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REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

52 – 56 Pank Parade, Blacktown NSW 2148

Lots 41, 42 & 43 Deposited Plan 32163

Job No BGYPW

December 2023





Acknowledgement of Country

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

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REVIEW OF ENVIRONMENTAL FACTORS

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DOCUMENT CONTROL REGISTER

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

No	Date	Version	Change since last version	Pages
1	13.02.2023	v1	Not applicable – initial version	71
2	01.05.2023	v2	LAHC Minor edits	Various
3	29.05.2023	v3	Report updated following LAHC comments	Various
4	20.06.2023	v4	Minor changes	Various
4	22.08.2023	V5	Changes in section 6.8.1 and section 8.12	48,49, 59 & 60
5	21.11.2023	V6	Changes to plans and supporting information section	Various
6	04.12.2023	V7	Minor changes	Various

DOCUMENT SIGN-OFF

REF Prepared by:	
Having prepared the Review of Environmental Factors: I have declared any possible conflict of interests (real, potential, or perceived) to the A/ Head of Policy and Innovation, NSW Land and Housing Corporation. I do not consider I have any personal interests that would affect my professional judgement. I will inform the A/Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest.	
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I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

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Signature:



Date: 6 December 2023

REF Authorised for Issue by:

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1. I have declared any possible conflict of interests (real, potential or perceived) to the A/Head of Policy and Innovation, NSW Land and Housing Corporation.
2. I do not consider I have any personal interests that would affect my professional judgement.
3. I will inform the A/Head of Policy and Innovation, NSW Land and Housing Corporation as soon as I become aware of a possible conflict of interest.

Name: Yolanda Gil

Designation: Director, Portfolio Services, NSW Land & Housing Corporation

Signature:



Date: 7 December 2023

Contents

1	Executive Summary	8
2	Introduction.....	9
2.1	Purpose of this Review of Environmental Factors (REF)	9
2.2	Assessment Methodology	9
3	Existing Site & Locality.....	10
3.1	Existing Site and Immediately Adjoining Development.....	10
3.2	Site Description	13
3.3	Neighbouring Development and Locality.....	14
4	Project Description	16
4.1	Demolition.....	16
4.2	Removal of Trees	16
4.3	Proposed Development.....	16
4.4	Supporting information.....	20
5	Zoning and Permissibility	24
6	Planning and Design Framework.....	25
6.1	Environmental Planning and Assessment Act 1979	25
6.2	Biodiversity Conservation Act 2016 (BC Act)	25
6.3	Other Acts	25
6.4	Environmental Planning and Assessment Regulation 2021.....	25
6.5	State Environmental Planning Policy (Housing) 2021.....	29
6.6	Other State Environmental Planning Policies.....	43
6.7	Other Legislation.....	46
6.8	Blacktown Local Environmental Plan 2015 (BLEP 2015)	47
7	Notification, Consultation and Consideration of Responses	52
7.1	Council Notification	52
7.2	Notification of Occupiers of Adjoining Land and Other Persons.....	54
7.3	Notification of Specified Public Authorities.....	55
7.4	Consultation with Other Public Authorities	55
8	Review of Environmental Factors	56
8.1	Neighbourhood Character	56
8.2	Bulk and Density.....	56
8.3	Streetscape	57
8.4	Visual Impact	57
8.5	Privacy.....	58
8.6	Solar Access	58
8.7	Overshadowing	58
8.8	Traffic & Parking	59
8.9	Flora and Fauna	59
8.10	Heritage (European / Indigenous)	60
8.11	Soils / Contamination / Acid Sulfate Soils / Salinity	60
8.12	Drainage / Flood Prone Land / Hydrology/ Water Quality	62
8.13	Bushfire Prone Land.....	63
8.14	Noise and Vibration.....	63
8.15	Air Quality	64

8.16	Waste Minimisation.....	64
8.17	Resource Use & Availability	65
8.18	Community / Social Effects	66
8.19	Economic Impact.....	66
8.20	Cumulative Impact Assessment	66
9	Conclusion.....	67
9.1	Summary of Key Issues Raised in Assessment.....	67
9.2	Recommendation	67
10	Appendices.....	68

List of Figures

Figure 1	Location Plan (Source: SIX Maps)	10
Figure 2	Development site – 52 Pank Parade (Source: BRS).....	11
Figure 3	Development site – 54 Pank Parade (Source: BRS)	11
Figure 4	Development Site – 56 Pank Parade (Source: BRS)	12
Figure 5	Adjoining development – 50 Pank Parade (Source: BRS)	12
Figure 6	Adjoining development – 58 Pank Parade (Source: BRS)	13
Figure 7	More recent two storey development at 63 Pank Parade (west of the site) (Source: Google Maps)	14
Figure 8	More recent Multi-dwelling development at 4 London Street (southeast of the site) (Source: Google Maps).....	14
Figure 9	More recent Multi-dwelling development at 7 & 9 London Street (southeast of the site) (Source: Google Maps)	15
Figure 10	Extract from Architectural Plans – Site Plan (Source: Architectural Plans, Mode Design, dated 13.06.2023)	17
Figure 11	Extract from Architectural Plans – General Arrangement Plan – Ground Level (Source: Architectural Plans, Mode Design, dated 13.06.2023)	18
Figure 12	Extract from Architectural Plans – General Arrangement Plan – First Level (Source: Architectural Plans, Mode Design, dated 13.06.2023)	18
Figure 13	Extract from Architectural Plans – Elevations (Source: Architectural Plans, Mode Design, dated 13.06.2023)	19
Figure 14	Extract from Architectural Plans – Pank Parade Perspective (Source: Architectural Plans, Mode Design, dated 13.06.2023)	20
Figure 15	Land zoning map (Source: BLEP 2015, Land Zoning Map Sheet LZN_013)	24
Figure 16	Map of Properties Notified of the Proposed Development (Source: LAHC).....	54

List of Tables

Table 1	Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979	25
Table 2	Environmental Planning and Assessment Regulation 2021 Section 171	26
Table 3	Factors to be taken into account concerning the impact of an activity on the environment	26

Table 4 Compliance with relevant provisions under sections Part 5, Division 8 of the SEPP for ‘seniors housing development without consent’ carried out by LAHC.....	29
Table 5 Compliance with section 84(2) (c) (iii), 85, 88, 89 of the Housing SEPP 2021	31
Table 6 Non-Discretionary standards for Independent Living units (Section 108)	32
Table 7 Accessibility and useability standards [Schedule 4]	34
Table 8 Seniors Living Urban Design Guidelines departures	39
Table 9 Response to Design Principles (Part 5, Division 6)	41
Table 10 Compliance with other applicable State and Environmental Planning Policies.....	43
Table 11 Other applicable legislations	47
Table 12 Blacktown Local Environmental Plan 2015	47
Table 13 Blacktown Development Control Plan 2015	47
Table 14 Issues raised in Council submission.....	52
Table 15 Brief checklist for guiding an initial evaluation.....	61

1 Executive Summary

The subject site is located at 52 - 56 Pank Parade, Blacktown, and is legally described as Lots 41, 42 & 43 in Deposited Plan 32163.

The proposed seniors housing development is described as follows:

Demolition of 3 existing dwellings and structures, and the construction of 12 independent living seniors housing units comprising 6 x 1 bedroom and 6 x 2 bedroom units, with associated landscaping and fencing, surface parking for 6 cars, and consolidation into a single lot.

The proposed activity being seniors housing is permissible within the zone under the *Blacktown Local Environmental Plan 2015* (BLEP 2015) and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Part 5, Division 8 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), as it does not result in more than 40 dwellings on the site and does not exceed 9.5 metres in height.

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

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

The REF has identified and considered the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the Seniors Living Policy: Urban Design Guidelines for Infill Development and taken into consideration Good Design for Social Housing and LAHC Design Requirements;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Blacktown City Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts; and
- Blacktown City Council, occupiers of adjoining land were notified of the proposed activity on 23 November 2022 under the provisions of Housing SEPP. A response was received from Council dated 22 December 2022. Comments on the response are provided in Section 6.1 of this REF. No submissions were received from occupiers of adjoining land.

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 Activity Determination.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act) is for an activity involving the demolition of existing dwellings and structures, and the construction of a 12 unit seniors housing dwellings comprising 6 x 1 bedroom and 6 x 2 bedroom independent living units, with associated landscaping and fencing, surface parking for 6 cars, consolidation of the 3 lots into a single lot at 52-56 Pank Parade, Blacktown.

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

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

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

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

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Blacktown Local Environmental Plan 2015* (BLEP 2015);

- it was determined that seniors housing is 'permitted with consent' in the R2 zoning pursuant to the BLEP 2015, and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a desktop analysis and investigation, together with an inspection of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

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

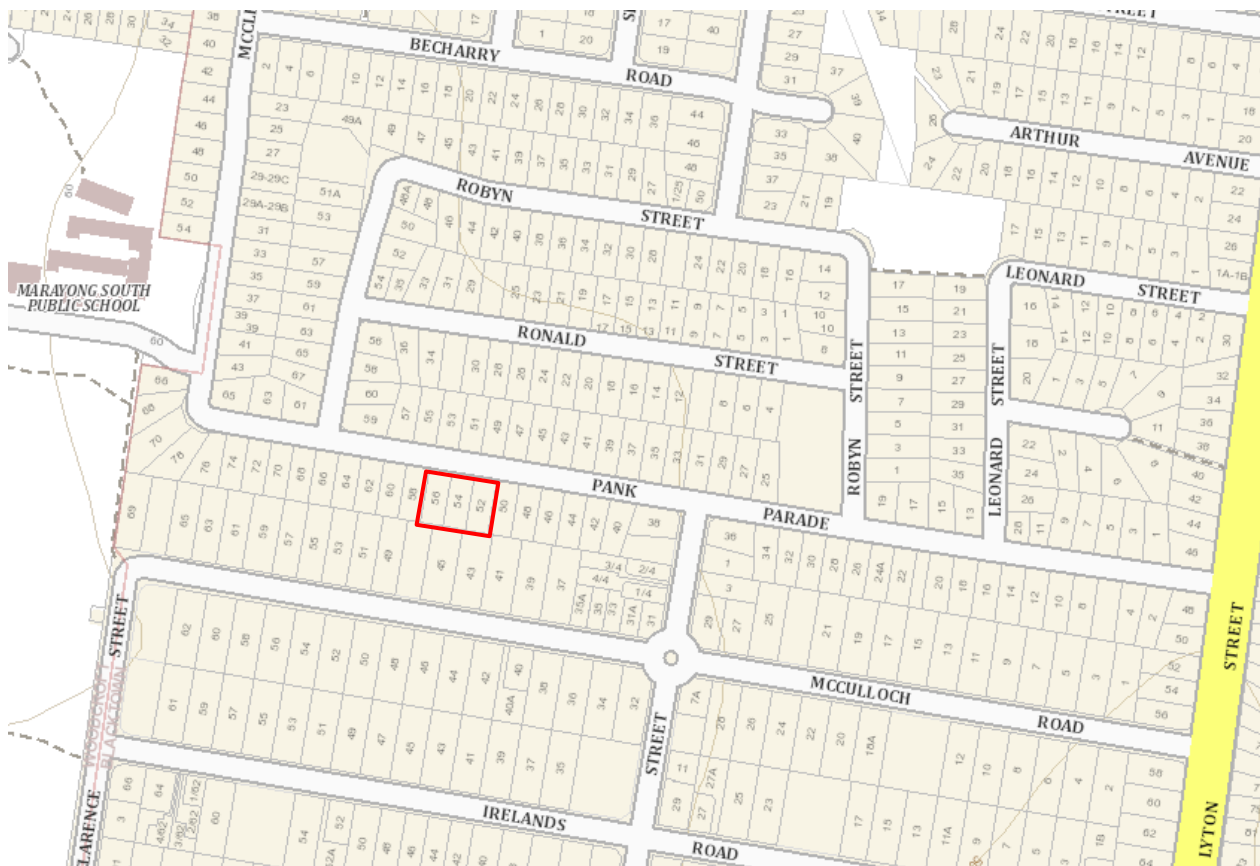


Figure 1 Location Plan (Source: SIX Maps)

The site is currently occupied by 3 single storey fibro dwellings with sheet metal roofs (refer to photographs at **Figure 2, 3 & 4**).



