

# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at 35-39 West Street, Lurnea, and

Proposed Stormwater Works and Easement at 5 Leo Avenue, Lurnea  
NSW 2170

June 2024





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Homes NSW 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.

Published by Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

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*On February 1 2024, Homes NSW, a division of the Department of Communities and Justice (DCJ) was formed. It has brought together the housing and homelessness services of DCJ with the NSW Land and Housing Corporation (LAHC), Aboriginal Housing Office (AHO) and key worker functions from across government under one roof.*

Homes NSW

Postal address: Locked Bag 5022, Parramatta NSW 2124

[nsw.gov.au/homes-nsw](https://nsw.gov.au/homes-nsw)

ABN 24 960 729 253

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## DOCUMENT CONTROL REGISTER

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

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3	20.06.2024	v3	Issued for review	various
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## DOCUMENT SIGN-OFF

### REF prepared and peer reviewed by:

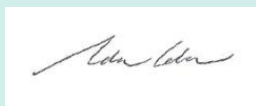
Having prepared the Review of Environmental Factors:

- I have declared any possible conflict of interests (real, potential, or perceived) to the a/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the a/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

Name: Adam Coburn

Designation: Managing Director NSW Mecone Group Pty Ltd

Signature:



Date: 05 April 2024

### REF peer reviewed by:

Name: Rithy Ang

Designation: Planner, Homes NSW

Signature:



Date: 12 June 2024

### REF reviewed and endorsed by:

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.

Name: Carolyn Howell  
Designation: Manager, Planning & Assessment, Homes NSW

Signature:  Date: 26 June 2024

**REF authorised for issue by:**

Having authorised the issuing of this Review of Environmental Factors:

- I have declared any possible conflict of interest (real, potential, or perceived) to the A/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the A/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.

Name: Peta Baker  
Designation: Acting Director, Portfolio Services, Homes NSW

Signature:  Date: 27/06/2024

# Contents

<b>1</b>	<b>Executive Summary .....</b>	<b>9</b>
<b>2</b>	<b>Introduction.....</b>	<b>11</b>
2.1	Purpose of this Review of Environmental Factors (REF) .....	11
2.2	Assessment Methodology .....	11
<b>3</b>	<b>Existing Site &amp; Locality.....</b>	<b>13</b>
3.1	Existing Site and Immediately Adjoining Development .....	13
3.2	Site Description .....	19
3.3	Neighbouring Development and Locality.....	20
<b>4</b>	<b>Project Description .....</b>	<b>23</b>
4.1	Demolition.....	23
4.2	Removal of Trees .....	23
4.3	Proposed Development.....	23
4.4	Supporting information.....	27
<b>5</b>	<b>Zoning and Permissibility .....</b>	<b>31</b>
<b>6</b>	<b>Planning and Design Framework.....</b>	<b>32</b>
6.1	Environmental Planning and Assessment Act 1979 .....	32
6.2	Biodiversity Conservation Act 2016 (BC Act) .....	32
6.3	Other Acts .....	32
6.4	Environmental Planning and Assessment Regulation 2021.....	33
6.5	State Environmental Planning Policy (Housing) 2021.....	35
6.6	Other State Environmental Planning Policies.....	53
6.7	Liverpool Local Environmental Plan 2008 (LLEP 2008) .....	57
6.8	Liverpool Development Control Plan 2008 .....	58
<b>7</b>	<b>Notification, Consultation and Consideration of Responses .....</b>	<b>60</b>
7.1	Council Notification .....	60
7.2	Notification of Occupiers of Adjoining Land and Other Persons.....	67
7.3	Notification of Specified Public Authorities .....	68
<b>8</b>	<b>Review of Environmental Factors .....</b>	<b>69</b>
8.1	Neighbourhood Character .....	69
8.2	Bulk and Density.....	69
8.3	Streetscape .....	70
8.4	Visual Impact .....	70
8.5	Privacy .....	70
8.6	Solar Access .....	71
8.7	Overshadowing .....	72
8.8	Traffic & Parking .....	72
8.9	Flora and Fauna .....	72
8.10	Heritage (European / Indigenous) .....	73
8.11	Soils / Contamination / Acid Sulfate Soils / Salinity .....	74
8.12	Drainage / Flood Prone Land / Hydrology/ Water Quality .....	75
8.13	Bushfire Prone Land.....	75
8.14	Noise and Vibration.....	75
8.15	Air Quality.....	76

8.16	Waste Minimisation.....	76
8.17	Resource Use & Availability .....	77
8.18	Community / Social Effects .....	77
8.19	Economic Impact.....	78
8.20	Cumulative Impact Assessment .....	78
<b>9</b>	<b>Conclusion.....</b>	<b>79</b>
9.1	Summary of Key Issues Raised in Assessment.....	79
9.2	Recommendation .....	79
<b>10</b>	<b>Appendices.....</b>	<b>80</b>



## List of Figures

Figure 1 - Location Plan of development site 35-39 West Street (outlined in red) and lot affected by proposed easement 5 Leo Avenue (outlined in green) (Source: Six Maps) .....	13
Figure 2 - Aerial mapping of subject site (outlined in red) and 5 Leo Avenue (outlined in green) .....	14
Figure 3 Development site – 35 West Street (Source – Google Maps).....	15
Figure 4 Development site – 37 West Street (Source – Google Maps).....	15
Figure 5 Development site – 39 West Street (Source – Google Maps).....	16
Figure 6 Rear Property (Proposed Downstream Easement) – 5 Leo Avenue (Source – Google Maps) .....	16
Figure 7 Adjoining development to the north of 35 West Street (Source – Google Maps).....	17
Figure 8 Adjoining development to the east (Source – Google Maps) .....	18
Figure 9 Development opposite the subject site - 15 Jedda Road (Source – Google Maps) .....	18
Figure 10 Adjoining property to the west - 19 Jedda Road (Source – Google Maps) .....	19
Figure 11 More recent dual occupancy development at 36 Jedda Road (Source - Google Maps) .....	20
Figure 12 Single storey dwelling house at 5 Locker Avenue (Source - Google Maps) .....	21
Figure 13 Seniors housing development at 145-147 Wonga Road (Source Google Maps) .....	21
Figure 14 Seniors living development at 6-8 Facey Crescent (Source – Google Maps) .....	22
Figure 15 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024) .....	24
Figure 16 Extract from Architectural Plans – Floor Plan – Ground Floor (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024) .....	25
Figure 17 Extract from Architectural Plans – Floor Plan – Level 1 (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024) .....	26
Figure 18 Extract from Architectural Plans – Jedda Road Streetscape Elevation (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024) .....	26
Figure 19 Extract from Architectural Plans – West Street Streetscape Elevation (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024) .....	27
Figure 20 - Land zoning map (Source: Planning Portal Spatial Viewer).....	31
Figure 21 Map of Properties Notified of the Proposed Development (Source: LAHC) .....	68

## List of Tables

Table 1 Supporting information.....	27
Table 2 Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979.....	32
Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171] .....	33
Table 4 Factors to be taken into account concerning the impact of an activity on the environment .....	33
Table 5 Compliance with relevant provisions under Chapter 3, Part 5, Division 8 of the SEPP for 'seniors housing development without consent' carried out by LAHC.....	36
Table 6 Compliance with section 84(2) (c) (iii), 85, 88, 89 of the Housing SEPP 2021 .....	38
Table 7 Non-Discretionary standards for Independent Living units (Section 108) .....	39
Table 8 Accessibility and useability standards [Schedule 4].....	41
Table 9 Seniors Living Urban Design Guidelines departures .....	47
Table 10 Response to Design Principles (Part 5, Division 8) .....	50
Table 11 Compliance with other applicable State and Environmental Planning Policies.....	53
Table 12 Liverpool Local Environmental Plan 2008 .....	58
Table 13 Liverpool Development Control Plan 2008 .....	58
Table 14 Issues raised in Council submission.....	60



# 1 Executive Summary

The subject site is located at 35-39 West Street and is legally described as Lots 15, 16 & 17 in Deposited Plan 215559. Stormwater works and an easement are proposed across the adjoining property at 5 Leo Avenue, Lurnea, described as Lot 11 in Deposited Plan 215559. The proposed development is described as follows:

Demolition of 3 existing dwellings and associated structures, removal of trees, and the construction of a 12 dwelling seniors housing development containing 6 x 1-bedroom and 6 x 2-bedroom independent living units, parking for 6 cars, associated site works and landscaping, and consolidation into a single lot under the *State Environmental Planning Policy (Housing) 2021*; and construction of a stormwater pipe extension and easement and removal of trees on Lot 11 in DP 215559 under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The proposed activity is located in a prescribed zone and seniors housing can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 3, Part 5, Division 8 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 40 dwellings on the site and does not exceed 9.5 metres in height.

Demolition has been considered as part of the proposed activity. Demolition is permitted with consent under the provisions of the Liverpool Local Environmental Plan 2008 (LLEP 2008), being the applicable local environmental planning instrument, and is therefore permitted without consent under the provisions of Section 42(2) 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 and Section 2.3 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP). It has therefore been incorporated in this Review of Environmental Factors (REF) 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 proposed stormwater pipe extension and associated easement through the adjoining property at 5 Leo Avenue is considered under the provisions of Chapter 2, Part 2.3, Division 20 of the Transport and Infrastructure SEPP, being development for the purpose of a stormwater management system carried out by LAHC, as a public authority, and is permitted without consent.

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration *Good Design for Social Housing* and *NSW Land and Housing Corporation Design Requirements*;
- the site planning and design of the proposed activity adequately address LLEP 2008, the applicable local environmental plan and the development controls of Liverpool City Council;

- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets; 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.

Liverpool City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP. A response was received from Council dated 30 November 2023. Comments on the response are provided in Section 7.1 of this REF. Two submissions in the form of phone calls were received from occupiers of adjoining land. Comments on the submissions are provided in Section 7.2 of this REF.

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

### **State Environmental Planning Policy Amendment (Housing) 2023**

On 14 December 2023, amendments were made to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as *State Environmental Planning Policy Amendment (Housing) 2023*.

Clause 8 (2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under section 108C(1)(b)(i) before the amending policy was made and further, that the activity is determined before 20 December 2024. This activity for seniors housing satisfies both requirements and therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before *State Environmental Planning Policy Amendment (Housing) 2023* was made.

## 2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of 3 existing dwellings and associated structures, removal of trees, and the construction of 12 independent living seniors housing units comprising 6 x 1 bedroom and 6 x 2 bedroom units, parking for 6 cars, associated site works and landscaping, and consolidation of 3 lots into a single lot at 35-39 West Street, Lurnea. The activity also includes the construction of a stormwater pipe extension and proposed easement over 5 Leo Avenue, Lurnea (Lot 11 in DP 215559).

The activity<sup>1</sup> will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is 'development without consent' under the Housing SEPP and Transport and Infrastructure SEPP.

This REF has been prepared by Mecone Pty Ltd on behalf of LAHC to satisfy the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation).

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

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### 2.1 Purpose of this Review of Environmental Factors (REF)

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

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

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### 2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the LLEP 2008;
- it was determined that the land is within the R2 Low Density Residential zone, which is a prescribed zone under the provisions of Chapter 3 Part 5 Division 1 of the Housing SEPP, and therefore seniors housing can be carried out 'without consent' under Chapter 3 Part 5 Division 8 of the Housing SEPP;

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<sup>1</sup> Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the *Environmental Planning and Assessment Act 1979*.

- it was determined that development for the purpose of stormwater management systems may be carried out by LAHC, as a public authority, 'without consent' on any land, under Chapter 2, Part 2.3, Division 20 of the Transport and Infrastructure SEPP.
- a desktop analysis and investigation of the site and surrounds was undertaken to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- a site inspection was undertaken;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

## 3 Existing Site & Locality

### 3.1 Existing Site and Immediately Adjoining Development

The site is located in the Liverpool local government area (LGA) and comprises 3 residential allotments. An easement is proposed across an adjoining residential allotment located to the rear of the development site. A location plan is provided at **Figure 1**.

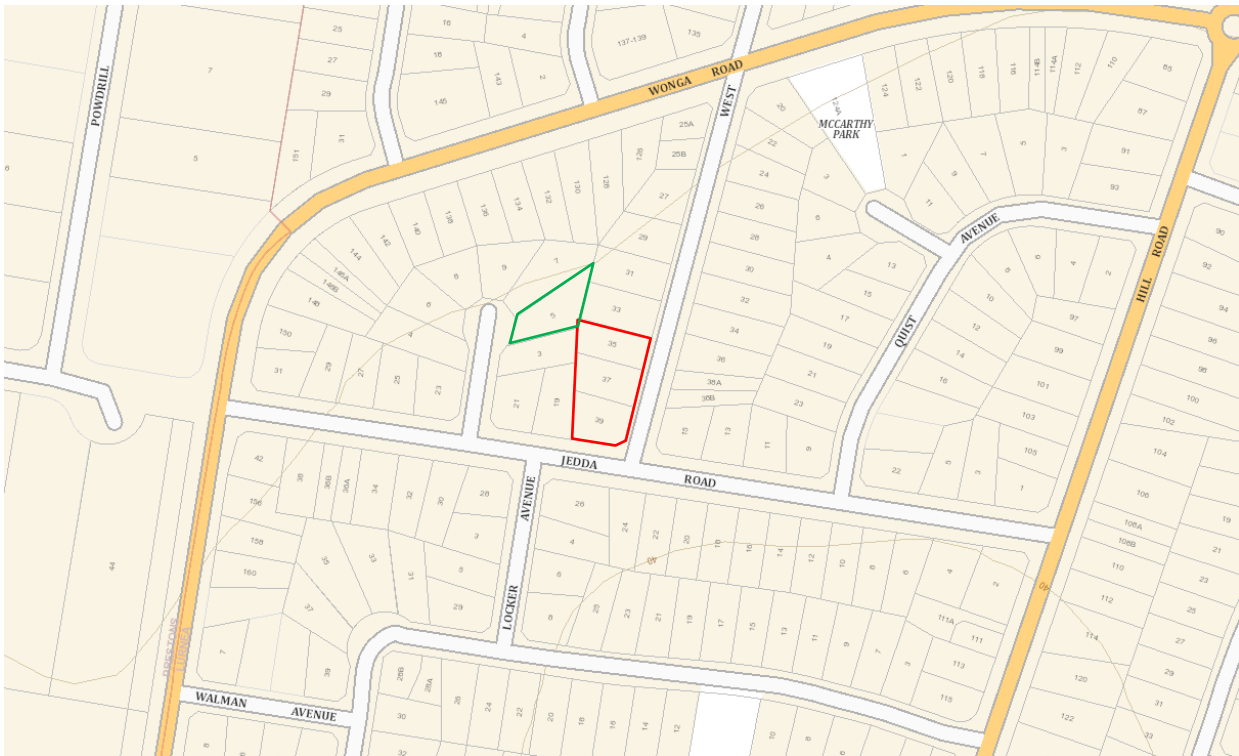


Figure 1 - Location Plan of development site 35-39 West Street (outlined in red) and lot affected by proposed easement 5 Leo Avenue (outlined in green) (Source: Six Maps)



