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# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

66 – 70 Pegler Avenue, South Granville, NSW 2142

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 SMEC Australia Pty Ltd for the New South Wales Land & Housing Corporation.

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1	30.03.2023	v1	Not applicable – initial version	
2	23.08.2023	v2	LAHC Minor edits	Various
3	01.09.2023	V3	SMEC Final edits	Various
4	17.11.2023	V4	LAHC Final edits	Various

## DOCUMENT SIGN-OFF

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- I do not consider I have any personal interests that would affect my professional judgement.
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Date: 11 December 2023

# Contents

<b>1</b>	<b>Executive Summary.....</b>	<b>9</b>
<b>2</b>	<b>Introduction.....</b>	<b>11</b>
2.1	Purpose of this Review of Environmental Factors (REF) .....	11
2.2	Assessment Methodology .....	11
<b>3</b>	<b>Existing Environment .....</b>	<b>13</b>
3.1	Site locality .....	13
3.2	Site characteristics.....	13
3.3	Neighbouring Development and Locality.....	15
<b>4</b>	<b>Project Description .....</b>	<b>20</b>
4.1	Demolition.....	20
4.2	Transplanting of Trees.....	20
4.3	Proposed Dwellings.....	20
4.4	Supporting information.....	22
<b>5</b>	<b>Zoning and Permissibility .....</b>	<b>26</b>
<b>6</b>	<b>Planning and Design Framework.....</b>	<b>27</b>
6.1	Environmental Planning and Assessment Act 1979.....	27
6.2	Biodiversity Conservation Act 2016 (BC Act) .....	27
6.3	Other Acts .....	27
6.4	Environmental Planning and Assessment Regulation 2021.....	28
6.5	State Environmental Planning Policy (Housing) 2021.....	30
6.6	Other State Environmental Planning Policies.....	47
6.7	Local Planning Controls .....	54
<b>7</b>	<b>Notification, Consultation and Consideration of Responses .....</b>	<b>56</b>
7.1	Council Notification .....	56
7.2	Notification of Occupiers of Adjoining Land and Other Persons.....	59
7.3	Notification of Specified Public Authorities.....	60
<b>8</b>	<b>Review of Environmental Factors .....</b>	<b>61</b>
8.1	Neighbourhood Character .....	61
8.2	Bulk and Density.....	61
8.3	Streetscape .....	62
8.4	Visual Impact .....	62
8.5	Privacy .....	62
8.6	Solar Access .....	63
8.7	Overshadowing .....	63
8.8	Traffic & Parking .....	64
8.9	Flora and Fauna .....	64
8.10	Heritage (European / Indigenous).....	65
8.11	Soils / Contamination / Acid Sulfate Soils / Salinity.....	65
8.12	Drainage / Flood Prone Land / Hydrology/ Water Quality .....	67
8.13	Bushfire Prone Land.....	68
8.14	Noise and Vibration.....	68
8.15	Air Quality.....	68
8.16	Waste Minimisation.....	69

8.17	Resource Use & Availability .....	70
8.18	Community / Social Effects .....	70
8.19	Economic Impact .....	70
8.20	Cumulative Impact Assessment .....	71
<b>9</b>	<b>Conclusion.....</b>	<b>72</b>
9.1	Summary of Key Issues Raised in Assessment.....	72
9.2	Recommendation .....	72
<b>10</b>	<b>Appendices.....</b>	<b>73</b>

## List of Figures

Figure 1 Location Plan (Source: SIX Maps).....	13
Figure 2 Development site – 66 Pegler Avenue (Source: Google Maps, Streetview, October 2020)...	14
Figure 3 Development site – 68 Pegler Avenue (Source: Google Streetview, October 2020) .....	14
Figure 4 Development site – 70 Pegler Avenue (Source: Google Streetview, October 2020) .....	15
Figure 5 Dual occupancy development at 79 and 79A Pegler Avenue (south-east of the site) (Source – Google maps Streetview, October 2020) .....	16
Figure 6 Multi dwelling housing development at 48-50 Pegler Avenue (north of the site) (Source – Google maps Streetview, October 2020) .....	16
Figure 7 Adjoining development – 72 Pegler Avenue (Source – Google maps Streetview, October 2020) .....	17
Figure 8 Adjoining development – 64A Pegler Avenue (Source – Google maps Streetview, October 2020) .....	17
Figure 9 Residential flat building development at 71 Pegler Avenue (opposite the site) (Source – Land and Housing) .....	18
Figure 10 Development opposite – 73 Pegler Avenue (Source – Google maps Streetview, October 2020) .....	18
Figure 11 Extract from Architectural Plans – Pegler Avenue Streetscape Perspective (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 06/02/2023) .....	21
Figure 12 Extract from Architectural Plans – Site Plan (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 06/02/2023) .....	22
Figure 13 Land zoning map (Source: ePlanning Spatial Viewer 2023) .....	26
Figure 14 Map of Properties Notified of the Proposed Development (Source: LAHC) .....	59

## List of Tables

Table 1 Plans, drawings and supporting document details .....	22
Table 2 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979 .....	27
Table 3 Environmental Planning and Assessment Regulation 2021 Section 171 .....	28
Table 4 Factors to be taken into account concerning the impact of an activity on the environment ..	28
Table 5 Compliance with relevant provisions under sections Part 5, Division 8 of the SEPP for ‘seniors housing development without consent’ carried out by LAHC .....	30
Table 6 Compliance with section 84(2)(c)(iii), 85, 88, 89 of the Housing SEPP 2021 .....	32
Table 7 Non-Discretionary standards for Independent Living units [Section 108] .....	33
Table 8 Accessibility and useability standards [Schedule 4] .....	36
Table 9 Seniors Living Urban Design Guidelines Departures .....	41

Table 10 Response to Design Principles (Part 5, Division 8).....	43
Table 11 Compliance with other applicable State and Environmental Planning Policies .....	48
Table 12 Assessment Against the Key Provisions in the Apartment Design Guide .....	50
Table 13 Cumberland Local Environmental Plan 2021 .....	54
Table 14 Cumberland Development Control Plan 2021 .....	54
Table 15 Key Issues Raised in Council submission .....	56
Table 16 Issues raised by adjoining owners / neighbours.....	60
Table 17 Checklist for guiding an initial evaluation.....	66



# 1 Executive Summary

The subject site is located at 66-70 Pegler Avenue, South Granville and is legally described as Lots 14, 15 and 16 in Deposited Plan 36280.

The proposed seniors housing development is described as follows:

*Demolition of 3 existing dwellings and associated structures, transplanting of 3 trees within the site and the construction of a 24 dwelling seniors housing development comprising 13 x 1-bedroom and 11 x 2-bedroom independent living units, with associated landscaping and fencing, surface parking for 11 vehicles, and consolidation into a single lot.*

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

Demolition has been considered as part of the proposed development activity. Demolition is permitted with consent under the provisions of the *Cumberland Local Environmental Plan 2021* (CLEP 2021) as amended and is therefore permitted without consent under the provisions of the Housing SEPP.

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

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* is not required;
- 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;
- Cumberland City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 21 April 2023. Comments on the response are provided in **Section 6.1** of this REF. Two submissions were received from occupiers of adjoining land. Comments on the submissions are provided in **Section 6.2** of this REF;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration Good Design for Social Housing and LAHC's Design Requirements;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Cumberland City Council; and
- 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.

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

## 2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of 3 existing dwellings and associated structures, transplanting of 3 trees, and the construction of a 24 unit seniors housing development comprising 13 x one-bedroom and 11 x two-bedroom independent living units, with associated landscaping and fencing, surface parking for 11 vehicles, and consolidation into a single lot at 66 - 70 Pegler Avenue, South Granville.

The activity<sup>1</sup> will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) which is the determining authority and proponent of the activity under Part 5 of the EP&A Act. The registered owner of the subject land is LAHC.

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

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

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

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

- describing the existing environment;
- establishing the need for the proposed activity;
- describing the proposed activity;
- analysing the potential impacts of the activity on the environment;
- identifying measures to mitigate those impacts;
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment;
- recommending identified requirements to ensure the mitigating measures are implemented if the activity were to proceed; and
- outlining the notification and consultation process that was undertaken prior to the preparation of the REF.

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### 2.2 Assessment Methodology

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

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<sup>1</sup> The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the EP&A Act.

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Cumberland Local Environmental Plan 2021* (CLEP 2021);
- it was determined that seniors housing is ‘permitted with consent’ in the R3 and R4 zoning pursuant to the CLEP 2021 and can be carried out ‘without consent’ under the provisions of the Housing SEPP;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the LAHC to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

## 3 Existing Environment

### 3.1 Site locality

The site is located in the Cumberland local government area (LGA) and comprises 3 residential allotments- and is legally described as Lots 14, 15 and 16 in Deposited Plan 36280. A site location map is provided in **Figure 1**.



Figure 1 Location Plan (Source: SIX Maps)

### 3.2 Site characteristics

The development site is rectangular in shape and is located on the western side of Pegler Avenue. The site has a total area of approximately 2,608.9m<sup>2</sup>, a frontage to Pegler Avenue of 50.12m, a southern side boundary of 51.82m, a northern side boundary of 51.82m and a western rear boundary of 50.59m (refer **Appendix D**).

The site falls from a high point of RL22.53 in the south-west corner, to a low point of RL20.36 in its north-east corner, thus resulting in an elevation difference of approximately 2.21m across the site. An easement for stormwater drainage is not required.

The site is currently occupied by 3 single storey fibro and brick dwellings with tiled roofs (refer to photographs at **Figure 2** to **Figure 4**). There are 5 mature and semi-mature trees within the site boundaries located in the front of the site.





Figure 2 Development site – 66 Pegler Avenue (Source: Google Maps, Streetview, October 2020)



Figure 3 Development site – 68 Pegler Avenue (Source: Google Streetview, October 2020)



Figure 4 Development site – 70 Pegler Avenue (Source: Google Streetview, October 2020)

#### Traffic and Access

Vehicular access is currently provided to each dwelling, via a crossover off the public road. Unrestricted kerbside parking is permitted along both sides of Pegler Avenue, which is signposted with a 50km/h speed limit.

#### Services

Water, sewer, electricity, and telephone facilities are available to the site (refer to *Appendix D*). Water, electricity, telephone services and the sewer line are located along the road alignment o/f Pegler Avenue. The sewer line also runs behind the dwelling at 70 Pegler Avenue.

#### Encumbrances

The Certificate of Titles (*Appendix R*) and survey plan (refer to *Appendix D*) indicate an easement to drain water of 1.5m in width along the northern boundary and an easement for drainage purposes of 1.2m wide along the southern boundary. There are no further encumbrances indicated in the Section 10.7(2) & (5) planning certificates that restrict the proposed development. Copies of the Section 10.7 certificates (Nos PC2023/5672, PC2023/5671 & PC2023/5673) dated 20 November 2023 are provided in *Appendix F*.

#### Acid Sulfate Soils (ASS)

According to Council's Section 10.7(2) & (5) Planning Certificates (*Appendix F*), the land is identified as being within Class 5 Land on the Acid Sulfate Soil Map under the CLEP 2021. Further discussion on this is provided in section 8.11 of the REF.

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### 3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwellings of fibro and brick construction with tiled roofs interspersed with more recent 2-storey dwelling houses, dual occupancy and residential flat building developments (refer to **Figure 5** and **Figure 6**).