Figure 2 Development site – 52 Pank Parade (Source: BRS)



Figure 3 Development site – 54 Pank Parade (Source: BRS)



Figure 4 Development Site – 56 Pank Parade (Source: BRS)

The property immediately to the east (50 Pank Parade) contains a single-storey weatherboard dwelling with sheet metal roof (refer photograph at **Figure 5**). The property to the west of the site (58 Pank Parade) contains a single-storey fibro and weatherboard dwelling house with tile roof (refer to photograph at **Figure 6**).



Figure 5 Adjoining development – 50 Pank Parade (Source: BRS)



Figure 6 Adjoining development – 58 Pank Parade (Source: BRS)

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos PL2023/15601, PL2023/15600 and PL2023/15599) dated 6 December 2023 are provided in **Appendix F**.

The site is rectangular in shape and has a total area of 1,670.8m², a frontage to Pank Parade of 45.72m, a side (eastern) boundary of 36.545m, a side (western) boundary of 36.54m and a rear (southern) boundary of 45.72m (refer to the submitted Detail and Level Survey Plan in **Appendix D**).

The site falls from the rear south western portion of the site down towards the north eastern Pank Parade boundary by approximately 2m. The topography of the site enables stormwater to drain to the street.

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

There is 1 tree located within the site, as well as 2 trees located within the Pank Parade road reserve at the site frontage. 3 trees are located within adjoining properties in proximity to the rear boundary of the site.

Water, sewer, electricity, gas and telephone facilities are available to the site (refer to the submitted Contour and Detail Plan for the location of available services at **Appendix D**). Water, sewer, electricity and telephone services are located along the road alignment of Pank Parade. Gas and overhead electricity services are located along the opposite side of Pank Parade.

An easement to drain water 1m wide is located along the eastern side boundary of the site (Lot 41 DP32163) as indicated on the Detail and Level Survey Plan. This easement benefits Lot 7 Sec 6 DP975248 located to the south of the site, allowing Lot 7 to drain stormwater through Lot 41 to Pank Parade.

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of fibro construction with sheet metal roofs interspersed with more recent 2-storey dwelling houses, dual occupancy and multi-dwelling developments (refer to photographs at **Figure 7,8 &9**).



Figure 7 More recent two storey development at 63 Pank Parade (west of the site) (Source: Google Maps)



Figure 8 More recent Multi-dwelling development at 4 London Street (southeast of the site) (Source: Google Maps)



Figure 9 More recent Multi-dwelling development at 7 & 9 London Street (southeast of the site) (Source: Google Maps)

There are numerous bus stops located within proximity of the site. Two bus stops are located on each side of Pank Parade between 47-84m walking distance west of the site (refer to the Long Section Surveys provided at **Appendix D**). These stops are serviced by Sydney Buses Network Route 753, which is a loop service connecting Blacktown to Doonside via Marayong and Quakers Hill including train stations and local centres in these areas.

The area, although residential in nature is also close to a number of small commercial uses, open space, community-based land uses, such as schools and churches. The site is within close proximity to open space including Doonside Crescent Bushland Reserve to the south west, a kids playground to the north east and Mary Reserve to the north east. Commercial and Industrial development is located approximately 2km to the east and north east of the site, accessible via the road and rail network and Sydney Buses Network Route 753. Scattered services are located within the residential area surrounding the site including a medical centre, hair salon and cafes/restaurants. The site is also located within walking distance of the Marayong South Primary School.

4 Project Description

The proposed activity can be described as follows:

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**).

4.2 Removal of Trees

The Arboricultural Impact Assessment and Tree Management Plan undertaken for the site considered 6 trees (refer to **Appendix J**). There are 2 trees located in the road reserve in front of the site, 1 tree located within the site, and 3 are in adjoining properties. The Arboricultural Impact Assessment recommends removal of Tree 5 and 6 which are located within road reserve and the site respectively. However, the proposal includes retention of all trees except a tree within a private property at the rear on 45 McCulloch St. This tree is dead as per the Arboricultural Impact Assessment and excluded from the Tree Significance Rating system. As per Blacktown City Council's Tree and Vegetation policy a dead tree does not require a permit or approval for removal. However, as the tree is located within adjoining property, owner's consent is required to remove the tree prior to any works commencing on the site. This is addressed in Identified Requirement No.78.

4.3 Proposed Development

The proposed seniors housing development will deliver 12 independent living units, comprised of 6 x 1 bedroom and 6 x 2 bedroom dwellings. The building has been designed to be 2 storey. A driveway providing access to the communal car parking area is located along the western boundary of the site, with the car park located within the rear south western portion of the site.

The proposed development will provide accessible entrances to the 6 ground floor units and all units have been designed to meet the LAHC's Design Requirements of Schedule 4 of the Housing SEPP.

Of the 12 independent living units, 6 (ground floor units) have been designed as liveable units which are capable of being adapted to suit persons with a disability should the need arise in the future.

The proposed housing represents a contemporary, high-quality design and will replace the existing ageing dwellings. The use of face brick for external walls and metal roofing is consistent with the developing character of the Blacktown suburb. Of the 12 proposed units, 8 will address the street (Units 1, 2, 3 & 5 on the ground floor and Units 7, 8, 9 & 11 on the first floor) with living areas and living area windows facing the street for passive surveillance.

Minor cut and fill is proposed to provide a level building platform. Retaining walls to a height of 870mm are proposed, offset from the western side and southern rear boundaries, to assist with stability of the site as shown on the Site Plan and Civil Plans (refer to **Appendix A&C**).

New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. Variety of tree plantings, including trees capable of reaching mature height of 6 - 8m, 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**).

Each unit will be provided with its own enclosed private open space area in the form of either a courtyard or balcony directly accessible from the living areas. A common open space area is also provided at the rear of the site.

A total of 6 surface car parking spaces (including 3 accessible spaces) will be provided on the site, within a communal car parking area located within the rear south western portion of the site.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to a 76,300L underground onsite detention tank draining via gravity to the street drainage pit on the site frontage. Roof water will be collected from downpipes and connected to a 7,000L underground rainwater tank for re-use with overflow connected to the underground detention tank.

A new 1.8m high metal fence is proposed along the side boundaries, behind the building line, and rear boundaries. A combination of brick walls for letterboxes and garbage bin storage areas and aluminium slatted fencing will be provided at the front of the development orientated to Pank Parade. Ground floor private open spaces will be divided and screened with aluminium slatted fencing.

Upon completion of the development the 3 existing lots will be consolidated into 1 lot.

Figures 10 - 14 includes extracts from the architectural plans illustrating the proposed development.

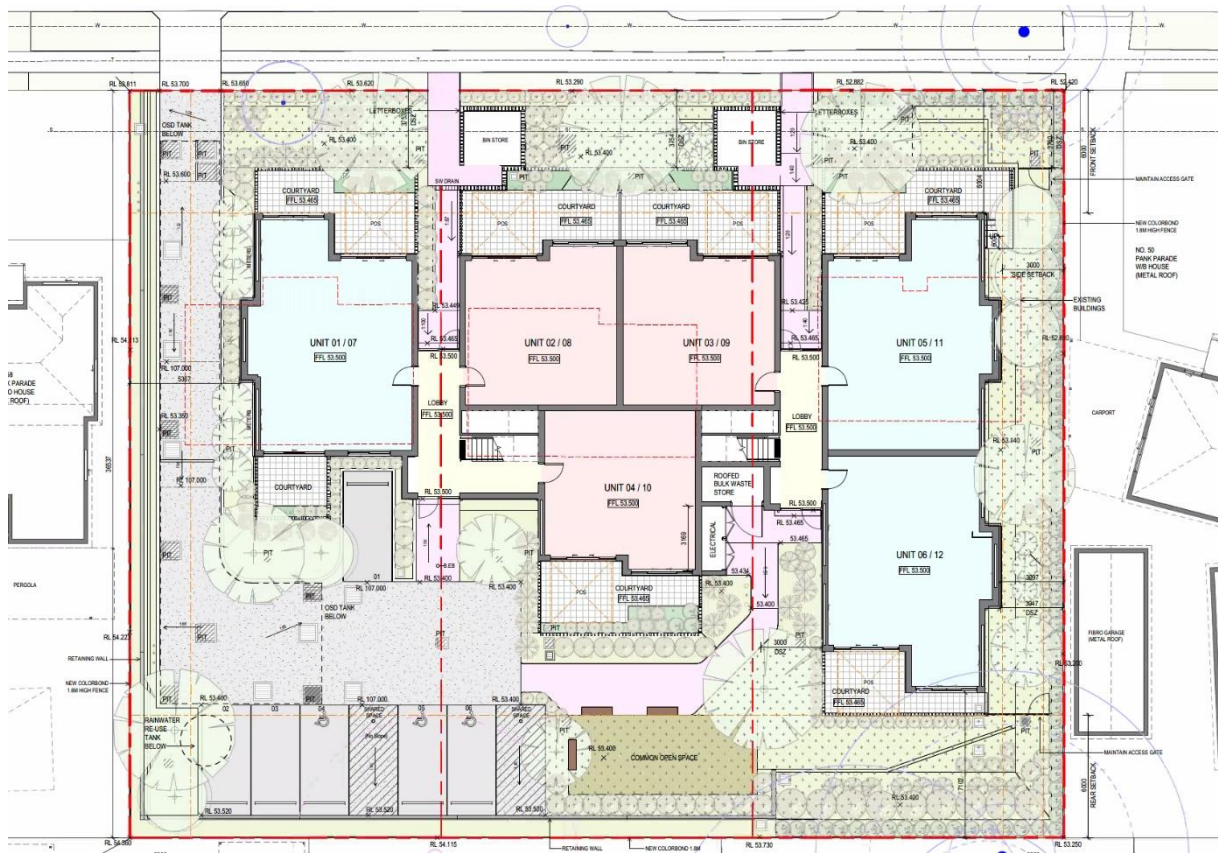


Figure 10 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, Mode Design, dated 13.06.2023)