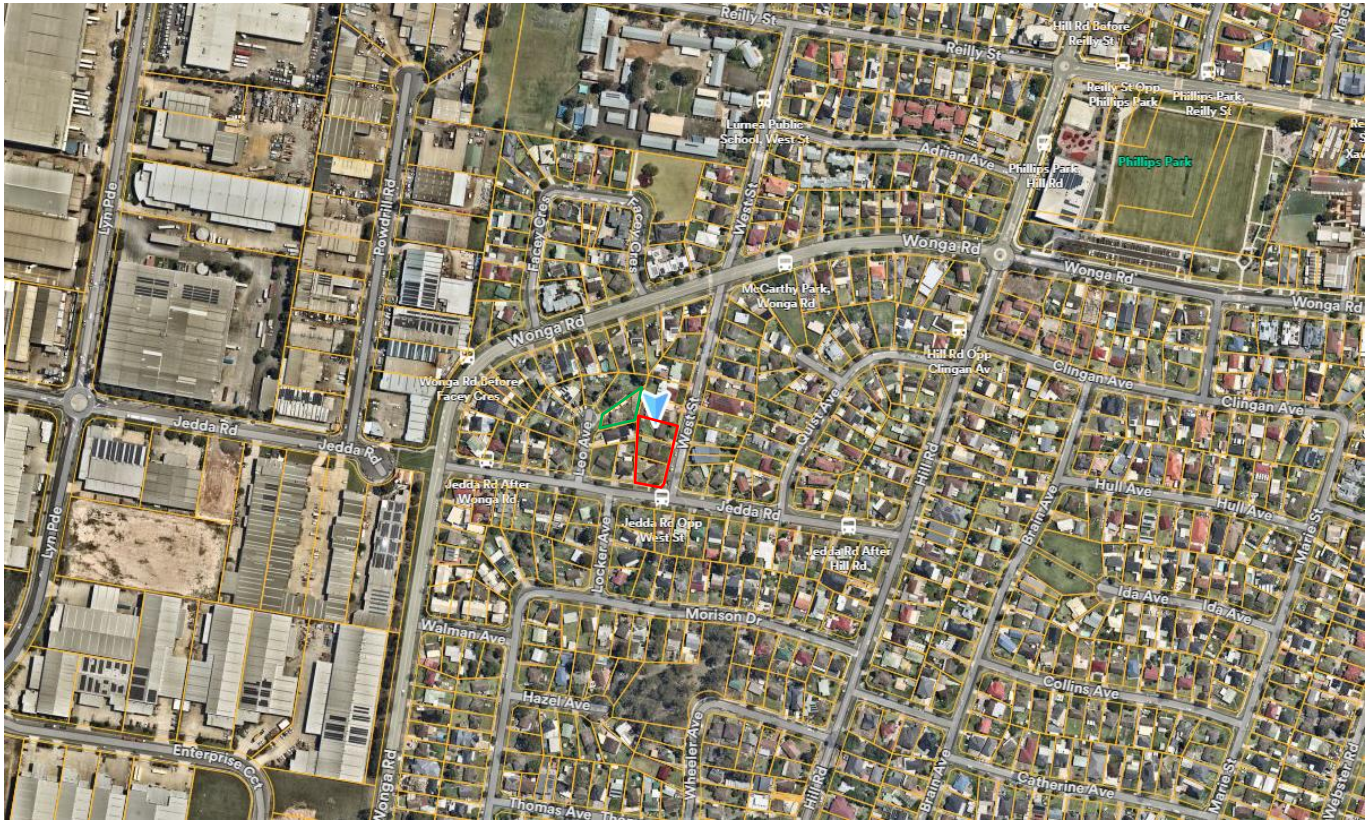


Figure 2 - Aerial mapping of subject site (outlined in red) and 5 Leo Avenue (outlined in green)

The subject site is currently occupied by 3 single storey detached dwellings with tiled roofs and fibro or weatherboard construction (refer to photographs at **Figure 3**, **Figure 4** & **Figure 5**). The adjoining property to the rear of the site at 5 Leo Avenue contains a single storey detached dwelling (refer to **Figure 6**).





Figure 3 Development site – 35 West Street (Source - Google Maps, Streetview, December 2020 )



Figure 4 Development site – 37 West Street (Source - Google Maps, Streetview, December 2020)





Figure 5 Development site – 39 West Street (Source – Google Maps), Streetview, December 2020



Figure 6 Rear Property (Proposed Downstream Easement) – 5 Leo Avenue (Source – Google Maps, Streetview, December 2020)

The immediate surrounding context comprises a low density residential environment. The property immediately to the north along West Street (33 West Street) contains a single-storey brick with tile roof dwelling house (refer photograph at **Figure 7**). The properties opposite the site to the east contain a brick two-storey dual occupancy development and weatherboard dwelling house with metal roof (refer to photograph at **Figure 8**). A single-storey fibro dwelling house is also located on the corner of West Street and Jedda Road (opposite the subject site) known as 15 Jedda Road (refer to **Figure 9**). A single storey rendered dwelling house adjoins the site's western boundary at 19 Jedda Road (refer to **Figure 10**).



Figure 7 Adjoining development to the north of 35 West Street (Source – Google Maps, Streetview, December 2020)





Figure 8 Adjoining development to the east (Source – Google Maps, Streetview, December 2020)



Figure 9 Development opposite the subject site - 15 Jedda Road (Source – Google Maps, Streetview, November 2020)



Figure 10 Adjoining property to the west - 19 Jemma Road (Source – Google Maps, Streetview, December 2020)

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## 3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos 5567, 5568, 5569 and 5571) dated 13 March 2024 are provided in **Appendix F**.

The site has a total area of 1722.9m<sup>2</sup>. It has a frontage to West Street of 51.07m, a frontage to Jemma Road of 21.335m and a splay corner of 5.44 metres. It has a rear (northern) boundary of 36.58m, and a side (western) boundary of 63.145m (refer to the submitted Detail and Level Survey Plan in **Appendix D**).

The site falls from the southern boundary on Jemma Street down toward the north-western rear boundary by approximately 3.5m. In this regard, a downstream stormwater drainage easement will be provided from the north-western corner of the site and will run predominantly along the southern boundary of 5 Leo Avenue connecting into the existing stormwater drainage network in Leo Avenue.

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

There are 2 existing trees located within the site. Two trees located within the adjoining LAHC-owned property at 5 Leo Avenue will be impacted by the proposed stormwater drainage easement works. Two existing trees are located on adjoining properties in close proximity to the common boundaries of the site.

Water, sewer, electricity and telephone facilities are available to the site (refer to the submitted Detail and Level Survey Plan in **Appendix D**). Water, electricity, and telephone services are located along the road alignment of West Street. A power pole is located within the road reserve on the corner of Jemma Road and West Street and a bus stop is located along the Jemma Road frontage of 39 West Street.

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



### 3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single-storey detached dwelling houses of brick, fibre cement or weatherboard construction with tiled or metal roofs interspersed with more recent two-storey dwelling houses and dual occupancies (refer to photographs at **Figure 11** and **Figure 12**). Seniors housing developments are also located in the vicinity (refer to photograph at **Figure 13** and **Figure 14**).



Figure 11 More recent dual occupancy development at 36 Jedda Road (Source - Google Maps, Streetview, December 2020)



Figure 12 Single storey dwelling house at 5 Locker Avenue (Source - Google Maps, Streetview, November 2020)



Figure 13 Seniors housing development at 145-147 Wonga Road (Source Google Maps, Streetview, December 2020)





Figure 14 Seniors living development at 6-8 Facey Crescent (Source – Google Maps, Streetview, December 2020)

There are numerous bus stops located within proximity of the site, with a bus stop located within the road reserve in front of the subject site on the corner of Jedda Road and West Street (ID 2170541) and a return bus stop located immediately opposite the site in Jedda Road (ID 2170658). These stops are serviced by bus routes 865 and 869, which connect Lurnea to suburbs such as Liverpool, Casula, Edmonson Park, Prestons and the town centres, community facilities and health services within these areas. It is noted that the surveyed pathway distance between the bus stops and site is approximately 63m-77m measured from the West Street frontage of the site (refer to the Longitudinal Survey provided at **Appendix D**).

Surrounding land use is predominantly residential with other surrounding land uses, including open space, commercial development and industrial uses. The site is located approximately 140m south west of McCarthy Park and is approximately 200m east of sites zoned for a range of industrial purposes. Lurnea Public School is also located 250m north of the site, on the corner of West and Reilly Street.



## 4 Project Description

The proposed activity can be described as follows.

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### 4.1 Demolition

The proposed activity includes demolition of 3 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to **Appendix A**).

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### 4.2 Removal of Trees

Six trees are located within and adjacent to the site. Removal of 4 existing trees is proposed (Trees 1, 2, 5 & 6) as part of the subject development (refer to Arboricultural Impact Appraisal in **Appendix J**).

Trees 1 and 2 are located within the site and are recommended to be removed to accommodate the proposed development. Trees 5 and 6 located along the southern boundary of 5 Leo Avenue are recommended to be removed to accommodate the proposed stormwater drainage works and easement. The Arboricultural Impact Appraisal notes that the two trees within the site (Trees 1 and 2, known as *syrgrus romanzoffiana*) are exempt from Liverpool City Council's Tree Preservation Order.

Two trees on adjoining properties in close proximity to the common boundaries with the site are proposed to be retained, with appropriate measures put into place to ensure protection within the tree protection zones (TPZ).

More appropriate tree plantings, including trees capable of reaching mature heights of 7m and 10m, 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**).

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### 4.3 Proposed Development

The proposed seniors housing represents a contemporary, high-quality design. The use of face brick for external walls and Colorbond metal roofing is consistent with the existing and developing character of the Lurnea suburb. Units 1, 2, 6, 7, 8 and 12 address the street with habitable rooms, living area windows and/or upper-level balconies facing the street for passive surveillance.

Some cut and fill is proposed to provide a level building platform. Retaining walls to a maximum height of approximately 1.6m are proposed to assist with stability of the site as shown on the Site Plan and Civil Plans (refer to **Appendix A** and **C**). Proposed retaining walls are setback from common boundaries with adjoining properties.

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

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

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

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to a 49m<sup>3</sup> underground detention tank draining to the proposed easement across the southern boundary of 5 Leo

Avenue (Lot 11 DP 215559) and discharged to street kerb in Leo Avenue. Roof water will be collected from downpipes and connected to 2 x 5kL underground rainwater tanks for recycling with overflow connected to the underground detention tank.

Solid metal fencing is proposed along the side and rear boundaries to a maximum 1.8m in height. Face brick retaining walls with powder coated aluminium vertical slats (in varying heights) are provided to private open space areas throughout the site and facing Jedda Road and West Street.

A change in Homes NSW policy requires air conditioning units to be provided for each dwelling. In this regard, reverse cycle air conditioning will form part of the development and shall be provided to the living areas of each dwelling to assist with climate control, as well as photovoltaic systems to offset energy costs.

**Figure 15 to Figure 19** include extracts from the architectural plans illustrating the proposed development.

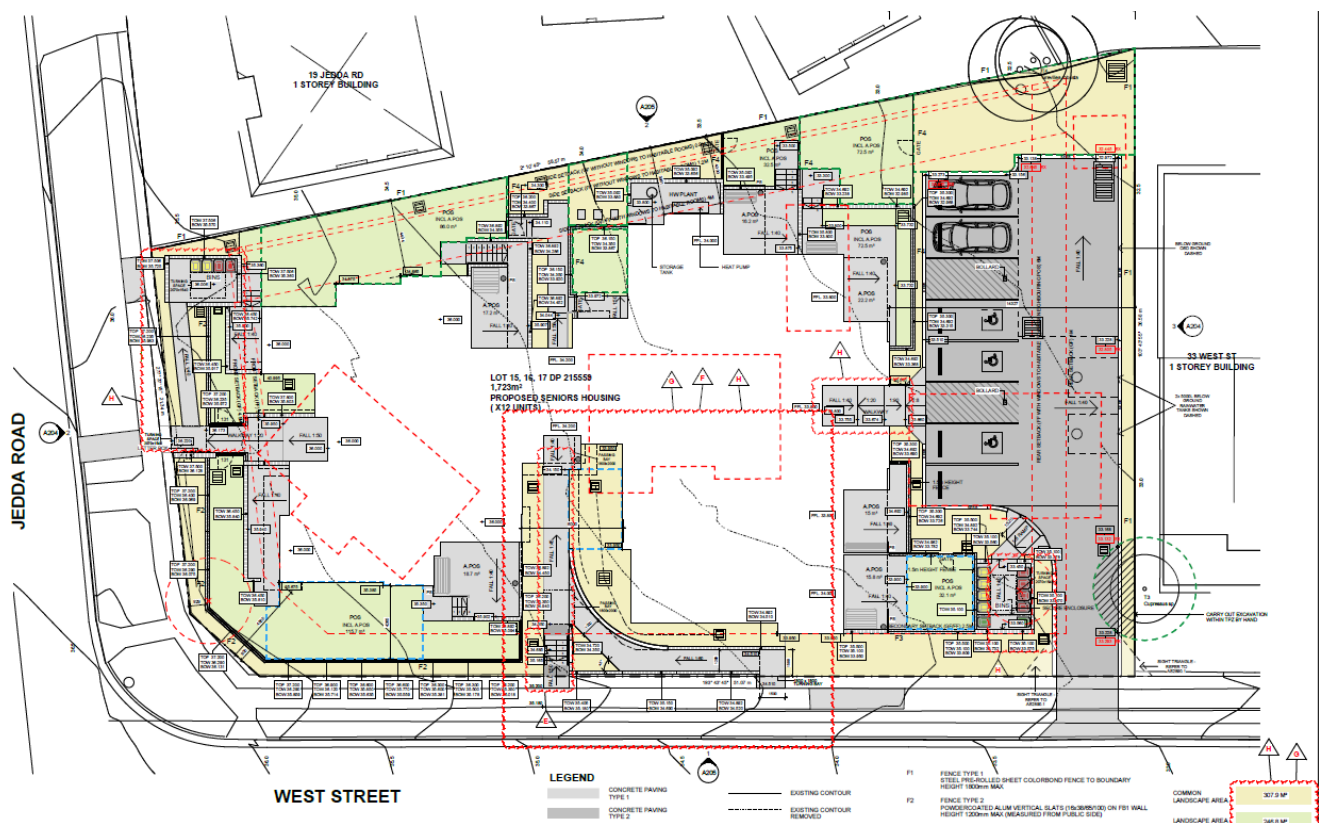


Figure 15 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024)