The property immediately to the south (72 Pegler Avenue) contains a single storey rendered dwelling with tile roof (refer to **Figure 7**). The property to the north (64A Pegler Avenue) contains a single storey rendered dwelling with tile roof (refer to **Figure 8**). The property opposite the site (71 Pegler Avenue) contains a recently



constructed three storey residential flat building (refer to **Figure 9**). Opposite the site (73 Pegler Avenue) contains a two-storey brick dwelling with tile roof (refer to **Figure 10**).



Figure 5 Dual occupancy development at 79 and 79A Pegler Avenue (south-east of the site) (Source – Google maps Streetview, October 2020)



Figure 6 Multi dwelling housing development at 48-50 Pegler Avenue (north of the site) (Source – Google maps Streetview, October 2020)





Figure 7 Adjoining development – 72 Pegler Avenue (Source – Google maps Streetview, October 2020)



Figure 8 Adjoining development – 64A Pegler Avenue (Source – Google maps Streetview, October 2020)



Figure 9 Residential flat building development at 71 Pegler Avenue (opposite the site) (Source – Land and Housing)



Figure 10 Development opposite – 73 Pegler Avenue (Source – Google maps Streetview, October 2020)

### Access to Services

The area, although residential in nature includes the Dellwood shopping centre and Dellwood Medical Centre, approximately 250m walking distance north of the site. There are also open space areas within approximately one kilometre of the site.

## Public Transport

There are numerous bus stops located within proximity of the site. There are 3 bus stops located on Blaxcell Street which runs parallel to Pegler Avenue, approximately 250m and 350m walking distance from the site (refer to the Long Section Surveys provided at *Appendix O*). These stops are serviced by Transdev Route M91 which connects Hurstville to Parramatta via Revesby, Bankstown and Chester Hill, including train stations and other local centres.

The subject site is within 400m walking distance, via a safe pedestrian route, to numerous bus stops, including:

- ID 214273 (Blaxcell Street opposite Oakleigh Avenue),
- ID 2142201 (Blaxcell Street after Oakleigh Avenue),
- ID 2142136 (Clyde Street at Oakleigh Avenue), and
- ID 2142128 (Clyde Street at Ostend Street).

The closest bus stops are located on the western side of Blaxcell Street, south of the intersection with Oakleigh Avenue (ID: 214273); and bus stop (ID: 2142201) on the eastern side of Blaxcell Street, north of the intersection with Oakleigh Avenue. Both bus stops are located within 400m walking distance of the site and service the existing bus route M91 (Hurstville to Parramatta via Padstow and Chester Hill) provided by Sydney Buses.

Of these stops, the frequency of bus services operating from the bus stop located on the western side of Blaxcell Street (ID: 214273), satisfies the criteria for the land to be classed as 'accessible' pursuant to the Housing SEPP.



## 4 Project Description

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### 4.1 Demolition

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

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### 4.2 Transplanting of Trees

Five mature and semi-mature trees are located within the site and the proposal includes the transplanting of 3 trees from the front to the rear of the property following demolition of the existing structures and prior to construction (refer to submitted Arboricultural Impact Assessment and Tree Management Plan in **Appendix J**). The trees to be transplanted include two Pygmy Date Palms (*Phoenix roebelenii*) and one Triangle Palm (*Dypsis decaryi*). None of the subject trees/shrubs on the site have any heritage significance, or any listings in the *Biodiversity Conservation Act 2016*, the *Environmental Protection and Biodiversity Conservation Act 1999*, or Council's Heritage Tree Register.

Two trees are to be retained within the site in their current locations (both Canary Island Date Palms – *Phoenix canariensis*). Trees external to the site within the Pegler Avenue Road reserve and adjoining properties will be retained and protected.

Appropriate tree plantings, including trees capable of reaching mature heights of 5-16m, will be provided as part of the proposed Landscape Plan (refer to submitted Landscape Plan in **Appendix B**).

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### 4.3 Proposed Dwellings

The proposed development is for a 2 and 3-storey seniors housing development containing 24 independent living units, comprising 13 x 1-bedroom units and 11 x 2 bedroom with 11 at-grade car parking spaces including 5 accessible spaces.

The dwellings are contained within a part 2-storey, part 3-storey building with frontage to Pegler Avenue. Access to the development is via a shared driveway located along the southern boundary of the site off Pegler Avenue.

The proposed development represents a contemporary, high-quality design, which will replace the existing dwellings located at the site. The proposed development is predominantly of face brick construction on the ground and second floor with metal wall cladding on the upper floor and metal roofing. The proposed materials, colours and finishes are consistent with the existing and developing character of the locality being a residential area with single and double storey attached and detached dwellings, of high-quality materials with consistent but variable natural colours. Photomontages of the Pegler Avenue frontage and proposed site plan are provided in **Figure 11** and **Figure 12** below.

Of the 24 independent living units, 10 units (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.

Metal fencing is proposed along the side and rear boundaries maximum 1.8-2.1m in height. Metal fencing is also provided to the private open space areas of each ground floor unit. The units with a frontage to Pegler Avenue have a fence height of 1.2m around the private open space and the units which face the rear communal open space have a fence height of 1.6m. A combination of face brick and aluminium slatted fencing will be provided to Pegler Avenue. The front of the development is orientated to Pegler Avenue.

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

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to a new kerb inlet pit at the site's frontage to Pegler Avenue. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

Minor cut and fill are proposed to provide a level building platform. Retaining walls to a maximum 1m high are proposed to assist with stability of the site.

A copy of the proposed Architectural Plans, Landscape Plan and Civil Plans are provided in ***Appendix A, B & C*** respectively.



Figure 11 Extract from Architectural Plans – Pegler Avenue Streetscape Perspective (Source: Architectural Plans, Brewster Murray Pty Ltd, dated 06/02/2023)



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

<b>Title / Name:</b>	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
<b>Architectural – Appendix A</b>				
<b>Coversheet</b>	DA00	F	13.06.2023	Brewster Murray Pty Ltd
<b>Block Analysis</b>	DA01	E	06.02.2023	Brewster Murray Pty Ltd
<b>Site Analysis</b>	DA02	E	06.02.2023	Brewster Murray Pty Ltd
<b>Demolition Plan</b>	DA03	E	06.02.2023	Brewster Murray Pty Ltd
<b>Site Plan</b>	DA04	F	13.06.2023	Brewster Murray Pty Ltd
<b>Ground Floor Plan</b>	DA05	E	06.02.2023	Brewster Murray Pty Ltd

First Floor Plan	DA06	E	06.02.2023	Brewster Murray Pty Ltd
Second Floor Plan	DA07	E	06.02.2023	Brewster Murray Pty Ltd
Roof Plan + BASIX	DA08	F	13.06.2023	Brewster Murray Pty Ltd
Elevations 1	DA09	F	13.06.2023	Brewster Murray Pty Ltd
Elevations 2 + Materials	DA10	F	13.06.2023	Brewster Murray Pty Ltd
Sections	DA11	F	13.06.2023	Brewster Murray Pty Ltd
Cut & Fill & Retaining Walls	DA12	E	06.02.2023	Brewster Murray Pty Ltd
Cut & Fill & Retaining Walls	DA13	E	06.02.2023	Brewster Murray Pty Ltd
Shadow Diagram	DA14	E	06.02.2023	Brewster Murray Pty Ltd
View from Sun Diagram	DA15	E	06.02.2023	Brewster Murray Pty Ltd
Materials and Finishes	DA16	E	06.02.2023	Brewster Murray Pty Ltd
GFA, Landscape and C.O.S Calcs	DA17	E	06.02.2023	Brewster Murray Pty Ltd

## Landscape Plan – Appendix B

Landscape Plan	1 of 2	B	16.02.2023	Greenland Design Pty Ltd
Landscape Details and Specifications	2 of 2	B	16.02.2023	Greenland Design Pty Ltd

## Civil Stormwater Plans – Appendix C

Notes and Legends	C01	8	14.09.2023	Greenview Consulting
Ground Floor Drainage Plan	C02	8	14.09.2023	Greenview Consulting
Area Plan	C03	1	14.09.2023	Greenview Consulting
Site Stormwater Details Sheet 1	C04	8	14.09.2023	Greenview Consulting
Site Stormwater Details Sheet 2	C05	1	14.09.2023	Greenview Consulting
Site Stormwater Details Sheet 3	C06	4	14.09.2023	Greenview Consulting
Site Stormwater Details Sheet 4	C07	4	14.09.2023	Greenview Consulting
Road Frontage Plan	C08	3	14.09.2023	Greenview Consulting
Long Section Sheet	C09	3	14.09.2023	Greenview Consulting

Easement Option 2 – Easement Frontage Kerb Discharge	C11	3	14.09.2023	Greenview Consulting
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## Soil Erosion and Sediment Control Plan – Appendix C

Notes and Legends	ESM13	3	10.02.2023	Greenview Consulting
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Environmental Site Management Plan	ESM23	3	10.02.2023	Greenview Consulting
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## Notification plans – Appendix E

Notification Cover Sheet	N01	E	06.02.23	Brewster Murray Pty Ltd
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Notification Site/Landscape Plan	N02	E	06.02.23	Brewster Murray Pty Ltd
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Notification Development Data	N03	E	06.02.23	Brewster Murray Pty Ltd
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Notification Elevation 1	N04	E	06.02.23	Brewster Murray Pty Ltd
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Notification Elevation 2	N05	E	06.02.23	Brewster Murray Pty Ltd
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Notification Finishes Schedule	N06	E	06.02.23	Brewster Murray Pty Ltd
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Notification Shadow Diagrams	N07	E	06.02.23	Brewster Murray Pty Ltd
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## Survey – Appendix D

Detail and Level Survey	1 of 4	-	12.10.2020	Norton Survey Partners
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Detail and Level Survey	2 of 4	-	12.10.2020	Norton Survey Partners
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Detail and Level Survey	3 of 4	-	12.10.2020	Norton Survey Partners
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Detail and Level Survey	4 of 4	-	12.10.2020	Norton Survey Partners
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## Specialist Reports

Arboricultural Impact Assessment and Tree Management Plan – Appendix J	5844.2	2	24.02.2023	Redgum Horticultural
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Accessibility Design Review Report - Appendix H	21562	-	14.02.2023	ABE Consulting
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BASIX Certificate – Appendix K	1373757M_02	-	16.06.2023	Greenview Consulting Pty Ltd
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NatHERS Certificate – Appendix L	DMN/13/1645	-	16.06.2023	Design Matters National
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BCA Design Compliance Assessment - Appendix M	-	3	14.02.2023	BCA Vision
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<b>Geotechnical Investigation - Appendix N</b>	20/3756	-	October 2023	STS Geotechnics Pty Ltd
<b>Waste Management Plan - Appendix O</b>	BGWYQ	2	February 2023	Brewster Murray Pty Ltd
<b>Traffic Impact Assessment - Appendix P</b>	GT22049	-	08.02.2023	Genesis Traffic

### **Section 10.7 Planning Certificates – Appendix F**

Planning Certificate, Certificate No PC2023/5672, 66 Pegler Avenue, South Granville – Issued by Cumberland Council 20/11/2023

Planning Certificate, Certificate No PC2023/5671, 68 Pegler Avenue, South Granville – Issued by Cumberland Council 20/11/2023

Planning Certificate, Certificate No PC2023/5673, 70 Pegler Avenue, South Granville – Issued by Cumberland Council 20/11/2023

### **Notification Letters and Public Authority Submissions – Appendix G**

#### **Design Compliance and Checklists – Appendix S**

Part 5 Activity Package Submission, Checklist for Development Proposals under the Housing SEPP, Brewster Murray Pty Ltd dated 30 June 2023

Architect's Certificate of Building Design Compliance – Brewster Murray Pty Ltd dated 30 June 2023

Certificate of Landscape Documentation Compliance – Greenland Design dated 6 February 2023

Certificate of Civil Documentation Compliance – Greenview Consulting dated 22 November 2023

#### **Housing for Seniors Checklist – Appendix V**

Housing for Seniors checklist, prepared by Brewster Murray Architects, undated

#### **Titles and Deposited Plans – Appendix R**

Title Search, Folio: 14/36280, 29/3/2019, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 15/36280, 27/2/2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 16/36280, 27/2/2023, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan DP36280 Search Date 27.02.2019

#### **AHIMS – Appendix I**

AHIMS Search Result, 66-70 Pegler Avenue, South Granville – 50m search buffer, 17 November 2023

## 5 Zoning and Permissibility

The site is zoned R3 Medium Density Residential and R4 High Density Residential pursuant to *Cumberland Local Environmental Plan 2021* (CLEP 2021) (**Figure 13**). The proposed development is defined as 'seniors housing' under the provisions of Cumberland LEP 2021 and is permitted with consent in the R3 and R4 zones.

