality.
- Living rooms and balconies address and provide an active frontage to Birdwood Avenue.
- The front façade is divided into two main building forms with a central lobby that is recessed to create visual separation and reduce the overall scale of the development when viewed from the street.
- The use of face brick and pitched roofs responds to the prevailing local residential character.
- Incorporating 'hit and miss' brick work provides visual interest and a unique architectural feature to the façade.
- The loss of 1 street tree will be compensated through the planting of 2 new street trees of the same species, *Callistemon viminalis* – Weeping red bottlebrush, contributing to canopy cover in the public domain.
- Significant landscaping being provided throughout the development, including feature trees and screening plants, which will help soften the development and benefit the presentation of the development to the street.
- The hard stand parking area has been positioned behind the building line and will generally be obscured from street view.

Mitigation measures

No mitigation measures required.

7.4 Privacy

A reasonable level of privacy will be maintained by the residents and occupiers of adjoining land, by virtue of the following:

- The first-floor windows on the east and west elevations, serving habitable and non-habitable rooms are adequately set back from the side boundaries. Setbacks greater than that prescribed under the BDCP are provided from the west elevation. Windows from living rooms on the east elevation are provided with minimum sill heights of 1.7m above finished floor level and therefore won't allow a direct line of site into neighbouring properties.
- First floor balconies are predominantly oriented towards the front and rear of the site. Where located on the side (east) elevation, increased setbacks and privacy screening is provided to minimise direct overlooking but still maintain good solar access to the private open space area.
- Ground floor patios within the development have been appropriately separated by location or fencing and/or landscape treatments.
- Ground floor windows facing the side boundaries are adequately set back in accordance with the minimum BDCP requirements and partly obscured by 1.8m high boundary fencing and perimeter landscaping.
- Further screening between the proposed development and adjoining neighbours will be achieved through substantial canopy tree planting in the rear setback.
- All windows and balconies between units within the site are adequately separated or appropriately screened to prevent privacy issues.

There is a potential for privacy impacts to units 1 and 2 which are located adjacent to the shared driveway and in proximity to the car park and an identified requirement is recommended to mitigate this impact.

Mitigation measures

Identified Requirement No. 82 requires the lower pane of windows W201-W204, and window W102 to be fitted with translucent glazing to mitigate potential privacy impacts generated by the shared driveway and car park.

7.5 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the living areas and private open spaces of the proposed development, as well as maintaining solar access to living areas and private open space of adjoining dwellings in accordance with the SLUDG and BDCP requirements.

The submitted Architectural Plans indicate that 80% of dwellings receive at least 3 hours direct solar access to the living and POS areas on June 21 (mid-winter), which exceeds the requirement under the LAHC Design Requirements. The shadow diagrams also confirm the proposed development will maintain sunlight to living areas and private open space of the dwellings on adjoining sites for more than 2 hours per day, in accordance with the BDCP.

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

None required.

7.6 Overshadowing

The shadow diagrams provided under *Appendix A* confirm that the development has been designed to minimise overshadowing of surrounding development. The site has a north-south orientation and the development has been positioned towards the front of the site and away from the southern boundary to reduce the length of shadow cast across neighbouring properties. Generous setbacks have also been maintained from the east and west side boundaries.

The shadow diagrams demonstrate that on 21 June (mid-winter) the development will generate some overshadowing to the neighbouring properties to the east, west and south of the site for some period of the day as detailed below.

- At 9am, shadows will be cast across a portion of the rear private open space areas of 40A Birdwood Avenue and 32 Banks Avenue, and the roof of the garage and shed at 34 Banks Avenue. No shadow will be cast across the adjoining properties to the east or southeast.
- At 12pm, a small amount of shadow will fall across the side passage next to the dwelling at 34 Birdwood Avenue however the majority of overshadowing will be contained within the boundaries of the subject site. There will be no overshadowing of adjoining properties to the south or west.
- At 3pm, the rear private open space of 34 Birdwood Avenue will be overshadowed as well as a portion of 3 Prince Edward Circuit. There will be no overshadowing of adjoining properties to the south or west.

As identified above, the adjoining properties will maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9.00am and 3.00pm at the mid-winter solstice. It is noted that very limited overshadowing will occur to the private open space areas of adjoining properties during the summer solstice (21 December).

Mitigation measures

None required.

7.7 Traffic & Parking

The proposal incorporates 4 at-grade parking spaces, including 2 accessible spaces, which will be available on site to serve the proposed development. One of the accessible spaces has been dedicated to unit 4 and is located under a carport immediately to the east of that unit. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for developments carried out by LAHC by 2 parking spaces. Unrestricted street parking is available on Birdwood Avenue to accommodate any overflow parking demand generated by the proposed development.