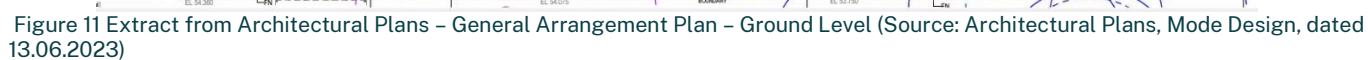




Figure 13 Extract from Architectural Plans – Elevations (Source: Architectural Plans, Mode Design, dated 13.06.2023)



Figure 14 Extract from Architectural Plans – Pank Parade Perspective (Source: Architectural Plans, Mode Design, dated 13.06.2023)

4.4 Supporting information

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

Plans, Drawings & Supporting Document Details

The development is outlined in the following plans and drawings:

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural – Appendix A				
Cover Sheet	AR-0000	P	16.11.2023	MODE Design
Legends/Notes	AR-0001	M	16.11.2023	MODE Design
3D View & Development Data Table	AR-0002	R	16.11.2023	MODE Design
3D Views	AR-0003	L	16.11.2023	MODE Design
Site Analysis	AR-0004	H	16.11.2023	MODE Design
Block Analysis Plan	AR-0005	H	16.11.2023	MODE Design
Site Plan	AR-0100	O	16.11.2023	MODE Design
Demolition Plan	AR-0500	L	16.11.2023	MODE Design
General Arrangement Plan – Ground Level	AR-1000	S	16.11.2023	MODE Design
General Arrangement Plan – First Level	AR-1001	Q	16.11.2023	MODE Design

General Arrangement Plan – Roof	AR-1002	N	16.11.2023	MODE Design
Elevations	AR-2000	N	16.11.2023	MODE Design
Sections	AR-2100	M	16.11.2023	MODE Design
Door & Window Schedules	AR-4100	M	16.11.2023	MODE Design
Photomontage – Sheet 1	AR-8000	G	16.11.2023	MODE Design
Photomontage – Sheet 2	AR-8001	G	16.11.2023	MODE Design
Solar Analysis	AR-8100	N	16.11.2023	MODE Design
Solar Study – Sheet 1	AR-8200	I	16.11.2023	MODE Design
Solar Study – Sheet 2	AR-8201	I	16.11.2023	MODE Design
Landscape - Appendix B				
Cover Sheet	LD-0000	C	09.11.2023	MODE Design
Landscape Plan	LD-1000	I	22.11.2023	MODE Design
Planting Plan	LD-1100	D	22.11.2023	MODE Design
Landscape Details 1	LD-5001	B	09.11.2023	MODE Design
Landscape Details 2	LD-5002	B	09.11.2023	MODE Design
Landscape Details 3	LD-5003	A	09.11.2023	MODE Design
Civil Plans – Appendix C				
General Notes	C11.1	P3	11.11.2022	Engineering Studio
Sediment & Erosion Control Plan	C11.01	P3	11.11.2022	Engineering Studio
Stormwater Drainage Plan	C12.01	P3	11.11.2022	Engineering Studio
Stormwater Details Sheet	C12.02	P3	11.11.2022	Engineering Studio
Proposed Design Levels	C12.03	P3	11.11.2022	Engineering Studio
Structural				
Ground Floor Plan	SK01	3	18.11.2022	MODE Design
First Floor Plan	SK02	3	18.11.2022	MODE Design
Roof – Plan	SK03	3	18.11.2022	MODE Design
Survey Plan – Appendix D				
Detail and Level Survey	3404/22	-	24.02.2022	S.J Surveying Services
Footpath Gradient	3404/22	-	24.02.2022	S.J Surveying Services
Notification Plans – Appendix E				
Notification – Cover Page	AR-N01	F	13.06.2023	MODE Design
Notification – Site/Landscape Plan	AR-N02	F	13.06.2023	MODE Design
Notification – Development Data	AR-N03	F	13.06.2023	MODE Design
Notification - Elevations	AR-N04	F	13.06.2023	MODE Design
Notification – Schedule of Finishes	AR-N05	F	13.06.2023	MODE Design
Notification – Shadow Diagrams	AR-N06	F	13.06.2023	Mode Design
BASIX Certificate – Appendix K	1340953M	-	20.11.2023	Green Star Energy Solutions
NatHERS Certificate – Appendix N	0006180033	-	20.11.2023	Green Star Energy Solutions

Specialist Reports				
Access Report - Appendix H	10361DA	2	16.11.2022	Purely Access
Arboricultural Impact Assessment and Tree Management Plan – Appendix J	7718	-	22.10.2022	Redgum Horticultural
BCA Statutory Compliance Report - Appendix L	J4346	Final	21.11.2022	DPC
Geotechnical Investigation – Appendix P	22/0697	-	March 2022	STS Geotechnics
Waste Management Plan – Appendix R	22317	-	June 2023	Dickens Solutions
Traffic Impact Statement- Appendix S	22.037r01v02	-	21.11.2022	Traffix

Section 10.7 Planning Certificates – Appendix F

Planning Certificate, Certificate No PL2023/015601 52 Pank Parade, Blacktown – Issued by Blacktown City Council dated 06.12.2023

Planning Certificate, Certificate No PL2023/15600, 54 Pank Parade, Blacktown – Issued by Blacktown City Council dated 06.12.2023

Planning Certificate, Certificate No PL2023/15599, 56 Pank Parade, Blacktown – Issued by Blacktown City Council dated 06.12.2023

AHIMS – Appendix I

AHIMS Search Result, 52 Pank Parade, Blacktown – 200m search buffer, date 21.11.2022

Design Compliance Certificates – Appendix M

Design Consultant Checklist, Stage B – Design Development, MODE design dated 12.10.2022

Architect's Certificate of Building Design Compliance – MODE Design dated 12.10.2022

Certificate of Accessibility Documentation Compliance – Purely Access dated 12.10.2022

Certificate of Electrical/Hydraulic/Structural/Mechanical Design Documentation Compliance - CORE Consulting Engineers dated 12.10.2022

Certificate of Civil Documentation Compliance – Engineering Studio dated 12.10.2022

Housing for Seniors Checklist, prepared by MODE Design undated – Appendix O

Titles and Deposited Plans – Appendix Q

Title Search, Folio: 41/32163, Search date 06.10.2021, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 42/32163, Search date 06.10.2021, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 43/32163, Search date 06.10.2021, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 32163, Search Date 06.10.2021

Plan of Easement, Deposited Plan 1262089, Search Date 06.10.2021

Section 88B Instrument, Deposited Plan 1262089, Search Date 06.10.2021

Safety in Design Report, MODE Design dated 12.10.2022 – Appendix T

5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Blacktown Local Environmental Plan 2015* (BLEP 2015), refer to **Figure 8** below.

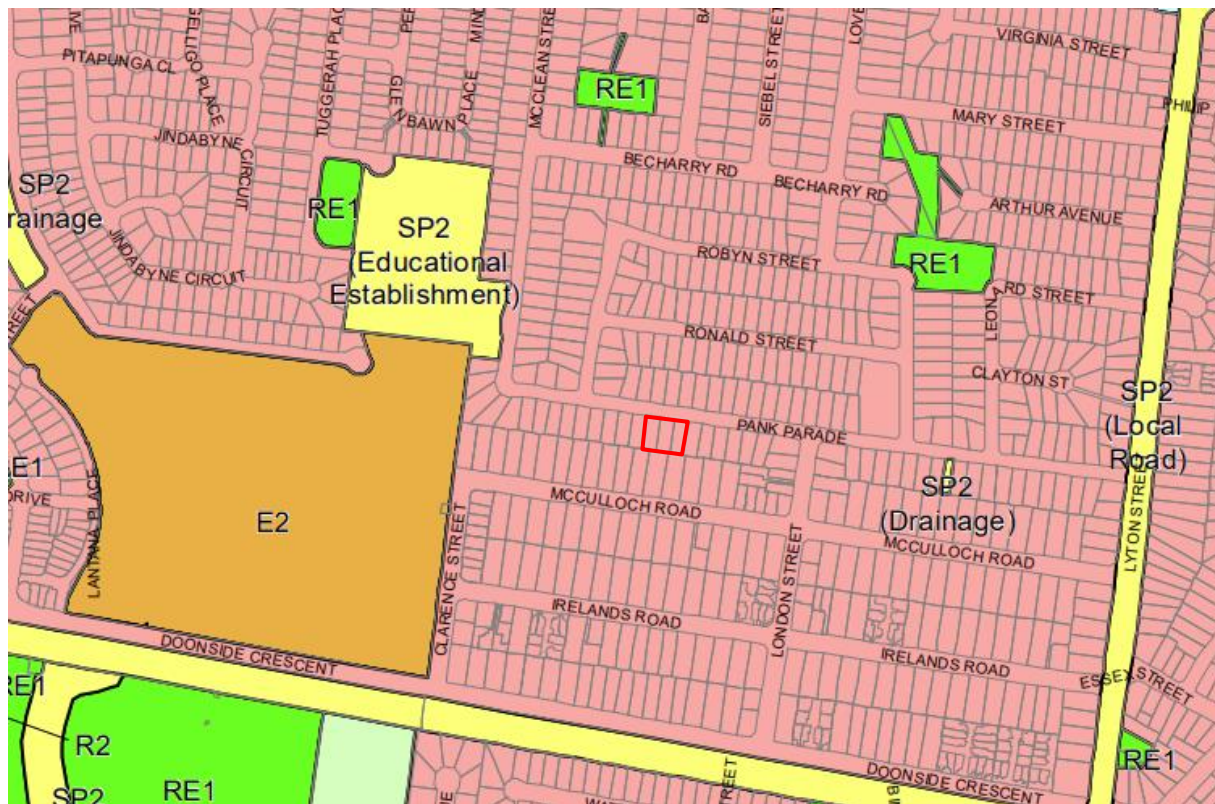


Figure 15 Land zoning map (Source: BLEP 2015, Land Zoning Map Sheet LZN_013)

Seniors housing is permitted in the R2 zone under BLEP 2015, and the subject land is not excluded from the provisions of the Housing SEPP set out under section 80(1)(b). Therefore, seniors housing is permitted on the subject land with consent under the provisions of the SEPP pursuant to Part 5 Division 1.

The relevant objectives of the R2 zone, as set out in BLEP 2015 are:

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

The proposed development provides a mix of 1 and 2 bedroom dwellings for seniors in an area of high demand for these dwelling types. The expected waitlist time for social housing in Blacktown for a 1 bedroom dwelling being 5-10 years and for 2 bedroom dwelling 10+ years. The development has also been sympathetically designed to fit within its context and complement the surrounding area and streetscape. The proposal is therefore consistent with the relevant objectives of the R2 zone.

