

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

1-7 Fergerson Avenue, Fairfield NSW 2165

March 2024





Acknowledgement of Country

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

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REVIEW OF ENVIRONMENTAL FACTORS

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

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I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading. Name: Carolyn Howell Designation: Manager, Planning & Assessment, Homes NSW Signature:  Date: 29 May 2024	

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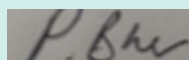
Having authorised the issuing of this Review of Environmental Factors:

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

The subject site is located at 1-7 Fergerson Avenue, Fairfield, and is legally described as Lots 14, 15, 16 & 17 in Deposited Plan 35636. The proposed seniors housing development is described as follows:

Removal of trees, and the construction of 12 independent living seniors housing units comprising 6 x 1 bedroom and 6 x 2 bedroom units, with associated landscaping and fencing, surface parking for 6 cars including 2 carports, and consolidation into a single lot.

The proposed activity is permissible with consent in the zone (R2 – Low Density Residential) and seniors housing can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 3, Part 5, Division 8 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Pursuant to Clause 108B of the Housing SEPP, the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108 have been considered and the proposed activity does not result in more than 40 dwellings on the site and does not exceed 9.5 metres in height.

It is noted that demolition was initially considered as part of the proposed activity. However, approval for demolition was obtained separately for each lot under the Complying Development Certificate process (CDC Approval numbers - 230047/01; 230048/01; 230049/01; 230050/01) with the date of determination as 6 June 2023.

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

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration *Good Design for Social Housing* and *NSW Land and Housing Corporation's Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Fairfield City Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets;
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts; and
- Fairfield City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 7 February 2024 and a further response on 7 March 2024. Comments on the response are provided in Section 7.1 of this REF.

Submissions were received from 2 occupiers of adjoining land. Comments on the submissions are provided in Section 7.2 of this REF.

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

Note:

State Environmental Planning Policy Amendment (Housing) 2023

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

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

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 removal of trees, and the construction of 12 independent living seniors housing units comprising 6 x 1 bedroom and 6 x 2 bedroom units, with associated landscaping and fencing, surface parking for 6 cars including 2 carports, and consolidation of 4 lots into a single lot at 1-7 Fergerson Avenue, Fairfield.

The activity¹ will be carried out by, or on behalf of, NSW Land and Housing Corporation (LAHC) and is considered 'development without consent' under the Housing SEPP.

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

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

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Fairfield Local Environmental Plan 2013* (Fairfield LEP 2013);

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

- it was determined that seniors housing is 'permitted with consent' in the R2 – Low Density Residential zone pursuant to the Fairfield LEP 2013, 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 Land and Housing Corporation to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- a site inspection was undertaken;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Fairfield local government area (LGA) and comprises 4 residential allotments legally described as Lots 14, 15, 16 and 17 in Deposited Plan 35636. A site location plan is provided at **Figure 1** and **Figure 2**.



Figure 1 Location Plan (Source: NSW Planning Portal Spatial Viewer accessed December 2023)



Figure 2 Location Plan (Source: Nearmap accessed February 2024)

3.2 Site Description

The site consists of 4 adjacent lots with a single frontage onto Fergerson Avenue. The areas and frontages of each lot, comprising the site, has been outlined below:

- Lot 14 – A = 485.2m², F = 18.29m
- Lot 15 – A = 545.8m², F = 23.8m
- Lot 16 – A = 601.7m², F = 35m
- Lot 17 – A = 639.9m², F = 27.43m

The combined total area of the 4 lots is 2,272m², with a combined frontage of 104.52m onto Fergerson Avenue (refer to the submitted Detail & Contour Survey in **Appendix D**).

The site falls gently in a south-easterly direction from Lot 14 to Lot 17, approximately 0.71m.

The site contained 4 single storey fibro residential dwellings and associated ancillary structures which have since been demolished under a Complying Development Certificate determined on 6 June 2023 (refer to **Figure 3 to 7** for site images).

There are 11 trees located within the site. 9 trees are located on Lots 15 and 16 along the side and rear boundaries. 2 trees are located on Lot 17, 1 in close proximity to the front property boundary, along Fergerson

Avenue. An additional 2 trees, located on adjoining lots, border the site, T6 located adjacent to the rear boundary and T5 located at the south-eastern side boundary.

Traffic and Access

Vehicular access is currently provided to each lot, via a crossover off the public road. Unrestricted kerbside parking is permitted along Fergerson Avenue.

Services

Water, sewer and electricity are available to the site (refer to the submitted Detail and Contour Survey for the location of available services at *Appendix D*). Water and electricity are located along the road alignment of Fergerson Avenue. The sewer line runs along the eastern/rear boundary of the site.

Encumbrances

There are no encumbrances on Certificate of Titles (*Appendix Q*), Section 10.7 certificates (*Appendix F*) or indicated on the Detail and Contour Survey (*Appendix D*) that restrict the proposed development.



Figure 3 Development site - 1 Fergerson Avenue showing dwelling which has since been demolished (Source – Google Maps photo dated October 2020)



Figure 4 Development site - 3 Fergerson Avenue showing dwelling which has since been demolished (Source – Google Maps photo dated October 2020)



Figure 5 Development site - 5 Fergerson Avenue showing dwelling which has since been demolished (Source – Google Maps photo dated October 2020)



Figure 6 Development site - 7 Fergerson Avenue showing dwelling which has since been demolished (Source – Google Maps photo dated October 2020)



Figure 7 Development site post demolition (Source – LAHC December 2023)

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of fibre cement and brick construction, with tiled roofs interspersed with more recent 2-storey dwelling houses, dual occupancies, and multi dwelling housing emerging in the immediate area (refer to photographs at **Figure 8** and **Figure 9**).

The property immediately to the north (refer to **Figure 10**) contains a single storey dwelling of brick construction with tiled roof. The properties to the east of the subject site have frontage to The Horsley Drive and contain a mixture of single (448 to 454 The Horsley Drive) and double (442 to 446 The Horsley Drive) storey dwellings of varied building styles (refer to **Figure 11 to 17**).

It is important to note that the adjoining property at 452 The Horsley Drive is an item of local heritage significance (Inter-War Bungalow) identified on Schedule 5 of the Fairfield LEP 2013 (Heritage Item ID 1570060). The proposed development would not negatively impact the architectural character of the heritage item as highlighted in the Statement of Heritage Impact (refer to **Appendix S**).

There are properties containing single and double storey detached dwellings across the street from the subject site - 4, 6, 8 and 10 Polding Street. These sites have primary frontage to Polding Street and secondary frontage (rear) to Fergerson Avenue (refer to **Figure 16**). To the south of the subject site is 436-438 The Horsley Drive, from which it appears a service station was previously operated (refer to **Figure 17**).



Figure 8 More recent double storey residential dwelling development at 11 Fergerson Avenue (north of the site) (Source – LAHC December 2023)



Figure 9 Recent multi unit development at 2-8 Bowler Avenue (northwest of the site) (Source – LAHC December 2023)



Figure 10 Single storey dwelling at 9 Fergerson Avenue (north of the site) (Source – Google maps photo dated October 2020)



Figure 11 Single storey dwelling at 454 The Horsley Drive (east of the site) (Source – Google maps photo dated January 2024)



Figure 12 Single storey dwellings at 450 to 452 The Horsley Drive (east of the site) (Source – Google maps photo dated January 2024)



Figure 13 Single storey dwelling at 448 The Horsley Drive (east of the site) (Source – Google maps photo dated January 2024)



Figure 14 Double storey dwellings at 444 to 446 The Horsley Drive (east of the site) (Source – Google maps photo dated January 2024)



Figure 15 Double storey dwelling at 442 The Horsley Drive (east of the site) (Source – Google maps photo dated January 2024)



Figure 16 Adjoining properties - 4, 6, 8, 10 Polding Street (Source - Google maps photo dated October 2020)



Figure 17 Adjoining properties – 436 – 438 The Horsley Drive (Source - Google maps photo dated January 2024)

There site is well serviced by public transport including, numerous bus stops within proximity of the site. The Horsley Drive at Bowler Avenue (Stop ID: 216546) is located approximately 70m from the site while The Horsley Drive at Fergerson Avenue (Stop ID: 216513) is located about 200m from the site. These bus stops are included in the Sydney Bus Network and serviced by routes 812, 813 and 814 which provide access to Fairfield, Bonnyrigg, Western Sydney Parklands, Blacktown, Smithfield and Wetherill Park including train stations, major shopping centres, local centres, health centres and industrial centres. This satisfies the criteria for the land to be classed as 'accessible' pursuant to Clause 93 (3) of the Housing SEPP

The Access Report (*Appendix H*) identifies provision of a proposed new footpath on Fergerson Avenue and the upgrade of 2 non-compliant pedestrian kerb ramps on the path of travel from the site to the bus stops. The required upgrades are to be provided in accordance with the local council requirements (refer to Identified Requirement No. 75).

The area, although residential in nature, is in close proximity to a small local centre along The Horsley Drive. The local centre is approximately 70m from the site and includes a takeaway food venue, vitamin and supplements store and convenience store. In the vicinity of the site is Fairfield Forum Shopping Centre to the south and open space areas including Cawarra Park and Fairfield Road Park to the north-east of the site. There are a number of community-based land uses including child care centres, medical centre and churches in proximity to the site.