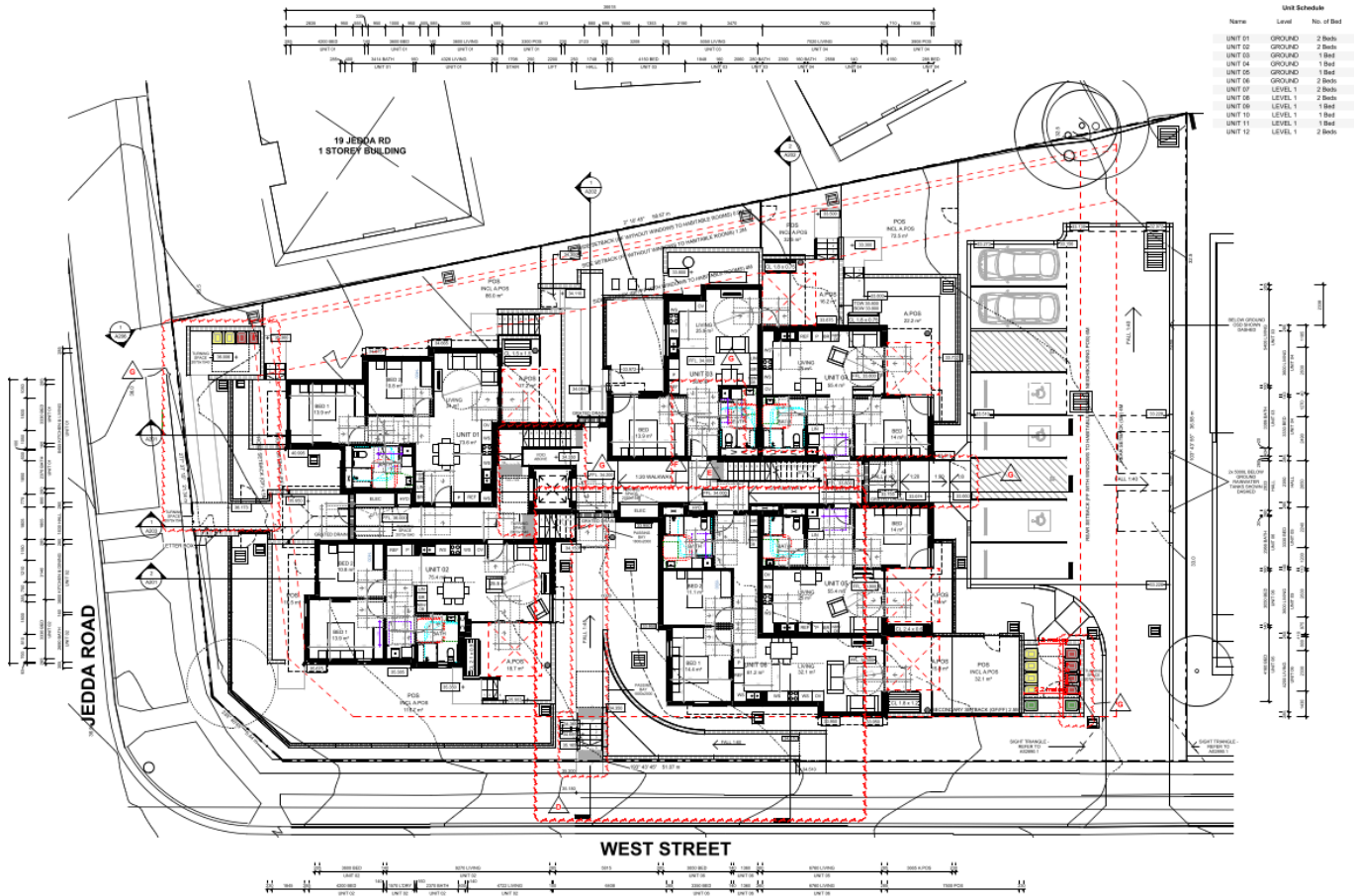


Figure 16 Extract from Architectural Plans – Floor Plan – Ground Floor (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024)

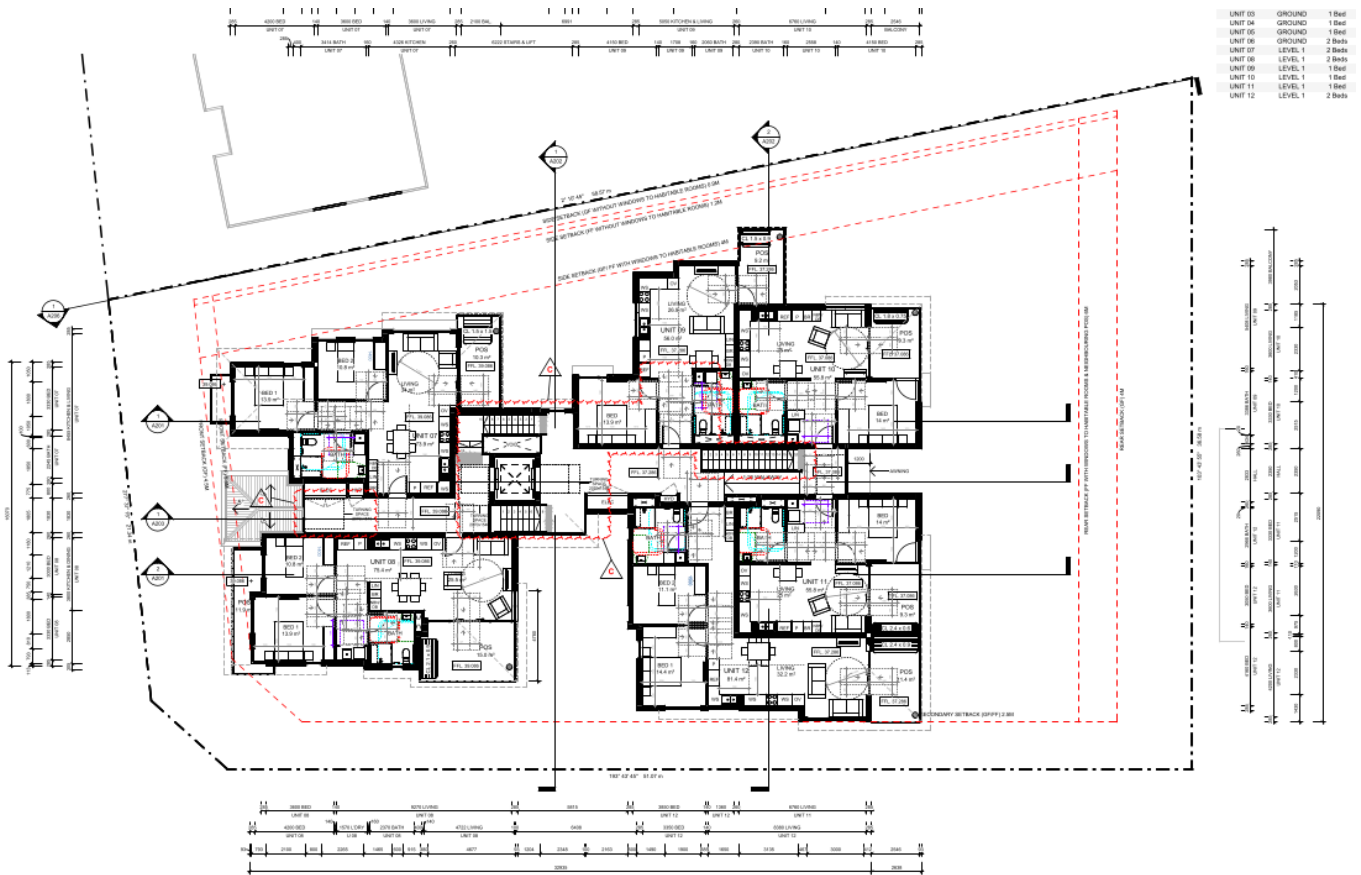


Figure 17 Extract from Architectural Plans – Floor Plan – Level 1 (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024)



Figure 18 Extract from Architectural Plans – Jedda Road Streetscape Elevation (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024)



Figure 19 Extract from Architectural Plans – West Street Streetscape Elevation (Source: Architectural Plans, McIntosh & Phelps, dated 30/05/2024)

## 4.4 Supporting information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
<b>Architectural – Appendix A</b>				
Coversheet & location plan	A001	F	30/05/2024	McIntosh & Phelps
Site Analysis – Broad Scale Context	A002	B	03/10/2023	McIntosh & Phelps
Block Analysis Plan	A003	B	03/10/2023	McIntosh & Phelps
Site Analysis – Immediate Context 1	A004	B	03/10/2023	McIntosh & Phelps
Site Analysis – Immediate Context 2	A005	B	03/10/2023	McIntosh & Phelps
Demolition Plan	A006	C	09/10/2023	McIntosh & Phelps
Demolition Elevation	A007	B	03/10/2023	McIntosh & Phelps
Demolition Plan – 5 Leo Ave	A008	B	03/10/2023	McIntosh & Phelps
Site Plan	A009	H	30/05/2024	McIntosh & Phelps
Floor Plan – Ground Floor	A101	G	30/05/2024	McIntosh & Phelps
Floor Plan – Lower Ground Floor	A102	E	30/05/2024	McIntosh & Phelps
Floor Plan – Level 1	A103	C	30/05/2024	McIntosh & Phelps
Roof Plan	A104	B	03/10/2023	McIntosh & Phelps
Sections 1	A201	D	30/05/2024	McIntosh & Phelps
Sections 2	A202	E	30/05/2024	McIntosh & Phelps
Sections 3	A203	C	30/05/2024	McIntosh & Phelps
Elevations 1	A204	E	30/05/2024	McIntosh & Phelps
Elevations 2	A205	E	30/05/2024	McIntosh & Phelps
Photomontage	A301	D	15/05/2024	McIntosh & Phelps
Photomontage 2	A302	D	15/05/2024	McIntosh & Phelps
Height Plane Diagram	A303	E	30/05/2024	McIntosh & Phelps
External Finishes – Context	A401	B	03/10/2023	McIntosh & Phelps
External Finishes Selections	A402	B	03/10/2023	McIntosh & Phelps
Shadow Diagrams – 9am	A501	D	30/05/2024	McIntosh & Phelps



Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Shadow Diagrams – 12pm	A502	D	30/05/2024	McIntosh & Phelps
Shadow Diagrams – 3pm	A503	D	30/05/2024	McIntosh & Phelps
Solar Access Plans – Ground Floor	A504	D	30/05/2024	McIntosh & Phelps
Solar Access Plans – Level 1	A505	D	30/05/2024	McIntosh & Phelps
View from Sun diagrams	A506	D	30/05/2024	McIntosh & Phelps
View from Sun diagrams	A507	C	30/05/2024	McIntosh & Phelps
View from Sun diagrams	A509	C	30/05/2024	McIntosh & Phelps
Solar Access Summary Table	A508	B	03/10/2023	McIntosh & Phelps
Gross Floor Area	A701	D	30/05/2024	McIntosh & Phelps
<b>Landscape Plan – Appendix B</b>				
Landscape Plan	A601	I	30/05/2024	McIntosh & Phelps
Planting Schedule	A602	C	23/02/2024	McIntosh & Phelps
<b>Civil Plans – Appendix C</b>				
Location Plan and Drawing Schedule	001	D	15/09/2023	Tonkin
Erosion and Sediment Control Plan	101	E	19/09/2023	Tonkin
Erosion and Sediment Control Detail	111	D	15/09/2023	Tonkin
Cut and Fill Plan	201	J	12/06/2024	Tonkin
Stormwater Management Plan	301	K	12/06/2024	Tonkin
Stormwater Management Plan	302	E	15/09/2023	Tonkin
Site Works	401	E	15/09/2023	Tonkin
Longitudinal Profile	431	C	15/09/2023	Tonkin
Detail Sheet	601	D	15/09/2023	Tonkin
<b>Survey Plans – Appendix D</b>				
Survey Plan showing Details and Levels	Sheet 1 of 2	B	25/10/21	Mepstead & Associates
Survey Plan showing Details and Levels	Sheet 2 of 2	B	25/10/21	Mepstead & Associates
<b>Notification Plans – Appendix E</b>				
Notification – Cover Sheet	NP01	B	03/10/2023	McIntosh & Phelps
Notification – Site/Landscape Plan	NP02	B	03/10/2023	McIntosh & Phelps
Notification –Development Data	NP03	C	11/10/2023	McIntosh & Phelps
Notification – Elevations	NP04	B	03/10/2023	McIntosh & Phelps
Notification – Schedule of Finishes	NP05	B	03/10/2023	McIntosh & Phelps
Notification – Shadow Diagrams	NP06	B	03/10/2023	McIntosh & Phelps
<b>Access Report – Appendix H.a</b>				
Access Assessment Report (for location and access to services assessment only)	J21152	Issue 6	08/10/2023	Trevor R Howse
<b>Access Report – Appendix H.b</b>				
Access Assessment Report	24141	A	05/06/2024	Vista Access Architects
<b>AHIMS Web Search – Appendix I</b>				

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
AHIMS search	-	-	26/03/2024	NSW Environment and Heritage
<b>Arborist's Impact Assessment– Appendix J</b>				
Arboricultural Impact Appraisal and Method Statement	-	-	09/10/2023	Naturally Trees
<b>BASIX Certificate – Appendix K</b>				
BASIX Certificate	1326454M	-	25/09/2023	JHA Consulting Engineers
<b>BCA report – Appendix L</b>				
BCA Compliance Assessment	P220163	5	02/10/2023	BCA Vision
<b>NatHERS Certificate – Appendix N</b>				
NatHERS Certificate – Class 2 summary	0008943100	-	25/09/2023	JHA Consulting Engineers
<b>Geotechnical Investigation Assessment – Appendix P</b>				
Geotechnical Investigation	21/2812	-	-/10/2021	STS Geotechnics Pty Ltd
<b>Waste Management Plan – Appendix R</b>				
Waste Management Plan	-	02	20/09/2023	McIntosh & Phelps
<b>Traffic and Parking Impact Assessment – Appendix S</b>				
Traffic Assessment Impact Report	23.342r01v03	-	-/10/2023	Traffix

**Section 10.7 Planning Certificates – Appendix F**

Lot 15 DP 215559, Cert no. 5571, dated 13.03.2024 – Liverpool City Council

Lot 16 DP 215559, Cert no. 5569, dated 13.03.2024 – Liverpool City Council

Lot 17 DP 215559, Cert no. 5568, dated 13.03.2024 – Liverpool City Council

Lot 11 DP 215559, Cert no. 5567, dated 13.03.2024 – Liverpool City Council

**Notification letters & Council submission – Appendix G****Design compliance and checklists – Appendix M**

Architect's Certificate of Building Design Compliance, dated 18 June 2024 – McIntosh & Phelps

Certificate of Landscape Design Documentation Compliance, dated 18 June 2024 – McIntosh & Phelps

Certificate of Stormwater Design Documentation Compliance, dated 18 June 2024 – Tonkin

**Housing for seniors checklist – Appendix O**

Seniors Living Urban Design Guidelines, LAHC Design requirements & Good design for social housing, prepared by McIntosh & Phelps dated 18 June 2024.