Section 108B of the Housing SEPP permits seniors housing development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. Table 4 in subsection 6.1.6 of this REF demonstrates compliance with the relevant provisions of section 108B of the SEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

Duty to consider environmental impact [Section 5.5]

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

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

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

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

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 2&3** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in

this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 2 Environmental Planning and Assessment Regulation 2021 Section 171

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

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

Guidelines for Division 5.1 assessments require the following environmental factors to be taken into account	Relevant?	Impact		
	Yes/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Y	x	x	
(b) transformation of a locality;	Y		x	
(c) environmental impact on the ecosystems of the locality;	Y		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	N/A			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	N/A			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment;	Y		x	
(i) degradation of the quality of the environment;	Y	x	x	
(j) risk to the safety of the environment;	N/A			
(k) reduction in the range of beneficial uses of the environment;	N/A			
(l) pollution of the environment;	Y	x	x	
(m) environmental problems associated with the disposal of waste;	Y		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Y		x	
(o) cumulative environmental effect with other existing or likely future activities.	Y		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	N/A			

(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y Discussed below in section 6.42.		x	
(r) other relevant environmental factors.	Y Discussed below in Section 8.		x	

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

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

The proposed seniors housing development is not expected to generate any significant or long-term impacts on the environment. The short term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Greater Sydney Regional Plan, Central City District Plan, Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at Section 6.1.5 of this report.

6.4.2 Strategic Planning Framework

Greater Sydney Regional Plan – A Metropolis of Three Cities

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

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

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

This proposal, which will expand the supply of affordable housing, with 12 new seniors housing units, is consistent with these objectives. The site is located within the Blacktown local government area which is part of the Central City District and the details of this plan are provided below.

Our Greater Sydney 2056 Central City District Plan

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

The plan states that the District will see a 183% proportional increase in people aged 85 and over, and a 95% increase in the 65–84 age group, expected by 2036. This means 16% of the District’s population will be aged 65 or over in 2036, up from 11% in 2016. This will require more diverse housing opportunities, including medium density housing located in walkable neighbourhoods. This will enable older people to continue living in their community, where being close to family, friends and established health and support networks. This proposal will provide 12 seniors living units which will assist in providing alternative social housing types in an existing residential area.

Blacktown Local Strategic Planning Statement 2020

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

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

The proposed development, of 12 seniors living units contributes to the objectives of the Blacktown Local Strategic Planning Statement, with more density and diversity in housing types and will increase the provision of affordable and seniors living units.

Community Strategic Plan: Our Blacktown 2041

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

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

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

The proposed development for 12 seniors living units is not in conflict with the Our Blacktown 2041 Community Strategic Plan and will provide new housing supply which supports affordable seniors housing within the LGA.

6.4.3 Activities in Catchments [Section 171A]

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

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

An assessment of these controls on development is provided in **Table 8** of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Hawkesbury Nepean Catchment.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

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

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

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

Provision	Compliance
108A – Development to which Division applies This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is permissible with consent within the R2 Low Density Residential zone under the BLEP 2015.
(b) in a prescribed zone	The R2 zone is also a prescribed zone under the SEPP. Part 5, Division 8 of the SEPP therefore applies.
108B – Seniors housing permitted without development consent (1) Development to which this Division applies may be carried out by or on behalf of the Land and Housing Corporation without development consent if -	
(a) the Land and Housing Corporation has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	Consideration of the development standards are provided in Tables 5 and 6 below.
(b) will not result in a building with a height of more than 9.5 m, and	The maximum building height is 8.4m.
(c) the development will result in more than 40 dwellings on the site.	The development is for 12 dwellings on the site.
(2) State Environmental Planning Policy (Transport and Infrastructure) 2021, sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	Sections 2.15 and 2.17 of State Environmental Planning Policy (Transport and Infrastructure) 2021 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 Blacktown City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 11 October 2022. Council provided a response on 12 October 2022 advising that the extent of notification is considered satisfactory.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Blacktown City Council of the proposed development activity was sent by LAHC on 23 November 2022. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC's notification by letter dated 22 December 2022. Comments on the response are provided in Section 7.1 of this REF. No submissions were received from adjoining owners or occupiers.
(d) take into account the relevant provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development, published by the Department in March 2004, and	Refer to checklist in Appendix O and subsection 6.5.3 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 6.5.3 of this report. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints, site and locality characteristics and specific LAHC Design Requirements and policies.
(d1) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the Aboriginal Housing Design Guidelines, published by the Aboriginal Housing Office in January 2020, and	Not applicable.
(e) if the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) Good Design for Social Housing, published by the Land and Housing Corporation in September 2020, and (ii) Land and Housing Corporation Dwelling Requirements, published by the Land and Housing Corporation in September 2020, and	Refer to Section 6.5.4 and 6.5.5 and the Architect's Statement and Certificate of Building Design Compliance in Appendix M which indicate that the design and dwelling requirements have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in Table 9 .
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.
108D - Exempt development Development for purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of the Land and Housing Corporation in relation to seniors housing	Noted
108E - Subdivision of seniors housing not permitted Development consent must not be granted for subdivision of seniors housing.	No subdivision is proposed.

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

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

Provision	Compliance
84 Development standards – general (2) Development consent must not be granted for development to which this section applies unless – (a)..... and (b).... and (c) for development on land in a residential zone where residential flat buildings are not permitted – (i).... and (iii) if the development results in a building with more than 2 storeys – the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	NA. Proposed development is two storey only.
85 Development standards for hostels and independent living units (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4. (2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider. Note – Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the Building Code of Australia.	The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in Table 7 below. Noted .
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. (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.	Complies. An Identified Requirement no. 72 is recommended to achieve compliance. An Identified Requirement no. 72 is recommended to achieve compliance.
89 Use of ground floor of seniors housing in business zones	Not applicable. The proposed development is in an R2 low density residential zone.

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

Development Standard	Required	Comment
Building Height:	9.5m or less	Maximum height 8.4m
Density and Scale:	Floor Space Ratio 0.5:1 or less	0.516:1, 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 ² per dwelling (12 x 35m ² = 420m ²)	542m ²
Deep Soil Zone:	Minimum 15% of area of site (15% x 1,670.8m ² = 250.62m ²)	349m ² or 20.59%
	Minimum 65% to be preferably located at rear of site (65% x 250.62m ² = 163m ²)	232m ² or 92% of required deep soil 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	91% of living areas and private open space 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 ² per dwelling	Minimum 16m ²
	One area minimum 3m x 3m, accessible from living area	Minimum 3m x 3m
	Upper level/s: 1 bedroom: Minimum 6m ² Minimum dimensions 2m 2 or more bedrooms: Minimum 10m ² Minimum dimensions 2m	Minimum 10m ² Minimum 2m Minimum 12m ² Minimum 2m
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 862m² calculated in accordance with the Housing SEPP definition. This translates to an FSR of 0.516:1 and represents a minor exceedance of 26.6m² to the 0.5:1 FSR development standard provided in clause 108(2)(c).

In this instance it is considered that the density of the development is appropriate and compatible with the development site and locality. That is, despite this minor 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:

- separation of building form to reflect the nature of existing detached development within the locality;
- significant landscaping within the site, along perimeters with adjoining properties and between buildings to break up hard surfaces and building bulk;
- existing vegetation along the edges of the site including within adjoining properties and the road reserve are to be retained;
- provision of considered dwelling layouts, including the careful placement and sizes of window/door openings, the treatment of windows and balconies with privacy screens and substantial buffer landscaping along boundaries to ensure no overlooking of adjoining residential private open space areas or living areas occurs;
- ensuring dwellings could be provided with a high level of amenity demonstrated through compliance with the Seniors Housing design standards prescribed by the HSEPP, e.g. high levels of solar access, natural ventilation, accessibility etc;
- materials and finishes including brick walls and sheet metal roofing are similar to the materials and finishes of recent developments in the street with a variety of materials used for wall sheeting, balcony balustrades and external privacy screens to add visual interest to the development; and
- the development has been stepped along the frontage to minimise the bulk and scale of the development.

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

The proposed development will also not generate any significant adverse amenity impacts on surrounding properties in terms of overlooking or overshadowing. Shadows to neighbouring development to the west (58 Pank Parade) will be confined to the morning period. Minimal solar impact will be generated to development south of the site and the private open space areas of properties to the south will retain high levels of solar access. The property to the east will receive adequate solar access in the morning and midday periods with solar impacts to the western elevation of the dwelling at 50 Pank Parade to the afternoon. The proposal therefore generates no unacceptable solar impacts to surrounding development and the minor numerical non-compliance in relation to FSR is supportable.

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

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

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

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

Table 7 Accessibility and useability standards [Schedule 4]

Development Standard (Sch 4)	Required	Comment
2.Siting Standards		
Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	Compliance. 100% of ground floor units are fully accessible as confirmed by the submitted Accessibility Report prepared by Purely Access.
'Sloping' sites i.e. with gradients entirely or partially >1:10	% of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS1428.1 to driveway or public road that is accessible to all residents	Not applicable, as the site does not have a gradient of more than 1 in 10.
Common areas	All common areas and facilities to have wheelchair accessibility as per AS1428.1	Compliance. All common areas have accessible paths of travel in accordance with AS1428.1 as confirmed by the submitted Accessibility Report prepared by Purely Access.
3. Security		
Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide min 20 lux at ground level	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. All lighting will be designed as per requirements at construction documentation stage. Identified Requirement No. 71 has been imposed to ensure compliance.
4. Letterboxes		
	To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS1428.1)	Capable of compliance. as indicated in the submitted accessibility report prepared by Purely Access. Letterboxes have been provided in two locations adjacent to the Pank Parade pedestrian entries with suitable manoeuvring space.
5. Private car accommodation		
Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890 and at least 5% of the total number of car parking spaces (or at least 1 space if there are fewer than 20 spaces)	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. 3 accessible car parking spaces are provided, which meet the requirements of AS2890.

	must be designed to enable the width of the spaces to be increased to 3.8m	
Garages	Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date	Not applicable - no garages proposed.
6. Accessible entry		
Every entry, whether front entry or not:	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Entry doors have adequate landings, clear opening widths and circulation. Threshold details will be required to be reviewed at construction documentation stage. Identified Requirement No. 71 imposed to ensure compliance.
7. Interior: general Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Internal doorways must have a minimum clear opening that complies with AS1428.1 Internal corridors must have a minimum unobstructed width of 1,000mm Circulation space at approaches to internal doorways must comply with AS1428.1	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Door circulation and corridors are suitably wide. Glazed doors leading onto the balconies will be required to achieve a minimum clear opening of 850mm. Identified Requirement No. 71 imposed to ensure compliance.
8. Bedroom Note: consideration only required for ground floor units in accordance with clause 85(2)		
	At least one bedroom within each dwelling must have: (a) an area sufficient to accommodate a wardrobe and a bed sized as follows: (i) in the case of a dwelling in a hostel-a single - size bed, (ii) in the case of a self-contained dwelling - a queen size bed, and (b) a clear area for the bed of at least: (i) 1,200mm wide at the foot of the bed, and (ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any other obstruction, and (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and (d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be, and (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Circulation spaces are indicated to each unit. Further detailed information relating to electrical information will be required to be assessed at construction documentation stage. Identified Requirement No. 71 imposed to ensure compliance.