4 Project Description

The proposed activity can be described as follows:

- Removal of identified trees and vegetation, as shown on the Demolition Plan (**Appendix A**).
- Construction of 12 seniors housing units comprising 6 x 1-bedroom and 6 x 2-bedroom units.
- Associated landscaping and servicing works.
- Surface parking for 6 cars including 2 carports.
- Consolidation of 4 lots into 1 single lot.

4.1 Demolition

Demolition is not proposed as part of this development.

4.2 Removal of Trees

There are 11 trees located within the site and the proposal includes the removal of 10 of these trees. It is noted that 6 of the trees proposed to be removed are exempt species and do not require approval for removal. Trees external to the site on adjoining properties will be retained and protected. A tree protection zone (TPZ) will be established for Trees 1, 5 and 6.

The tree removal within the site boundaries is recommended primarily to accommodate the proposed development. Moreover, the individual species are recommended for removal as they are not considered to be significant or worthy of retention (refer to submitted Arboricultural Impact Assessment in **Appendix J**).

More appropriate tree plantings, including trees capable of reaching mature heights of 8-35m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in **Appendix B**).

4.3 Proposed Dwellings

A total of 12 independent living units are proposed across 2 separate residential buildings on the site. The western most building (Blocks A and B), contain 8 independent living units, 4 on the ground level and 4 on the first floor. The eastern most building (Block C), contains 4 independent living units, 2 on the ground level and 2 on the first floor.

The proposed housing represents a contemporary, high-quality design. The use of face brick for external walls and prefinished metal roofing is consistent with the existing and developing character of the Fairfield suburb. All 12 of the proposed units will address the street (Units 1,2,3,4,5,6 on the ground floor and Units 7, 8, 9, 10, 11 & 12 on the first floor) with the majority of habitable rooms and living area windows facing the street for passive surveillance. Balconies and patios for all units are rear facing with the exception of Unit 7 and 12 which have additional front-facing balconies. Reverse cycle air conditioning will be provided to the living areas of each dwelling to assist with climate control, as well as photovoltaic systems to offset energy costs.

All ground floor units are capable of being adapted to suit persons with a disability should the need arise in the future.

Minor cut and fill is proposed to provide a level carparking areas and building platform (refer to Civil Plans in *Appendix C*). The total balance of cut and fill is +107.013m³. Retaining walls are incorporated into the external walls and slab design of each building as shown on the Site Plan and Civil Plans (refer to *Appendix C*). Natural ground levels are generally maintained at the property boundaries.

A variety of new landscape plantings are proposed to offset tree removal and enhance the appearance, privacy and microclimate 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. A copy of the Landscape Plan is provided in *Appendix B*.

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

A total of 6 on-grade car parking spaces are proposed. 4 parking spaces will be provided in a shared central parking area, including 1 AS2890.6 compliant accessible parking space. 2 covered parking spaces are located adjacent to Unit 01 and Unit 06. These spaces are designed to be 3.8m wide to comply with seniors housing requirements.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground on site detention tank draining to a new kerb inlet drainage pit along the site frontage in Fergerson Avenue. Stormwater flows through the site in a south-east direction. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank. Further details of roof water connection from downpipes to rainwater tank will be confirmed during construction documentation stage. An identified requirement is recommended to ensure compliance (No. 78). Public domain works including a stormwater pipe extension is required to connect to existing stormwater infrastructure in The Horsley Drive, subject to approval from Transport for NSW (TfNSW) under Section 138 to the Roads Act, 1993.

It is important to note that approval under Section 138 to the Roads Act, 1993 is not required for proposed stormwater works impacting Fergerson Avenue given Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 which provides that a Public Authority, such as the Land & Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road.

Metal fencing is proposed along the side and rear boundaries of the site to a height of 1.8m. Horizontal aluminium slatted fencing to height of 1.2m is provided to delineate private open space areas at the front of the site. Vertical aluminium slatted fencing to height of 1.5m is provided to delineate POS areas at the rear of the site. The proposed fence surrounding the landscaped open space located along the front boundary to the side of Unit 6 is currently shown to a height of 1.5m (ie, fence type F2). It is recommended that this fence be replaced by fence type F1 to a height of 1.2m, to be consistent with front fencing along the remainder of the site. An identified requirement is recommended to this effect (No. 22).

Figure 18 to Figure 24 include extracts from the architectural plans illustrating the proposed development.

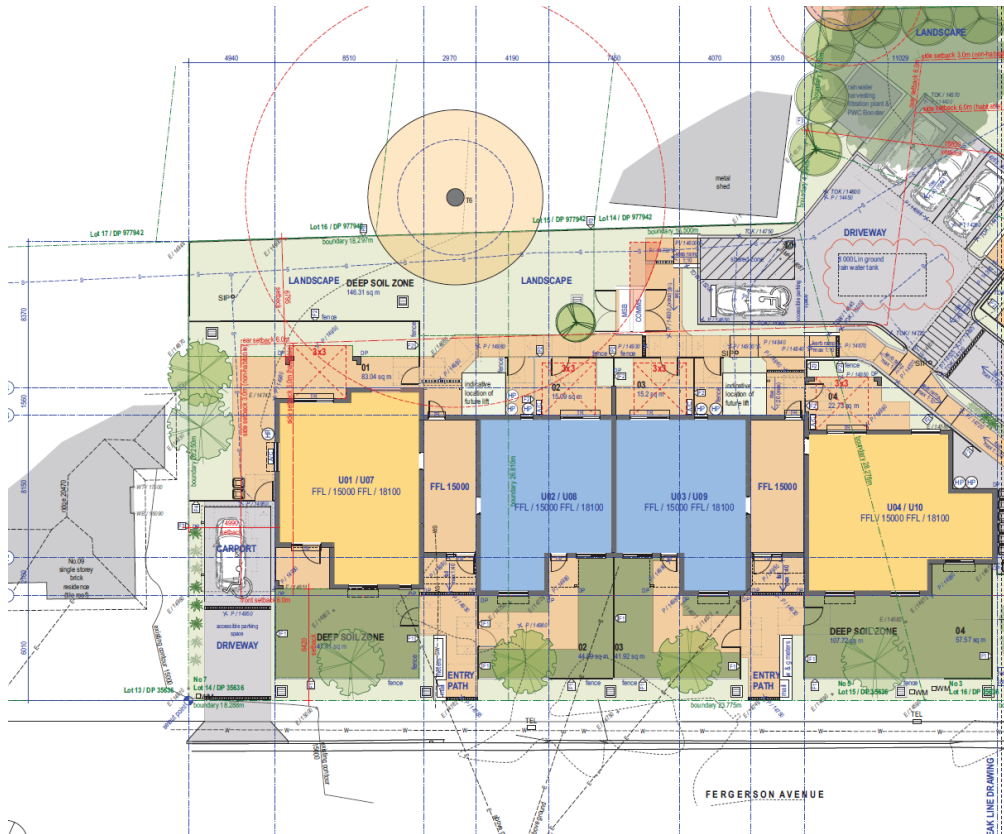


Figure 18 Extract from Architectural Plans – Site Plan 1 of 2 (Source: Architectural Plans, Kennedy Associates Architects, dated 6/03/2024)



Figure 19 Extract from Architectural Plans – Site Plan 2 of 2 (Source: Architectural Plans, Kennedy Associates Architects, dated 6/03/2024)