**Titles and Deposited Plans – Appendix Q**

Title Search, Folio: 15/215559, Search date 14.03.2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 16/215559, Search date 14.03.2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 17/215559, Search date 14.03.2024, First Schedule: New South Wales Land and Housing Corporation



Title Search, Folio: 11/215559, Search date 14.03.2024, First Schedule: New South Wales Land and Housing Corporation

## 5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Liverpool Local Environmental Plan 2008* (LLEP 2008) (**Figure 20**). The proposed development is defined as 'seniors housing' under the provisions of LLEP 2008 and is prohibited in the R2 zone

Nevertheless, the provisions of the Housing SEPP prevail where there is an inconsistency with another environmental planning instrument. Seniors housing is permitted with consent under section 81 of the Housing SEPP as the R2 zone is a prescribed zone under section 79 of the SEPP. The subject land is not excluded from the provisions of the Housing SEPP set out under section 80(1)(b). Therefore, seniors housing is permitted on the subject land with consent under the provisions of the SEPP.

The relevant objectives of the R2 zone, as set out in LLEP 2008 are:

- To provide for the housing needs of the community within a low density residential environment.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

The proposed development provides seniors housing that meets the identified needs of the community and includes a mix of 1 and 2 bedroom units. The proposal has been sympathetically designed to fit within its context and complement the surrounding area, as demonstrated by the 2-storey articulated built form and the selected materials, colours and finishes. The proposal is therefore consistent with the relevant objectives of the R2 zone.

Section 108B of the Housing SEPP permits seniors housing development to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. Table 5 in subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of Chapter 3 Part 5 Division 8 of the SEPP.

Demolition is permitted with consent under the provisions of LLEP2008 and is therefore permitted without consent under the provisions of Section 42(2) of the Housing SEPP.

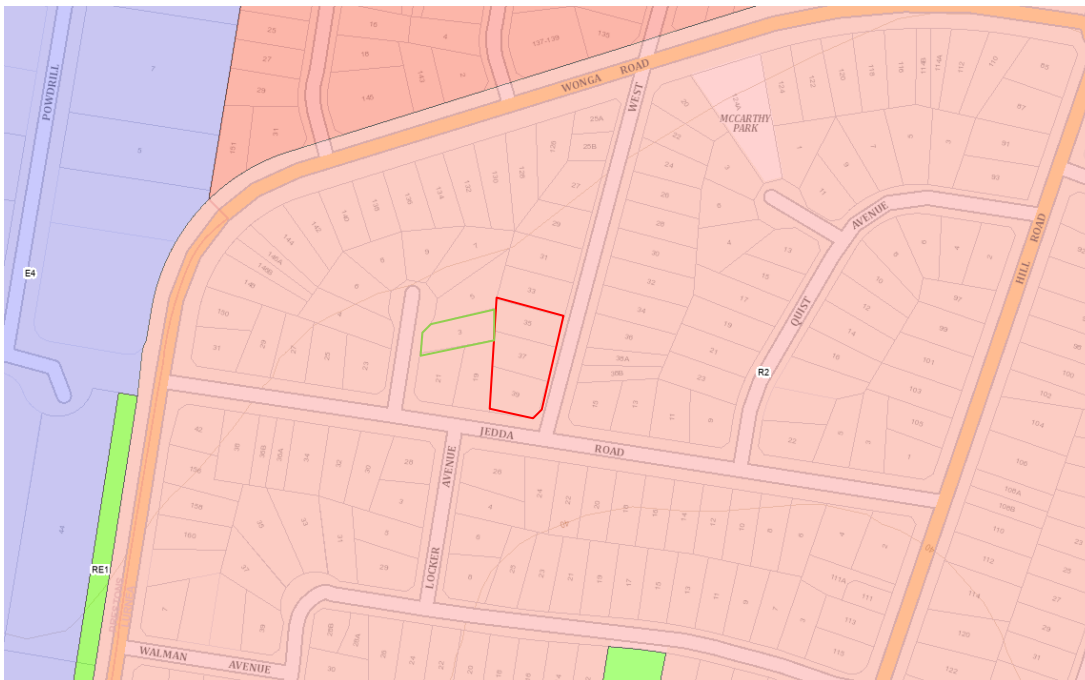


Figure 20 - Land zoning map (Source: Planning Portal Spatial Viewer)

## 6 Planning and Design Framework

### 6.1 Environmental Planning and Assessment Act 1979

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

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

**Table 2** below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

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

### 6.2 Biodiversity Conservation Act 2016 (BC Act)

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

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

### 6.3 Other Acts

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

## 6.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 3** and **Table 4** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 3 Environmental Planning and Assessment Regulation 2021 [Section 171]

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

Table 4 Factors to be taken into account concerning the impact of an activity on the environment

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

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact Assessment		
	YES/NA	Temporary	Minor	Significant [Note 1]
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes - discussed below in Section 6.4.2		x	
(r) other relevant environmental factors.	Yes - discussed in Section 8.	x	x	

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

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

The proposed seniors housing development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts, during construction, will be offset by positive social outcomes in the long-term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 6.4.2 of this report.

## 6.4.2 Strategic Planning Framework

### Connected Liverpool 2040

Liverpool City Council's Local Strategic Planning Statement '*Connected Liverpool 2040*' was prepared in mid-2019 and is a 20 year plan that identifies 16 Planning Priorities for the LGA, focused around connectivity, liveability, productivity and sustainability.

Notably, Priority 7 seeks to promote diverse housing options. The proposed development will be contributing 12 seniors housing units to the affordable housing supply in the Liverpool LGA, which will diversify the residential uses in Lurnea by introducing a seniors housing option to accommodate the ageing population in the locality that is well serviced by existing public transport options.

The proposed development, of 12 seniors living units contributes to the objectives of the Liverpool Local Strategic Planning Statement, and will increase the provision of affordable and seniors living units.

### Our Home, Liverpool 2027

The Liverpool Community Strategic Plan '*Our Home, Liverpool 2027*' is a 10 year plan that outlines four directions that are derived from an extensive community engagement process, which identified priorities for the community's future, which are outlined as:

- Creating connection
- Strengthening and protecting our environment
- Generating opportunity

- Leading through collaboration

Under the four themes are key goals and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business. These four key strategic directions are supported by key goals that will guide the Liverpool area in the next 10 years. The proposed development for 12 seniors living units is not in conflict with the Liverpool 2027 Community Strategic Plan and will provide new affordable housing within the LGA.

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

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

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

An assessment of these controls in relation to the proposed development is provided in **Table 11** of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Georges River Catchment.

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## 6.5 State Environmental Planning Policy (Housing) 2021

### 6.5.1 Development without Consent

On 14 December 2023, amendments were made to *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). This amending policy is referred to in Schedule 7A Savings and transitional provisions as *State Environmental Planning Policy Amendment (Housing) 2023*.

Clause 8 (2) of Schedule 7(A) of Housing SEPP 2021 provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under section 108C(1)(b)(i) before the amending policy was made and further, that the activity is determined before 20 December 2024. This activity for seniors housing satisfies both requirements and therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before *State Environmental Planning Policy Amendment (Housing) 2023* was made.

#### Demolition

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 there are several Identified Requirements recommended in the Activity Determination which deal with site safety and environmental protection during demolition and construction.

Further, the notification requirements of section 43 of the Housing SEPP mimic those in 108C of the Housing SEPP. Details with compliance with 108C are detailed in table 5 below.

## Development for Seniors Housing

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

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

**Table 5 Compliance with relevant provisions under Chapter 3, Part 5, Division 8 of the SEPP for ‘seniors housing development without consent’ carried out by LAHC**

Provision	Compliance
108A – Development to which Division applies This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is not permissible within the R2 Low Density Residential zone under the LLEP 2008. Nonetheless, the site is identified as a prescribed zone.
(b) in a prescribed zone or an equivalent land use zone.	The R2 zone is a prescribed zone under the SEPP. Chapter 3, Part 5, Division 8 of the SEPP therefore applies.
108B – Seniors housing permitted without development consent (1) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent if -	
(a) the relevant authority has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	Consideration of the development standards are provided in Table 6 and Table 7 below.
(b) the development will not result in a building with a height of more than- (i) 9.5m, or (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m and the servicing equipment complies with section 84(3) – 11.5m, and	The maximum building height is 8.96m.
(c) the seniors housing will not contain more than 40 dwellings on the site.	The development is for 12 dwellings on the site.
(2) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> 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 –	



Provision	Compliance
(a) request the council to nominate a person or persons who must, in the council's opinion, be notified of the development, and	Advice was sought from Liverpool City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 16 October 2023. On 31 October 2023, Council provided property owner details requested by LAHC and did not nominate any additional persons to be notified of the development.
(b) give written notice of the intention to carry out the development to — (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Liverpool City Council of the proposed development activity was sent by LAHC on 2 November 2023. Letters notifying occupiers and owners of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHCs notification by letter dated 30 November 2023. Comments on the response are provided in Section 7.1 of this REF. 2 submissions were received from adjoining owners or occupiers in the form of phone conversations. Comments on the submissions are provided in Section 7.2 of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in <b>Appendix O</b> and subsection 6.5.3 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 6.5.3 of this REF. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints, site and locality characteristics and specific LAHC design requirements and policies.
(d1) if the relevant authority is the Aboriginal Housing Office — consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable.
(e) if the relevant authority is the Land and Housing Corporation — consider the relevant provisions of — (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to subsections 6.5.4 and 6.5.5 of this REF and the Architect's Statement and Certificate of Building Design Compliance in <b>Appendix M</b> which indicate that the design and dwelling requirements have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in <b>Table 10</b> .
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

Provision	Compliance
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.

The Housing SEPP requires LAHC to consider the applicable development standards specified in clause 84(2)(c)(iii), 85, 88, 89 and 108. Consideration of these sections of the SEPP is demonstrated in **Table 6** and **Table 7** below.

Table 6 Compliance with section 84(2) (c) (iii), 85, 88, 89 of the Housing SEPP 2021

Provision	Compliance
84 Development standards – general (2) Development consent must not be granted for development to which this section applies unless – (c) for development on land in a residential zone where residential flat buildings are not permitted – (iii) if the development results in a building with more than 2 storeys – the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	Proposed development is in R2 zone where residential flat buildings are not permitted.  NA. Proposed development is two storey only.
85 Development standards for hostels and independent living units (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4. (2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider. Note – Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the Building Code of Australia.	The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in <b>Table 8</b> below.  Noted.
88 Restrictions on occupation of seniors housing (1) Development permitted under this Part may be carried out for the accommodation of only the following – (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part.	Complies. An Identified Requirement No. 74 is recommended to ensure compliance.

Provision	Compliance
(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.	
89 Use of ground floor of seniors housing in business zones (1) This section applies to a building used for the purposes of seniors housing on land in a business zone.	Not applicable. The proposed development is in an R2 low density residential zone.

Table 7 Non-Discretionary standards for Independent Living units (Section 108)

Development Standard	Required	Comment
Building Height:	9.5m or less	Maximum height of 8.96m
Density and Scale:	Floor Space Ratio 0.5:1 or less	0.55:1, however non-compliance does not result in any adverse impacts on adjoining properties or the streetscape (refer to variation discussion below).
Landscaped Area:	Minimum 35m <sup>2</sup> per dwelling (12 x 35m <sup>2</sup> = 420m <sup>2</sup> )	575m <sup>2</sup>
Deep Soil Zone:	Minimum 15% of area of site (15% x 1,722.9m <sup>2</sup> = 258.43m <sup>2</sup> )	259.5m <sup>2</sup> or 15.06% of site area
	Minimum 65% to be preferably located at rear of site (168m <sup>2</sup> required)	189.6m <sup>2</sup> or 73% provided at rear of site
	Minimum dimension 3m	Minimum dimension 3m
Solar Access:	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9 am and 3 pm at mid-winter	92% of dwellings achieve 2 hours of direct solar access to private open space and living areas between 9am and 3pm mid-winter
Private Open Space:	Ground level:	
	Minimum 15m <sup>2</sup> per dwelling	Minimum 15m <sup>2</sup>
	One area minimum 3m x 3m, accessible from living area	Minimum 3m x 3m
	Upper level/s:	
	1 bedroom: Minimum 6m <sup>2</sup> Minimum dimensions 2m	Minimum 9.2m <sup>2</sup> Minimum 2m
	2 or more bedrooms: Minimum 10m <sup>2</sup> Minimum dimensions 2m	Minimum 10.3m <sup>2</sup> Minimum 2m

Development Standard	Required	Comment
Car parking:	Minimum 1 car parking space for each 5 dwellings (LAHC concession) – 2.4 car parking spaces required	6 car parking spaces for 12 dwellings, including 3 accessible parking spaces.

## Non-Compliance with FSR Standard

The development proposes a total gross floor area (GFA) of approximately 953.7m<sup>2</sup> calculated in accordance with the updated Housing SEPP definition. This translates to an FSR of 0.55:1 and represents an exceedance of 92.25m<sup>2</sup> to the 0.5:1 FSR development standard under section 108(2)(c).