	(f) wiring to allow a potential illumination level of at least 300 lux	
9. Bathroom Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<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> <ul style="list-style-type: none"> (a) a slip-resistant floor surface, (b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS1428.1, (c) a shower that complies with AS1428.1, except that the following must be accommodated either immediately or in the future: <ul style="list-style-type: none"> (i) a grab rail, (ii) portable shower head, (iii) folding seat, (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, (e) a double general power outlet beside the mirror <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>	<p>Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.</p> <p>Bathrooms comply with requirements as per AS 1428.1.</p> <p>Further detailed information relating to fixtures and fittings will be required to be assessed at construction documentation stage. Identified Requirement No. 71 imposed to ensure compliance.</p>
10. Toilet Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>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</p>	<p>Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.</p> <p>All bathrooms have been designed to meet Clause 15 of AS1428.1 2009.</p>
.11. Surface finishes Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>Balconies and external paved areas must have slip-resistant surfaces</p>	<p>Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access.</p> <p>Drawing notes indicate compliance. Identified Requirement No. 71 imposed to ensure compliance.</p>

12. Door Hardware Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Drawing notes indicate compliance. Identified Requirement No. 71 imposed to ensure compliance.
13. Ancillary Items Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Switches and power points must be provided in accordance with AS4299	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Drawing notes indicate compliance . Identified Requirement No. 71 imposed to ensure compliance.
15. Living and dining room Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A living room in a self -contained dwelling must have: (a) a circulation space in accordance with clause 4.7.1 of AS4299, and (b) a telephone adjacent to a general power outlet. A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. The spatial arrangements of the units demonstrate compliance. Drawing notes indicate compliance. Identified Requirement No. 71 imposed to ensure compliance.
16. Kitchen Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A kitchen in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS4299, and (b) a width at door approaches complying with clause 7 of this Schedule, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS4299: (i) benches that include at least one work surface at least 800mm in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and (d) “D” pull cupboard handles that are located towards the top of below-bench	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. The spatial arrangement and general layout of the kitchens meet the requirements. Identified Requirement No. 71 imposed to ensure compliance.

	cupboards and towards the bottom of overhead cupboards, and (e) general power outlets: (i) at least one of which is a double general power outlet within 300mm of the front of a work surface, and (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed	
17. Access to kitchen, main bedroom, bathroom and toilet Note: consideration only required for ground floor units in accordance with clause 85(2)		
	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level	Not applicable, as dwellings are not multi-storey.
18. Lifts in Multi storey buildings Note: consideration only required for ground floor units in accordance with clause 85(2)		
	In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	Lift access is not required for this development under the Housing SEPP.
19. Laundry Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A self-contained dwelling must have a laundry that has: (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	Capable of compliance. as indicated in the submitted accessibility report prepared by Purely Access. Laundries are located within bathrooms. Step free access is required to the doorways leading to the clothesline areas within courtyard and balcony areas. Identified Requirement No. 71 imposed to ensure compliance.
20. Storage for Linen Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Linen cupboards are provided within each unit. Identified Requirement No. 71 imposed to ensure compliance.
21. Garbage		
	A garbage storage area must be provided in an accessible location.	Capable of compliance. as indicated in the submitted Accessibility Report prepared by Purely Access. Bin stores are accessed via walkways.

6.5.3 Seniors Living Policy: Urban Design Guidelines for Infill Development

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

Table 8 Seniors Living Urban Design Guidelines Departures

Guideline Requirement	Response
3.06 Setback upper levels behind the front building façade	Increases to the first floor setback were not considered necessary to reduce visual bulk as the proposal is only two storeys in height and compliance with DCP setbacks has been achieved. Furthermore, visual bulk of the development has been minimised by providing a well-considered landscaping plan and through the inclusion of architectural design elements in the façade such the provision of balconies that provide relief to the first floor facade, variations in building materials and modulation/variations in the façade setbacks.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	Driveways and paths are concrete to meet LAHC maintenance, durability and access requirements. Parking is not allocated to individual units.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	The provision of landscaping on either side of the driveway and at the rear of the car park area will minimise the driveways visual pull from the street. Furthermore, driveway gates would not be consistent with the locality and are not supported, for maintenance reasons, by LAHC.
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.

6.5.4 Good Design for Social Housing

Good Design for Social Housing establishes the 4 key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Clause 108B (e)(i) of the Housing SEPP requires LAHC 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:

Wellbeing

The design provides a high level of accessibility for residents of all ground floor units and permits adaptation to allow for the changing needs of tenants over time, allowing them to age in place.

The development proposes safe access from the car park to entries of the building. The units have been designed to ensure residents have privacy and feel safe e.g. they have fenced, landscaped private open space areas.

The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas. The development complies with BASIX requirements (**Appendix K**).

The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape.

Belonging

The development comprises a mixture of 1 and 2 bedroom units, with all of the ground floor units achieving a Silver Level rating as per the Liveable Housing Design Guidelines (Liveable Housing Australia) with all the upper level units (without a lift) achieving the equivalent Silver Level rating to the interior, allowing mixed tenures, from various stages of life and with varying mobility levels.

Communal pathways and the common lobbies are well-connected and defined, and the development is set in a garden setting with landscaped interfaces to neighbours and the street.

The 2-storey development is well-articulated, addresses the street and includes well landscaped front setbacks, so as to make a positive contribution to the street.

Value

The redevelopment is an efficient and economical use of existing serviced urban land as the proposal is for the replacement of older housing stock with new and additional high-quality dwellings, designed to be fit-for-purpose, and incorporating sustainable design elements.

The use of durable materials and rationalised unit-above-unit floorplates minimise waterproofing issues and construction costs.

The development has been designed in accordance BASIX and BCA requirements and includes a rainwater tank for water reuse in landscaped areas. The proposed landscape plantings scheme focusses on native and drought-tolerant species.

The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas allowing reduced dwelling running costs.

Collaboration

The proposal is of a scale and character that assists with place making, by ensuring integration with the surrounding development.

Collaboration with a number of stakeholders has been undertaken during the design and assessment process, with the development shaped by input from a wide range of consultants and stakeholders, including Blacktown City Council.

6.5.5 Land and Housing Corporation Design Requirements 2023

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

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

The proposed development was designed in accordance with the Land and Housing Corporation Dwellings Requirements 2020 (refer Appendix O). These requirements were replaced by the Land and Housing Corporation Design Requirements in February 2023. The proposed development is generally in accordance

with the provisions of the updated Requirements. Further detail will be incorporated in the construction documentation.

6.5.6 Housing SEPP Design Principles

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

Table 9 Response to Design Principles (Part 5, Division 6)

Neighbourhood amenity and streetscape [section 99]
<i>Seniors housing should be designed to –</i>
<i>(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and</i>
N/A no residential care facility proposed.
<i>(b) recognise the desirable elements of –</i>
<i>(i) the location's current character, or</i>
<i>(ii) for precincts undergoing a transition – the future character of the location so new buildings contribute to the quality and identity of the area, and</i>
The proposal is generally compatible in form, scale and character with more contemporary residential development in the locality as illustrated in Figures 7, 8 and 9 above. The locality appears to be beginning to transition with an emergence of developments in the locality that are replacing older housing stock with new contemporary developments.
<i>(c) complement heritage conservation areas and heritage items in the area, and</i>
The site is not located within a heritage conservation area nor are there any heritage items within proximity of the site.
<i>(d) maintain reasonable neighbourhood amenity and appropriate residential character by –</i>
<i>(i) providing building setbacks to reduce bulk and overshadowing, and</i>
<i>(ii) using building form and siting that relates to the site's land form, and</i>
<i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</i>
<i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i>
Building setbacks allow for substantial landscape plantings, are consistent with newer style developments in the area and generally comply with Blacktown DCP 2015 objectives and controls. A suitable amount of cut across the site and incorporation of retaining walls have been designed to address the access requirements for Seniors Housing under the Housing SEPP. The street front buildings will be two storey with the bulk of the development broken up through the use of a variety of materials and finishes, extensive landscaping, open space areas and appropriate setbacks. No buildings are located on the boundary. The proposed development is consistent with scale and design of more modern development in the Blacktown suburb.
<i>(e) set back the front building on the site generally in line with the existing building line, and</i>
The building line is consistent with the setbacks of dwelling houses in the locality, particularly more contemporary development. It is also noted that the front wall setback is provided in accordance with Councils DCP requirement of 6m. The first floor balconies are set back a minimum 5m from the front boundary which pose a minor variation of up to 1m beyond the building wall setback. The balconies form a small portion of the overall site frontage and are broken into 4 small sections separated by setbacks between buildings and walls. The balconies are also an open construction design to enhance the building street character. Therefore, due to the design considerations the non-compliance is considered to be justified.
<i>(f) include plants reasonably similar to other plants in the street, and</i>
The landscape plan has been prepared by a qualified landscape architect in accordance with the LAHC Design Requirements which requires drought tolerant native species. Refer to the submitted Landscape Plan (Appendix B). It is considered that the proposed high quality landscape design will enhance the appearance of the site and represents a positive outcome for the streetscape.

Several trees are proposed to be planted with mature heights of 5 - 8m to soften visual impact. Native species have been chosen to complement existing vegetation within the surrounding locality including Coastal Banksia, Illawarra Flame, Eumundi Quandong, Cheese Trees and Natchez' Crepe Myrtle.

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

All trees within the site, in road reserve and within adjoining property are proposed for retention except for 1 tree within private property at 45 McCulloch St, Blacktown which is addressed in Identified Requirement no.78. The proposal includes additional landscaping with variety of plants species to enhance the streetscape and complement the 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, considered layout of dwellings, placement and sizes of window openings, which include highlight windows, and location and future mature height of landscaping, particularly along southern boundary adjacent to proposed parking provisions.

Boundary fencing to a height of 1800mm and perimeter landscaping in the side and rear setbacks will assist in mitigating potential visual and acoustic impacts associated with the communal car parking area.

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

Solar access and design for climate [section 101]

The 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 design and siting of the proposed development will provide adequate daylight access to its living areas and private open spaces and the living areas and private open spaces of adjoining properties. The northern orientation of proposed living and open space areas will maximise solar access. 83% of the proposed dwellings will receive a minimum of 3 hours sunlight between 9am and 3pm on June 21 to their living area and private open space, with 91% receiving a minimum of two hours (refer to solar access diagrams in **Appendix A**).