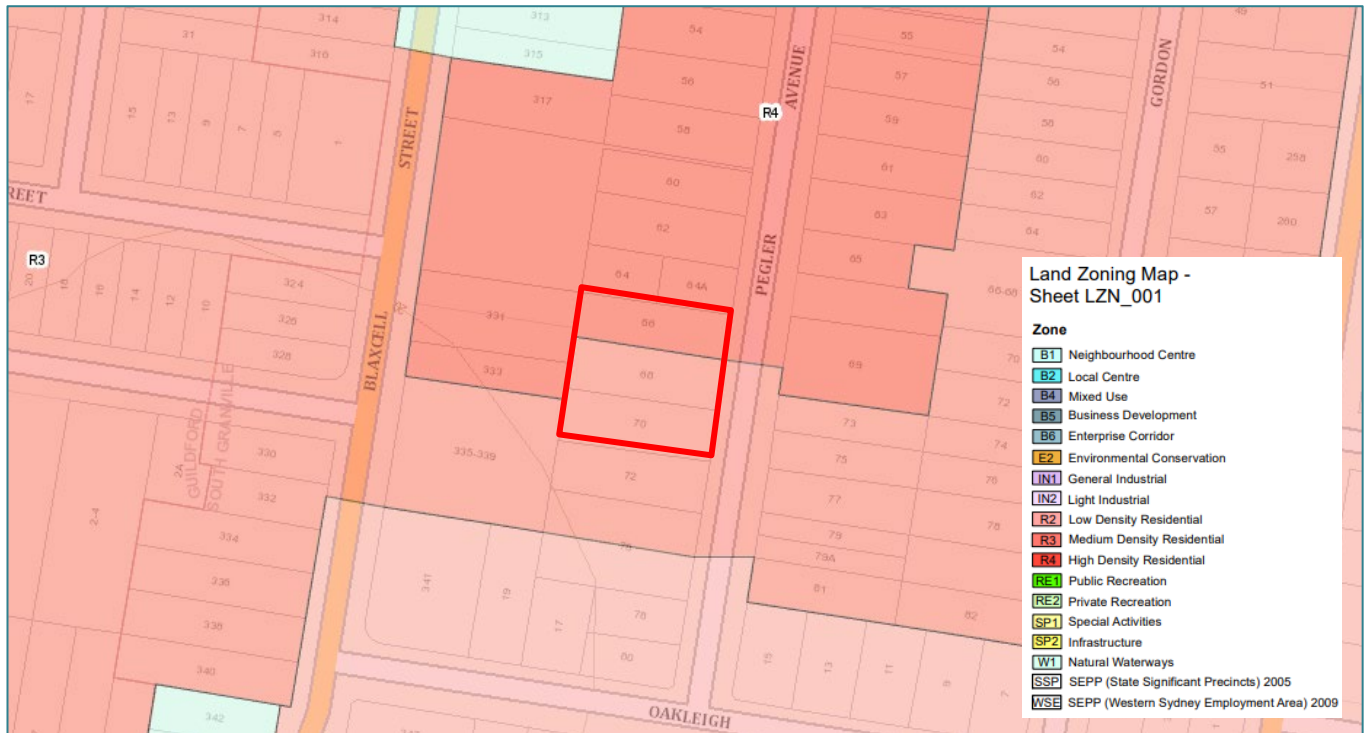


Figure 13 Land zoning map (Source: ePlanning Spatial Viewer 2023)

Seniors housing is permitted with consent under section 81 of the Housing SEPP as the R3 and R4 zones are prescribed zones under section 79 of the SEPP. The subject land is not excluded from the provisions of the Housing SEPP set out under section 80(1)(b). The site satisfies the site related requirements set out in section 93 of the Housing SEPP. Therefore, seniors housing is permitted on the subject land with consent under the provisions of the SEPP pursuant to section 79.

The relevant objectives of the R3 zone, as set out in CLEP 2021 are:

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

The relevant objectives of the R4 zone, as set out in CLEP 2021 are:

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

The proposed development provides seniors housing that meets the identified needs of the community and includes a mix of one and two-bedroom units. The proposal is not located near heritage items or conservation areas and the development has been sympathetically designed to fit within its context and complement the surrounding area. The proposal is therefore consistent with the relevant objectives of the R3 and R4 zones.

Section 108B of the Housing SEPP permits seniors housing development to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. **Table 7** in **section 6.5** 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

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

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

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

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

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

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

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

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

### 6.3 Other Acts

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

## 6.4 Environmental Planning and Assessment Regulation 2021

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

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

Table 3 Environmental Planning and Assessment Regulation 2021 Section 171

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

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

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

(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. <b>[Note 2]</b>	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.1		x	
(r) other relevant environmental factors.	Yes – discussed in Section 7.	x	x	

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

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

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

## 6.4.2 Strategic Planning Framework

### Cumberland 2030: Our Local Strategic Planning Statement

The Cumberland Local Strategic Planning Statement (LSPS), dated February 2020, is a 10-year plan that identifies 16 Planning Priorities for the LGA, focused on access and movement, housing and community, economy, employment and centres, and environment and open spaces.

Notably, Priority 5 seeks to promote diverse housing options. The proposed development will be contributing 24 seniors living units to the affordable housing supply in the Cumberland LGA. It is diversifying the residential uses in Cumberland local government area by introducing a seniors living housing option to accommodate the ageing population in the locality and is well serviced by existing public transport options.

The proposed development, of 24 seniors living units, contributes to the objectives of the Cumberland LSPS, and will increase the provision of affordable and seniors living units.

### Cumberland City Council Strategic Plan 2017-2027

The Community Strategic Plan (CSP) is a 10-year plan that outlines 4 strategic goals that are derived from an extensive community engagement process, which identified priorities for the community’s future. Under the 4 goals there are key objectives and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business. These 4 strategic goals are supported by the key objectives and strategies that will guide the Cumberland area in the next 10 years. The themes are focused around; community health, safety and wellbeing, enhancing the natural and built environment, delivering sustainable infrastructure and services, and providing local leadership. The proposed development of 24 seniors living units is in accordance with the CSP and will provide new affordable housing within the LGA.

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

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

LAHC, as determining authority, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must take into account the controls on development set out in Part 6.2, Division 2 of the Biodiversity and Conservation SEPP. An assessment of these controls on development is provided in **Table 11** of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Georges River Catchment.

## 6.5 State Environmental Planning Policy (Housing) 2021

### 6.5.1 Development without Consent

#### Demolition

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

#### Development for Seniors Housing

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

Section 108B of the Housing SEPP permits seniors housing to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that section. An assessment against the relevant provisions under Part 5, Division 8 of the Housing SEPP is provided in **Table 5** below.

**Table 5 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
<b>108A – Development to which Division applies</b>	
This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The land is zoned R3 and R4 under the <i>Cumberland Local Environmental Plan 2021</i> (CLEP). Seniors Housing is permitted with consent in both zones under the PLEP.
(b) in a prescribed zone	The R3 and R4 zones are also prescribed zones under the SEPP.  Part 5, Division 8 of the SEPP therefore applies.
<b>108B – Seniors housing permitted without development consent</b>	
(1) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent if -	



Provision	Compliance
(a) the relevant authority has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	<p>The proposed development satisfies the applicable standards under sections 84(2)(c)(iii), 85, 88 and 89. Detailed consideration of these development standards is provided in <b>Table 6</b>.</p> <p>The proposed development satisfies the applicable standards under section 108 as demonstrated in <b>Table 7</b>.</p>
(b) the development will not result in a building with a height of more than – (i) 9.5 m, or (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m and the servicing equipment complies with section 84(3) – 11.5m, and	<p>The maximum building height is 9.5m excluding lift overrun.</p> <p>The proposed lift overrun has a maximum height of 9.74m, consistent with (b)(ii).</p>
(c) the seniors housing will not contain more than 40 dwellings on the site.	The development is for 24 seniors dwellings on the site.
(2) State Environmental Planning Policy (Transport and Infrastructure) 2021, sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> 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.
<b>108C – Requirements for carrying out seniors housing</b>	
(1) Before carrying out development to which this Division applies, a relevant authority must –	
(a) request the council to nominate a person or persons who must, in the council’s opinion, be notified of the development, and	<p>Advice was sought from Cumberland City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 8 February 2023. Council provided a response on 28 February 2023 confirming owner details of properties included in the scope of notification. Council did not request additional properties to be included in the scope of notification.</p> <p>Refer to <b>Section 6</b> below for further detail.</p>
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	<p>A letter notifying Cumberland City Council of the proposed development activity was sent by LAHC on 2 March 2023. Letters notifying landowners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.</p> <p>Refer to <b>Section 6</b> below for further detail.</p>
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	<p>Council responded to LAHC’s notification by letter dated 21 April 2023. Comments on the response are provided in <b>Section 6.1</b> of this REF. Two submissions were received from adjoining occupiers.</p> <p>Comments on the submissions are provided in <b>Section 7</b> of this REF.</p>
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill</i>	Refer to checklist in <b>Appendix V</b> and <b>section 6.5.3</b> of this REF. These conclude that the development complies with all relevant development standards relating to the

Provision	Compliance
<i>Development</i> , published by the Department in March 2004, and	<i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> except for the minor variations discussed in <b>Table 9</b> . In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.
(d1) if the relevant authority is the Aboriginal Housing Office — consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	The relevant authority for the subject application is LAHC therefore (d1) is not applicable.
(e) if the relevant authority is the Land and Housing Corporation — consider the relevant provisions of — (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to <b>subsection 6.5.4</b> and <b>subsection 6.5.5</b> and the Seniors Housing Checklist in <b>Appendix V</b> which demonstrate that the <i>Good Design for Social Housing</i> and <i>NSW LAHC Design Requirements</i> have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in <b>Section 6.5.6</b> .
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.
<b>108D - Exempt development</b> Development for purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of a relevant authority in relation to seniors housing.	Noted.
<b>108E - Subdivision of seniors housing not permitted</b> Development consent must not be granted for subdivision of seniors housing.	No subdivision of seniors housing 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 6** and **Table 7** below.