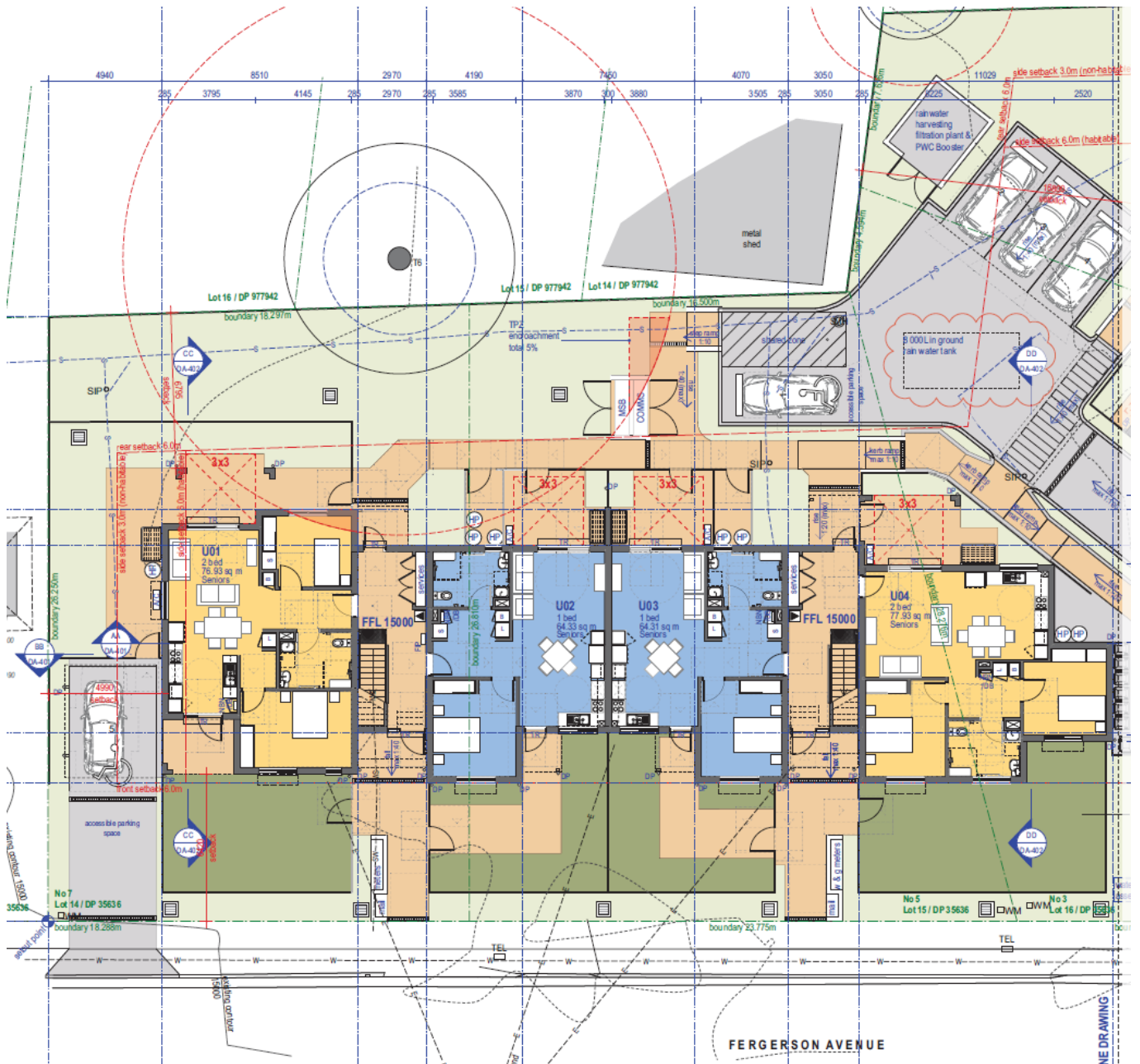


Figure 20 Extract from Architectural Plans – Ground Floor – Part 01 (Source: Architectural Plans, Kennedy Associates Architects, dated 6/03/2024)

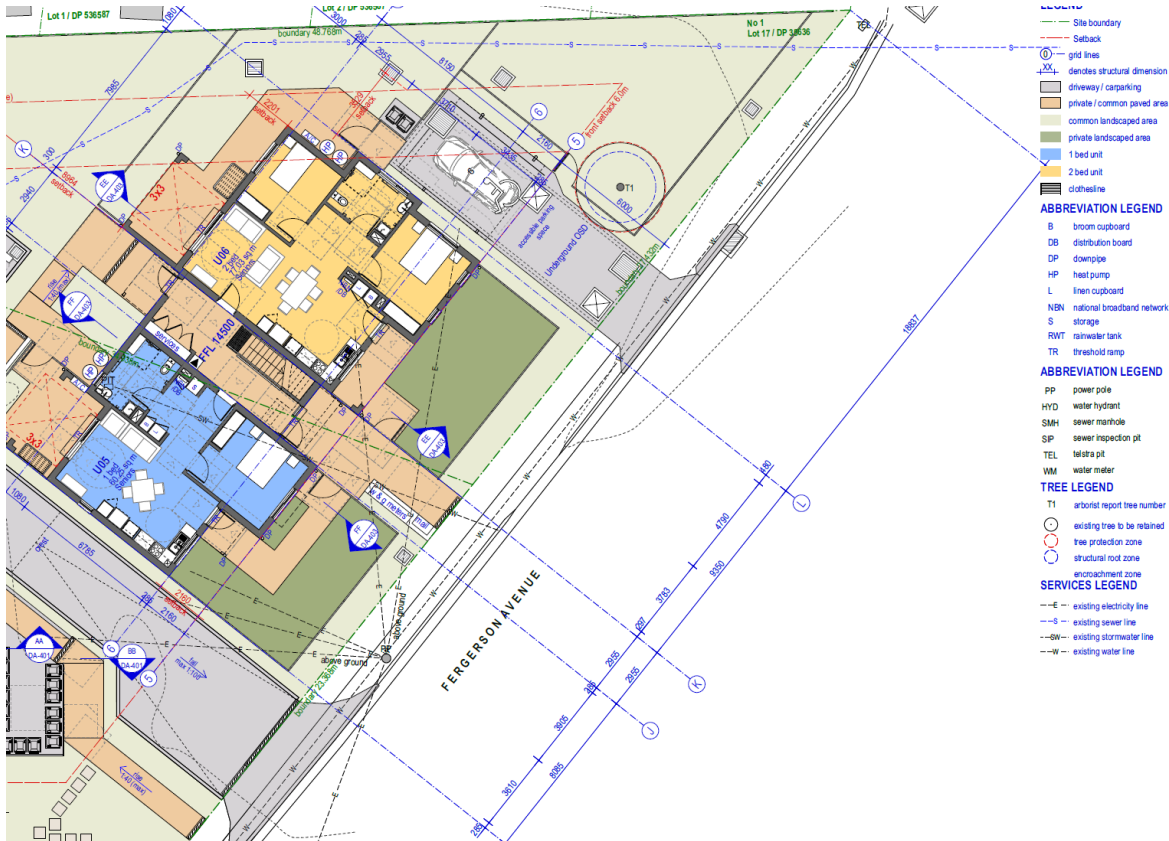


Figure 21 Extract from Architectural Plans – Ground Floor – Part 02 (Source: Architectural Plans, Kennedy Associates Architects, dated 6/03/2024)

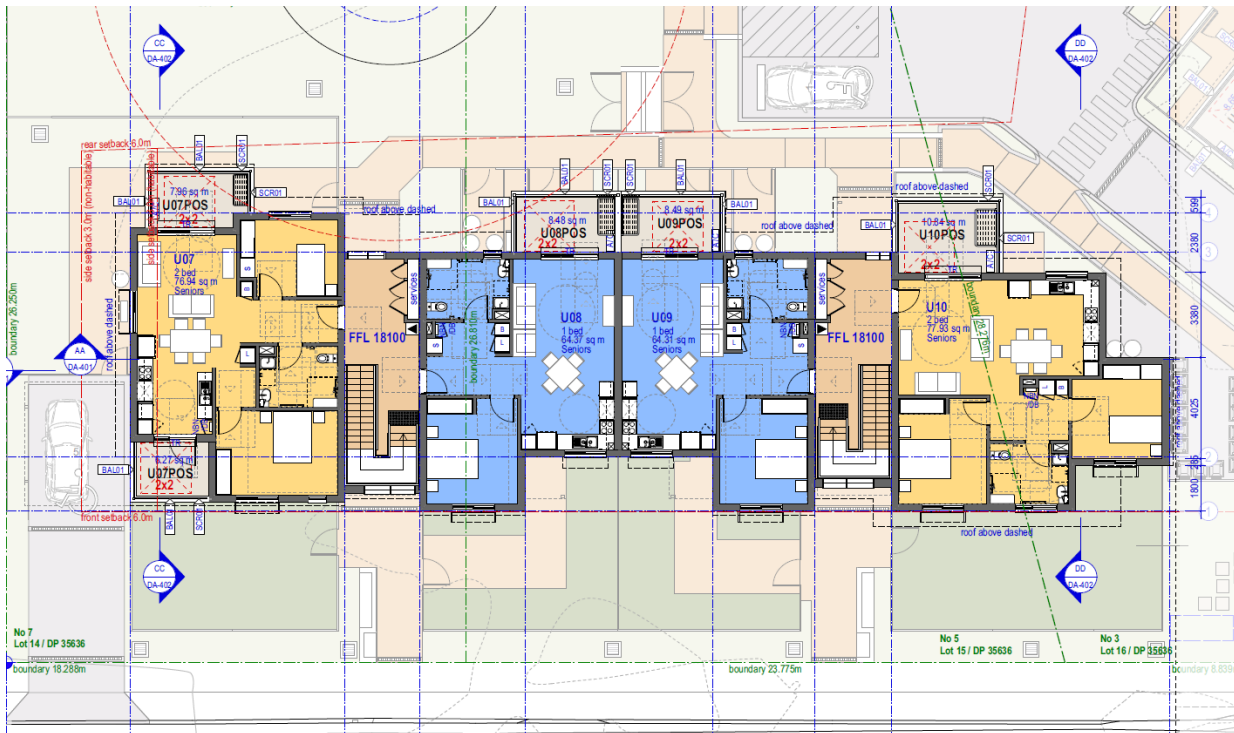


Figure 22 Extract from Architectural Plans – First Floor – Part 01 (Source: Architectural Plans, Kennedy Associates Architects, dated 1/11/2023)