Shadows to neighbouring development in the west will be confined to the morning period with no impact generated to 58 Pank Parade from 12pm. Minimal solar impact will be generated to development south of the site and the private open space areas of properties to the south will retain high levels of solar access. The property to the east will receive adequate solar access in the morning and midday periods with solar impacts to the western elevation of the dwelling at 50 Pank Parade limited to the afternoon, (refer to shadow diagrams in **Appendix A**).

Landscaping will also assist in microclimate management.

Stormwater [section 102]

The design of seniors housing should aim to –

(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and

(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.

Impervious surfaces have been minimised in the design to reduce the potential impact from stormwater. Site stormwater will be drained as shown on the submitted stormwater drainage plans and incorporates on-site detention and a rainwater tank (refer to the submitted stormwater drainage plans at **Appendix C**).

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.*

Fencing will be retained or constructed along the side and rear site boundaries, and along the edges of the ground floor private open space to each dwelling to provide an appropriate level of safety and security to proposed residents. The design of the proposed development will allow for general surveillance of all common areas, particularly Units 1, 4, 6, 10 and 12. Units 1, 2, 3, 5, 7, 8, 9 and 11 also have habitable rooms, living areas or balconies facing Pank Parade providing casual surveillance of the streets.

Identified Requirement No. 77 is recommended to ensure front doors of each dwelling include door viewers 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 proposed development is well located with safe pedestrian links within and adjacent to the site that provide access to transport services / local facilities and will provide an attractive and safe environment for pedestrians and motorists with convenient access to car parking areas for residents.

Refer to the Access Report attached in **Appendix H** for confirmation.

Waste management [section 105]

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

Waste and recycling facilities will be provided in accordance with Council's requirements as confirmed by the sustainability team within Blacktown City Council via email dated 31.05.2023. The proposed development provides 1 waste and recycling bins shared between 2 units for kerbside collection and provides a bulky waste room within the building at the rear.

6.6 Other State Environmental Planning Policies

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

Table 10 Compliance with other Applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Sustainable Buildings) 2022 (formerly 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).
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.

State Environmental Planning Policy	Applicability
	<p>The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.</p>
SEPP (Biodiversity and Conservation) 2021	<p>This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p>The proposal includes retention of all trees within the site and road reserve except a tree within a private property at the rear on 45 McCulloch St. This tree is dead as per Arboricultural Impact Assessment and excluded from their Tree Significance Rating system. As per Blacktown City Council's Tree and Vegetation policy a dead tree does not require a permit or approval for removal. However, as the tree is located within adjoining property, owner's consent is required to remove the tree prior to any works commencing on the site. This is addressed in Identified Requirement No.78.</p> <p><u>Hawkesbury Nepean Catchment:</u></p> <p>The site is located within a regulated catchment, namely, the Hawkesbury 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.</p> <p>Under Section 171A(1) of the EP&A Regulation, LAHC, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must consider State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1), and</p> <p>Further, as the consent authority LAHC must be satisfied under State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).</p> <p>6.6 Water quality and quantity</p> <p>This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> • have a neutral or beneficial effect on the quality of water entering a waterway; • have an adverse impact on water flow in a natural waterbody; • increase the amount of stormwater run-off from a site, and • incorporate on-site stormwater retention, infiltration or reuse. <p>The consent authority is also required to assess the impact of the development</p> <ul style="list-style-type: none"> • 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.

State Environmental Planning Policy	Applicability
	<p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p> <ul style="list-style-type: none"> 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. <p><u>Comment:</u> Identified Requirement (no.13) recommends that sediment control measures be implemented during demolition/ construction in accordance with Blacktown City Council requirements and/or the guidelines contained in the <i>Blue Book Managing Urban Stormwater: Soils and Construction</i> (4th edition, Landcom, 2004).</p> <p>Identified Requirements (no.s 6-9) are applied to the Activity Determination recommending that stormwater management of the activity is designed in accordance with Blacktown City Council's technical guidelines and policies.</p> <p>6.7 Aquatic ecology</p> <p>This clause requires the consent authority to consider whether the development:</p> <ul style="list-style-type: none"> 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 <i>Water Management Act 2000</i>, or a permit under the <i>Fisheries Management Act 1994</i>, 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. <p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p> <ul style="list-style-type: none"> 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 <i>Water Management Act 2000</i> or a permit under the <i>Fisheries Management Act 1994</i> 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.

State Environmental Planning Policy	Applicability
	<p><u>Comment:</u> The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The 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.</p> <p>6.8 Flooding This clause relates to flood liable land.</p> <p><u>Comment:</u> The site is not located on flood liable land.</p> <p>6.9 Recreation and public access This clause relates to development on recreational land and public access to natural water bodies and foreshores.</p> <p><u>Comment:</u> The proposed activity will not impact recreational land uses or alter public access to recreational land or foreshores.</p>
SEPP (Resilience and Hazards) 2021	<p>The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.</p> <p>Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The site is located within a developed residential area of Blacktown, which has a history of residential uses. Given the long-term continuous use of the land for residential purposes, the highly disturbed nature of the site, and given that the Section 10.7 Planning Certificates (Appendix F) have not identified the site as being potentially contaminated, it is unlikely that the subject land is affected by contamination.</p> <p>A standard recommended Identified Requirement (No. 17) requires implementation of management measures in the event of contamination being discovered during construction works.</p> <p>This is discussed further in section 8 of this REF.</p>
SEPP (Precincts – Western Parkland City) 2021	<p>The subject site is located within the 3-30km zone as shown on the Wind Turbine Buffer Zone Map.</p> <p>Section 4.2 of this SEPP regulates the construction of wind monitoring towers and development for the purposes of a electricity generating works comprising a wind turbine on land within 30 kilometres of the Airport.</p> <p>The proposal does not include this type of development and therefore consultation with the relevant Commonwealth body is not required.</p>

6.7 Other Legislation

The **Table 11** below outlines compliance and applicability with other relevant State and Commonwealth legislation.

Table 11 Other applicable legislations

Legislation	Applicability
National Construction Code (NCC)	A Building Code of Australia Compliance Assessment Report has been prepared, the primary purpose of which was to identify the non-compliance matters contained in the proposed design philosophy against the current Deemed-to-Satisfy (DTS) Provisions of the BCA and to provide compliance Recommendations to overcome the DTS non-compliances, to be addressed at Building Certification stage. Refer to Appendix L .
Contaminated Land Management Act 1997	The 10.7 Planning Certificates stipulate that there are no matters prescribed by Section 59(2) of the Contaminated Land Management Act 1997 to be disclosed.

6.8 Blacktown Local Environmental Plan 2015 (BLEP 2015)

The applicable local planning instrument for the site is Blacktown LEP 2015 (BLEP2015). The site is zoned R2 Low Density Residential, wherein 'seniors housing' is permissible.

The relevant objective of the R2 zone, as set out in BLEP2015 is:

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

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

Compliance with the relevant provisions / development standards set out in the BLEP 2015 is demonstrated in **Table 12** below.

Table 12 Blacktown Local Environmental Plan 2015

Relevant Provisions / Development Standards for Seniors Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (9 metres)	Maximum building height is 8.4 metres and therefore compliant with the LEP requirement. Complies

6.8.1 Blacktown Development Control Plan 2015

Blacktown Development Control Plan 2015 (BDCP 2015) contains some specific development controls for seniors housing. However, the building setbacks for Multi Dwelling Housing have been considered for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 13** below.

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

Table 13 Blacktown Development Control Plan 2015

Compliance with controls for Multi Dwelling Housing and Seniors Housing		
Clause	Requirement	Proposed
5.2 Building Setbacks	The building setback from the street is 6m.	The front wall building setback is provided in accordance with Councils DCP requirement of 6m. The first floor balconies are set back a minimum 5m from the front boundary which pose a minor

		variation of up to 1m beyond the building wall setback. The balconies form a small portion of the overall site frontage and are broken into 4 small sections separated by setbacks between buildings and walls. The balconies are also an open construction design to enhance the building street character. Therefore, due to the design considerations the non-compliance is considered to be justified.
5.5 Building Heights	The height of any attached dwelling or multi dwelling housing is to be in accordance with Clause 4.3 (Height of buildings) of Blacktown LEP 2015. This clause should be read in conjunction with the LEP Height of Buildings Map.	Maximum building height is 8.4 metres and therefore compliant with the LEP requirement of 9m.
5.9 Setback of Dwellings	<p>Each dwelling shall be setback from the site boundaries (other than the street frontage boundary), from other dwellings on the site and from common accessways in accordance with the following principles:</p> <p>(a) The minimum distance from any wall of a building to a site boundary shall be 2.3m. No eaves, window hoods or structures likely to obstruct the access of light and air may extend into this minimum setback distance by more than 600mm</p> <p>(b) As far as practicable, long walls or groups of walls along a boundary setback area should be broken or staggered, subject to the maintenance of reasonable solar access to all dwellings</p> <p>(c) Main building walls shall be setback from the pavement of a common accessway by at least 3m</p> <p>(d) Where dwellings are attached to each other and constructed in groups, the minimum distance between any external wall of one</p>	<p>The proposed development is setback a minimum of 3.097m to the eastern side boundary and 5.367m to the western side boundary. The proposed development is setback a minimum of 7.102m from the rear boundary.</p> <p>Walls along the side boundary setbacks have been staggered.</p> <p>Unit 1 and Unit 7 are located within 3m of the common driveway. The proposed locality of the walls to driveway is considered appropriate as the proposed development is not a high traffic generating development. Landscaping has been proposed along the length of the building wall to increase privacy to residents. The use of highlight windows will further contribute to privacy of residents.</p> <p>The groups of units within the development are connected by shared lobby areas and therefore a separation distance of 6m is considered unnecessary for the proposed development.</p>

	<p>group of dwellings and any external wall of another group of dwellings shall be 6m</p> <p>(e) Where individual detached dwellings are constructed, the minimum distance between any external walls of any 2 dwellings shall be 2.5m.</p>	Not applicable to the proposed development.
5.18 Drainage	Adequate provision must be made for the collection and disposal of surface and roof water runoff.	Stormwater runoff and drainage has been designed in accordance with Council's requirements as outlined within the Stormwater Design Compliance Certificate (Appendix M).
7.2.1 Types of housing for seniors or people with a disability	Where housing for seniors or people with a disability is to be constructed in the general form of a dwelling house, multi dwelling housing, attached dwellings or a residential flat building, the provisions of Blacktown LEP 2015 and this Part of Blacktown DCP 2015 related to those forms of development will apply.	<p>The general form of the development is multi dwelling housing with setbacks for this type of development addressed above. The general controls including site layout and building design have been addressed under the provisions of the Housing SEPP above.</p> <p>It is noted that given the development is two storeys in height, the provisions of SEPP 65 and the ADG would not otherwise be relevant.</p>
7.2.2 Height of Buildings	Depending on the level of disability involved, buildings for seniors or people with a disability should be 1 storey in height.	Development has been designed in accordance with the housing needs of LAHC. Two-storey development is deemed appropriate in the circumstances and is compliant with Councils maximum building height of 9m.
7.2.3 Minimum room sizes	Room sizes of self-contained dwellings and hostel accommodation shall comply with the provisions of the Building Code of Australia.	The proposed development complies with the Building Code of Australia.
7.2.4 Designing for people with a disability	<p>Access for persons in wheelchairs should be provided where appropriate.</p> <p>Designs should incorporate ramps and steep slopes should be avoided.</p> <p>Units should be oriented to received direct sunlight to habitable rooms during winter months.</p> <p>A variety of sizes of self-contained dwellings should also be provided wherever practicable</p>	The development has been designed to meet the needs of future residents in accordance with LAHC requirements. The development also meets the requirements of the Housing SEPP in relation to accessibility, solar access and dwelling sizes. It is considered that the development is consistent with the DCP design controls.
7.2.5 Laundries	Automatic washing and drying facilities shall be provided to the satisfaction of Council.	Each unit is to be provided with a laundry with suitable space to accommodate an automatic washing machine and clothes dryer as per the requirements of Schedule 4 of the Housing SEPP.