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

Provision	Compliance
84 Development standards — general (2) (c) for development on land in a residential zone where residential flat buildings are not permitted — (iii) if the development results in a building with more than 2 storeys — the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	Residential flat buildings are not permitted in the R3 zone which affects 68 and 70 Pegler Avenue.  The development is within the height plane specified under 84(2)(c)(iii) as shown on the Architectural Plans ( <b>Appendix A</b> ).
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.	The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in <b>Table 8</b> below.



Provision	Compliance
(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.	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. 73 is recommended to achieve compliance.
89 Use of ground floor of seniors housing in business zones	Not applicable as the site is not located in a business zone.

Table 7 Non-Discretionary standards for Independent Living units [Section 108]

Provision	Compliance
<b>108(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units –</b>	
(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building	Complies - Maximum height 9.5m (excluding lift overrun).
(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m – (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m.	Complies - The lift overrun is well integrated into the design of the roof and is limited to approximately 2.3% (including the extended area of flashing) of the total surface area of the roof. The lift overrun is located in the middle part of the building therefore it is well contained within the visual context of the development and surrounding developments and is not a dominant element in the streetscape. It extends to a height of 240mm above the roof height of 9.5m, resulting in a maximum proposed development height of 9.74m, therefore not exceeding a height of 11.5m.
(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less	Does not comply. Proposed total FSR: 0.67:1.

	Whilst non-compliant with the Housing SEPP FSR control, the overall FSR is in accordance with the total FSR permitted on the site under the CLEP 2021 and does not result in any adverse impacts on adjoining properties or the streetscape. Refer to discussion below.
(d) for a development application made by a social housing provider — at least 35m <sup>2</sup> of landscaped area per dwelling	Complies. Required: 24 x 35m <sup>2</sup> = 840m <sup>2</sup> . Proposed: 925m <sup>2</sup>
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site	Complies. Required: 15% x 2,608.9m <sup>2</sup> = 391m <sup>2</sup> . Proposed: 567m <sup>2</sup> (22%) of deep soil area is provided; 261m <sup>2</sup> (66.7%) landscaped area will be provided at rear of site; a minimum dimension of 3m is achieved.
(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces	Complies. 71% provided to living areas and private open space (17/24 units).
(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building – (i) at least 15m <sup>2</sup> of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor	Complies. Minimum 22m <sup>2</sup> POS provided for all ground floor units. Minimum 3m x 3m paved area for each unit.
(i) for a dwelling in a multi-storey building not located on the ground floor — a balcony accessible from a living area with minimum dimensions of 2m and – (i) an area of at least 10m <sup>2</sup> , or (ii) for each dwelling containing 1 bedroom — an area of at least 6m <sup>2</sup>	Complies. <u>1-bedroom:</u> Minimum 8m <sup>2</sup> Minimum 2m  <u>2-bedroom:</u> Minimum 10m <sup>2</sup> Minimum 2m
(j) for a development application made by, or made by a person jointly with, a social housing provider — at least 1 parking space for every 5 dwellings	Complies. Required parking: 5 spaces Proposed: 11 car parking spaces for 24 dwellings, including 5 accessible parking spaces.

## Non-Compliance with FSR Standard

The development proposes a total gross floor area (GFA) of 1,721.7m<sup>2</sup> calculated in accordance with the Housing SEPP definition. This translates to an FSR of 0.67:1 and represents an exceedance of 417.25m<sup>2</sup> to the 0.5:1 FSR development standard provided in clause 108(2)(c) of the Housing SEPP, which LAHC is required to consider.

The site is subject to two zones, R3 medium density and R4 high density residential. Under the CLEP 2021, the permitted FSR is 0.6:1 for land zoned R3 and 0.8:1 for land zoned R4, resulting in a total Gross Floor Area (GFA) permitted on the site of 1,722.3m<sup>2</sup>.

A total GFA of 1,721.7m<sup>2</sup> is proposed which is consistent with the total GFA permitted on the site under the CLEP 2021. Further to this, the proposal also complies with the total FSR permitted on each lot and its

respective zoning. That is, the total FSR proposed on land zoned R3 is 0.6:1 and the total FSR proposed on land zoned R4 is 0.8:1, consistent with the requirements under CLEP 2021.

As discussed above, the proposed development is compliant with the FSR permitted on the site under the CLEP 2021 and is therefore considered compatible with the development site and locality. The proposed development 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 design has implemented a range of measures as follows:

- articulation 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 along the Pegler Avenue frontage to break up hard surfaces and building bulk;
- two large existing trees are to be retained at the front of the site with an additional three existing trees to be transplanted to the rear of the site;
- provision of considered dwelling layouts, including the careful placement, and sizing of window/door openings, the treatment of windows and balconies with privacy screens and substantial buffer landscaping along boundaries to minimise 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, and accessibility;
- 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 falling to the east will be onto Pegler Avenue in the afternoon. Shadows to the neighbouring development to the west (327 Blaxcell Street) will be minimal and will be to an already overshadowed area. Adequate solar access is available to the property to the south with some shadow impacts to the rear of the building in the morning and to the front of the building in the afternoon. However, this property will receive minimal additional overshadowing in comparison to the shadows already cast by existing buildings on this property. The proposal therefore generates no unacceptable solar impacts to surrounding development.

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 affordable 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 affordable seniors housing while positively contributing to the streetscape and surrounding area.

## 6.5.2 Development Standards for Accessibility

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

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

Table 8 Accessibility and useability standards [Schedule 4]

Development Standard (Schedule 4)		Comment
<b>2. Siting Standards</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
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	100% of ground floor units have accessible paths of travel in accordance with AS1428.1 to the front boundary.
Wheelchair 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	All common areas have accessible paths of travel in accordance with AS1428.1 as confirmed by the submitted Accessibility Design Review Report prepared by ABE Consulting ( <i>Appendix H</i> ).
<b>3. Security</b>		
Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide min 20 lux at ground level	All lighting will be designed as per requirements at construction documentation stage (subject to Identified Requirement No. 74).
<b>4. Letterboxes</b>		
Letterboxes	To be lockable, located in central location adjacent to street entry or in one or more central locations on a	Letterboxes have been provided in two locations adjacent to the Pegler Avenue entries. They are on

	hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS1428.1)	hardstand areas and have wheelchair access and circulation by a continuous path of travel in accordance with AS1428.1.
<b>5. Private car accommodation</b>		
Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890 and at least 5% of the total number of car parking spaces (or at least 1 space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8m	Five accessible car parking spaces are provided, which meet the requirements of AS2890, Compliance indicated as per the submitted Traffic Impact Assessment prepared by Genesis Traffic ( <i>Appendix P</i> ).
Garages	Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date	Not applicable, as the proposal does not incorporate garages.
<b>6. Accessible entry</b>		
Accessible entry (every entry, whether front entry or not):	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	Entry doors have adequate landings, clear opening widths and circulation. Threshold details will be required to be reviewed at construction documentation stage (subject to Identified Requirements No. 72). Compliance indicated as per the submitted Accessibility Design Review Report prepared by ABE Consulting ( <i>Appendix H</i> ).
<b>7. Interior: general</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	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.	Internal doorways comply with AS1428.1.  Internal corridors meet the minimum 1,000mm width standard  The Accessibility Design Review Report ( <i>Appendix H</i> ) confirms that compliance with the circulation spaces required under AS1428.1 is readily achievable, and this is listed as a requirement in Identified Requirement No. 73.
<b>8. Bedroom</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	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,	The main bedroom within each unit offers adequate circulation areas as demonstrated on the floor plans in <i>Appendix A</i> and verified in <i>Appendix G</i> .

	<ul style="list-style-type: none"> <li>(ii) in the case of a self-contained dwelling - a queen size bed, and</li> <li>(b) a clear area for the bed of at least: <ul style="list-style-type: none"> <li>(i) 1,200mm wide at the foot of the bed, and</li> <li>(ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any other obstruction, and</li> </ul> </li> <li>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</li> <li>(d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</li> <li>(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</li> <li>(f) wiring to allow a potential illumination level of at least 300 lux</li> </ul>	Additional requirements listed are to be incorporated into Identified Requirement No. 72 and will be implemented during construction documentation stage.
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## 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"> <li>(a) a slip-resistant floor surface,</li> <li>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS1428.1,</li> <li>(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"> <li>(i) a grab rail,</li> <li>(ii) portable shower head,</li> <li>(iii) folding seat,</li> <li>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</li> </ul> </li> <li>(e) a double general power outlet beside the mirror</li> </ul> <p>The requirement under item (c) does not prevent the installation of a shower screen that can easily be</p>	<p>The bathroom within each unit provides an arrangement in keeping with AS1428.1 (2009), as verified in <b>Appendix H</b>.</p> <p>Additional requirements listed are to be incorporated and implemented during construction documentation stage as required by Identified Requirement No. 72.</p>
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	removed to facilitate future accessibility	
<b>10.Toilet</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	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	All ground floor dwellings will be provided with a visitable toilet within the combined bathroom / laundry that complies with AS4299.
<b>11. Surface finishes</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	Balconies and external paved areas must have slip-resistant surfaces	Will be required to comply (refer to Identified Requirement No.72).
<b>12. Door hardware</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299	Will be required to comply (refer to Identified Requirement No.72).
<b>13. Ancillary items</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	Switches and power points must be provided in accordance with AS4299	Will be required to comply (refer to Identified Requirement No.72).
<b>15. Living and dining room</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	<p>A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux</p>	All living rooms comply with circulation requirements. Further information will be required at construction documentation stage to demonstrate compliance (refer to Identified Requirement No. 72).
<b>16. Kitchen</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	<p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS4299, and</p> <p>(b) a width at door approaches complying with clause 7 of this Schedule, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS4299:</p> <p>(i) benches that include at least one work surface at least</p>	<p>All units comply with kitchen circulation requirements.</p> <p>Not applicable, as kitchens are open plan.</p> <p>Identified Requirement No. 72 requires compliance with the requirements of (c) - (e).</p>



	<p>800mm in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300mm of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed</p>	
<b>17. Access to kitchen, main bedroom, bathroom and toilet</b> <b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	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.
<b>18. Lifts in Multi-storey buildings</b> <b>Note: not applicable to a development application made by, or by a person jointly with, a social housing provider pursuant to clause 85(2).</b>		
	In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	<p>Not applicable, however, 2 lifts are proposed.</p> <p>Compliance with the BCA is to be verified at construction documentation stage.</p>
<b>19. Laundry</b> <b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	<p>A self-contained dwelling must have a laundry that has:</p> <p>(a) width at door approaches that complies with cl.7 of this Schedule, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300mm, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling</p>	<p>Laundries are located within bathrooms and comply with AS1428.</p> <p>Detailed drawings will be required at construction documentation stage to demonstrate compliance (refer to Identified Requirement No.72).</p>



<b>20. Storage for linen</b>		
<b>Note: consideration only required for ground floor units in accordance with clause 85(2)</b>		
	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299	Linen storage (min 600mm wide) will be available in all of the proposed dwellings.
<b>20. Garbage</b>		
	A garbage storage area must be provided in an accessible location	Two bin storage areas have been provided within the frontage of the site. These areas are compliant with AS1428.