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

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

- siting of building form to reflect the nature of existing development within the locality;
- significant landscaping within the site, along perimeters with adjoining properties and between elements of the building to break up hard surfaces and building bulk;
- provision of considered dwelling layouts, including the careful placement and sizes of window/door openings, the treatment of windows and balconies with privacy screens and substantial buffer landscaping along boundaries to ensure no unacceptable overlooking of adjoining residential private open space areas or living areas occurs;
- articulation along the facades of the development to break up the built form and minimise any visual impact to the streetscape and adjoining properties;
- ensuring dwellings are provided with a high level of amenity demonstrated through compliance with the seniors housing design principles and standards prescribed by the Housing SEPP, e.g. high levels of solar access, natural ventilation, and accessibility;
- materials and finishes including face brick walls and sheet metal roofing are similar to the materials and finishes of recent developments in the area with a variety of materials used for external walls, balcony balustrades and external privacy screens to add visual interest to the development; and
- the development has been stepped down the West Street frontage to minimise the bulk and scale of the development when viewed from the public domain.

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

The proposed development will also not generate any significant adverse amenity impacts on surrounding properties in terms of overlooking or overshadowing. Shadows to neighbouring developments to the west will be confined to the morning. Shadows cast through the remainder of the day will fall within the development site or to the adjoining road reserves, with West Street to the east and Jedda Road to the south of the site.

Therefore, minimal solar impact will be generated from the proposed development to surrounding sites, irrespective of the numerical non-compliance with the FSR control.

Furthermore, adequate side setbacks are provided to mitigate overlooking and privacy impacts with perimeter landscaping to be implemented to further soften the built form.

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

- contributes to the increase in supply of suitable accommodation for seniors;
- meets the current and future accommodation needs of Sydney's ageing population;
- delivers a well-designed development which reflects and enhances the locality while providing a reasonable level of amenity for residents;
- provides seniors accommodation close to existing infrastructure;
- is well located to public transport connections.

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

## 6.5.2 Development standards for Accessibility

Consideration of the development standards for accessibility set out in section 85 and Schedule 4 is demonstrated in **Table 8** below.

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

Table 8 Accessibility and useability standards [Schedule 4]

Development Standard (Sch 4)	Required	Comment
Siting Standards:		
Siting standards:		
'Non-sloping' sites i.e. with gradients entirely <1:10	100% of dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	100% of units have accessible paths of travel in accordance with AS1428.1 to the front boundary as confirmed by the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ).
'Sloping' sites i.e. with gradients entirely or partially >1:10	% of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS1428.1 to driveway or public road that is accessible to all residents	Not applicable as the site does not have a gradient of more than 1 in 10.
Common areas	All common areas and facilities to have wheelchair accessibility as per AS1428.1	All common areas have accessible paths of travel in accordance with AS1428.1 as confirmed by the



Development Standard (Sch 4)	Required	Comment
		submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ).
Security:		
Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide min 20 lux at ground level	All lighting will be designed as per requirements at construction documentation stage (Identified Requirement No. 75 imposed to ensure compliance). Access Assessment Report prepared by Vista Access Architects notes that the development is capable of compliance ( <b>Appendix H</b> )
Letterboxes:	To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS1428.1)	Letterboxes have been provided at a hard stand area adjacent to the Jedda Road entrance A hard-paved area of 1.54m x 2.07m is provided to access the lock side of letterboxes and compliance is indicated as per the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ).
Private car accommodation:		
Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890.6 and at least 10% of the total number of car parking spaces (or at least 1 space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8m	3 accessible car parking spaces are provided, which meet the requirements of AS2890.6. The parking space at the end of the car parking area can be increased to 3.8m if necessary. Compliance indicated as per the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ).
Garages	Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date	Not applicable, as the proposal does not incorporate garages.
Accessible entry:		
Accessible entry (every entry, whether front entry or not, to a dwelling):	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	Accessible entry is provided to both West Street and Jedda Road entries, with compliance indicated as per the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ).
Interior: General	Internal doorways must have a minimum clear opening that complies with AS1428.1	Door circulation and corridors are suitably wide, with compliance indicated as per the submitted Access Assessment Report

Development Standard (Sch 4)	Required	Comment
	Internal corridors must have a minimum unobstructed width of 1,000mm Circulation space at approaches to internal doorways must comply with AS1428.1	prepared by Vista Access Architects ( <b>Appendix H</b> ).
Bedroom:	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel-a single - size bed,</p> <p>(ii) in the case of a self-contained dwelling - a queen size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200mm wide at the foot of the bed, and</p> <p>(ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux</p>	<p>Circulation spaces within bedrooms included to each unit, with compliance indicated as per the submitted Access Assessment Report prepared by Vista Access Architects (<b>Appendix H</b>).</p> <p>Further detailed information relating to electrical services will be required at construction documentation stage (Identified Requirement No. 73 imposed to ensure compliance). It is noted that the accompanying access report confirms that attaining compliance with this requirement is readily achievable.</p>
Bathroom:	<p>At least 1 bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS1428.1,</p> <p>(c) a shower that complies with AS1428.1, except that the following</p>	<p>The bathroom layout in each ground floor dwelling is suitably detailed for compliance with this clause subject to review of the finer design details at the construction documentation stage as per the Access Assessment Report prepared by Vista Access Architects (<b>Appendix H</b>).</p> <p>Further detailed information relating to fixtures and fittings will be required to be assessed at the construction documentation stage (Identified Requirement No. 73 imposed to ensure compliance).</p>

Development Standard (Sch 4)	Required	Comment
	<p>must be accommodated either immediately or in the future:</p> <ul style="list-style-type: none"> <li>(i) a grab rail,</li> <li>(ii) portable shower head,</li> <li>(iii) folding seat,</li> <li>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</li> <li>(e) a double general power outlet beside the mirror</li> </ul> <p>The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility</p>	
Toilet:	A dwelling must have at least 1 toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS4299	Details are not specifically provided in the architectural plans. However, the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ) confirms that compliance can be easily achieved.
Surface finishes:	Balconies and external paved areas must have slip-resistant surfaces	Details are not specifically provided in the architectural plans. However, the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ) confirms that compliance can be easily achieved.
Door hardware:	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299	Details are not specifically provided in the architectural plans. However, the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ) confirms that compliance can be easily achieved.
Ancillary items:	Switches and power points must be provided in accordance with AS4299	Details are not specifically provided in the architectural plans. However, the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ) confirms that compliance can be easily achieved.
Living room and dining room:	A living room in a self-contained dwelling must have:	The living rooms are shown as being provided with circulation space. Details are not specifically provided

Development Standard (Sch 4)	Required	Comment
	<p>(a) a circulation space in accordance with clause 4.7.1 of AS4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux</p>	<p>in the architectural plans regarding telephone points and lighting. However, the submitted Access Assessment Report prepared by Vista Access Architects (<b>Appendix H</b>) confirms that compliance can be easily achieved.</p>
Kitchen:	<p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS4299, and</p> <p>(b) a width at door approaches complying with clause 7 of this Schedule, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS4299:</p> <p>(i) benches that include at least one work surface at least 800mm in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300mm of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed</p>	<p>The proposed kitchens will have circulation space and will not be enclosed as separated rooms with their own doorways. The kitchens are shown as being provided with circulation space.</p> <p>In regard to the remainder of the provisions, details are not specifically provided in the architectural plans. However, the submitted Access Assessment Report prepared by Vista Access Architects (<b>Appendix H</b>) confirms that compliance can be easily achieved.</p>
Access to kitchen, main bedroom, bathroom and toilet:	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level	Not applicable, as dwellings are not multi-storey.
Laundry:	A self-contained dwelling must have a laundry that has:	Laundries are located within the sanitary facility enclosure or in the

Development Standard (Sch 4)	Required	Comment
	(a) width at door approaches that complies with cl.7 of this Schedule, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300mm, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling	<p>open area adjacent to the main unit entry door.</p> <p>Each unit will have a clothes line facility either in the outdoor courtyards for ground floor units or balconies for first-floor units.</p> <p>In regard to the remainder of the provisions, details are not specifically provided in the architectural plans. However, the submitted Access Assessment Report prepared by Vista Access Architects (<b>Appendix H</b>) confirms that compliance can be easily achieved.</p>
Storage for linen:	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299	Linen storage (min 600mm wide) is to be provided to each unit. Details are not specifically provided in the architectural plans. However, the submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ) confirms that compliance can be easily achieved.
Garbage	A garbage storage area must be provided in an accessible location.	2 garbage storage areas have been provided, one at each street frontage. These areas are accessed via walkways and paved areas from the common lobby. The submitted Access Assessment Report prepared by Vista Access Architects ( <b>Appendix H</b> ) confirms that compliance is achieved.

### 6.5.3 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.

Section 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 Chapter 3, Part 5, Division 8 of the Housing SEPP.

An assessment of the design of the activity against the SLUDG is provided at **Appendix O**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 9**.

Table 9 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
2.15 Provide communal open space	Communal open space has not been provided due to the constraints of the site and the requirements to meet other planning controls. Each dwelling is provided with substantial private open space area and accessible paved areas are provided throughout the site which will allow for incidental interaction amongst residents.
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	The driveway and paths are concrete to meet LAHC maintenance and durability requirements.
3.06 Set back upper levels behind the front building facade	Upper levels are not setback further than the front building façade, however, articulation through a mix of materials and finishes, variety in built form and building heights allows for a varied façade that fits well within the existing streetscape.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	The driveway is concrete to meet LAHC's maintenance and durability requirements. The driveway is not of sufficient length to require breaking up into smaller spaces. 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 the common parking area are not proposed as part of this development as it is not consistent with LAHC design standards for maintenance reasons.
4.01 Where possible, maintain the existing orientation of dwelling 'fronts' and 'backs'?	The orientation of the site, i.e. its corner setting, and the planning requirements in relation to solar access does not permit for all dwellings to continue the existing orientation of 'fronts' and 'backs' within the site.
4.03 Set upper storeys back behind the side or rear building line	Upper floors have not been set back behind the side or rear building line to simplify construction, however setbacks are consistent with the requirements of the DCP and solar access requirements are met.
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.

Guideline Requirement	Response
5.18 Provide distinct and separate pedestrian and vehicular circulation on the site where possible, where not possible shared access should be wide enough to allow a vehicle and a wheelchair to pass safely?	Separate pedestrian and vehicular circulation were not provided in and around the carpark due to site constraints. The carparking aisle is wide enough to be shared by a wheelchair and vehicle. The shared zone between two of the accessible parking spaces serves as the pedestrian link between the entry foyer and the carpark.

## 6.5.4 Good Design for Social Housing

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

Section 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 Chapter 3, 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 O**.

### 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, 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 7.6 stars which exceeds the minimum targets set by LAHC Design Requirements (**Appendix O**). A photovoltaic system has been incorporated to offset energy use in the development. PV solar panels are positioned on the north 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 by providing 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 or people with a disability and their household members.

## Value

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 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 Liverpool City Council.

## 6.5.5 Land and Housing Corporation Design Requirements

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

Clause 108C(1)(e)(ii) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed seniors housing development under Chapter 3, 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, refer to Certificate of Compliance from the Architect in **Appendix M**. Further detail will be incorporated in the construction documentation.

## 6.5.6 Housing SEPP Design Principles

The proposed activity is located in an established urban area and there are no known natural environmental considerations affecting the subject land (including known significant environmental values, resources or hazards). The existing and approved uses of land immediately adjoining the proposed development is for residential 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 10** below demonstrates how the principles have been considered in the design of the proposal.

Table 10 Response to Design Principles (Part 5, Division 6)

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. Older detached dwelling houses in the locality comprise fibro or face brick construction with pitched roofs. Dispersed throughout the neighbourhood are more recent additions including larger, contemporary rendered dwellings with flat roofs, dual occupancy developments and seniors housing developments. More recent developments are generally of face brick or rendered construction.	
The proposed development reflects the emerging character of the local area through the use of a 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, separated by a recessed common lobby, 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 are no heritage items within close proximity to the site.	
(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, side and rear setbacks, prominent entry points and face brick to external elevations. Additional street trees and landscaping within the site will contribute to visually improving the streetscape.	
The proposed building setbacks are compatible with the streetscape character of the locality and are generally consistent with Council's DCP requirements. Greater side and rear setbacks have been provided where possible. The development is sited to retain more than 2 hours solar access to the living areas and private open spaces of neighbouring dwellings in mid-winter.	
Cut and fill has been minimised where possible, however given the slope of the site, fill to a maximum depth of approximately 1.5m and cut to a maximum depth of approximately 1m is required to provide a level building platform and address the access requirements for seniors housing under the Housing SEPP (refer to Cut and Fill Plan in <b>Appendix C</b> ). The proposed building has been stepped down with a split building footprint to follow the slope of the site and reduce visual bulk. Retaining walls have been utilised within the site to achieve a functional and safe layout.	
The development is below the height limit permitted under the Housing SEPP and LLEP 2008. The two storey form is compatible in scale with adjoining buildings in the streetscape.	
(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, side and rear of the development which will enhance the streetscape and provide a pleasant outlook for residents. Additional street trees, in consultation with Council have been proposed along West Street and Jedda Road to complement existing vegetation within the surrounding locality.	

The landscaping scheme incorporates a mix of ground covers including Swamp Lily, Native Flax, Mat Rush, Meena and Apocynaceae, screen/shrub planting including Lilly Pilly, Coastal Rosemary and Snow Burst Callistemon, and feature trees, including the *Lopnostemon confertus* - Brush Box and *Tristaniopsis Laurina* – Water Gum, as demonstrated in the accompanying landscape plan (**Appendix B**).

Low maintenance planting in the common landscaped areas and private open spaces will create a pleasant environment for residents and attract animal and birdlife.

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

The proposal requires the removal of 4 trees, including 2 trees within the front setback of the site and 2 trees located on the southern boundary of the adjoining property that are required to be removed to facilitate the proposed inter-allotment drainage easement, however these trees are not assessed as being significant. The 2 trees to be removed from the site (Tree 1 & Tree 2) are exempt species and do not require approval for their removal. The 2 trees to be removed from the adjoining property (Tree 5 & Tree 6) have been assessed as having low significance in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees (**Appendix J**).

Planting of 25 trees is proposed on the site, including 2 brush box, which will grow to a mature height of 12m and 23 water gums, at a mature height of 7m. The substantial replacement planting is proposed to compensate for the loss of existing vegetation.

(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, elevated private open space areas and balconies are proposed, adequate setbacks have been maintained and privacy screening provided where appropriate to restrict direct overlooking. The proposed living room windows of Units 1 and 7 facing the common western boundary are to be replaced with openable 1.5m high sill windows, to maintain ventilation while reducing potential overlooking impacts towards the neighbouring property. An Identified Requirement (No. 79) has been recommended in this regard.

Boundary fencing to a height of 1.8m 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 proposed setback to the west 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.