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

Part J - Water Sensitive Urban Design and Integrated Water Cycle Management

4.2 Water Quality	All development where a Section 94 Contributions Plan applies shall meet the water quality requirements through the provision of contributions in accordance with the Contributions Plan as adopted by Council.	<p>Proposed development is within Section 94 Contributions Plan No. 19 – Blacktown Growth Precinct and the water quality requirements can be met by providing contributions in accordance with Council's adopted policy.</p> <p>The contributions are payable for developments with consent whereas the proposed development is 'Development without consent' under Housing SEPP 2021.</p> <p>Nonetheless, LAHC intends to voluntarily make the payment of contribution in lieu of provision of water quality filtration system and MUSIC model.</p>
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		<p>Blacktown City Council is supportive of the voluntary payment.</p> <p>Therefore, payment of the contribution amount of \$17,435.00 for stormwater quality is to be made in lieu of providing a filtration system within the site – refer to Identified Requirement no. 81.</p>
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7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 108C of the Housing SEPP, Blacktown City Council was notified of the development by letter dated 23 November 2022 (refer to **Appendix E**). The notification response period formally closed on 16 December 2022 and Council responded to the notification by letter dated 22 December 2022, with matters raised outlined in **Table 14** below. Specific matters were raised in Council's letter and the identified requirements have been prepared taking into consideration Council's comments.

Table 14 Issues raised in Council submission

Matter raised	LAHC information in response
Built Form <ul style="list-style-type: none"> The development is two storeys and does not provide any mechanism to access the first floor for mobility impaired residents. More information is required to show how the internal stairs can be adapted to include chair lifts. Provide justification for FSR exceedance 	<p>The proposed seniors housing development is designed in accordance with the requirements under Schedule 4 of the Housing SEPP.</p> <p>The proposed development cannot include chair lifts for safety, maintenance and operational issues.</p> <p>The proposed FSR is 0.516:1 which exceeds by 26.6m² is addressed in Section 6.5.1 of this REF.</p> <p>The proposed exceedance of the floor space ratio is minor and the proposed housing has significant social benefits as the development increases the supply of seniors housing while positively contributing to the streetscape and surrounding area.</p>
Communal space <ul style="list-style-type: none"> The development should provide a suitable common room facility which is centrally located and accessible to all residents. 	<p>An open social gathering space is provided at the rear with seating arrangements. A common room facility is not considered to be necessary for this scale of the development.</p>
Sustainability <ul style="list-style-type: none"> The roof will benefit from solar panels as environmentally sustainable development is encouraged. 	<p>The proposed development is designed in accordance with the LAHC heating and cooling policy and complies with BASIX requirements.</p> <p>A standard Identified Requirement no. 3 is included to ensure compliance.</p>
Environmental Health <ul style="list-style-type: none"> No acoustic report or site contamination report have been provided 	<p>The site is not identified as being in contaminated land and hence no assessment was undertaken.</p> <p>An acoustic report is not required as the development is not close to a classified road or railway, and there is no new plant or equipment proposed that is considered likely to adversely impact upon the amenity of adjoining properties..</p>
Waste Loading bay <ul style="list-style-type: none"> Onsite collection of waste is required from a designated loading bay with waste rooms incorporated into the building footprint at ground level Onsite loading bay collection point should be adjacent to the ground level bin and bulky waste storage areas, and must be located towards the rear of the site and behind the building line. Ground 	<p>LAHC discussed the concerns raised by Blacktown City Council about on-site waste management and collection. The Council and LAHC mutually agreed on the waste management outcome below for this site:</p> <ul style="list-style-type: none"> The bin areas are to be designed to meet EPA generation rates of 1x240L waste bin and 1x240L recycling bin per 2 units, no FOGO bins at this stage. The bin areas, which are brick, not screens, are acceptable within the front setback provided they have their entrances

<p>level collection in the front setback is not supported.</p> <ul style="list-style-type: none"> • Ensure designated loading bay can accommodate the entire length of the truck plus an additional 3m rear clearance for bin servicing and rotation • Provide physical treatment to loading bay to prevent unauthorised parking; lockable, removable bollards <p><u>Truck turning circle</u></p> <ul style="list-style-type: none"> • Provide swept paths for a 10.5m long, heavy rigid vehicle with a 24m turning circle for the trucks entire travel path showing forward entry and exit with all manoeuvring onsite. 3 point turns onsite are acceptable. <p><u>Location of bin store</u></p> <ul style="list-style-type: none"> • Kerbside collection is not supported and doesn't comply with new waste DCP. Bins on kerb will consume entire frontage, detract from streetscape and potentially be blocked by parked cars. • Waste storage areas in front setback are no longer supported <p><u>Generation rates</u></p> <ul style="list-style-type: none"> • Third organics bin needs to be accounted for • Account for the following bin rates: <ul style="list-style-type: none"> ○ Waste and recycling rates: <ul style="list-style-type: none"> ▪ 240L/week/unit for waste (to be collected in 1100L bulk bins onsite) ▪ 80L/week/unit for recycling (to be collected in 240L bins onsite) ▪ 240L/week/unit for organics (to be collected onsite) ○ Bin capacities for communal waste arrangements: <ul style="list-style-type: none"> ▪ 1100L bulk bins for waste ▪ 240L bins for recycling ▪ 240L bins for organics ○ Cater for the following collection frequencies <ul style="list-style-type: none"> ▪ waste to be collected up to 3 times a week ▪ recycling collected once a week ▪ organics collected once a week <p><u>Bin storage areas</u></p> <ul style="list-style-type: none"> • Provide a suitable enclosed, weatherproof and secure bin storage area incorporated into the building footprint at ground level. This space must also cater for the required bulky waste storage area. • Provide 4m² of storage for discarded bulky waste items such as lounged and fridges <ul style="list-style-type: none"> ○ Must be located adjacent to loading bay, caged and sign posted for this use ○ Doors must be min 1.5m wide ○ Waste management plan must be updated to this effect 	<p>from the rear of the bin room (not visible from street or pedestrian pathway). The bin areas do not need to be roofed.</p> <ul style="list-style-type: none"> • Waste and recycling will be collected from the street by Council or its contractors. • A small, roofed bulk storage area will be provided at the rear of these developments to accommodate bulk waste which will be managed by LAHC contractors. <p>The plans are updated. Refer to Appendix A.</p> <p>As per LAHC's discussion with Blacktown City Council, kerbside waste collection, waste bin enclosures within front setback is now supported by the Council subject to above recommendation of design and placement of bins.</p> <p>The proposed development includes:</p> <ol style="list-style-type: none"> 1. One waste and recycling bin shared between 2 units. Total 12 bins, 6 waste bins and 6 recycling bins are provided within two bin bays at pedestrian entry points of the site. 2. An easy access point from rear part of the bin bay is provided which is hidden from the street to avoid illegal dumping. <p>An Identified Requirement no. 79 is recommended to ensure compliance.</p> <p>The proposed development includes:</p> <ol style="list-style-type: none"> 1. The bin enclosures are provided within front setback as discussed with Council. 2. A roofed bulky waste room of 4m² is provided adjacent to Electrical room which is accessible from parking area. the parking area rear to the building. The bulky waste will be collected by LAHC contractor as and when required. <p>An Identified Requirement no. 80 is recommended to ensure compliance. Plans are now updated. Refer to Appendix A.</p>
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Misc waste requirements

- Ensure maximum walk distance for residents with bagged rubbish does not exceed 30m
- Ensure bin transfer grades do not exceed 1:24 for 1100L bulk bins
- Ensure resident access to waste room is not via the loading bay where waste collection vehicles are moving and reversing
- Provide a vertical cross section plan demonstrating a 4m headroom allowance clear of eaves, overhangs, balconies, services, and sprinklers etc for the trucks entire travel path. The development will also need to comply with council's traffic requirements which may require 4.5m in accordance with AS2890.2 for access by removalists, delivery vehicles and emergency vehicles
- Amend demolition and construction section of waste management plan to
 - Specifically identify off-site reuse and recycling opportunities and landfill destinations
 - Identify volumes of waste generated during demolition activity
 - Amend ongoing use sections

Noted. Compliance achieved.

NA. 1100L bins are not provided.

NA.

NA

Revised waste management plan is provided at Appendix R.

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 11 October 2022. Council provided an email response on 12 October 2022 advising that the notification map is considered satisfactory and acceptable to Council. **Figure 16** illustrates the properties in which the occupiers were notified of the development.



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

Under section 108C(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 23 November 2022. Copies of the notification letters are provided at **Appendix B**.

The notification response period formally closed on 16 December 2022 and no submissions from occupiers of adjoining lands were received.

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.

7.4 Consultation with Other Public Authorities

Consultation with public authorities was not required under any planning policies or legislation.

8 Review of Environmental Factors

For the purposes of Part 5 of the EP&A Act, LAHC is required to consider the factors detailed in the table in Section 6.4.1 are to be taken into account when consideration is being given to the likely impact of an activity on the environment. In addition to these prescribed factors the following is a review of environmental factors that are considered relevant to this activity. This review of additional environmental factors examines the significance of these likely environmental impacts of the proposal and the measures required to mitigate any adverse impacts to the environment.

8.1 Neighbourhood Character

The site is located within an established residential area generally supporting single storey detached dwelling houses. These dwellings tend to sit within lightly landscaped and turfed allotments and have tiled and sheet metal, pitched roofs. The character of the area is evolving, with a number of newer, two-storey dwellings, dual occupancy and medium density developments interspersed throughout the locality. These dwellings take a more contemporary form and introduce new design features to the area, including rendered finishes and muted grey, brown and white tones.

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

Mitigation Measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the emerging neighbourhood character and complies with setback requirements under Blacktown DCP. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighborhood character.