### 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 V**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 9**.

Table 9 Seniors Living Urban Design Guidelines Departures

Guideline Requirement	Response
3.06 Setback upper levels behind the front building façade?	Upper levels are not setback further than the front building façade, however, articulation through a mix of materials and finishes, variety in built form and building heights allows for a varied façade that fits well within the existing streetscape.
3.16 Design pedestrian entries, where possible, directly off the street?	Due to the level changes on the site and the need to maintain accessibility, all dwellings have entry from the common stair / lift lobbies., apart from Unit 1 which also has direct access from the street.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)	Driveways and paths are concrete to meet LAHC maintenance and durability requirements. Parking is not allocated to individual units.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	Driveway gates to common parking areas are not consistent with the LAHC Design Requirements for maintenance reasons.
4.03 Set upper storeys back behind the side or rear building line	Upper floors have not been setback behind the side or rear building line, however all setbacks are compliant with the setback requirements under the ADG and DCP, and solar access requirements are met.
4.05 Incorporate second storeys within the roof space and provide dormer windows?	Second storeys within roof spaces are not proposed by the development and are not a characteristic in the locality. The proposed second storey complies with height and setback requirements and does not give rise to any adverse streetscape or amenity impacts.
4.16 Design dwellings around internal courtyards?	The front dwellings are facing the street with the rear dwellings designed towards the common internal rear area. The design of the proposed development will allow for general surveillance of all common areas, particularly from Units 5, 7, 9, 15, 17, 19 and 24.

5.29 Provide private open space areas that use pervious pavers where private open space is predominantly hard surfaced to allow for water percolation and reduced run-off?

Sufficient deep soil/landscape areas have been proposed within common and private open spaces. No requirement for permeable surfaces for hard stand private open area is necessary.

## 6.5.4 Good Design for Social Housing

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

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

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

### Wellbeing

Safe access is provided from the common car park area to entrances of the buildings. The units have been designed to ensure residents have privacy and feel safe. The development is compliant with BASIX requirements (**Appendix K**) and includes high quality landscaping and outdoor areas to enhance the site amenity for residents and enhance the streetscape.

### Belonging

Communal open space is provided to facilitate resident interaction and a feeling of belonging. The building design and landscaping integrates with the surrounding residential neighbourhood and contributes to, and enhances, the local character of the area. Easily identified front entrances and attractively designed landscaping provided along street frontage will further develop a sense of place and belonging for residents.

### Value

The development exceeds sustainability targets, with an average NatHERS score of 7.71 stars. The scheme incorporates sustainability features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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

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

### Collaboration

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

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

## 6.5.5 Land and Housing Corporation Design Requirements

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

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

It is noted that the LAHC Design Requirements replaced the LAHC Dwelling Requirements on 2 March 2023. The proposed development had already gone through statutory notification and therefore the supporting documentation has not been updated to reference the LAHC Design Requirements. Notwithstanding this, the proposal generally achieves the design principles and specifications outlined in the LAHC Design Requirements.

An assessment of the proposed development against the *Land and Housing Corporation Dwelling Requirements* document has been undertaken and deemed to achieve compliance, refer to Certificate of Compliance from the Architect in *Appendix S*. Further detail will be incorporated in the construction documentation.

## 6.5.6 Housing SEPP Design Principles

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

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

The Housing SEPP articulates a range of design principles that the LAHC must consider in determining whether or not to proceed with a proposed seniors housing activity. **Table 10** below demonstrates how the principles have been considered in the design of the proposal.

Table 10 Response to Design Principles (Part 5, Division 8)

Design Principle	Response
<b>Neighbourhood amenity and streetscape [section 99]</b>	
Seniors housing should be designed to —  (a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and	Not applicable. The proposed development is not a residential care facility.
(b) recognise the desirable elements of —	The proposal is generally compatible in form, scale and character with more contemporary residential development in the locality as illustrated in <b>Figure 6</b> and <b>Figure 9</b> . The site is located within an established residential area which is characterised by older style single storey detached dwellings interspersed with

Design Principle	Response
<p>(i) the location's current character, or</p> <p>(ii) for precincts undergoing a transition – the future character of the location so new buildings contributes to the quality and identity of the area, and</p>	<p>more recent 2-storey dwelling houses, dual occupancy, and residential flat building developments.</p> <p>The proposed development uses a variety of materials and finishes, including face brick construction on the ground and second floor with metal wall cladding on the upper floor and metal roofing to enhance its compatibility with existing and newer developments in the area. High-quality materials with consistent but variable neutral colours are proposed and the development is well articulated in its building form, including through the stepping in and out of the façade along Pegler Ave. The proposal achieves consistency with the existing and developing character of the locality including the older single storey brick and tile dwellings and the newer 2-storey dwelling houses, dual occupancy, and residential flat building developments.</p>
(c) complement heritage conservation areas and heritage items in the area, and	The site is not located within a heritage conservation area nor are there any heritage items within proximity of the site.
<p>(d) maintain reasonable neighbourhood amenity and appropriate residential character by –</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p>	<p>Building setbacks allow for substantial landscape plantings, are consistent with newer style developments in the area and generally comply with Cumberland DCP 2021 objectives and controls.</p> <p>A suitable balance of cut and fill is proposed to address the access requirements for seniors housing under the Housing SEPP.</p> <p>The buildings front Pegler Avenue and the bulk of the development is broken up through the use of a variety of materials and finishes, stepped façade design, extensive landscaping, open space areas and appropriate setbacks.</p> <p>No buildings are located on the boundary.</p>
(e) set back the front building on the site generally in line with the existing building line, and	The building line is consistent with the setbacks of dwelling houses in the locality. The neighbouring dwelling to the north has a front setback of approximately 6.4m and the neighbouring dwelling to the south has a front setback of approximately 5.1m. The development's proposed front setback of 7m at ground level and 6m to upper floor balconies is therefore considered to be in keeping with the existing setbacks of the dwellings on either side.
(f) include plants reasonably similar to other plants in the street, and	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. Nineteen semi-mature trees (75L size) will be planted to provide immediate softening of the appearance of the development. These will include a Coastal Banksia, Blueberry Ash, Native Frangipani, Water Gum and Weeping Lilly Pilly, all of which are native, evergreen trees, with mature heights from 6m to 15m. Refer to the submitted Landscape Plan ( <i>Appendix B</i> ) for additional details.

Design Principle	Response
(g) retain, wherever reasonable, significant trees, and	Two out of the five existing trees are to be retained in accordance with the recommendations of the Arboricultural Impact Assessment and Tree Management Plan report. Three more trees are to be transplanted from the front of the site to the rear.
(h) prevent the construction of a building in a riparian zone.	The site is not located within or adjacent to a riparian zone.
<b>Visual and acoustic privacy [section 100]</b>	
Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by –	The proposed development has been designed to maintain visual and acoustic privacy to adjoining properties and within the development. Design solutions include appropriate building setbacks and heights, dwelling layouts, placement and sizes of window openings and location and future mature height of landscaping, particularly along the southern and western boundary adjacent to the proposed parking area.
(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and	Boundary fencing to a height of 1.8m / 2.1m will assist with mitigation of visual, acoustic and privacy impacts associated with the internal hard stand car parking. Perimeter landscaping will also act as a visual, acoustic and privacy buffer between the car park and adjacent development. The generous rear building setback to the west of the site will further limit any unacceptable impacts associated with vehicle movements within the site.
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The proposed dwellings have been designed in accordance with the requirements of the <i>Building Code of Australia</i> for sound and vibration transmission so that acceptable noise levels between dwellings and adjoining properties are achieved.
<b>Solar access and design for climate [section 101]</b>	
The design of seniors housing should –	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. 71% of the proposed dwellings will receive a minimum of two hours sunlight between 9am and 3pm on June 21 to their living area and private open space.
(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	The neighbouring development to the south (72 Pegler Avenue) will receive at least 3 hours of solar access at mid-winter. No additional solar impact will be generated to the built form and private open space of developments north and west of the site. The property to the south will receive adequate solar access through the midday period with solar impacts to the western elevation at around 9am and to the eastern elevation at around 3pm (refer to Shadow Diagrams at <b>Appendix A</b> ).
(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.	Landscaping will also assist in microclimate management through the cooling effects of the trees, shrubs, and groundcovers on the site.



Design Principle	Response
<b>Stormwater [section 102]</b>	
<p>The design of seniors housing should aim to—</p> <p>(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</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>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 <i>Appendix C</i>).</p>
<b>Crime prevention [section 103]</b>	
<p>Seniors housing should—</p> <p>(a) be designed in accordance with environmental design principles relating to crime prevention, and</p> <p>(b) provide personal property security for residents and visitors, and</p> <p>(c) encourage crime prevention by—</p> <p>(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</p> <p>(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</p> <p>(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>Fencing will be 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 for residents.</p> <p>The design of the proposed development will allow for general surveillance of all common areas, particularly Units 5, 7, 9, 15, 17, 19 and 24 which have living areas oriented towards the communal open space. Units 1, 4, 6, 8, 11, 14, 16, 18, 20 and 23 have habitable rooms, living areas or balconies facing Pegler Avenue providing casual surveillance of the street.</p> <p>Peepholes will also be provided on the front doors of each dwelling to enable residents to view approaches to their dwelling without having to open the door. This is required under Identified Requirement No. 77.</p>

Design Principle	Response
<b>Accessibility [section 104]</b>	
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.	<p>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. Surrounding services and transport links are described in detail in section 3.3 of this REF. It is noted that the site is located within an accessible area in accordance with the definition contained within the Housing SEPP.</p> <p>As discussed in section 3.3, the site is located within 400m walking distance of 3 bus stops located on Blaxcell St to the southwest of the site. The gradient of the footpath between the site and the bus stops on Blaxcell St have been surveyed. As demonstrated in <b>Appendix Q</b>, the footpath gradient required for seniors housing under Section 93(4)(c) of the Housing SEPP is exceeded in one location and therefore upgrades to this section of the footpath are required.</p> <p>Identified Requirement No. 76 has been included in the Activity Determination to ensure these upgrades occur.</p> <p>Further details are contained within the Accessibility Design Review Report attached in <b>Appendix H</b> and Survey Footpath Long Section in <b>Appendix Q</b>.</p>
<b>Waste management [section 105]</b>	
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. The proposed development will provide shared waste and recycling collection facilities on site.