The proposed car parking layout was assessed in the Traffic and Parking Assessment Report (*Appendix S*) and swept path testing was undertaken. The proposed driveway width and parking layout was confirmed as compliant with AS2890.1:2004. One disabled parking space is provided in the main car parking area which complies with AS2890.6, the second accessible space provided next to unit 4 does not strictly comply with AS2890.6, however the space is 3.8m in width which complies as an accessible space in accordance with AS4299. The proposed parking arrangements have been assessed by an Access consultant who deemed them acceptable for the proposed use and development and consistent with the intent of the accessibility requirements under the Housing SEPP.

The Traffic and Parking Assessment Report indicates that based on the rates specified in the *RTA Guide to Traffic Generating Developments* and recent supplements as adopted by Transport for NSW, the development

will have a projected traffic generation of 5 vehicle trips in both the AM and PM peak hour periods. It is relevant to note that this traffic generation was considered conservative as it does not take into account the reduced rate of parking spaces provided in accordance with the Housing SEPP. As such, the projected traffic generation as a consequence of the development was considered to have no adverse effect on any nearby intersections or any unacceptable implications in terms of road network capacity.

Mitigation measures

No mitigation measures are required.

7.8 Flora and Fauna

An Arboricultural Impact Assessment Report was prepared for the site by Allied Tree Consultancy (*Appendix A*). The report identified and assessed 17 trees on and adjoining the site. Of these 17 trees, 4 were located on the subject site and included a 10m *Cinnamomum camphora* – Camphor Laurel, a 4m *Photinia robusta* – Photinia, a 17m *Araucaria columnaris* – Cook Pine and a 10m *Cupressus sempervirens* – Mediterranean Cypress. One of the trees (T6) is located on the road reserve at the front of 38 Birdwood Avenue and was identified as a *Callistemon viminalis* – Weeping Red Bottlebrush.

None of the subject trees, or shrubs on the site have any heritage significance, or any listings in the Biodiversity Conservation Act 2016, the Environmental Protection and Biodiversity Conservation Act 1999, or Council's Heritage Tree Register.

The Report identifies that all trees on the site (trees 1, 2, 3 & 5) will require removal due to conflicts with the proposed building footprint and major incursions into the Tree Protection Zone (TPZ) of some trees. The Report recommends compensatory planting of at least 6 trees with a mature height of 10m. It is noted that the proposed landscape plan incorporates 10 trees across the site ranging in height from 5m to 12m including 6 located at the rear. However, due to a potential conflict with the existing sewer main traversing the rear of the site, 4 of these trees will need to be replaced with smaller specimens that are 5m or less in height. An identified requirement is recommended to ensure this occurs. The landscaped scheme will still include a minimum 6 canopy trees across the site with mature heights ranging from 7m to 12m which is considered appropriate to minimise impact to existing infrastructure and future buildings on the site whilst also ensuring long term viability of the trees.

The development will also result in the loss of 1 street tree on Birdwood Avenue (tree 6) which is proposed to be replaced with 2 street trees of the same species, *Callistemon viminalis* – Weeping red bottlebrush.

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

Mitigation measures

As the proposed development will require the removal of all trees on the site, no protection measures are required. All surrounding trees outside of the site occur sufficient distance from the works proposed to be unaffected by the development.

However, the following mitigation measures are recommended to ensure new tree plantings don't interfere with existing infrastructure, and that tree removal and new tree planting is undertaken in accordance with the recommendations of the Arboricultural Impact Assessment Report.

- Identified Requirement No. 20 is recommended to ensure tree removal is carried out in accordance with the approved landscape plan and in accordance with the Arboricultural Impact Assessment Report.

- Identified Requirement No. 79 requires the 4 canopy trees proposed within 1.5m of the existing sewer main at the rear of the site to be replaced with smaller shrub planting (5m or less in height) to minimise conflict with existing infrastructure.
- Identified Requirement No. 80 requires new tree planting provided on site to be of an 'advanced' size (minimum 100 lt) when planted, and supplied by a registered nursery that adheres to Australian Standard 2303.

7.9 Heritage (European / Indigenous)

Indigenous Heritage

The Section 10.7(2) & (5) Planning Certificates generated by Bayside Council don't identify any items of Indigenous heritage significance on the subject lots or in vicinity of the site.