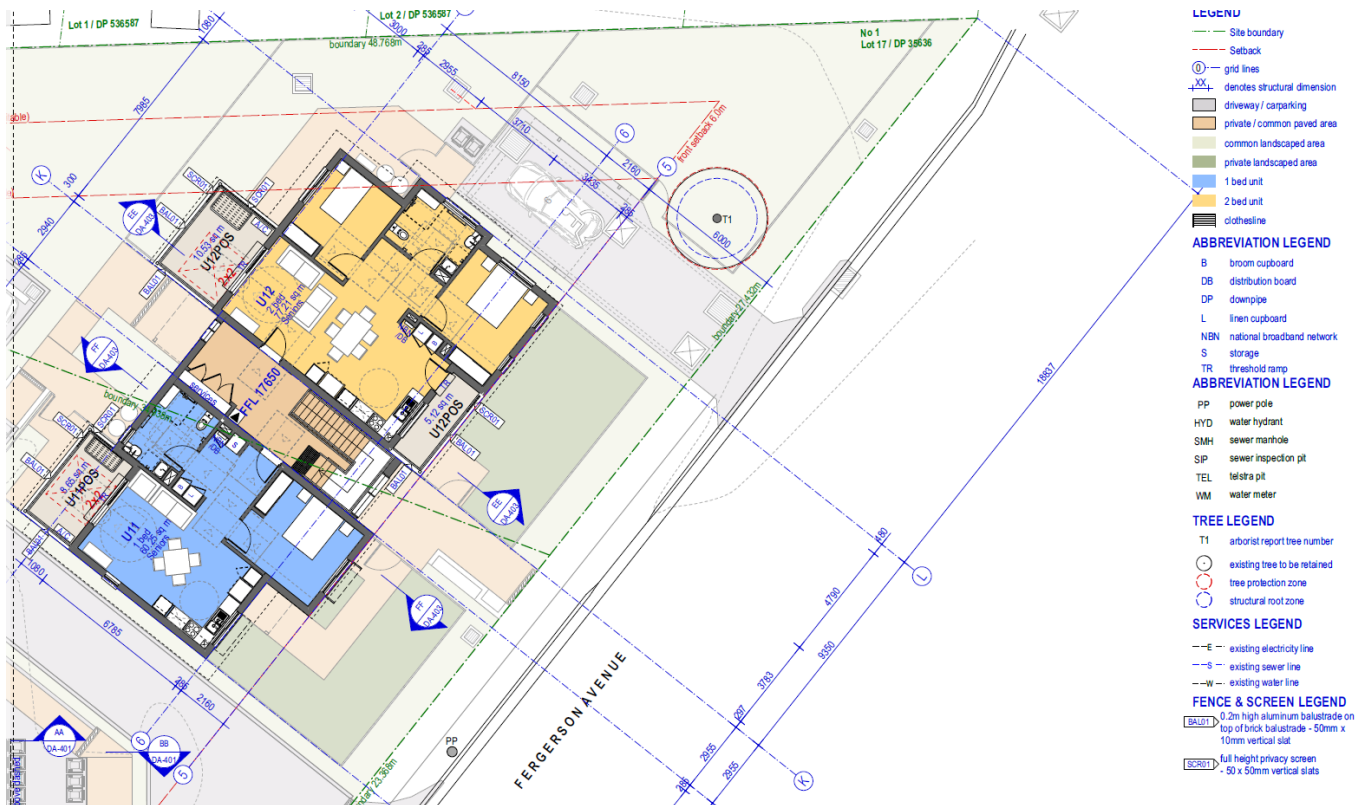


Figure 23 Extract from Architectural Plans – GA Plan 4 of 4 (Source: Architectural Plans, Kennedy Associates Architects, dated 5/02/2024)



Figure 24 Extract from Architectural Plans – Photomontage Street Perspective (Source: Architectural Plans, Kennedy Associates Architects, dated 1/11/2023)

4.4 Supporting information

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

Table 1 Plans, drawings and Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Architectural – Appendix A				
Cover Page	DA-000	Rev A	1/11/2023	Kennedy Associates Architects
Block Analysis Plan	DA-001	Rev A	1/11/2023	Kennedy Associates Architects
Site Analysis Plan – Part 01	DA-100	Rev A	1/11/2023	Kennedy Associates Architects
Site Analysis Plan – Part 02	DA-101	Rev A	1/11/2023	Kennedy Associates Architects
Demolition Plan – Part 01	DA-102	Rev A	1/11/2023	Kennedy Associates Architects
Demolition Plan – Part 02	DA-103	Rev A	1/11/2023	Kennedy Associates Architects
Site Plan – Part 01	DA-104	Rev B	6/03/2024	Kennedy Associates Architects
Site Plan – Part 02	DA-105	Rev B	6/03/2024	Kennedy Associates Architects
Lot Consolidation Plan – Part 1	DA-106	Rev A	1/11/2023	Kennedy Associates Architects
Lot Consolidation Plan – Part 2	DA-107	Rev A	1/11/2023	Kennedy Associates Architects
General Arrangement – External Works – Part 01	DA-201	Rev C	5/03/2024	Kennedy Associates Architects
General Arrangement – External Works – Part 02	DA-202	Rev C	6/03/2024	Kennedy Associates Architects
General Arrangement – Ground Floor – Part 01	DA-203	Rev B	6/03/2024	Kennedy Associates Architects
General Arrangement – Ground Floor – Part 02	DA-204	Rev B	6/03/2024	Kennedy Associates Architects
General Arrangement – Access Plan L00 – Part 01	DA-205	Rev B	6/03/2024	Kennedy Associates Architects
General Arrangement – Access Plan L00 – Part 02	DA-206	Rev B	6/03/2024	Kennedy Associates Architects
General Arrangement – First Floor – Part 01	DA-207	Rev A	1/11/2023	Kennedy Associates Architects
General Arrangement – First Floor – Part 02	DA-208	Rev B	5/02/2024	Kennedy Associates Architects
General Arrangement – Roof – Part 01	DA-209	Rev A	1/11/2023	Kennedy Associates Architects
General Arrangement – Roof – Part 02	DA-210	Rev A	1/11/2023	Kennedy Associates Architects
Cut, Fill, Retaining Wall Plan – Part 01	DA-211	Rev A	1/11/2023	Kennedy Associates Architects
Cut, Fill, Retaining Wall Plan – Part 02	DA-212	Rev A	1/11/2023	Kennedy Associates Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Area Counts – Sheet 01	DA-213	Rev B	5/02/2024	Kennedy Associates Architects
Area Counts – Sheet 02	DA-214	Rev B	5/02/2024	Kennedy Associates Architects
Solar Access Study Sheet 01	DA-215	Rev A	2/11/2023	Kennedy Associates Architects
Solar Access Study Sheet 02	DA-216	Rev A	2/11/2023	Kennedy Associates Architects
Shadow Diagrams – Winter Solstice 01	DA-217	Rev A	2/11/2023	Kennedy Associates Architects
Shadow Diagrams – Winter Solstice 02	DA-218	Rev A	2/11/2023	Kennedy Associates Architects
Elevation Sheet 01	DA-301	Rev A	2/11/2023	Kennedy Associates Architects
Elevation Sheet 02	DA-302	Rev A	2/11/2023	Kennedy Associates Architects
Elevation Sheet 03	DA-303	Rev A	2/11/2023	Kennedy Associates Architects
Elevation Sheet 04	DA-304	Rev B	5/02/2024	Kennedy Associates Architects
Elevation Sheet 05	DA-305	Rev A	2/11/2023	Kennedy Associates Architects
Section Sheet 01	DA-401	Rev A	2/11/2023	Kennedy Associates Architects
Section Sheet 02	DA-402	Rev A	2/11/2023	Kennedy Associates Architects
Section Sheet 03	DA-403	Rev A	2/11/2023	Kennedy Associates Architects
Axonometric Views	DA-501	Rev B	15/02/2024	Kennedy Associates Architects
Axonometric Views Height Plane	DA-502	Rev A	2/11/2023	Kennedy Associates Architects
Landscape Plan – Appendix B				
Cover Sheet	LA-100	Rev C	7/03/2024	Studio IZ
Legend, General Note and Planting Schedule	LA-101	Rev C	7/03/2024	Studio IZ
Existing Trees Plan	LA-200	Rev C	7/03/2024	Studio IZ
General Arrangement Plan – Sheet 1	LA-301	Rev C	7/03/2024	Studio IZ
General Arrangement Plan – Sheet 2	LA-302	Rev C	7/03/2024	Studio IZ
Planting Plan – Sheet 1	LA-401	Rev C	7/03/2024	Studio IZ
Planting Plan – Sheet 2	LA-402	Rev C	7/03/2024	Studio IZ
Typical Details	LA-600	Rev C	7/03/2024	Studio IZ
Specification Notes	LA-700	Rev C	7/03/2024	Studio IZ
Civil Plans – Appendix C				
Location Plan and Drawing Schedule	001	Rev D	7/03/2024	Tonkin