8.2 Bulk and Density

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

The proposal incorporates a maximum height of 8.4m which is generally consistent with a low-density residential area. The 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R2 Low Density Residential zone, which encourages a variety of housing types and densities.

LAHC is required to consider the FSR control of 0.5:1 contained within the Housing SEPP 2021. In accordance with the definition of gross floor area in the Housing SEPP the proposed FSR is 0.516:1, representing a variation of 26.6m². The proposed development causes no adverse impacts on surrounding properties, exhibits compliant setbacks from all boundaries, proposes extensive landscaping in the front setback, provides expansive deep soil areas, which will all minimise its perceived bulk. Moreover, the development is in line with the planning principles established in *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council [2003] NSWLEC 268*, in that it generates no physical impacts on nearby sites, takes a design that reflects newer developments in the area and ensures that it is softened by landscaping, within the site, and articulating elements such as recessed private open space, variety of materials, colours and fencing.

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

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

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

With its strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development makes a positive contribution to the streetscape of Pank Parade. 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 setback, improving casual surveillance of the street.

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

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

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

Landscaping proposed in the Pank Parade setback including a retained mature tree and new native canopy trees with a height of approximately 7m, will soften the visual impact of dwellings when viewed from the public domain. Furthermore, retention of two street trees along Pank Parade will provide additional canopy and shade to pedestrians and improve the aesthetic quality of the streetscape. The rear and side setbacks will also be heavily landscaped with shrubs, ground cover and mature trees adding to the long-term visual amenity of the surrounding properties and further improving the appearance of the site from the street. Further, perimeter landscaping in the side and rear setbacks will assist in mitigating potential visual and acoustic impacts associated with the communal car parking area.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

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

Private open spaces and balconies have been oriented to the front and rear of the site, and as such will not directly overlook the windows or private open space at adjacent sites. Extensive landscaping has been provided in the side and rear setbacks to provide a visual buffer between the windows on the subject site and properties to the east, west and south.

The building is setback greater than 2.3m from side boundaries in accordance with the setback requirements for multi-dwelling housing developments contained within the Blacktown Development Control Plan 2015. Rear setbacks are generous, being at minimum 6m. Finally, the front setback is consistent with the prevailing building line on Pank Parade and includes substantial landscaping to further mitigate privacy impacts.

Noise generating areas, such as living rooms, kitchens and driveways have either been located centrally within the building or do not face adjacent dwellings.

Proposed 1.8m Colorbond fencing will mitigate unacceptable overlooking from ground level units into properties to the west, and south and east, respectively. Aluminium batten screens and fencing combined with extensive landscaping within the front setback will screen private open space of ground floor units addressing Pank Parade.

Mitigation Measures

No mitigation measures are required.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development*.

The submitted Architectural Plans indicate that 83% of dwellings receive at least 3 hours direct solar access to their living area and private open space. The development exceeds the requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas on June 21.

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

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

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

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

The shadow diagrams show that throughout the day shadows will largely be contained within the subject site. At 9am, shadows generated by the proposed development are generally contained on site, with very small incursions into 58 Pank Parade adjoining the site to the west. The level of overshadowing will be confined to

the morning period, however, shadows will move to the east around midday, meaning that the adjoining dwelling will achieve sunlight to their private open space in the midday and afternoon periods. At 12pm, shadows are mostly contained within the subject site. At 3pm, shadows are contained within the subject site and adjoining property to the east (50 Pank Parade).

Shadows to neighbouring development will be confined to the afternoon period and will largely impact areas of private open space. However, the property will be unaffected by shadows cast by the proposed development in the morning and midday periods meaning that this site will achieve sunlight to more than 50% of their private open space throughout the day. Accordingly, there are no unacceptable impacts.

The favourable orientation of the site and surrounding properties means that north facing windows are unaffected by the proposal and overall, all adjacent properties will continue to receive substantial areas of sunlight to their private open spaces, in excess of three hours, at mid-winter.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

A total of 6 surface car parking spaces for residents, including 3 accessible spaces, will be provided on site. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Unrestricted street parking is available on Pank Parade to accommodate any overflow parking demand generated by the proposed development.

The Traffic Impact Statement (**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 trips per hour in the PM peak. 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 Statement examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design is suitable based on an assessment of the project vehicle movements. A passing bay on the driveway is not considered necessary as the driveway is less than 30m long with excellent sight distance, traffic generation is minimal and the probability of two vehicles travelling in opposite directions meeting each other along the driveway is very low (0.005%). Therefore, the proposed access driveway arrangement is acceptable from a traffic engineering perspective.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment and Tree Management Plan has been prepared for the site by Redgum Horticultural (**Appendix J**). The report considers 6 trees, 1 of which is located within the subject site while 2 are street trees in the Pank Parade road reserve and the remaining 3 are within a neighbouring property. The Arboricultural Impact Assessment and Tree Management Plan also mentions a dead tree within adjoining land at 45 McCulloch St.

The report recommends the removal of 2 existing trees (Trees 5 & 6), with 1 within the site and 1 within the road reserve, as they have low significance value. However the proposal includes retention of these trees as shown on Landscape plan (Appendix B). The 4 remaining trees (Trees 1 – 4), including 1 within the road reserve and 3 within the adjoining property to the south east, are recommended for retention. The proposal includes removal of dead tree within adjoining land at 45 McCulloch St. As per Blacktown City Council's Trees and

Vegetation policy, a dead tree does not require a permit or approval for removal. As the tree is located on private land, land owner's consent is required. This is addressed in Identified requirement no 78.

Appropriate planting is proposed, as indicated on the landscape plan and details (**Appendix B**). 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 the planting scheme proposed.

Mitigation Measures

Retained trees are to be protected in accordance with the Tree Protection Plan contained within the Arboricultural Impact Assessment (refer **Appendix J**). Tree Protection Zone fencing is required to be erected for all 4 trees being retained prior to commencement of works (refer to Identified Requirement No. 35).

An Identified Requirement no. 78 is included to ensure an owner's consent for removal of dead tree is obtained prior to commencement of any works on the site.

8.10 Heritage (European / Indigenous)

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

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 21 November 2022 (**Appendix J**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

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

Mitigation Measures

A standard Identified Requirement (No. 44) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation, prepared by STS Geotechnics indicates the following:

- The subsurface conditions generally consist of topsoil overlying silty clays and weathered rock. The topsoil is present from the surface to depths of 0.3 to 0.4 metres. Stiff, becoming very stiff silty clays underlie the topsoil to depths of 2.3 to 2.5 metres. Weathered rock underlies the silty clays to the depth of drilling, 3.0 metres.
- Groundwater was not observed during drilling works.

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

Contamination

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

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 are considered in **Table 15**, below:

Table 15 Brief checklist for guiding an initial evaluation

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 Identified Requirements attached to the determination required any evidence of contamination to be appropriately managed at that time.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously 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.)	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.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	All of the lots contain 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 standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
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.

Previous evidence of contamination	Yes/ No	Response
(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.

Mitigation Measures

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

Acid Sulfate Soils

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

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that Council does not have an adopted policy that restricts the development of the land because of the likelihood of salinity. The Geotechnical Site Investigation, prepared by STS Geotechnics, states "*Reference to DLWC (2002) 'Site Investigations for Urban Salinity' indicates that E_{Ce} values of 0.6 to 0.7 dS/m are consistent with the presence of non-saline soils*".

Mitigation Measures

No mitigation measures are required.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the existing kerb inlet pit within Pank Parade at the site frontage. Roof water from the subject development will be collected from downpipes and connected to an underground rainwater tank for reuse with overflow connected to the underground detention tank.

Flood prone land

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

Hydrology

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

Water Quality

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

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

Blacktown City Council has provided a quote for s 7.11 contributions for stormwater quality in their letter dated 7 September 2023. The current indexed contributions are:

S7.11 Contribution	Amount
Stormwater Quality	\$17,435.00.

These contributions are based upon the following parameters as specified in the Contributions Plan.

Developable Area: 0.1669 hectares.

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

Mitigation Measures

Appropriate standard Identified Requirements (Nos. 6-9, 14, 41, & 70) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

An Identified Requirement no. 81 has been recommended to ensure payment of contribution in lieu of providing water quality treatments is made prior to commencement of construction.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Demolition / Construction

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

During Occupation

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

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

Mitigation Measures

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

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

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

8.15 Air Quality

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

Mitigation Measures

Appropriate standard Identified Requirements (Nos. 62 & 63) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

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

During Demolition

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

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

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

During Construction

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

- bricks, tile and concrete to be transported to building recycling facility or an approved building waste collection facility;
- some concrete shall be crushed and reused for aggregate or drainage backfill;
- tiles shall be crushed and reused for filling, levelling or temporary road base;
- timber shall be re-used as formwork and landscaping or sent to second hand suppliers or recycling facility;
- plasterboard shall be sent to building recycling facility or an approved building waste collection facility; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

During Occupation

General and non-recyclable waste will be disposed of in Council's standard waste storage bins located in the garbage storage enclosures and placed on the street kerb by LAHC contractor for collection by Council's waste services. One 240L general waste bin per two units is provided.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosures and placed on the street kerb by LAHC contractor for collection by Council's waste services. One 240L recycling bin per two units is provided.

As recommended by Blacktown City Council, 1x240L general waste bin, 1x240L recycle bin per two units in the bin enclosures within the front setback, and a bulky waste room within the building at the rear is provided.

Mitigation Measures

Standard Identified Requirements (Nos. 34b, 46-54 & 64) are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

A standard Identified Requirement (No. 36) is recommended to require the preparation of a final waste management plan for the demolition, construction and occupation phases of the development.

Identified Requirements (no. 79 & 80) are recommended to ensure compliance with Blacktown City Council's requirements regarding the number of bins and roofed bulky waste storage.

8.17 Resource Use & Availability

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

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

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

Mitigation Measures

No mitigation measures are required.

8.18 Community / Social Effects

The proposed development will generate a number of positive community and social effects.

The proposed development will:

- achieve the objective of the EP&A Act 1979 (d) to promote the delivery and maintenance of affordable housing;
- assist LAHC in meeting its significant, long-standing and continually-growing demand for social housing in the Blacktown local government area and surrounding area wherein the expected waiting time for a 1 bedroom dwelling is 5-10 years and for a 2 bedroom dwelling is 10+ years, as at 30 June 2022 (GW03 Blacktown Allocation Zone), see **Figure 17**;
- as per the waiting list data available on NSW Department of Communities and Justice's website, there are more than 1,000 people on general waitlist and approximately 46 people on priority waitlist, as at 30 June 2022.
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

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

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

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, BLEP 2015, and the design principles and better practices set out in the relevant guidelines.

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

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

9.2 Recommendation

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

10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – CIVIL & STRUCTURAL PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS, & SCOPE OF NOTIFICATION

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION LETTERS AND SUBMISSIONS

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

APPENDIX T – SAFETY IN DESIGN REPORT

APPENDIX U - S7.11 CONTRIBUTIONS QUOTE - STORMWATER TREATMENT