## 6.6 Other State Environmental Planning Policies

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

Table 11 Compliance with other applicable State and Environmental Planning Policies

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 <i>Appendix K</i> ).
SEPP (Transport and Infrastructure) 2021	<p>The Transport and Infrastructure SEPP provides Planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications, and electrical networks), educational establishments and child care facilities and major infrastructure corridors.</p> <p>The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.</p>
SEPP (Biodiversity and Conservation) 2021	<p>This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p>The development proposes the transplanting of 3 trees and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy.</p> <p>Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. The proposed transplanting of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p>The site is located within a regulated catchment, namely, the Sydney Harbour Catchment. Accordingly, the controls for development set out in Division 2 of Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.</p> <p>Under Section 171A(1) of the EP&amp;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 <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, 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 <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).</p> <p><b>6.6 Water quality and quantity</b></p> <p>This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> <li>• have a neutral or beneficial effect on the quality of water entering a waterway;</li> <li>• have an adverse impact on water flow in a natural waterbody;</li> <li>• increase the amount of stormwater run-off from a site, and</li> <li>• Incorporate on-site stormwater retention, infiltration or reuse.</li> </ul> <p>The consent authority is also required to assess the impact of the development</p> <ul style="list-style-type: none"> <li>• on the level and quality of the water table;</li> </ul>

State Environmental Planning Policy	Applicability
	<ul style="list-style-type: none"> <li>the cumulative environmental impact of the development on the regulated catchment;</li> <li>and whether the development makes adequate provision to protect the quality and quantity of ground water.</li> </ul> <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"> <li>the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</li> <li>the impact on water flow in a natural waterbody will be minimised.</li> </ul> <p><u>Comment:</u> Stormwater will be collected within the site and conveyed to an Onsite Stormwater Detention (OSD) chamber before being directed to a new kerb outlet on Pegler Avenue. Identified Requirement (No. 13) recommends that sediment control measures be implemented during construction in accordance with Council requirements and/or the guidelines contained in the <i>Blue Book Managing Urban Stormwater: Soils and Construction</i> (4th edition, Landcom, 2004).</p> <p>Identified Requirements (Nos 6, 42, 71 and 80 - 82) are applied to the activity determination and require stormwater management to be designed and constructed in accordance with Cumberland City Council's technical guidelines and policies.</p> <p><b>6.7 Aquatic ecology</b></p> <p>This clause requires the consent authority to consider whether the development:</p> <ul style="list-style-type: none"> <li>will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</li> <li>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>,</li> <li>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,</li> <li>includes adequate safeguards and rehabilitation measures to protect aquatic ecology,</li> <li>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.</li> </ul> <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"> <li>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,</li> <li>the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,</li> <li>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,</li> <li>the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,</li> <li>the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</li> </ul> <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</p>

State Environmental Planning Policy	Applicability
	<p>erosion and sedimentation controls will be required to minimise erosion and maintain water quality. Tree removal has been minimised, and existing trees have been transplanted to avoid impact where possible. 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><b>6.8 Flooding</b> This clause relates to flood liable land. <u>Comment:</u> The site is not located on flood liable land.</p> <p><b>6.9 Recreation and public access</b> This clause relates to development on recreational land and public access to natural water bodies and foreshores <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 South Granville and historical imagery indicates that the site has been used for residential purposes since it was subdivided and developed between 1947 and 1955. Aerial imagery shows that there haven't been any substantial change to the building footprints (other than minor additions) since it was originally developed, and neighbouring land appears to have also been used for residential although has subsequently been re-developed to increased densities over the last 2 decades.</p> <p>The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to <i>Appendix F</i>). A standard Identified Requirement will require implementation of management measures in the event contamination is found on site during construction works.</p>
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	<p>SEPP 65 provides provisions aimed at improving the design quality of residential apartment development in NSW. SEPP 65 applies to the development of residential flat buildings where the building is at least 3 or more storeys and contains at least 4 or more dwellings. As the proposal has a 3-storey component and contains 24 dwellings, SEPP 65 is applicable.</p> <p>Associated with SEPP 65 is the Department of Planning and Environment's <i>Apartment Design Guide</i> (ADG). Development control plans are not to be inconsistent with the ADG and the ADG must be taken into consideration in determining development applications to which SEPP 65 applies. An assessment against the provisions of the ADG is provided at <b>Table 12</b> below.</p>

Table 12 Assessment Against the Key Provisions in the Apartment Design Guide

Control	Compliance	Comment
Building separation	Not strictly achieved,	A separation distance of 10.2m is provided between bedroom windows on the ground and first levels of the



Control	Compliance	Comment
<p>Up to four storeys (approximately 12m)</p> <p>12m between habitable rooms/balconies</p> <p>9m between habitable and non-habitable rooms</p> <p>6m between non-habitable rooms</p> <p>At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</p>	however satisfactory mitigation measures are proposed	<p>proposed development and a window of the dwelling at 72 Pegler Avenue to the south. A 1.8m fence and Lilly Pilly with a mature height of 2-4m are proposed along the southern boundary in this location, which will assist with retaining visual privacy in this location.</p> <p>A separation distance of 7.4m is provided between the balconies of units 12 and 21 and a window of the dwelling at 64A Pegler Avenue to the north. A metal screen is proposed for the eastern part of the balconies on both levels to enhance visual privacy between the balconies and the adjoining dwelling. In addition, the Landscape Plan proposes the planting of 6 x Grevillea 'Moonlight' on the boundary next to these units, and these trees have a mature height of 4-5m, thus providing additional privacy screening.</p> <p>There is a separation distance of 12.3m between the proposed development and the childcare centre being constructed at 331 Blaxcell Street. The minimum setback for the proposal is 10.3m to the western (rear boundary) from the habitable room window of unit 10, with a further 2m setback from the boundary to the childcare centre.</p> <p>In addition to the above, should the adjoining lots be developed with a RFB in the future, the minimum separation distances would be readily achievable given the minimum setback provided from a side boundary is 6m, excluding where the development is single storey.</p>
<p><b>Street setbacks</b></p> <p>Front setback:</p> <p>Consistent with existing street setback patterns</p> <p>Side and rear setbacks:</p> <p>6m building separation (habitable)</p>	Yes	<p>The front setback of 7m at ground level and 6m to upper floor balconies is consistent with the existing street setback pattern.</p> <p>A rear setback of 10.36m is provided.</p> <p>Side setbacks are a minimum of 3.7m (single storey) and 6m (multi-storey) on the northern boundary and 6m on the southern boundary.</p>
<p><b>Communal open space</b></p> <p>Minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	Yes	<p>25% (652.5m<sup>2</sup>) of the site is provided as communal open space.</p> <p>The shadow diagrams indicate that there will be a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm at mid-winter.</p>
<b>Deep soil zones</b>	Yes	Deep soil area of 567m <sup>2</sup> (21.7% of site area) with a minimum dimension of 6m is provided.

Control	Compliance	Comment
<p>Site area greater than 1,500m<sup>2</sup> with significant existing tree cover:</p> <p>Minimum dimensions 6m</p> <p>7% of the site area</p>		
<p><b>Visual privacy</b></p> <p>Buildings up to 12m (4 storeys) in height:</p> <p>6m building separation between habitable rooms and balconies</p> <p>3m building separation between non habitable rooms and balconies</p>	Yes	<p>A minimum of 6m separation is provided between most windows of habitable rooms and balconies both within the site and to neighbouring properties.</p> <p>The exception to this is on the first floor where there are balconies on the east and west sides of the proposed development that will be approximately 1.6m apart from other balconies. It is noted, however, that metal cladding is proposed along the south side of these balconies which will provide visual privacy for occupants of these units while using the balconies.</p>
<p><b>Solar access</b></p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	Yes	<p>17 out of 24 units (71%) receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.</p> <p>No apartments receive no direct sunlight between 9am and 3pm at mid-winter.</p>
<p><b>Cross ventilation</b></p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	Yes	<p>15 out of 24 units (63%) are cross-ventilated.</p> <p>No apartments exceed 18m depth.</p>
<p><b>Ceiling heights -</b></p> <p>Habitable rooms: min 2.7m</p> <p>Non habitable rooms: min 2.4m</p>	Yes	All ceiling heights are 2.7m.

Control	Compliance	Comment
<b>Apartment size and layout</b> <b>Internal area sizes:</b> Studio: 35m <sup>2</sup> 1 bedroom: 50m <sup>2</sup> 2 bedrooms: 70m <sup>2</sup> 3 bedrooms: 90m <sup>2</sup> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. <b>Room depths</b> Habitable room depths are limited to a maximum of 2.5 x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Yes	All of the one-bedroom units are 53m <sup>2</sup> in area and all of the two-bedroom units are 70m <sup>2</sup> in area. Habitable room depths are no more than 2.5 x the ceiling height. In open plan layouts, the proposed layouts comply with a maximum habitable room depth of 8m from a window.
<b>Private open space</b> Studio apartments balcony: Min area: 4m <sup>2</sup> Min depth n/a 1 bedroom apartments balcony: Min area: 8m <sup>2</sup> Min depth: 2m 2 bedroom apartments balcony: Min area: 10m <sup>2</sup> Min depth: 2m 3+ bedroom apartments balcony: Min area: 12m <sup>2</sup> Min depth: 2.4m For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.	Yes	All ground level apartments have greater than 15m <sup>2</sup> private open space with a minimum depth of 3m. The minimum area of ground level private open space provided is 22m <sup>2</sup> . All ground level private open space has a minimum depth of at least 3m. All 1-bedroom apartments have balconies of at least 8m <sup>2</sup> with a minimum depth of at least 2m. All two-bedroom apartments have balconies of at least 10m <sup>2</sup> with a minimum depth of at least 2m.
<b>Storage</b> 1 bedroom: min 6m <sup>3</sup> 2 bedroom: min 8m <sup>3</sup>	Yes	All 1-bedroom units have at least 6m <sup>3</sup> of storage provided and all 2-bedroom units have at least 8m <sup>3</sup> of storage provided in accordance with the ADG requirement.

Control	Compliance	Comment
3 bedroom: min 10m <sup>3</sup>		

## 6.7 Local Planning Controls

### 6.7.1 Cumberland Local Environmental Plan 2021 (CLEP 2021)

Compliance with the relevant provisions / development standards set out in the CLEP 2021 is demonstrated in **Table 13** below.

Table 13 Cumberland Local Environmental Plan 2021

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 (11 m)	Maximum building height (measured in accordance with the LEP definition) is 9.74m including the lift overrun.
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The site is mapped as containing maximum FSRs of 0.8:1 for lot 14 and 0.6:1 for lots 15 and 16.	<p>Proposed FSR is 0.8:1 for lot 14 and 0.6:1 for lots 15 and 16.</p> <p>The 0.8:1 FSR for lot 14 is consistent with the R4 High Density Residential zoning for this lot, while the FSR of 0.6:1 for lots 15 and 16 is consistent with the R3 Medium Density Residential Zoning for these lots.</p> <p>GFA figures are provided in the development data on plan DA00 and the areas of GFA are shown on plan DA17 in <i>Appendix A</i>.</p>

### 6.7.2 Cumberland Development Control Plan 2021

Cumberland Development Control Plan 2021 (CDCP 2021) does not contain specific development controls for seniors housing. As such, the building setbacks and other controls for residential flat building development have been used for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 14** below.

The general controls for all development set out in CDCP 2021 have generally been addressed in the various sections of this REF that consider compliance with the provisions of the Housing SEPP.

Table 14 Cumberland Development Control Plan 2021

Compliance with setback controls for residential flat buildings		
Residential flat buildings		
Clause	Requirement	Proposed

### Compliance with setback controls for residential flat buildings

<b>3.1 Building envelope</b>	<p><u>Front setback</u></p> <p>No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition.</p> <p><u>Side setback</u></p> <p>3m minimum</p> <p><u>Rear setback</u></p> <p>Up to four storeys: 20% the length of the site, or 6m, whichever is greater.</p>	<p>The front setback is 6m, which is compatible with the surrounding residential development and complies with the minimum requirement.</p> <p>Side setbacks are a minimum of 3.7m on the northern boundary and 6m on the southern boundary, thereby complying with the minimum requirement.</p> <p>The length of the site is 51.82m, with 20% of the length being 10.36m. The rear setback is 10.36m and provides landscaped and open space areas for use by residents, thereby complying with the minimum requirement.</p>
	<p><u>Site area</u></p> <p>1,000m<sup>2</sup> minimum</p>	<p>The site area is 2,608.9m<sup>2</sup> thereby complying with the minimum requirement.</p>
	<p><u>Street frontage</u></p> <p>24m minimum</p>	<p>The site has a frontage to Pegler Avenue of 50.12m, thereby complying with the minimum requirement.</p>



## 7 Notification, Consultation and Consideration of Responses

A copy of the notification letter sent to the Cumberland City Council is provided in **Appendix G**, together with a copy of the response received from public authorities (where relevant).