#### 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 West Street frontage of the site has an eastern orientation. The development has been designed so that 11 out of the 12 units will receive 2 hours of direct sunlight to living areas and private open space areas in mid-winter, which exceeds the targets set under the Housing SEPP. Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 7.6 stars, with no individual unit achieving less than 6 stars.

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

#### 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 rainwater and OSD tanks, has been provided to achieve council requirements. A stormwater easement will be created across 5 Leo Avenue to facilitate the disposal of stormwater from the development site to existing infrastructure located in the road reserve in Leo Avenue.

Hard surfaces have been minimised in the design of the development and landscaping and deep soil zones have been maximised where possible, to reduce potential impacts from stormwater runoff.

Site stormwater will be captured and drained as shown on the submitted stormwater management plans (**Appendix C**), with 2 x 5m<sup>3</sup> rainwater tanks provided to facilitate water re-use for irrigation, with overflow to drain to the proposed OSD tank.

#### 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 points provide a secure progression from public to private spaces and will create a safe environment for residents. 2 out of the 12 units address Jedda Road, 2 units address West Street, and 2 units on the corner address both street frontages, providing 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 landscaped space and parking area, particularly units 4, 5, 6, 10, 11 and 12 which have living room 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 prepared by Trevor R Howse (**Appendix H**) demonstrates that obvious and safe pedestrian links are available from the site to transport services located in front of the site on Jedda Road. The proposal demonstrates compliance with Clause 93 of the Housing SEPP as the site is within 400m walking distance of public transport. A formed and level footpath is available from the site to the bus stops on Jedda Road. 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. The gradient of the footpath between the site and bus stops on Jedda Road has been surveyed. As demonstrated in **Appendix D**, the footpath gradient required for seniors housing under Section 93(4)(c) is not exceeded and therefore, no upgrades to the footpath are required.

The driveway and parking area within the site are clearly defined and are to be well lit for safety, with appropriate landscaping to create a pleasing environment. Car parking is provided for residents within the site, including 3 accessible parking spaces. Accessible pathways are provided between the car parking area and the internal lobby. There is ample street parking available on West Street for visitors.

#### Waste management [section 105]

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

Two waste storage areas are provided at the eastern and southern elevations of the development and will accommodate general waste, recycling and garden waste. The storage areas have 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 maintenance contractor.

## 6.6 Other State Environmental Planning Policies

**Table 11** below outlines applicability of, and compliance with, other State and Environmental Planning Policies (SEPPs).

**Table 11 Compliance with other applicable State and Environmental Planning Policies**

#### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to **Appendix K**). An Identified Requirement (No. 87) is recommended to require a revised BASIX certificate to be provided due to the introduction of air conditioning units to each of the dwellings and provision of additional solar panels (photovoltaic electricity generation) to reduce associated running costs.

#### SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and child care facilities and major infrastructure corridors.

Chapter 2, Part 2.3, Division 20 of the SEPP permits stormwater work to be carried out by a public authority as 'development without consent', subject to the provisions set out under Division 20. The proposed downstream stormwater drainage pipe and easement satisfies the requirements of Division 20 as demonstrated below. Consultation with Council and other authorities is not required under Division 1 of the SEPP as the development is minor and will unlikely have substantial impact on Council's infrastructure.

Division 20 Stormwater Management System	
Provision	Compliance
<p>2.136 Definition</p> <p>In this Division —</p> <p><i>stormwater management system means —</i></p> <p>(a) works for the collection, detention, harvesting, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and</p> <p>(b) stormwater quality control systems (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and</p> <p>(c) stormwater reuse schemes.</p>	<p>Proposed development meets the definition of stormwater management system as it involves drainage works for the discharge of stormwater.</p>
<p>2.137 Development permitted without consent</p> <p>(1) Development for the purpose of stormwater management systems may be carried out by or on behalf of a public authority without consent on any land.</p> <p>(2) A reference in this section to development for the purpose of stormwater management systems includes a reference to development for any of the following purposes if the development is in connection with a stormwater management system —</p> <p>(a) construction works,</p> <p>(b) routine maintenance works, including maintenance dredging to remove sediment build-up in a stormwater canal or at exit points into natural waterways that affects the efficiency of the stormwater management system,</p> <p>(c) environmental management works,</p> <p>(d) buildings, including buildings containing amenities for staff, that have a height of not more than 12m above ground level (existing).</p>	<p>Development will be carried out by LAHC, which is a public authority, and includes extension of stormwater pipe and associated easement to allow for discharge of stormwater to Leo Avenue.</p>

The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, these provisions of the SEPP do not apply.

#### SEPP (Biodiversity and Conservation) 2021

This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.

##### 2.6(1) Clearing that requires permit or approval

Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 4 trees within the site (refer to Arboricultural Impact Assessment Report at **Appendix J**).

Notwithstanding, Section 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.

An assessment of the proposed tree removal has been undertaken within Section 8.9 of this REF. New replacement planting on site will be undertaken in accordance with the detailed landscape plan (**Appendix B**). The proposed removal of trees is considered appropriate for the site and will be replaced by a high-quality landscape scheme.

The site is located within a regulated catchment, namely, the Georges River Catchment. Accordingly, the controls for development set out in Division 2 of Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.

Under Section 171A(1) of the EP&A Regulation, LAHC, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must consider *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1), and

Further, as the consent authority LAHC must be satisfied under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).

### 6.6 Water quality and quantity

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

- have a neutral or beneficial effect on the quality of water entering a waterway;
- have an adverse impact on water flow in a natural waterbody;
- increase the amount of stormwater run-off from a site; and
- Incorporate on-site stormwater retention, infiltration or reuse.

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

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

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

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

Comment: Stormwater will be collected within the site and conveyed to an on-site detention tank located beneath the driveway. Stormwater flows will then be directed via a pipeline to the proposed interallotment drainage easement across 5 Leo Avenue (Lot 11 DP215559) and discharged to the kerb in Leo Avenue. Roof water will be collected from downpipes and connected to two rainwater tanks for reuse, with overflow connected to the underground detention tank. Stormwater filtration measures will be provided as shown on the proposed stormwater drainage plans (**Appendix C**).

Identified Requirement (No. 13) recommends that sediment control measures be implemented during construction in accordance with Council requirements and/or the guidelines contained in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004). Identified Requirements (Nos. 6 and 42) are applied to the activity determination recommending that stormwater management of the activity is designed in accordance with Liverpool City Council's technical guidelines and policies.

### 6.7 Aquatic ecology

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

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



- if the site adjoins a natural waterbody – whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.

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

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

**Comment:** The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. The proposed development requires the removal of 4 trees. However, to offset the loss of tree canopy, the proposed development includes planting of suitable native indigenous vegetation. In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.

### 6.8 Flooding

This clause relates to flood liable land.

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

### 6.9 Recreation and public access

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

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

## SEPP (Resilience and Hazards) 2021

The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent.

The site is located within a developed residential area of Liverpool LGA. Historical imagery indicates that the site has been used for residential development since 1965. The s10.7 planning certificates (**Appendix F**) have not identified the site as being potentially contaminated. Notwithstanding, the draft *Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning, Housing and Infrastructure and the Environmental Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in the table below:

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes since the early 1960's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.

been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)		
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	Each lot contains a single storey detached dwelling and associated structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection has been undertaken and did not reveal any evidence of potential contaminating activities.
(g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the early 1960's.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard identified requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
(i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM Act or a site regulated by the EPA under the CLM Act.

A recommended Identified Requirement (No. 17) requires implementation of management measures in the unlikely event of contamination prior or during construction works.

## 6.7 Liverpool Local Environmental Plan 2008 (LLEP 2008)

Compliance with the relevant provisions / development standards set out in the LLEP 2012 is demonstrated in

**Table** 12 below.

Table 12 Liverpool Local Environmental Plan 2008

Relevant Provisions / Development Standards for Seniors Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres)	Maximum building height (measured in accordance with the LEP definition) is 8.96 metres. The permissible height of 9.5m under the Housing SEPP prevails.
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. (0.5:1)	Proposed FSR is approximately 0.55:1. Refer to Section 6.5.1 of this REF for discussion regarding FSR.

## 6.8 Liverpool Development Control Plan 2008

*Liverpool Development Control Plan 2008* (LDCP 2008) does not contain specific development controls for seniors housing. As such, the building setbacks for multi-dwelling housing have been used for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 13** below.

The general controls for all development set out in LDCP 2008 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 13 Liverpool Development Control Plan 2008

Compliance with controls for multi-dwelling housing														
Multi-dwelling housing														
Clause	Requirement	Proposed												
5. Setbacks	<b>Front Setbacks</b> Table 1 <table> <tr> <th>Street</th><th>Front Setback</th><th>Secondary Setback</th></tr> <tr> <td>Classified Roads</td><td>7.0m</td><td>7.0m</td></tr> <tr> <td>Other Streets (ground floor)</td><td>4.5m</td><td>2.5m</td></tr> <tr> <td>Other Streets (first floor)</td><td>5.5m</td><td>2.5m</td></tr> </table>	Street	Front Setback	Secondary Setback	Classified Roads	7.0m	7.0m	Other Streets (ground floor)	4.5m	2.5m	Other Streets (first floor)	5.5m	2.5m	<b>Front Setbacks</b> Given the frontage to West St is the longest length boundary, this is considered as the secondary frontage in accordance with Council's DCP. As such, Jedda Road is the primary frontage.  The proposal provides a minimum front setback to Jedda Road of approximately 5.5m (ground and first floor) to the main face of the building and approximately 4.4m to the balcony of Unit 8 (refer to discussion below).
Street	Front Setback	Secondary Setback												
Classified Roads	7.0m	7.0m												
Other Streets (ground floor)	4.5m	2.5m												
Other Streets (first floor)	5.5m	2.5m												

## Compliance with controls for multi-dwelling housing

3. Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.

4. The secondary setback is the longest length boundary.

#### Side and Rear Setbacks

Table 2

Item	Side Setback	Rear Setback
Ground floor without windows to habitable rooms	0.9m	4.0m
Ground floor with windows to habitable rooms	4.0m	4.0m
First floor without windows to habitable rooms	1.2m	4.5m
First floor with windows to habitable rooms and neighbouring private open space	4.0m	6.0m

6. Building encroachments may only occur if it is seen as beneficial for open space, solar access and the internal layout of the dwelling. The dwellings living areas shall open out to open space.

The building has a secondary setback to West Street of 2.5m (ground and first floor).

The Jedda Road facing balcony belonging to Unit 8 projects into the minimum front setback by approximately 1.1m. Given the minor nature of the encroachment and its location toward the corner splay, no adverse impacts such as overlooking are expected to occur as a result of the encroachment.

No other verandahs, balconies, eaves or other sun devices encroach on the minimum front and secondary setbacks by more than 1m.

Noted.

#### Side and Rear Setbacks

The proposal generally achieves a minimum 4m setback to the western side boundary. The balcony to Unit 9 is setback a minimum of approximately 3m to this side boundary. The minor encroachment into the required side setback is to provide adequate north facing private open space to Unit 9 (balcony). Privacy screening is proposed to the western and southern edges of the balcony to mitigate any potential overlooking impacts to adjoining properties.

The proposal provides a rear setback to the northern boundary of 14.327m for both the ground and first floor levels.



## 7 Notification, Consultation and Consideration of Responses

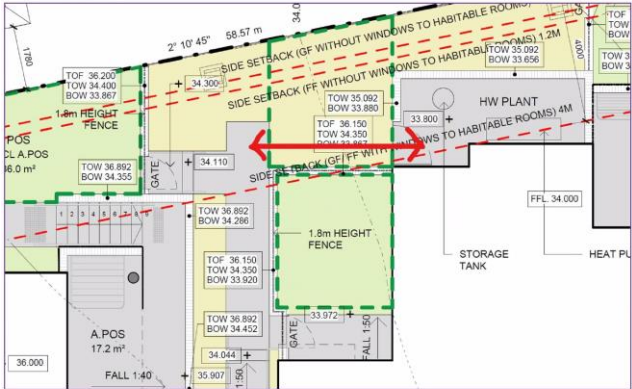
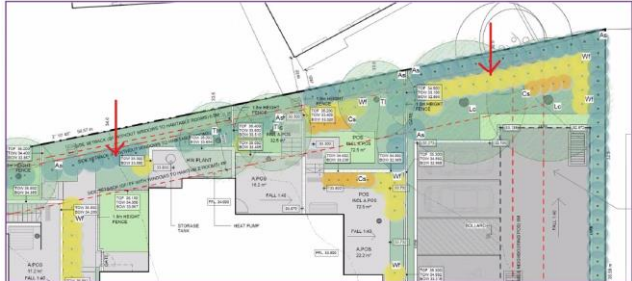
Copies of the notification letters sent to the local council and to the adjoining occupiers are provided in **Appendix G**, together with a copy of the response received from Council.

### 7.1 Council Notification

In accordance with sections 43(1)(b) and 108C of the Housing SEPP, Liverpool City Council was notified of the development by letter dated 2 November 2023 (refer to **Appendix G**). The notification response period formally closed on 27 November 2023 and Council responded to the notification by letter dated 30 November 2023. A full copy of Council's response is provided in **Appendix G**, however the key matters raised by Council have been addressed in **Table 14** below. A response is provided in relation to these matters and where appropriate, they have been addressed in the Identified Requirements in the Activity Determination. In the letter, Council also recommended conditions of consent to maintain compliance with various approvals and legislation. Comments provided in response to Council's recommended conditions are contained in **Appendix G**.