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
General Arrangement Plan	005	Rev D	7/03/2024	Tonkin
Erosion & Sediment Control Plan	101	Rev D	7/03/2024	Tonkin
Erosion & Sediment Control Details	111	Rev D	7/03/2024	Tonkin
Cut & Fill Plan	200	Rev D	7/03/2024	Tonkin
Stormwater Management Plan 1 of 2	301	Rev G	7/03/2024	Tonkin
Stormwater Management Plan 2 of 2	302	Rev G	7/03/2024	Tonkin
Stormwater Longitudinal Sections	310	Rev C	7/03/2024	Tonkin
Siteworks Plan 1 of 2	401	Rev D	7/03/2024	Tonkin
Siteworks Plan 2 of 2	402	Rev D	7/03/2024	Tonkin
Typical Details Sheet 1 of 2	601	Rev D	7/03/2024	Tonkin
Typical Details Sheet 2 of 2	602	Rev D	7/03/2024	Tonkin
Site Frontage Works Plan 1 of 2	S403	Rev A	7/03/2024	Tonkin
Site Frontage Works Plan 2 of 2	S404	Rev A	7/03/2024	Tonkin

Survey Plans – Appendix D

Detail & Contour Survey	Sheet 1 of 4	Issue 1	2/07/2020	Total Surveying Solutions
Detail & Contour Survey	Sheet 2 of 4	Issue 1	2/07/2020	Total Surveying Solutions
Detail & Contour Survey	Sheet 3 of 4	Issue 1	2/07/2020	Total Surveying Solutions
Detail & Contour Survey	Sheet 4 of 4	Issue 1	2/07/2020	Total Surveying Solutions

Notification Plans – Appendix E

Cover Sheet	N01	Rev A	1/11/2023	Kennedy Associates Architects
Street Perspective	N02	Rev A	1/11/2023	Kennedy Associates Architects
Site / Landscape Plan – Part 01	N03	Rev A	1/11/2023	Kennedy Associates Architects
Site / Landscape Plan – Part 02	N04	Rev A	1/11/2023	Kennedy Associates Architects
Development Data	N05	Rev A	1/11/2023	Kennedy Associates Architects
Elevations 01	N06	Rev A	2/11/2023	Kennedy Associates Architects
Elevations 02	N07	Rev A	2/11/2023	Kennedy Associates Architects
Schedule of Finishes	N08	Rev A	2/11/2023	Kennedy Associates Architects
Shadow Diagrams	N09	Rev A	2/11/2023	Kennedy Associates Architects

Access Report – Appendix H

Part 5 Application Access Report		Rev 2	28/10/2023	MGAC
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AHIMS Web Search – Appendix I

AHIMS search	-	-	30/01/2024	-
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Arborist Report – Appendix J

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Arboricultural Impact Assessment and Tree Management Plan	Ref 5836.3	Rev 3	2/11/2023	Redgum Horticultural
BASIX – Appendix K				
BASIX Certificate	Cert No. 1373594M_04	-	6/03/2024	Elias Aboutannous
BCA report – Appendix L				
BCA Compliance Assessment	P210172	Rev 1	6/07/2023	BCA Vision
NatHERS Certificate – Appendix N				
Nationwide house energy rating scheme – Unit 1	No. C38S8J0WB4-03	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 2	No. 0ES2MILRD8-03	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 3	No. QEAZIBL2GU-03	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 4	No. 3ECC8990BW-03	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 5	No. SHFLDDYG8B-02	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 6	No. ZEA4JPEHA0-03	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 7	No. CF87Y2KHSU-03	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 8	No. JVLAOG88EX-03	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 9	No. Z9HNIOCENK-03	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 10	No. X4HA0F5X4Z-06	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 11	No. 1SU191JOFP-02	-	19/02/2024	eCerts Australia
Nationwide house energy rating scheme – Unit 12	No. BBLYSC23KO-03	-	19/02/2024	eCerts Australia
Geotechnical Investigation– Appendix P				
Geotechnical Investigation	No. 20/1821	-	June 2020	STS Geotechnics Pty Ltd
Waste Management Plan – Appendix R				

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Waste Management Plan	No. 2260	-	November 2023	Kennedy Associate Architects

Heritage Report – Appendix S

Statement of Heritage Impact	-	-	10/07/2023	GBA Heritage
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Traffic and Parking Impact Assessment - Appendix T

Traffic and Parking Impact Assessment	21094	Issue D	October 2023	Transport and Traffic Planning Associates
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Acoustic Report – Appendix U

DA Acoustic Assessment	20231138.1/2011 A/R0/RL	0	20/11/2023	Acoustic Logic
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Section 10.7 Planning Certificates – Appendix F

Lot 14 DP 35636, Certificate no. 4241/2023, dated 20.11.2023 – Fairfield City Council

Lot 15 DP 35636, Certificate no. 4240/2023, dated 20.11.2023 – Fairfield City Council

Lot 16 DP 35636, Certificate no. 4239/2023, dated 20.11.2023 – Fairfield City Council

Lot 17 DP 35636, Certificate no. 4238/2023, dated 20.11.2023 – Fairfield City Council

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

Architect's Certificate of Building Design Compliance – 01/11/2023

Certificate of Landscape Documentation Compliance – 31/10/2023

Certificate of Civil Documentation Compliance – 01/11/2023

Housing for Seniors checklist – Appendix O

Seniors Living Urban Design Guidelines, LAHC Design requirements & Good design for social housing, Kennedy Associate Architects - 1/11/2023.

Titles and Deposited Plans – Appendix Q

Title Search, Folio: 14/35636, Search date 10.12.2018, NSW Land Registry Services

Title Search, Folio: 15/35636, Search date 10.12.2018, NSW Land Registry Services

Title Search, Folio: 16/35636, Search date 10.12.2018, NSW Land Registry Services

Title Search, Folio: 17/35636, Search date 10.12.2018, NSW Land Registry Services

Deposited Plan 35636, Search date 10.12.2018 NSW Land Registry Services

5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Fairfield Local Environmental Plan 2013* (FLEP 2013) (refer to **Figure 25**). The proposed development is defined as ‘seniors housing’ under the provisions of FLEP 2013 and is permissible with consent in the R2 zone.

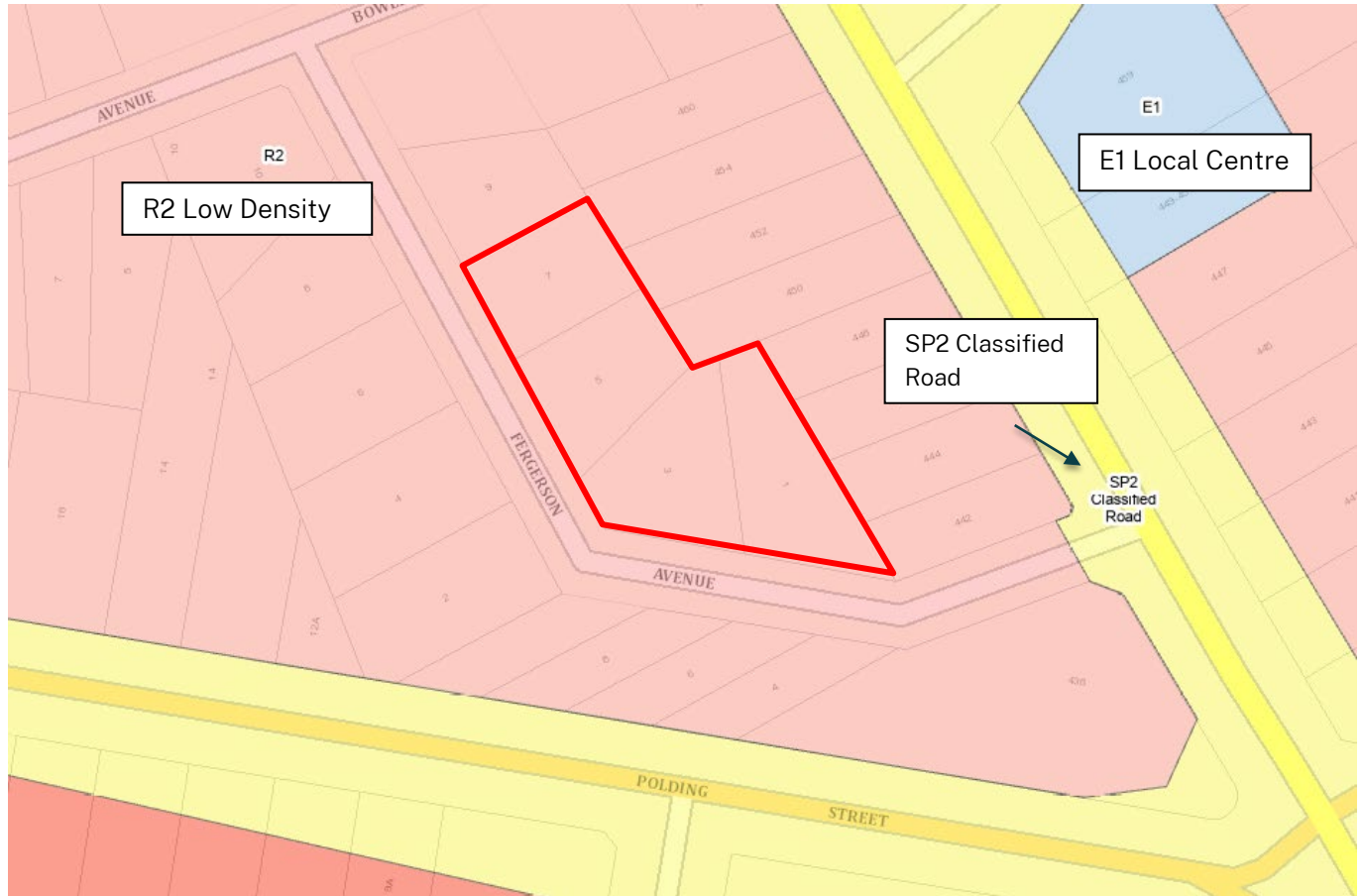


Figure 25 Land zoning map (Source: Planning Portal)

The land use table for the R2 – Low Density Residential zone is provided below.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Hospitals; Hostels; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public

*administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; **Seniors housing**; Tank-based aquaculture*

4 Prohibited

Any development not specified in item 2 or 3

The relevant objective of the R2 zone, as set out in FLEP 2013 is:

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

The proposed development provides seniors housing that meets the identified needs of the community and includes a mix of 1 and 2-bedroom units contained in 2 x two-storey buildings of a scale and proportion similar to low density residential buildings in the neighbourhood. The proposal has no measurable impact on local heritage items or conservation areas and the development has also been sympathetically designed to fit within its context and complement the surrounding area. The proposal is intended to improve housing stock and diversity in the Fairfield LGA. The proposal is therefore consistent with the relevant objective of the R2 zone.