### 7.1 Council Notification

In accordance with section 108C of the Housing SEPP, Cumberland Council was notified of the development by letter dated 2 March 2023 (refer to **Appendix G**). The notification response period formally closed on 27 March 2023 and Council responded to the notification by letter dated 21 April 2023 with matters raised outlined in **Table 15** below.

Following receipt of council's submission, LAHC worked with Council's stormwater engineer to resolve engineering matters raised in their submission. Upon receipt of amended plans, Council provided a list of recommended conditions via email on 2 November 2023 to address stormwater management measures. The recommended conditions have been incorporated in full as Identified Requirements in the **Activity Determination**. Further detail is provided in **Table 15** below.

Please note that the below table discusses the key issues raised by Council only and does not include the submission in its entirety. A copy of the full submission is provided under **Appendix G**.

Table 15 Key Issues Raised in Council submission

Issues raised	Response
<b>Building Separation</b>  Bedroom 1 of ground floor Unit 10 shall be provided with a compliant building separation of 6m along the northern boundary to ensure amenity of the adjoining neighbours is reasonably maintained.	Unit 10 is single storey only therefore overlooking between the unit and the adjoining neighbour will not occur. The unit complies with the DCP side setback requirement.
<b>Communal Open Space</b>  Communal Open Space shall be consolidated into a well-designed and usable area with a minimum dimension of 3m. In this regard, location of communal open space within the front setback in close proximity to the garbage bins shall be reconsidered.	Communal open space (COS) in the front setback is mass planting/landscaped area only, with dedicated communal open space provided at the rear.  The rear COS area is provided with a paved seating area, new canopy trees and extensive landscaped areas. The area of COS is considered appropriate for the proposed seniors housing use as it creates a quiet area for passive recreation, and socialising outdoors.  No change is considered necessary.
<b>Acoustic Assessment</b>  An acoustic assessment should be carried out from a suitably qualified acoustic consultant with the proposal. The acoustic assessment must demonstrate that the development will comply with the NSW EPA's Noise Policy for Industry (NPfI) and any relevant noise requirements of Council's DCP. The report should consider the noise impacts on any sensitive receivers in the vicinity of the proposed development that may be caused by the development including, but not limited to, mechanical plant, traffic noise, communal areas, operational noise	This issue has been clarified with Council on 28/04/23, who confirmed that the trigger for the acoustic report was the scale of the development only (RFB) and not any known noise source (such as road or railway).  The proposed development is for a residential use and will generate similar noise levels to neighbouring residential uses. The proposed parking area is not considered to generate unreasonable traffic noise due to the relatively low volume of cars that will use the car park and driveway.  An acoustic assessment was therefore not considered necessary.

Issues raised	Response
<p>from the site. The report must also give recommendations where noise attenuation measures are required.</p>	
<p><b>Preliminary Site Investigation (Stage 1)</b></p> <p>A Preliminary Site Investigation (Stage 1) report should be prepared to accompany the development application with respect of the suitability of the site for the proposed site [sic]. The report shall be prepared by a suitably qualified consultant in accordance with relevant EPA guidelines. Please be advised that depending on the findings of the Preliminary Site Investigation (Stage 1) report, it may be necessary to conduct further contamination investigations and furnish Council with more reports namely a Detailed Site Contamination Investigation (Stage 2) Report and/or Remediation Action Plan and/or Site Audit Statement. If this is required, it is recommended to submit all reports with the application, so the assessment of the DA is not delayed.</p>	<p>This issue was clarified with Council on 28/04/23 who confirmed that they require a preliminary site investigation for all multi-dwelling developments and larger. Council did not indicate that there were any site-specific triggers for requesting this report and did not have any records of the site being used for any potentially contaminating activities.</p> <p>Historical imagery has been reviewed and the subject land appears to have been used for a residential use since it was subdivided and developed between 1947 and 1955. Aerial imagery shows that there haven't been any substantial changes to the building footprints (other than minor additions) since it was originally developed, and neighbouring land appears to have also been used for residential uses although has subsequently been re-developed to increased densities over the last two decades. A childcare centre has been approved on the adjoining land at 331 Blaxcell Street but not yet constructed.</p> <p>Based on the above, a preliminary site investigation was not undertaken.</p>
<p><b>Hazardous Materials Survey</b></p> <p>A Hazardous Materials Survey Report should be prepared by a suitably qualified person (such as a certified Occupational Hygienist). The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.</p>	<p>This is covered under Identified Requirement no. 27.</p>
<p><b>Warm water and/or cooling water systems</b></p> <p>Indicate if there will be warm water systems and/or cooling water systems installed at the development.</p>	<p>These are not proposed.</p>
<p><b>Tree Management</b></p> <p>As per the recommendations of the Arboricultural Impact Assessment and Tree Management Plan, all trees within the site and within adjoining properties are to be protected as per AS490 - 2009 'Protection of Trees on Development' except where otherwise stated.</p>	<p>This is covered under Identified Requirement no. 36.</p>
<p>All soft and hard landscaping works to be undertaken on the site should be carried out by a minimum AQF3 landscaper. The final inspection of works should be signed off by an individual other than the person carrying out the works.</p>	<p>This is included as Identified Requirement no. 78.</p>

Issues raised	Response
<p><b>Stormwater</b></p> <p>Concerns were raised by Council in relation to the proposed stormwater design including the OSD system, runoff, and the point of connection to existing public infrastructure.</p> <p>Full details of Council's concerns are contained within <b>Appendix G</b>.</p>	<p>Revised concept stormwater plans were prepared in response to the stormwater matters raised in Council's submission (items 1 – 7).</p> <p>The revised plans were submitted to Council for comment, and further adjustments were made in response to advice received.</p> <p>A final version was submitted to Council on 15 September 2023 and recommended conditions were provided by Council on 2 November 2023.</p> <p>The recommended conditions have been included as Identified Requirement No's. 80 – 82.</p>
<p><b>Water Sensitive Urban Design (WSUD) measures</b></p> <p>Concerns were raised regarding the proposed Water Sensitive Urban Design measures and the appropriateness of the water quality treatment chain/ arrangement. Council requested further information, including MUSIC modelling.</p> <p>Full details of Council's concerns are contained within <b>Appendix G</b>.</p>	<p>Revised concept stormwater plans were prepared in response to the stormwater matters raised in Council's submission. Refer updated Civil Stormwater Plans in <b>Appendix C</b>.</p> <p>Greenview Consulting have confirmed the following in response to Council's comments:</p> <ul style="list-style-type: none"> <li>• The WSUD measures have been designed by Ocean Protect in line with the Cumberland DCP. A 7x Tall (690) PSorb cartridge StormFilter system is being adopted within a DN2250 StormFilter chamber, and 17 Oceanguards to pits.</li> <li>• The footprint in the storm filter treatment chamber is 3.8m<sup>3</sup>, which is above the required volume for 1 in 3-month flow of 1.2m<sup>3</sup>.</li> <li>• Oceanprotect have calculated a 7x tall PSorb cartridge StormFilter system is sufficient to meet the flow rate requirement.</li> <li>• 85% of the site is collected to the OSD, although the StormFilter is located within the bypass areas, this has been accounted for and still meets Council's PSD requirements.</li> <li>• Maintenance schedule shown on plan C01 of the updated Civil Stormwater Plans.</li> </ul> <p>At the request of Council, Identified Requirement No. 82 has been included in the Activity Determination to ensure the final stormwater design is in accordance with Councils WSUD requirements.</p>

Issues raised	Response
<b>Traffic and the Vehicular Access to the Site</b>	
Provision must be made for access and parking space for the emergency vehicle (ambulance). The turning /manoeuvring of such vehicle must be demonstrated by swept path clearance diagrams i) at the entry to and from the street, ii) manoeuvring in and out of parking space and iii) turning back to exit to street.	The Housing SEPP does not require onsite parking spaces for emergency vehicles for seniors housing developments.  Parking for emergency vehicles is available along Pegler Avenue at the site's frontage.
10. The pedestrian access (walkway) to and from the car parking spaces to the building must be safe with zero or minimal chances of being in collision with oncoming traffic. They must be marked to guide pedestrian safely to the car spaces.	Appropriate delineation of pedestrian walkways within the car park is included as Identified Requirement no. 79.

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

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

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 8 February 2023. Council provided a response on 28 February 2023 confirming owner details of properties included in the scope of notification. Council request additional properties to be included in the scope of notification.

**Figure 14** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 14 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 108C(1)(b) of Housing SEPP, occupiers and landowners of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 2 March 2023. Copies of the notification letters are provided at **Appendix G**.

The notification response period formally closed on 27 March 2023 and 2 submissions were received. The issues raised by adjoining owners / neighbours are discussed in **Table 16**.

Table 16 Issues raised by adjoining owners / neighbours

Issues Raised	LAHC Response
Concerns about future anti-social behaviour due to the development.	The majority of tenants are good neighbours and law-abiding people. Nevertheless, DCJ has in place a policy for dealing with disruptive tenants. More information about the policy can be found at <a href="http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy">http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy</a> . In addition, DCJ has a dedicated 24 hour hotline, 1800 422 322, where local residents can report any tenancy related matters.
Privacy concerns to the north side of the building from the second and third floor balconies.	<p>To minimise visual and privacy impacts for the neighbouring properties, the design includes awning style windows with translucent glazing and louvered screens on the balconies.</p> <p>Unit 10 is a single storey unit, and the 1.8m fence and plantings along the boundary will provide privacy for both the residents and neighbours.</p> <p>Units 1, 2, 3, 11, 12, 13, 20, 21, and 22 are set back from the fence line by a minimum of 6 m which reduces the opportunity for overlooking neighbouring properties. The proposed building complies with the DCP setback controls which are designed to maintain privacy between new development and adjoining neighbours.</p> <p>The windows along the northern side of the complex are for bedrooms only, with the exception of the more easterly window, which will overlook the rooftop of 64A Pegler Avenue only. Bedrooms are deemed low traffic areas and will have blinds or curtains to help maintain privacy for residents and neighbours.</p>
Impacts on property values.	LAHC's new homes are modern, well designed, and well-built, with landscaped gardens that make a positive contribution to the existing streetscape. LAHC's development at 69-71 Pegler Avenue South Granville is an example of how these new homes blend into the community, help reduce the stigma of living in social housing and make a positive contribution to the area. There is no evidence that they adversely impact on property values.

## 7.3 Notification of Specified Public Authorities

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

## 8 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in **Section 6.5** of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

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### 8.1 Neighbourhood Character

The site is located within an established residential area generally supporting single and two-storey detached dwellings. Within the local area there are also two-storey multi dwelling housing developments and three-storey residential flat buildings of brick construction with tiled roofs and associated structures, such as pergolas, garages and carports. The South Granville locality primarily consists of single storey detached dwellings. At present there is a low level of transition from low density housing to medium density development despite this form of development being permissible within the zone. The proposed development may act as a catalyst for more contemporary medium density development in this area of South Granville.