Table 14 Issues raised in Council submission

Issues raised	Response
<b>Comments Relating to Relevant Development Standards under Housing SEPP 2021</b>	
<b>Floor Space Ratio</b> <ul style="list-style-type: none"> <li>The Floor Space Ratio under the SEPP is 0.5:1. The proposed FSR of the development is 0.59:1. However, it is noted when calculated under the provisions of the LLEP 2008, the FSR is 0.55:1. A reduction in FSR is recommended to suit the scale of the R2 Low Density Residential zone.</li> </ul>	<p>The proposed FSR when calculated in accordance with the updated definition contained in Section 82 of the Housing SEPP is approximately 0.55:1. Despite the departure from the FSR standard, the proposed development results in an acceptable built form which does not result in any adverse impacts on adjoining properties or the streetscape. Further justification to the FSR departure is detailed in Section 6.5.1 of the REF.</p>
<b>Landscaping and Deep soil</b> <ul style="list-style-type: none"> <li>The proposed development provides additional landscaping and deep soil areas than required by the SEPP. However, it is noted that there is no footpath connection from the back access to the service area. For maintenance purposes, this should be concrete paving (refer to Figure 1 below). This change will decrease the rear deep soil zone.</li> </ul>	<p>It is noted that additional footpath providing connection from the rear access to the service area is not required by LAHC's maintenance contractor. Alternatively, stepping stones have been incorporated to provide easier pedestrian connection without significantly reducing proposed landscape and deep soil area.</p>

Issues raised	Response
 <p>Figure 1: Recommended concrete path</p> <ul style="list-style-type: none"> <li>Additionally, the NSW Seniors Housing Design Guide, Chapter 6.12 Building Communities, contains the objectives 6.12.2 and 6.12.3 encourages developments to provide safe places for residents to come together. No communal areas have been provided within the proposed development, and there is an opportunity to include places to gather in the rear landscape areas, as noted in Figure 2 below. These areas are to be accessible.</li> </ul>  <p>Figure 2: Recommended Communal Open Space</p> <ul style="list-style-type: none"> <li>Retained trees must be consistent within all plans and must be shown in the landscape plan. Additionally, street tree planting is recommended to be provided, as planting is only proposed inside the lot boundary. On-street tree planting is to be of a height which does not compromise the existing power lines.</li> </ul>	<p>The NSW Seniors Housing Design Guide does not apply to the proposed development as Council was notified of the proposal prior to 14 December 2023 when the amendments to the Housing SEPP came into force. The areas identified in Council's diagram are not accessible given the changes in levels across the site. These areas will be densely landscaped as part of the proposed landscaping scheme to provide screening and a pleasant outlook for residents and adjoining properties. Provision of usable and accessible communal open space within the site was not possible due to the requirements to satisfy other planning controls such as building setbacks, solar access and provision for on-grade car parking. It is noted that each dwelling is provided with a substantial private open space area, many of which exceed the requirements of the Housing SEPP. Accessible paved areas are provided throughout the site which will allow for incidental interaction amongst residents.</p> <p>Noted. An amended Landscape Plan has been prepared to include planting of street trees, in consultation with Council (<b>Appendix B</b>). A total of 8 street trees (<i>Tristaniopsis laurina</i>, Water gum) capable of reaching a mature height of 7m are proposed along the street frontages of West Street and Jedda Road. The amended Landscape Plan also identifies the trees to be retained on neighbouring properties.</p>
<p><b>Solar Access</b></p> <ul style="list-style-type: none"> <li>The development meets the requirements of the SEPP as 92% of dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces, which is greater than the 70% required.</li> </ul>	<p>Noted.</p>

Issues raised	Response
Unit 2 does not achieve solar access despite that the unit having three sides open. It is recommended that the layout of this unit is revised, by moving the bathroom inward and bringing the living area outward to achieve better solar access and improve quality of interior space.	Further assessment of Unit 2 was undertaken and additional sun diagrams were prepared which indicate that the unit receives approximately 25 minutes direct solar access to living areas in the morning in mid-winter ( <b>Appendix A</b> ). The private open space of this dwelling receives at least 2 hours of solar access between 9am-3pm in mid-winter. As such, the development is consistent with the LAHC Design Requirements which seek to 'avoid any dwellings receiving less than 15 mins of solar access to living areas and private open space.'
<b>Parking</b> <ul style="list-style-type: none"> <li>Provision of parking meets the requirements of the SEPP, as the subject site is classified as an accessible area, and the parking provisions of CL 42(1)(d) apply. Despite this, the level of car parking is inadequate compared to the requirements of the DCP, which would total 18 parking spaces for development of similar scale. It is advised that additional car parking is provided, alternatively number of dwellings are reduced.</li> </ul>	<p>The provisions of s42(1)(d) of the Housing SEPP do not apply to the proposed development as the relevant parking requirements for seniors housing carried out by LAHC are contained in s108(2)(j) of the SEPP. Under s108(2)(j), 1 parking space is required for every 5 dwellings, resulting in the requirement of 3 spaces for this development. However, additional car parking has been provided at the rate for an accessible area at LAHC's discretion. The proposed parking provision therefore exceeds that required for seniors housing carried out by LAHC by 3 spaces.</p> <p>On-street parking is also available along both Jedda Road and West Street, which can be utilised for visitors, when needed.</p> <p>In this regard, provision of additional car parking or reduction in the number of dwellings is not required.</p>
<b>Setbacks</b> <ul style="list-style-type: none"> <li>The proposed development is generally compliant with the setback requirements in the DCP. The coversheet notes a rear setback of 14.3m, however this is an error and does not occur within the plans.</li> </ul>	Given that Jedda Road is the primary frontage, the rear setback has been measured to the northern boundary. The proposed development provides a minimum setback of 14.3m to the northern boundary and generally complies with the setback requirements in the DCP as noted by Council.
<b>Comments Relating to Housing SEPP 2021 - Design Principles, Chapter 3, Part 5, Division 6</b>	
<b>Neighbourhood amenity and streetscape</b> <ul style="list-style-type: none"> <li>The subject site is located within the suburb of Lurnea, which is characterised by low density, single storey, old dwelling houses. Whilst the proposed multi-dwelling, 2-storey development will be different from the existing streetscape, the development is considered keeping with other redevelopment in the area, as there already are recently developed semi-detached dwellings built on the opposite side across the West Street.</li> </ul>	Noted.

Issues raised	Response
<p>However, a reduction in FSR will assist in matching the low density scale of the area.</p>	<p>Refer to detailed explanation regarding FSR non-compliance in Section 6.5.1 of this REF.</p>
<p><b>Visual and Acoustic Privacy</b></p> <ul style="list-style-type: none"> <li>Majority of units (8 of 12) are located away from neighbouring properties and have outlooks to the street, parking and/or landscaped areas. There are four units (01, 03, 07, 10) which are closer to the adjacent property at 19 Jedda Road. The Private Open Spaces of these units are provided with screening to minimise opportunities for overlooking the adjacent property.</li> <li>Kitchen and Living room windows of Unit 06 can be viewed from the street. The height of the windowsill is recommended to be 1.5m (or 1m at a minimum).</li> </ul>	<p>Noted.</p> <p>Kitchen and living room windows of Unit 6 have a sill height of 1.2m and 1m above finished floor level, respectively. Furthermore, the landscape design includes plantings of coastal rosemary (which can reach up to heights of 2m) along the front of Unit 06's kitchen and living room window elevation to provide screening, while allowing passive surveillance of the street. In this regard, no additional privacy measures are required.</p>
<p><b>Stormwater</b></p> <p>It is recommended that:</p> <ul style="list-style-type: none"> <li>Onsite detention (OSD) basin/tank shall be provided to limit the stormwater flow to the predevelopment level;</li> <li>On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards; and</li> <li>Semi-pervious paving shall be utilised to better manage stormwater and reduce stormwater run-off.</li> </ul> <p>More specific comment and advice on stormwater management is provided in Section 4 of this Attachment (of Council's submission).</p>	<p>Noted. Council provided stormwater and engineering advisory conditions. Each condition is detailed and addressed in <b>Appendix G</b>.</p>
<p><b>Accessibility</b></p> <ul style="list-style-type: none"> <li>An Access Assessment Report was prepared against the requirements in <b>Schedule 4 of the Housing SEPP 2021</b>; <b>Clause 93 the Housing SEPP 2021</b>, and <b>Part D4 of the National Construction Code 2022</b> ("NCC 2022"). The Report concludes that the design depicted in the project documentation is readily capable of achieving compliance with the applicable nominated accessibility provisions. Council is satisfied with the report and its recommendation that the</li> </ul>	<p>Noted.</p>

Issues raised	Response
<p>proposed development be constructed as per the comments and requirements contained in the report, subject to further consideration of other accessibility matters below.</p> <ul style="list-style-type: none"> <li>The development must include direct access from the street to the main building entrance for easy drop-off and emergency service access like ambulances, refer to Figure 3 below.</li> </ul>  <ul style="list-style-type: none"> <li>Easy access to public transport must be a priority. There is an existing bus stop in front of the development (at the intersection of Jedda Road and West St). This is an opportunity to align the design of the pedestrian access to the building (from Jedda street), the pedestrian pathway to the bus stop. It is advised that a bus stop shelter with seats and shade is included as tentatively shown in Figure 3.</li> <li>Residents might have mobility issues that do not require wheelchairs but might decrease their ability to easily move through ramps, use of handrails must be investigated.</li> <li>Additionally, the lift must be big enough to allow access to an ambulance stretcher.</li> </ul>	<p>A new pathway is proposed, as per Council's recommendation to provide direct access from the main building entrance to Jedda Road for pedestrian and accessibility purposes.</p> <p>Additional pathway identified above, provides for direct access to the bus stop. Whilst a bus shelter and shade is not proposed, a seat at the bus stop will be provided. Inclusion of additional Identified Requirement No. 78 will ensure a seat is provided, in consultation with Transport for NSW and Council.</p> <p>Noted. Handrails will be provided as required by the NCC 2022 and as assessed in the Access Assessment Report prepared by Vista Access Architects (<b>Appendix H</b>).</p> <p>The Access Assessment Report prepared by Vista Access Architects (<b>Appendix H</b>), has assessed the relevant provisions of Part D4 of the NCC 2022 and does not identify a requirement for the lift to accommodate an ambulance stretcher.</p>
<b>Comments Relating to Waste Management</b>	
<p><b>Asbestos Removal</b></p> <ul style="list-style-type: none"> <li>Regarding the Waste Management Plan (WMP) provided, it is mentioned that there will be an estimated 3.6 cubic metres of asbestos sheeting generated from the demolition process. This figure is somewhat on the low side, considering that the internal wet area linings and the eaves linings will almost certainly be of the same material. Given the amount of asbestos on site, the WMP must state that a licensed asbestos contractor will be used for all aspects of the work</li> </ul>	<p>An updated Waste Management Plan has been prepared to include waste disposal and transport contractor details (<b>Appendix R</b>).</p>



Issues raised	Response
<p>involving asbestos, and that all applicable legislation, regulations, and safe work practices from SafeWork NSW will be followed. Council would like to know which licensed disposal facility the asbestos materials will be disposed of at, the current description of “Dispose – in accordance with relevant authority Requirements” gives no guidance as to where this will go.</p>	
<p><b>Garbage Bins and Storage Area</b></p> <ul style="list-style-type: none"> <li>In relation to ‘knock-down and rebuild’ proposals, the domestic waste bins issued by LCC that are servicing the three existing dwellings to be demolished, must be emptied and surrendered to Council before the commencement of any demolition or site clearing works. Once an Occupation Certificate for the development is issued at the conclusion of the building works, and prior to any residents moving in, Council is to be contacted in order to arrange the delivery of the bins the development will require, in this case 6 x 240L red-lid bins, 6 x 240L yellow lid recycling bins and 2 x 240L green (garden) bins – see below. Please note, Council will be bringing in a FOGO waste service in 2025, which will see all solid food waste being added to the green lid bins.</li> <li>No detail is provided regarding intended bin area signage. The bin storage areas must have highly visible, permanent, weatherproof signage with a high graphic content, suitable for correct interpretation of what materials must be placed in each bin, by people with limited English language skills.</li> <li>The 2 green lid bins shown, specifically for organic garden waste at the present time, are shown as being mixed in with the other bins in the waste storage area, and therefore accessible to all residents. It is Council’s strong preference that green (garden) bins be kept secure, so that they can only be accessed by the individuals who will be tasked with maintaining the common areas. It is Council’s experience that when included with other bins in a communal waste area, green garden bins are subject to an unacceptable level of contamination, which leads to issues with managers of the facility, and potentially charges for contaminated bins.</li> </ul>	<p>Noted. Council will be contacted to arrange delivery of all required bins. An additional Identified Requirement No. 80 is recommended to ensure this is completed prior to occupation.</p> <p>Further details are to be provided in the final Waste Management Plan to accurately reflect Council’s requirements for the bin area signage details. In this regard, additional Identified Requirement No. 81 is recommended to be included in the Activity Determination.</p> <p>Green lid bins will be kept in a separate secured enclosure from other bins, with a gate to ensure access is controlled and limited. It is noted that LAHC’s building’s maintenance contractors will dispose of any garden waste from communal landscaped areas privately and will not utilise tenants’ green bins for this purpose.</p>

Issues raised	Response
<p>Administrative controls tend not to work in this situation, so actual physical separation controls will be needed.</p> <ul style="list-style-type: none"> <li>The bin storage areas must not be open at the front. They are to be secured from the street by a gate, akin to a pool fencing gate, so that residents can open the gate to take bins out, but passers-by cannot wander in and access the bins. This will help to minimise issues with bin raiding and potential contamination from non-residents.</li> </ul>	<p>An updated Waste Management Plan notes that the bin storage areas will remain open (no lockable gates) allowing greater convenience for tenants. However, each enclosure is accessed from the side or rear and is not open towards the street frontages. Signage will be placed within the storage areas to discourage public trespassing and dumping. An Identified requirement No. 37 to this effect is recommended to ensure compliance.</p>
<p><b>Ongoing Management</b></p> <ul style="list-style-type: none"> <li>The WMP provides no guidance as to the cleaning regime of the facilities. Council does not provide any cleaning service to the bin bay, so it should be clearly stated in the WMP that the regular cleaning of all bin storage areas will be the responsibility of the management of the premises, and their agents. The bin bay area must not serve as a de facto dumping area for household items, all unwanted household items must remain inside their residence of origin. Residents must follow the established procedures for booking in a waste collection with Council, either through Council's website or through LCC Customer Service. Items for which a collection has been booked, can be placed at kerbside the afternoon before collection, no earlier. This must be clearly conveyed to all residents and written into the administrative controls/by-laws for the development.</li> <li>Lastly, the WMP should give some indication of the administrative arrangements that will be in place to provide monitoring, information and advice to residents from the management of the facility, including corrective actions if necessary. This is to ensure that the correct materials are being placed in the correct bins and obviate any need to impose extra charges through the rates, as a result of contaminated bin fees. Bins must not be overloaded, lids must be fully closed, or they will not be emptied.</li> </ul>	<p>Noted. The updated Waste Management Plan notes that bins are to be cleaned on site within the storage areas on a scheduled regime by LAHC's maintenance contractor (<b>Appendix R</b>).</p> <p>Noted. The updated Waste Management Plan notes that tenants will be provided education material to provide guidance on proper waste management including disposal instructions (<b>Appendix R</b>). An Identified Requirement No. 37 is recommended to this effect to ensure compliance.</p>

Additional Identified Requirements are recommended in the **Activity Determination** to address the following conditions provided by Council:

- Dilapidation Report** (Identified Requirement No. 82)

Prior to the commencement of works and on completion of construction, detailed dilapidation reports of all infrastructure fronting the development in West Street, Jedda Road and Leo Avenue are to be prepared. The reports are to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development site.