A Part 5 approval pathway is being pursued in accordance with the Housing SEPP. Section 108B of the Housing SEPP permits seniors housing development to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. Table 5 in subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of 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
Sub-section 3 Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).

6.2 Biodiversity Conservation Act 2016 (BC Act)

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

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

6.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity. The provisions of the Contaminated Land Management Act, 1997 are addressed in Section 6.6 with State Environmental Planning Policy (Resilience and Hazards) 2021.

6.4 Environmental Planning and Assessment Regulation 2021

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

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

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

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

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

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

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

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

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

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

6.4.2 Strategic Planning Framework

Fairfield City 2040 Local Strategic Planning Statement

The Fairfield Local Strategic Planning Statement was endorsed by Fairfield Council in March 2020. It is a 20-year plan that identifies 16 Planning Priorities for the LGA, focused on the community, infrastructure, economy and good governance and environmental sustainability.

Notably, Planning Priority 1 seeks to provide housing that accommodates the needs of existing and future residents. Planning Priority 2 seeks to deliver greater housing diversity and affordability to meet the changing needs of the community. The proposed development will be contributing 12 seniors living units to the affordable housing supply in the Fairfield LGA. It is diversifying the residential uses in Fairfield by introducing seniors living housing to accommodate the ageing population in the locality and is well serviced by existing public transport options and essential services.

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

2022-2032 Fairfield City Plan - Community Strategic Plan

The 2022-2032 Fairfield City Plan is a 10-year plan that outlines 5 broad inter-related themes that are derived from an extensive community engagement process, which identified priorities for the community's future. These themes are community wellbeing, environmental sustainability, places and infrastructure, local economy and employment, good governance and leadership, facilitating partnership with the community, government agencies and business. These 5 key strategic directions foster 10 priorities that will guide the Fairfield area in

the next 10 years. A series of goals, outcomes and strategies are outlined, specific to each of the 10 priorities, providing a clear and distinct guide in achieving the overarching themes of the plan.

Theme 2 'Places and Infrastructure' includes the following goal and outcome which is relevant to the proposed development:

Goal A – An accessible and liveable city – Outcome 3 – Affordable high quality development that improves the local character of the City.

The proposed seniors housing development is consistent with this goal as it provides affordable housing that integrates renewable practices, such as rainwater reuse, and provides a high quality development that will contribute to the character of the local area.

6.4.3 Activities in catchments [Section 171A]

Regulated catchments in Sydney include the Sydney Drinking Water Catchment, the Sydney Harbour Catchment, the Georges River Catchment and the Hawkesbury-Nepean Catchment. The site is located within the Georges River Catchment, as defined in Part 6.2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP).

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

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

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

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

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

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

Provision	Compliance
108A – Development to which Division applies This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is permissible with consent within the R2 Low Density Residential zone under the FLEP 2013.

Provision	Compliance
(b) in a prescribed zone or an equivalent land use zone.	The R2 zone is also a prescribed zone under the SEPP. Part 5, Division 8 of the SEPP therefore applies.
108B – Seniors housing permitted without development consent (1) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent if -	
(a) the relevant authority has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	Consideration of the development standards are provided in Table 6 and Table 7 below.
(b) the development will not result in a building with a height of more than- (i) 9.5m, or (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m and the servicing equipment complies with section 84(3) – 11.5m, and	The maximum building height is 8.205m.
(c) the seniors housing will not contain more than 40 dwellings on the site.	The development is for 12 dwellings on the site.
(2) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	Sections 2.15 and 2.17 of State Environmental Planning Policy (Transport and Infrastructure) 2021 are not applicable to the site or development.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
108C – Requirements for carrying out seniors housing (1) Before carrying out development to which this Division applies, a relevant authority must –	
(a) request the council to nominate a person or persons who must, in the council’s opinion, be notified of the development, and	Advice was sought from Fairfield City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 15 September 2021. Council provided a response email on 24 September 2021 advising that additional properties be included in the notification process. On 6 November 2023, confirmation was sought from Council on persons to be notified of the development, given the length of time between initial Council advice and intended notification period. Council provided confirmation via email dated 30 November 2023

Provision	Compliance
(b) give written notice of the intention to carry out the development to — (i) the council, and (ii) the person or any persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter dated 30 November 2023 notifying Fairfield City Council of the proposed development activity, was sent by LAHC. Letters also dated 30 November 2023, were sent by LAHC notifying occupiers of adjoining land of the proposed development activity. Owners and occupiers of adjoining land were required to be re-notified on 2 May 2024 due to an administrative error.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC's notification by email dated 7 February 2024. Comments on the response are provided in Section 7.1 of this REF. Submissions were received from 2 adjoining owners or occupiers. There were no additional submissions received during the re-notification process. Comments on the submissions are provided in Section 7.2 of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Refer to checklist in Appendix O and subsection 6.5.3 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 6.5.3 of this report. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints, site and locality characteristics and specific LAHC design requirements and policies.
(d1) if the relevant authority is the Aboriginal Housing Office — consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	Not applicable.
(e) if the relevant authority is the Land and Housing Corporation — consider the relevant provisions of — (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Refer to subsections 6.5.4 and 6.5.5 of this REF and the Architect's Statement and Certificate of Building Design Compliance in Appendix M which indicate that the design and dwelling requirements have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in Table 10 .
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.
108D - Exempt development Development for purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of a relevant authority in relation to seniors housing	Noted
108E - Subdivision of seniors housing not permitted Development consent must not be granted for subdivision of seniors housing.	No subdivision proposed, only lot amalgamation.

The Housing SEPP requires LAHC to consider the applicable development standards specified in sections 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
<p>84 Development standards – general</p> <p>(2) Development consent must not be granted for development to which this section applies unless –</p> <p>(a)</p> <p>(b)</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted –</p> <p>(i)</p> <p>(ii)</p> <p>(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.</p>	<p>Proposed development is in a R2 zone where residential flat buildings are not permitted.</p> <p>NA. Proposed development is two storey only.</p>
<p>85 Development standards for hostels and independent living units</p> <p>(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.</p> <p>(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.</p> <p>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.</p>	<p>The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in Table 8 below.</p> <p>Noted.</p>
<p>88 Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following –</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live in the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</p> <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will</p>	<p>Complies. An identified requirement no. 71 is recommended to achieve compliance.</p>

Provision	Compliance
occupy accommodation to which the development relates.	
89 Use of ground floor of seniors housing in business zones	Not applicable, the site is located in a residential zone.

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

Development Standard	Required	Comment
Building Height:	9.5m or less	Complies - Maximum height 8.205m
Density and Scale:	Floor Space Ratio 0.5:1 or less	Complies - 978.64m ² or 0.43:1
Landscaped Area:	Minimum 35m ² per dwelling (12 x 35m ² = 420m ²)	Complies - 837.978m ²
Deep Soil Zone:	Minimum 15% of area of site (15% x 2,272m ² = 340.8m ²)	Complies - 512.699m ² or 23%
	Minimum 65% to be preferably located at rear of site (340.8m ² x 65% = 221.52m ²)	Complies - 332.26m ² or 97.5% of required deep soil zone provided at rear of site.
	Minimum dimension 3m	Complies - Minimum dimension 3m
Solar Access:	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9 am and 3 pm at mid-winter	Complies - 75% of living areas and 100% of private open space areas achieve 2 hours of direct solar access to between 9am and 3pm mid-winter. Overall, 75% of units receive adequate solar access.
Private Open Space:	Ground level:	
	Minimum 15m ² per dwelling	Complies - Minimum 15m ²
	One area minimum 3m x 3m, accessible from living area	Complies - Minimum 3m x 3m
	Upper level/s:	Complies -
	1 bedroom: Minimum 6m ² Minimum dimensions 2m	Minimum 8m ² Minimum 2m
	2 or more bedrooms: Minimum 10m ² Minimum dimensions 2m	Minimum 10m ²

Development Standard	Required	Comment
		Unit 7 has 2 balconies which provide a combined POS exceeding 10m ² – front-facing balcony with area of 6.27m ² and rear-facing balcony with area of 7.96m ² Minimum 2m
Car parking:	Minimum 1 car parking space for each 5 dwellings (LAHC concession) – 2.4 car parking spaces required, ie. 3 spaces	Complies with intent - 6 x on-grade carparking including 1 compliant disabled parking space proposed with shared area. 2 out of 6 parking spaces designed to be 3.8m wide to comply with senior housing requirements.