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

#### Mitigation Measures

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

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### 8.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding development in the locality. The two to three storey building incorporates appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The Pegler Avenue façade has been designed with suitable articulation and roof form to minimise bulk and scale.

The proposal incorporates a maximum floor space ratio of 0.8:1 for lot 14 and 0.6:1 for lots 15 and 16 and a maximum height of 9.74m (including lift overrun) which is consistent with the scale and density anticipated for these lots under the CLEP 2021. The FSR and 2 to 3-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R3 Medium Density Residential and R4 High Density Residential zone, which encourages a variety of housing types and densities including the provision of seniors housing.

The proposed height and density, which is consistent with local controls, in conjunction with generous setbacks and landscaped deep soil areas confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

#### Mitigation Measures

No mitigation measures are required.



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## 8.3 Streetscape

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

In conjunction with strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development will make a positive contribution to the streetscape of Pegler Avenue. 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 frontage 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.

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## 8.4 Visual Impact

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

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

The Pegler Avenue front setback retains two mature Canary Island Date Palms with heights of approximately 5m and 7m. Additionally, new landscaping proposed within the front setback will incorporate the planting of 2 x Weeping Lilly Pilly (*Waterhousia floribunda*) trees to a mature height of 10-15m, and 1 x Blueberry Ash (*Elaeocarpus reticulatus*) tree to a mature height of 8-10m, as well as various shrubs with mature heights of 1-6m. Considered tree and shrub planting along the side and rear boundaries of the site will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street.

### Mitigation Measures

No mitigation measures are required.

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## 8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development through a range of measures including careful and considered site landscaping, new 1.2-1.8m high fencing, adequate site setbacks and strategic placement of windows so as to avoid direct overlooking of neighbours.

In particular:

- Balconies associated with Units 5, 7, 9, 15, 17, 19 and 24 are orientated toward communal open space with landscaping, including trees and shrubs, proposed within the rear setback to improve privacy for future residents. Window openings have been minimised within south elevations of Units 8, 9, 18 and 19

to ensure that overlooking is mitigated to adjacent development at 72 Pegler Avenue. No balconies are provided within these south elevations.

- Units 1, 4, 6, 8, 11, 14, 16, 18, 20 and 23 balconies are orientated toward the Pegler Avenue frontage with adequate street setbacks and the integration of additional buffer planting to a mature height of 1–3m along the fence line to maximise privacy. Living rooms have also been orientated to the street to reduce overlooking of high use areas within the site and increase passive surveillance of the street.
- Balconies for Units 5, 7, 9, 15, 17, 19 and 24 facing west incorporate privacy screening and are setback between 20–21.5m from the rear boundary. This allows for adequate deep soil areas to accommodate planting of 15 larger trees that reach a mature height of between 6 – 12m (4 x Coastal Banksia – *Banksia integrifolia*; 3 x Native Frangipani – *Hymenosporum flavum*; and 8 x Water Gum – *Tristaniaopsis laurina* ‘Luscious’) to ensure the privacy for adjacent developments on Blaxcell Street is maintained and overlooking potential is minimised.
- Proposed 1.8m metal fencing will mitigate unacceptable overlooking from ground level units into properties to the north, south and west.
- Patios within the development have been appropriately separated by location or fencing and/or landscape treatments.

#### Mitigation Measures

No mitigation measures are required.

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## 8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings’ living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the Seniors Living Policy: Urban Design Guidelines for Infill Development. The submitted Architectural Plans indicate that 71% of dwellings receive at least 3 hours direct solar access to the living and private open space areas on June 21, which meets the requirement for 70% of dwellings to achieve 3 hours of direct solar access to the living and POS areas on June 21.

Shadow diagrams (Appendix E) 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.

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## 8.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development. Shadow diagrams in **Appendix E** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites. At 9am, shadows generated by the proposed development are generally contained within the site and cover a portion of the adjacent neighbouring private open space at 72 Pegler Avenue. At 12pm, shadows remain within the site and cover the northern side setback and a small portion of private open space of 72 Pegler Avenue. At 3pm, shadows are cast to the south-east within the site and the adjacent frontage at 72 Pegler Avenue, as well as a

portion of Pegler Avenue. These areas shall receive not less than 3 hours of sunlight at the mid-winter solstice between 9am and 3pm.

The shadow diagrams and view from sun diagrams demonstrate the north-west facing windows within the existing dwelling to the south at 72 Pegler Avenue will achieve no less than 3 hours of sunlight per day between 9am and 3pm. The diagrams confirm that existing western facing windows within this development will retain sunlight in the afternoon period approximately between 12pm and 3pm. The proposed development will however shadow the western elevation in the morning which has been assessed and is supportable for the following reasons:

- the primary private open space to the west of the dwelling will retain more than 3 hours sunlight; and
- any part of the living area orientated to the west of the dwelling will remain generally unaffected by the shadows cast by the proposed development between 12pm and 3pm.

The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9am and 3pm at the mid-winter solstice.

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.8 Traffic & Parking**

Surface car parking for 11 vehicles, including 5 accessible spaces, will be available on site to serve the proposed development. The provision of on-site car parking complies with the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Unrestricted street parking is available on Pegler Avenue to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (*Appendix L*) indicates that the development will have a projected net increase of 7 vehicles per hour in the PM peak hour. It is noted that the trip generation during the AM peak (8am-9am) is not recorded as the peak generation for seniors housing development generally starts at noon. The projected net change in traffic activity as a consequence of the development proposal is negligible and will not have any unacceptable implications in terms of road network capacity.

The Traffic Impact Assessment Report examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design complies with the requirements of AS2890.1 and AS2890.6. A compliant one-way 3.3 metre wide driveway is proposed. A passing bay is provided at the front of the site to a single width driveway to the parking area at the rear.

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.9 Flora and Fauna**

An Arboricultural Impact Assessment and Tree Management Plan has been prepared for the site by Redgum Horticultural (*Appendix F*). The report considers 5 trees, all of which are located within the site.

The report recommends the retention of 2 trees (T4 & T5) and relocation of 3 existing trees (T1, T2 & T3) which are impacted by the building, stormwater infrastructure and car parking area. Trees T1, T2 & T3 will be relocated from the front of the site to the rear and integrated into the communal open space area and overall landscape scheme.

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

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

### Mitigation Measures

Works within the Tree Protection Zones of the retained trees are to be undertaken using tree sensitive excavation and construction techniques such as post and rail construction of fences with suspended panels to reduce any impact on the stability of retained trees, with posts to be dug by hand using non-motorised machinery to further assist in the protection of the trees. Retained trees are to be protected in accordance with the Tree Protection Plan contained within the Arboricultural Impact Assessment (refer *Appendix F*).

If associated infrastructure (pipe works) are to be installed within the Tree Protection Zone of any retained specimen, they are to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be left intact and dug around retaining this specimen's structural integrity with works to be undertaken in consultation with the project's arborist (refer to Identified Requirement No. 79).

Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to Identified Requirement No. 44).

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## 8.10 Heritage (European / Indigenous)

No heritage items are identified in Cumberland 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 1 June 2023 (*Appendix M*) 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 Cumberland City Council's Section 10.7(2) & (5) Planning Certificates and the likelihood of any heritage relics being discovered during excavation / construction is considered to be minimal.

### Mitigation Measures

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

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

### Geotechnical

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

- The subsurface conditions generally consist of topsoil overlying natural silty clays and weathered shale bedrock. Topsoil was encountered to approximate depths of 0.3m to 0.4m. The silty clay soils

underlie the topsoil to depths of 1.5m to 2.7m. The consistency of these silty clays are firm to stiff becoming very stiff. Weathered shale underlies the soils to the depth of drilling, 3.0m.

- Groundwater was not observed during auger drilling of the boreholes.

### Mitigation Measures

No mitigation measures required.

### 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 17** below.

Table 17 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 1950's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously 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.  Council has also confirmed that they do not have any records of the land being used for a potentially contaminating activity.
(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	There are no LAHC records which indicate that the land has been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection did not reveal any potentially contaminating activities. 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 between 1947 and 1955.  Based on a review of historic aerial imagery, neighbouring land appears to have also been used for residential purposes and has subsequently been re-developed to increased densities over the last 2 decades. A child care centre has been approved on the adjoining land at 33-333 Blaxcell Street which adjoins the site to the west.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	No and 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.  The closest site listed on the EPA's contaminated land register is a petrol station located approximately 2km to the north of the site.

### 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, the land is identified as being within Class 5 Land on the Acid Sulfate Soil Map under the CLEP 2021.

Clause 6.1 of CLEP 2021 requires an Acid Sulfate Soil Management Plan for works on Class 5 Land that is within 500m of adjacent Class 1-4 Land below 5m AHD and by which the water table on adjacent Class 1-4 Land is likely to be lowered by 1m AHD. The site is not within 500m of Class 1-4 land therefore no further investigation was undertaken.

### Mitigation Measures

No mitigation measures are required.

### Salinity

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

### Mitigation Measures

No mitigation measures are required.

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

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the proposed kerb inlet at the sites frontage to Pegler Avenue.



Roof water from the development will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

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

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

#### **Mitigation Measures**

Identified Requirements (Nos. 6-9, 14, 42, 71 & 80 – 82) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

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## **8.13 Bushfire Prone Land**

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

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.14 Noise and Vibration**

#### **During Demolition / Construction**

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

#### **During Occupation**

Noise generated when the proposed buildings are completed and occupied will be entirely in keeping with their residential surroundings. 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 & 59) have been applied to ensure compliance with the above mitigation measures.

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## **8.15 Air Quality**

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

**Mitigation Measures**

Appropriate standard Identified Requirements (Nos. 63 & 64) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 8.16 Waste Minimisation

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

**During Demolition**

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

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

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

**During Construction**

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

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

**During Occupation**

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

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

**Mitigation Measures**

Standard Identified Requirements (Nos. 26 – 28 and 49 – 53) are recommended to ensure construction/demolition waste is appropriately managed and disposed.

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

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## 8.17 Resource Use & Availability

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

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

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

### Mitigation Measures

No additional mitigation measures are required.

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## 8.18 Community / Social Effects

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

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

### Mitigation Measures

No mitigation measures are required.

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## 8.19 Economic Impact

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

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

### Mitigation Measures

No mitigation measures are required.

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## 8.20 Cumulative Impact Assessment

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

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

### Mitigation Measures

No mitigation measures are required.

## 9 Conclusion

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### 9.1 Summary of Key Issues Raised in Assessment

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

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

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

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

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

### 9.2 Recommendation

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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

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 – NatHERS CERTIFICATE

APPENDIX M – BCA REPORT

APPENDIX N – GEOTECH REPORT

APPENDIX O – WASTE MANAGEMENT PLAN

APPENDIX P – TRAFFIC MANAGEMENT PLAN

APPENDIX Q – SURVEY FOOTPATH LONG SECTION

APPENDIX R – CERTIFICATE OF TITLE AND DP

APPENDIX S – DESIGN COMPLIANCE CERTIFICATES

APPENDIX T – PART 5 CHECKLIST

APPENDIX U – SAFETY IN DESIGN REPORT

APPENDIX V – HOUSING FOR SENIORS CHECKLIST