An Aboriginal Heritage Information Management System (AHIMS) search, dated 3 May 2023 (*Appendix H*) 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 Bayside 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

Standard Identified Requirements (No. 46 & 47) have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

7.10 Soils / Contamination / Acid Sulfate Soils / Salinity

Soil conditions

A Geotechnical Site Investigation Report, prepared by STS Geotechnics (dated June 2022) indicated the following:

- The subsurface conditions generally consist of topsoil overlying sands. The topsoil is present to depths of 0.2 to 0.4 metres. Loose to medium dense, becoming dense sands underlie the topsoil to the depth of drilling, 3 metres.
- In accordance with AS2159-2009, the exposure classification for the onsite soils is non-aggressive for both concrete and steel.
- Groundwater was not observed during drilling works.

Mitigation Measures

No mitigation measures required.

Contamination

The site is located within a developed residential area of Pagewood. Based on historical aerial imagery viewed on <https://portal.spatial.nsw.gov.au>, the existing dwellings on each lot have been present since the land was originally subdivided and developed around 1955. Adjoining land was also developed for residential use at the same time.

The s10.7 Planning Certificates have also not identified the site as potentially contaminated.

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, and Bayside LEP 2021 maps, the site is not identified as being affected by acid sulfate soils.

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is not affected by salinity.

Mitigation Measures

No mitigation measures are required.

7.11 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site which will be connected to infiltration trenches located at the front and rear of the site before being directed to a new RHS connection on Birdwood Avenue. Roof water will be collected from downpipes and connected to above ground rainwater reuse/OSD tanks at the eastern boundary with overflow directed to the new connection on Birdwood Avenue.

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

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

Mitigation Measures

Identified Requirements (Nos. 6-9, 14, 42 & 72) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

7.12 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

7.13 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

The site is subject to aircraft noise and as discussed in **Section 5.8.1** of the REF, a Noise Impact Assessment Report has been prepared (**Appendix R**) to assess the impact of road and aircraft noise on the proposed development. The assessment concludes that double brick construction, along with standard construction techniques and specified glazing will ensure the development can readily satisfy the indoor design sound levels under AS 2021/2015 for residential accommodation.

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 these mitigation measures.

An Identified Requirement (IR 81) has been included in the Activity Determination to ensure the development is constructed in accordance with the recommendations of the Noise Impact Assessment Report to effectively mitigate impacts from aircraft and road noise.

7.14 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 & 66) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

7.15 Waste Minimisation

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

During Demolition

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

- concrete and bricks will be transported to an approved reuse facility for crushing;
- any asbestos sheeting and fibrous insulation will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility;
- mixed demolition materials will be transported to an approved building waste collection facility;
- timber, metal, wall and roof cladding and other salvageable materials will be recycled by contract at a reuse facility where appropriate or disposed of at an approved building waste collection facility; and
- Door and window suites will be recycled by Contractor at a second hand facility. Broken suites will be disposed off-site at an approved building waste collection facility.

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

During Construction

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

- bricks, tile and concrete to be transported to building recycling facility;
- concrete shall be crushed and reused for filling, levelling or temporary road base;
- tiles shall be crushed and reused for filling, levelling or temporary road base;
- untreated timber, and door and window suites shall be sent to second hand suppliers;
- plasterboard shall be sent to building recycling facility; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

During Occupation

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

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

Mitigation Measures

Standard Identified Requirements (Nos. 34, 52 – 54, 61 & 66) are recommended to ensure construction/demolition waste is appropriately managed and disposed of. A standard Identified Requirement

(No. 37) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

7.16 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.

7.17 Community / Social Effects

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

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Bayside local government and surrounding area;
- 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.

7.18 Economic Impact

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

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

7.19 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

8 Conclusion

8.1 Summary of Key Issues Raised in Assessment

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

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

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

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

The proposed development will enable LAHC to meet the increasing demand for one and two-bedroom seniors housing dwellings in the local area. Therefore, the proposed development is considered to be in the public interest.

9 Recommendation

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

APPENDIX A – Architectural Plans

APPENDIX B – Landscape Plans

APPENDIX C – Civil Plans

APPENDIX D – Part 5 Checklist

APPENDIX E – Section 10.7 Certificates

APPENDIX F – Notification Plans

APPENDIX G – Access Report

APPENDIX H – AHIMS Search

APPENDIX I – Arboricultural Impact Assessment Report

APPENDIX J – BASIX & NatHERS Certificates

APPENDIX K – BCA Assessment Report

APPENDIX L – Design Compliance Certificates

APPENDIX M – Housing for Seniors Checklist

APPENDIX N – Geotechnical Report

APPENDIX O – Survey and Longitudinal Plan

APPENDIX P – Certificate of Title

APPENDIX Q – Waste Management Plan

APPENDIX R – Noise Impact Assessment Report

APPENDIX S – Traffic and Parking Assessment Report

APPENDIX T – Hydraulic Plans

APPENDIX U – Compliance Tables