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 (Sch 4)	Required	Comment
2.Siting Standards:		
Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	Compliance readily achievable. 100% of ground floor units have accessible paths of travel in accordance with AS1428.1 to an adjoining public road. The development complies at this stage of design and should be verified prior to construction and occupation, as per the submitted Access Assessment Report prepared by MGAC (<i>Appendix H</i>).
'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	<p>Compliance readily achievable.</p> <p>All common areas have accessible paths of travel in accordance with AS1428.1. Compliance indicated as per the submitted Access Assessment Report prepared by MGAC (<i>Appendix H</i>).</p>
3. Security:		
Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide min 20 lux at ground level	<p>Compliance readily achievable.</p> <p>Pathway lighting designed and located to avoid glare for pedestrians and adjacent dwellings and shall provide the appropriate lux level at ground level. (subject to Identified Requirement No. 72). Compliance readily achievable as per the submitted Access Assessment Report prepared by MGAC (<i>Appendix H</i>).</p>
4. Letterboxes:		
	To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS1428.1)	<p>Compliance readily achievable.</p> <p>Letterboxes have been provided adjacent to Fergerson Avenue, situated on a hard standing area with wheelchair accessibility as per AS 1428.1. Further specification to be provided at detailed construction documentation stage. Compliance indicated as per the submitted Access Assessment Report prepared by MGAC (<i>Appendix H</i>).</p>
5. Private car accommodation:		
Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890.6 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	<p>Complies with intent</p> <p>LAHC is required to provide 1 car parking space for every 5 dwellings. This leads to the requirement of 3 accessible parking spaces to be provided for the proposed development in accordance with the requirements of AS2890.6.</p> <p>The development proposes 6 x on-grade carparking spaces, including 1 accessible parking space proposed with shared area to meet AS2890.6.</p>

		<p>2 out of 6 parking spaces are designed to be 3.8m wide to meet senior housing requirements.</p> <p>The 3.8m and 4.2m wide spaces are located adjacent to Unit 1 and Unit 6 respectively, and are allocated for the use of residents of those units. These spaces give a comparable level of accessibility as they meet adaptable parking requirements.</p> <p>It is considered that the parking provision for this development responds to both adaptability (AS4299:1995) and accessibility (AS2890.6) standards. Compliance indicated as per the submitted Access Assessment Report prepared by MGAC (<i>Appendix H</i>).</p>
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.
6. Accessible entry		
Every entry, whether front entry or not:	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	<p>Compliance readily achievable.</p> <p>The entry doorways of dwelling types can achieve a sufficient clear open width of 850mm and details relating to accessible door widths and components will be finalised during the design development stage. Dwelling types displays adequate door circulation in compliance with AS1428.1(Ground Floor).</p> <p>Details will be required at construction documentation stage (subject to Identified Requirement No. 70). Compliance readily achievable as per the submitted Access Assessment prepared by MGAC (<i>Appendix H</i>).</p>
7. Interior: general		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>Internal doorways must have a minimum clear opening that complies with AS1428.1</p> <p>Internal corridors must have a minimum unobstructed width of 1,000mm</p>	<p>Compliance readily achievable.</p> <p>Doorways, circulation spaces and corridors are suitably wide, with compliance indicated as per the submitted Access Assessment</p>

	Circulation space at approaches to internal doorways must comply with AS1428.1	Report prepared by MGAC (<i>Appendix H</i>).
8. Bedroom		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel-a single - size bed,</p> <p>(ii) in the case of a self-contained dwelling - a queen size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200mm wide at the foot of the bed, and</p> <p>(ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux</p>	<p>Compliance readily achievable.</p> <p>The internal arrangement of at least 1 bedroom in each unit will make suitable provisions for the circulation spaces and facility requirements in accordance with this Clause. Compliance indicated as per the submitted Access Assessment Report prepared by MGAC (<i>Appendix H</i>).</p> <p>Further detailed information will be required at construction documentation stage (refer to Identified Requirement No. 71).</p>
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> <p>(a) a slip-resistant floor surface,</p>	<p>Compliance readily achievable.</p> <p>Suitable provisioning has been made to accommodate the clearances and layout required for an accessible bathroom. Compliance indicated as per the submitted Access</p>

	<p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS1428.1,</p> <p>(c) a shower that complies with AS1428.1, except that the following must be accommodated either immediately or in the future:</p> <ul style="list-style-type: none"> (i) a grab rail, (ii) portable shower head, (iii) folding seat, (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, (e) a double general power outlet beside the mirror <p>The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility</p>	<p>Assessment Report prepared by MGAC (<i>Appendix H</i>).</p> <p>Further detailed information will be required at construction documentation stage (refer to Identified Requirement No. 70).</p>
10. Toilet Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>A dwelling must have at least 1 toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS4299</p>	<p>Complies with intent.</p> <p>There are not visitable compliant bathrooms that meet AS4299. However, this will be supported by MGAC as they are compliant with AS1428.1 and offer a more significant room to manoeuvre. Furthermore, the visitable toilet function could also be performed by a compliant AS1428.1 bathroom.</p> <p>This proposal complies with this clause at this stage of the design and should be verified prior to construction and occupation stages (refer to Identified Requirement No. 70).</p>
11. Surface finishes Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>Balconies and external paved areas must have slip-resistant surfaces</p>	<p>Compliance readily achievable.</p>

		Further detailed information will be required at construction documentation stage to ensure compliance (refer to Identified Requirement No. 70).
12. Door Hardware		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299	<p>Compliance readily achievable.</p> <p>Further detailed information will be required at construction documentation stage to ensure compliance (refer to Identified Requirement No. 70).</p>
13. Ancillary Items		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Switches and power points must be provided in accordance with AS4299	<p>Compliance readily achievable.</p> <p>Further detailed information will be required at construction documentation stage to ensure compliance (refer to Identified Requirement No. 70).</p>
15. Living and dining room		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<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>	<p>Compliance readily achievable.</p> <p>All ground floor dwelling types have living and dining areas that can sufficiently accommodate a 2250mm diameter clear circulation space which is compliant with clause 4.7.1 of AS4299. All GPOs, telephone outlets and wiring for lighting will be provided in accordance with the SEPP in design development stages.</p> <p>This proposal complies with this clause at this stage of the design and should be verified prior to construction and prior occupation stages.</p> <p>Further detailed information will be required at construction documentation stage to ensure compliance (refer to Identified Requirement No. 70).</p>
16. Kitchen		

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

A kitchen in a self-contained dwelling must have:

- (a) a circulation space in accordance with clause 4.5.2 of AS4299, and
- (b) a width at door approaches complying with clause 7 of this Schedule, and
- (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS4299:
 - (i) benches that include at least one work surface at least 800mm in length that comply with clause 4.5.5 (a),
 - (ii) a tap set (see clause 4.5.6),
 - (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,
 - (iv) an oven (see clause 4.5.8), and
- (d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (e) general power outlets:
 - (i) at least one of which is a double general power outlet within 300mm of the front of a work surface, and
 - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed

Compliance readily achievable.

The drawings show 'L' shape and 'U' style kitchen configuration for dwelling types. There is at least 1550mm clear space forward of kitchen benches, compliant with clause 4.5.2 of AS4299 as required by the SEPP.

All kitchen joinery, fittings and fixtures such as the tap, cooktop, bench work surface, oven and cupboard hardware will be detailed to be compliant with clause 4.5 of AS4299 as required by the SEPP in design development stages.

Additionally, all electrical switches and outlets inside the kitchen will be detailed in design development stages.

This proposal complies with this clause at this stage of the design and should be verified prior to construction and prior occupation stages.

Further detailed information will be required at construction documentation stage to ensure compliance (refer to Identified Requirement No. 70).

17. Access to kitchen, main bedroom, bathroom and toilet

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

In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level

In this development each respective independent living unit is single level with the kitchen, main bedroom and toilet located on the same level.

18. Lifts in Multi storey buildings

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

In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.

N/A to LAHC development, however future potential provision for lifts has been shown on the plans.

19. Laundry

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

A self-contained dwelling must have a laundry that has:

- (a) width at door approaches that complies with cl.7 of this Schedule, and
- (b) provision for the installation of an automatic washing machine and a clothes dryer, and
- (c) a clear space in front of appliances of at least 1,300mm, and
- (d) a slip-resistant floor surface, and
- (e) an accessible path of travel to any clothes line provided in relation to the dwelling

Compliance readily achievable.

Suitable provisioning has been made available to resolve accessibility.

Dwelling types show functional clearance of 1300mm clearance in front of the laundry appliances, compliant with the SEPP, as per the submitted Access Assessment Report prepared by MGAC (*Appendix H*).

Further detailed information will be required at construction documentation stage to ensure compliance (refer to Identified Requirement No. 70).