A copy of each report is to be provided to the NSW Land and Housing Corporation and Liverpool City Council.

- **Construction Traffic Management Plan** (Identified Requirement No. 83)

A Construction Traffic Management Plan (CTMP) for all construction works, including demolition activities, shall be prepared by a suitably qualified traffic engineer and submitted to the NSW Land and Housing Corporation by the building contractor prior to the commencement of demolition/construction works.

All construction works are to be undertaken in accordance with the CTMP. All controls in the CTMP must be maintained at all times and all traffic management controls must be undertaken by personnel having appropriate SafeWork NSW accreditation. A copy of the CTMP is to be kept onsite at all times and made available to the certifier, NSW Land and Housing Corporation or Council on request.

- **Works in the Road Reserve** (Identified Requirement No. 84)

All works within the public road reserve shall be in accordance with Council's requirements and specifications. A copy of design drawings shall be submitted to Council for information purposes.

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

Under section 43(1)(a) and 108C(1)(a) of the Housing SEPP, Liverpool City Council was requested to nominate any other persons who should, in the Council's opinion, be notified of the development.

Advice was sought from Council regarding additional persons or property that should be notified of the development and requesting details of property owners via an email sent 16 October 2023. On 31 October 2023, Council provided property owner details requested by LAHC and did not nominate any additional persons to be notified of the development. **Figure 21** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 21 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under sections 43(1)(b) and 108C(1)(b) of the Housing SEPP, occupiers and landholders of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 2 November 2023. A sample of the notification letter is provided at **Appendix G**.

The notification response period formally closed on 27 November 2023 and 2 verbal enquiries were made. The enquiries did not raise any issues with the proposed development. No formal written submission was made.

## 7.3 Notification of Specified Public Authorities

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

## 8 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in Section 6.5.6 of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

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### 8.1 Neighbourhood Character

The site is located within an established residential area generally supporting single and 2-storey detached dwelling houses of brick, fibro or weatherboard construction with tiled roofs and associated structures, such as pergolas, garages and carports. More recent dual occupancies and seniors housing developments are also located in the area. These developments take a more contemporary form and introduce new design features to the area, including rendered finishes and muted, neutral tones.

The bulk and scale of the proposed development will be compatible with the existing character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The 2-storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

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

#### Mitigation Measures

No mitigation measures are required.

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### 8.2 Bulk and Density

The proposed development is consistent with the bulk and scale of more contemporary residential development in the locality. The 2-storey building incorporates appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development addresses 2 street frontages and is comprised of 2 main building forms either side of a central core with a recessed lobby. The building provides varying setbacks to West Street and Jedda Road and is designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a floor space ratio of approximately 0.55:1 and a maximum height of 8.95m which is generally consistent with a low-density residential area. The FSR and 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R2 Low Residential zone, which seeks to provide housing to meet the needs of the community, including seniors housing.

The reasonable floor space ratio in conjunction with compliant setbacks and landscaped deep soil areas confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site. As such, no mitigation measures are required.



**Mitigation Measures**

No mitigation measures are required.

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## 8.3 Streetscape

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

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

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

**Mitigation Measure**

For further enhancement of the streetscape, Council has requested the additional planting of 8 advanced Water Gum (*Tristanopsis laurina*) street trees along the West Street and Jedda Road frontages. Refer to Landscape Plan in **Appendix B**.

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## 8.4 Visual Impact

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

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

The West Street and Jedda Road front setbacks will include a variety of landscaping, particularly trees that will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street. Furthermore, additional street trees will be planted, that will further soften the visual impact of dwellings when viewed from the public domain. As such, no mitigation measures are required.

**Mitigation Measures**

No mitigation measures are required.

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## 8.5 Privacy

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

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- Balconies associated with Units 8 and 12 are orientated toward West Street with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents. First floor balconies facing the street enable passive surveillance of the street without compromising the privacy of adjoining properties or other dwellings in the development.
- Balconies associated with Units 9, 10, 11 & 12 are oriented toward the internal car park and do not pose unacceptable overlooking impacts to the northern adjoining property at 33 West Street, Lurnea due to the significant rear setback provided.
- Balconies for Units 7, 9 & 10 facing east incorporate privacy screening to mitigate any privacy or overlooking concerns towards the western adjoining properties such as 3 Leo Avenue and 19 Jedda Road, Lurnea.
- The living area windows of Units 1 & 7 facing the western side boundary may result in potential overlooking to the adjoining property and it is therefore recommended that the proposed windows be altered to provide a sill height of 1.5m, to prevent potential adverse privacy impacts. An Identified Requirement (No. 79) is recommended to this effect.
- Bedroom and kitchen windows belonging to Unit 6 facing West Street are screened with new planting capable of reaching a mature height up to 1.2m to mitigate any privacy or overlooking concerns from use of the curved footpath/entryway.
- Further, screening between the proposed development and adjoining neighbours is achieved through the retention and protection of significant existing trees on adjoining properties along common boundaries.
- Proposed 1.8m high Colorbond fencing will assist with mitigating unacceptable overlooking from ground level units into properties to the north and west.
- Patios within the development have been appropriately separated by location or fencing and/or landscape treatments.

### Mitigation Measures

An Identified Requirement (No. 79) is recommended to require the western facing living room windows of Units 1 and 7 to have a sill height of 1.5m.

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## 8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the Housing SEPP and *the Seniors Living Policy: Urban Design Guidelines for Infill Development*. The submitted Architectural Plans indicate that 92% of dwellings receive at least 2 hours direct solar access to the living and POS areas on June 21, which exceeds the requirement for 70% of dwellings to achieve 2 hours of direct solar access to the living and POS areas on June 21. No units receive no direct sunlight between 9:00am and 3:00pm at mid-winter, with Unit 2 receiving a minimum of 25 minutes of natural lighting at 9:00am.

Shadow diagrams also confirm the proposed development will not prevent living areas and private open spaces of the dwellings on adjoining sites to receive adequate solar access.

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

## 8.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development. Shadow diagrams in **Appendix A** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites. At 9am, shadows generated by the proposed development are due to the orientation of the building, with slight shadows expected along the western boundary as well as partly within the private open space of neighbouring properties at 19 Jemma Road, Lurnea and 3 Leo Avenue for the first 2 hours.

At 12pm, shadows are directed onto Jemma Road to the south and do not impact the neighbouring properties to the west. At 3pm, shadows are cast to the south-east onto West Street, whereby no POS areas on neighbouring properties will experience overshadowing as a result of the proposed development. The adjoining properties shall receive not less than 3 hours of sunlight at the mid-winter solstice between 9am and 3pm.

The elevational and plan view shadow diagrams demonstrate the north-east facing windows within the existing dwelling to the west at No. 19 Jemma Road will not be detrimentally impacted by shadows cast by the proposed development from 9am onwards.

### Mitigation Measures

No mitigation measures are required.

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## 8.8 Traffic & Parking

Six surface car parking spaces for residents, including 3 accessible spaces, will be available on site to serve the proposed development. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for seniors housing developments carried out by LAHC by 3 spaces. Unrestricted street parking is available on Jemma Road and West Street to accommodate any overflow parking demand generated by the proposed development.

The Traffic Impact Assessment prepared by Traffix Traffic and Transport Planners (**Appendix S**) indicates that the development will have a projected nett decrease of 3 vehicles per hour in the AM peak hour and a nett increase in 2 vehicle per hour in the PM peak hour. The projected nett change in traffic activity as a consequence of the development proposal is negligible and will not have any unacceptable implications in terms of road network capacity.

The Traffic Impact Assessment examined the adequacy of the proposed internal driveway and parking arrangement. The assessment concludes the internal configuration of the car park has been designed in accordance with AS 2890.1 (2004) and AS 2890.6 (2009). The assessment confirmed that the design is suitable based on an assessment of the projected vehicle movements.

### Mitigation Measures

No mitigation measures are required.

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## 8.9 Flora and Fauna

An Arboricultural Impact Appraisal and Method Statement has been prepared for the site by Naturally Trees (**Appendix J**). The report considers 6 trees, 2 of which are located within the subject site while 4 are within neighbouring properties.

The report recommends the removal of 4 existing trees in total, 2 within the site (Trees 1 and 2) and 2 trees within 5 Leo Avenue (Trees 5 and 6). Tree removal is recommended primarily to accommodate the proposed development and facilitate the provision of the proposed stormwater easement across 5 Leo Avenue. Trees to be removed have been identified in the report as 'low category'. The report also supports the retention of 2 existing trees within neighbouring properties (Tree 3 at 33 West Street and Tree 4 at 3 Leo Avenue) and recommends appropriate tree protection measures to be put into place to ensure their viable retention.

Appropriate replacement planting is proposed on-site, including the provision of 2 Brush Box capable of reaching a mature height of 12m and 23 Water Gums capable of reaching a mature height of 7m, as indicated on the landscape plan and details (**Appendix B**). A total of 8 street trees are also proposed to be planted along the road reserve of Jedda Road and West Street. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term.

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

### **Mitigation Measures**

Retained trees are to be protected in accordance with the recommendations contained within the Arboricultural Impact Assessment (**Appendix J**) and as required by Identified Requirement No. 36. Tree Protection Zone fencing is required to be erected for 1 tree (Tree 4) and ground protection must be provided for Tree 3 prior to the commencement of works (Identified Requirement No. 36).

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

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

### Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 26 March 2024 (**Appendix I**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

### Other Cultural Heritage

No cultural heritage items have been identified in Liverpool 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**

Identified Requirements Nos. 46 & 47 have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

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## 8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

### Geotechnical

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

- The subsurface conditions generally consist of topsoil and fill overlying silty clays and weathered rock. The topsoils were encountered from surface to depths of 0.2m to 0.4m. A layer of fill was encountered below the topsoils in BH2 from 0.2m to 1.6m. Stiff and very stiff silty clays were encountered below the topsoils and fill to depths of 1.4m to 2.5m. In BH4, hand auger refusal occurred in the stiff clays at a depth of 0.5m. In the remaining boreholes, weathered rock underlies the clays to the depth of auger refusal, 1.7m to 2.8m.
- Groundwater was not observed during drilling works.

### Contamination

Council's Section 10.7(2) & (5) Planning Certificates indicate that all land to which the LDCP 2008 applies, is subject to controls relating to contaminated land as the policy contains triggers and procedures for identifying potential contamination. As the site is found to have been used for residential purposes since 1965 and does not have past or current uses identified in Section 10 Part 1 of the LDCP 2008, the land is considered to not be affected by contamination.

Notwithstanding, the draft *Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters were considered in section 6.6 above and conclude that it is unlikely that the land is contaminated.

### Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by Acid Sulfate Soils.

### Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is affected by potential salinity. However, the Geotechnical Site Investigation, prepared by STS Geotechnics, states "Reference to DLWC (2002) 'Site Investigations for Urban Salinity' indicates that ECe values of 0.1 to 0.6 dS/m are consistent with the presence of non-saline soils".

### **Mitigation Measures**

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

Standard Identified Requirement (No. 1) is recommended to require compliance with the recommendations of the Geotechnical Investigation prepared by STS Geotechnics (refer **Appendix P**).

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



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

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank that is proposed on the north western portion of the site. The OSD will drain to a proposed stormwater pipe on the southern boundary of 5 Leo Avenue via a proposed 1.2m wide easement for stormwater to be discharged to the street kerb in Leo Avenue. Roof water from the subject development will be collected from downpipes and connected to rainwater tanks for reuse, with overflow connected to the underground detention tank located within the north-western corner of the subject site.

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 & 35) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

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## 8.13 Bushfire Prone Land

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

### Mitigation Measures

No mitigation measures are required.

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## 8.14 Noise and Vibration

### During Demolition / Construction

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

### During Occupation

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings.

Air conditioning units are proposed to be provided for each dwelling. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an identified requirement to address ongoing use.

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.

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### 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* with respect to noise transmission.

Appropriate Identified Requirements (Nos. 2, 60, 61, 81 & 85) have been applied to ensure compliance with the above mitigation measures.

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## 8.15 Air Quality

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

### Mitigation Measures

Appropriate standard Identified Requirements (Nos. 64 & 6) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 8.16 Waste Minimisation

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

### During Demolition

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

- concrete and bricks will be crushed and reused as roadbase, fill etc or transported to an approved waste management depot;
- 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 management depot; and
- timber, metal, wall and roof cladding and other salvageable materials will be resold to various salvage yards where appropriate or disposed of at an approved building waste management depot.

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 depot or shall be recycled as follows:

- bricks, tile and concrete shall be crushed and reused for filling, levelling or temporary road base ;
- timber shall be chipped for reuse in landscaping on site or offsite; and
- plasterboard shall be returned to the manufacturer for recycling;

### During Occupation

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

Garden waste will be disposed of in Council's standard organic waste recycling bins to be located in the garbage storage enclosure on West Street and placed on the street kerb by a nominated resident or LAHC maintenance contractor for collection by Council's waste services. LAHC's maintenance contractor will be responsible for the transport and disposal of garden waste from communal landscaped areas.

### **Mitigation Measures**

Identified Requirements (Nos. 37, 49-54 & 81) 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.

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## 8.17 Resource Use & Availability

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal. An updated BASIX certificate will be required by Identified Requirement No. 87 due to the introduction of air conditioning units to each of the dwellings and additional solar (photovoltaic electricity generation) to reduce associated running costs.

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

Solar energy systems will be installed as part of the development to minimise the use and cost of access to 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**

Identified Requirement No.87 is recommended to ensure an updated BASIX certificate is obtained. An Identified Requirement (No. 86) is recommended to ensure solar energy system installation is carried out by a qualified person in accordance with required specifications.

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## 8.18 Community / Social Effects

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

- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Liverpool 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.

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## 8.19 Economic Impact

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

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

**Mitigation Measures**

No mitigation measures are required.

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## 8.20 Cumulative Impact Assessment

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

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

**Mitigation Measures**

No mitigation measures are required.

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## 9 Conclusion

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### 9.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, Transport and Infrastructure SEPP, LLEP 2008, and the design principles and better practices set out in the relevant guidelines.

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

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

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### 9.2 Recommendation

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



## 10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – CIVIL PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION LETTERS, SUBMISSIONS AND  
RESPONSES

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS SEARCH

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – BCA REPORT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NatHERS CERTIFICATE

APPENDIX O – HOUSING FOR SENIORS CHECKLIST

APPENDIX P – GEOTECHNICAL INVESTIGATIONS

APPENDIX Q – TITLE SEARCH AND DP

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC REPORT