20. Storage for Linen

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

A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299

Compliance readily achievable.

Suitable provisioning has been made within the design, as per the submitted Access Assessment prepared by MGAC (*Appendix H*).

21. Garbage

A garbage storage area must be provided in an accessible location.

Compliance readily achievable.

There is a garbage bin area provided adjacent to the driveway which is centralized location convenient for all users. These areas are accessed via walkways with suitable gradients. Suitable provisioning has been made within the design, as per the submitted Access Assessment prepared by MGAC (*Appendix H*).

6.5.3 Seniors Living Policy: Urban Design Guidelines for Infill Development

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

The SLUDG outlines the design issues, principles and better practices that must be considered when designing a development for assessment under the Housing SEPP. There are 5 sections in the document, each corresponding to a key issue when designing development under the Housing SEPP. These include:

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

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

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

Table 9 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
3.06 Set back upper levels behind the front building façade?	The proposed development is 2 storeys only. The upper level is not setback behind the front building line in order to simplify construction. However, balconies/roof form are provided to assist building façade articulation and reduce visual bulk.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)	Single driveway width is provided. Driveways are concrete to meet LAHC maintenance and durability requirements.
4.03 Set upper storeys back behind the side or rear building line	The proposed development is 2 storeys only and setting back the top floor would complicate construction and buildability. Instead, balconies and varied roof form are provided to assist building façade articulation and reduce visual bulk.
4.05 Incorporate second storeys within the roof space and provide dormer windows?	Dormer windows are not appropriate for the proposed design. Second storeys within the roof space are not characteristic in the locality. The proposed second storey complies with height and setback requirements and does not give rise to any adverse streetscape or amenity impacts.

Guideline Requirement	Response
4.14 Locate private open space in front setbacks where possible to minimise negative impacts on neighbours?	<p>Due to site orientation constraint, private open space for each unit is located at the rear and exposed to solar path in order to meet the minimum solar access required under the SEPP.</p> <p>Secondary open spaces are provided for all units in the front setback areas.</p>
4.16 Design dwellings around internal courtyards?	No internal courtyard is provided. All proposed dwellings have been designed to face towards Fergerson Avenue and the rear of the site. The design of the proposed development will allow for general surveillance of all common areas throughout the site, including driveways and parking. All proposed dwellings will provide casual surveillance from habitable rooms to Fergerson Avenue.

6.5.4 Good Design for Social Housing

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

Clause 108C(1)(e)(i) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing* (September 2020) when assessing a proposed seniors housing development under Chapter 3 Part 5, Division 8 of the Housing SEPP.

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

Wellbeing

The design is well considered for the safe layout for each tenant and able to support their physical needs. The external character is inviting with a durable and hard-wearing finish whilst also providing a design that sits well within its context as well as providing a high level of amenity for residents. This development considers the needs of the tenant to provide low running costs and is flexible to adapt to future requirements.

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a high NatHERS rating with an average of 8.1 stars which exceeds the minimum targets set by LAHC.

Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining and attractive gardens planted with low maintenance species at ground floor level (applicable to Units 1-6). High quality landscaping across the site will enhance the amenity for residents.

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

Belonging

The design approach responds to the desired future character of this residential area of Fairfield providing an infill residential development that is indistinguishable from private housing and is well integrated within its community.

Private open space and landscaping are provided within front setback area to enhance existing streetscape character and promote passive surveillance.

Value

The lifecycle approach has been highly considered within the design to ensure easy operation and low maintenance facilities are provided.

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 development exceeds sustainability targets, with 8 of the 12 dwellings achieving a NatHERS score of 8 or above. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

The 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

This design has been developed through the strong partnerships and collaborative efforts of LAHC and various consultants to integrate past experiences of this design process to facilitate a more efficient outcome and incorporate current best practice in affordable housing design. The design and assessment process involved consultation with a number of stakeholders including neighbours and Council.

6.5.5 Land and Housing Corporation Design Requirements

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

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

An assessment of the proposed development against the LAHC Design Requirements has been undertaken and deemed to achieve compliance, refer to Certificate of Building Design Compliance from the Architect and Civil Engineer in *Appendix M*. Further detail will be incorporated in the construction documentation.

6.5.6 Housing SEPP Design Principles

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

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

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

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

Neighbourhood amenity and streetscape [section 99]
<p>Seniors housing should be designed to –</p> <p>(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and</p>
<p>N/A no residential care facility proposed.</p>
<p>(b) recognise the desirable elements of –</p> <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 contribute to the quality and identity of the area, and</p>
<p>The existing character is predominantly 1 and 2 storey residential development of varying age and architectural style. Face brick and fibro concrete with tiled pitched roofs is a prominent feature of housing in the immediate area, particularly dwellings constructed during the mid to late twentieth century. Dispersed throughout the neighbourhood are more recent additions including larger, contemporary brick dwellings and multi dwelling housing.</p> <p>The local development controls reflect a future character of residential development with a 9m height limit and density of 0.45:1.</p> <p>The proposed development reflects the existing character of the local area through the use of brickwork in a neutral colour palette, including Gull Grey and Tinto Cream face brick along the majority of the façade, pitched roofs and fencing along the streetscape.</p> <p>The buildings have been designed as two distinct, but compatible forms as viewed from the street, and respond to the character and scale of development in the area. The buildings are articulated through the diversity in materials within the façade, hooded windows, built form and pitched roofs.</p>
<p>(c) complement heritage conservation areas and heritage items in the area, and</p>
<p>The site is not located within a heritage conservation area nor are there any heritage items on the site. However, a heritage item immediately adjoins the rear boundary of the site at 452 The Horsley Drive, Fairfield. Heritage item I65 – Inter-war Bungalow is listed as locally significant in Schedule 5 of FLEP 2013 (Figure 26).</p> <p>The NSW Heritage Inventory contains the following Statement of Significance for Heritage Item ID 1570060, <i>Inter-war Bungalow</i>, at 452 The Horsley Drive (I65):</p> <p><i>Inter-War period Federation / Bungalow. A good example of the transition from the standard Federation form to the standard double gabled Bungalow of the 1920's. Essential Bungalow form, with fine timber detailing characteristic of the earlier Federation period. In excellent condition.</i></p>



Figure 26 FLEP 2013 heritage map (Source: Planning Portal)

The Heritage Impact Statement by GBA Heritage (*Appendix S*) confirms the proposed development would have a negligible impact on the heritage significance of the heritage item, as:

- The Statement of Significance for the subject heritage item is entirely related to its architectural qualities, not its setting. The proposed development would not negatively impact the architectural character of the heritage item.
- The urban area surrounding the heritage item is already developed with later structures. The original setting to the subject heritage item is no longer extant. The proposed development would not negatively impact the historic setting of the heritage item.
- The proposed development would not physically impact the neighbouring heritage item.
- There are no views identified in the Statement of Significance for the subject heritage item that are identified as significant.
- The primary views to the neighbouring heritage item are from The Horsley Drive, which would not be impacted by the proposed development. The proposal will have minor visibility from The Horsley Drive.
- Limited views of the neighbouring heritage item from the public domain in Fergusson Avenue would be negatively affected by the proposed development. These restricted views are to the rear of the heritage item, which has reduced architectural detailing and little heritage significance. The proposed development would have an acceptable impact on views of the neighbouring heritage item from the public domain in Fergusson Avenue.

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

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

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

The development is below the height limit permitted under the Housing SEPP and FLEP 2013 and retains more than 2 hours solar access to the living areas and private open spaces of neighbouring dwellings in mid-winter.

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

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

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

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

The proposed landscape design incorporates substantial plantings at the front and rear of the development which will enhance the streetscape and provide a landscaped space for residents to enjoy at the front and rear. POS areas provided at ground level are surrounded by ample landscaping to improve amenity.

The scheme incorporates a mix of ground covers, shrubs and trees, the majority native. Species include Anigozanthos 'Bush Pearl', Dianella caerulea 'Little Jess', Syzygium australe 'Resilience', Boronia floribunda, and Brachychiton acerifolius.

20 trees are proposed on site ranging in mature height from 8-35m with a mature spread of 3-12m. This includes a Forest Red Gum. Low maintenance planting in the common landscaped area will create a pleasant environment for residents and attract animal and birdlife.

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

The Arboricultural Impact Assessment prepared for the site by Redgum Horticultural (Appendix J) considers 7 trees, 5 of which are located within the site (Trees 1, 2^{x2}, 3, 4) and 2 trees within neighbouring properties (Trees 5 and 6). The report identifies Trees 1, 2^{x2}, 4 and 6 as medium significant trees and Trees 3 and 5 as low significant trees.

To accommodate the development all trees are proposed for removal with the exception of Tree 1, a medium significant tree, at the eastern extent of the site.

As outlined above, substantial replacement planting is proposed to compensate for the loss of existing vegetation. This will include at 18 small/medium trees (8-12m mature height) and 2 large trees (10-35m mature height).

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

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

Visual and acoustic privacy [section 100]

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

- (a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

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

The buildings have generally been designed so that high use areas such as living rooms and private open space areas are oriented to the front or rear of the site to minimise privacy impacts. Where first floor windows and balconies are proposed, adequate setbacks have been maintained and privacy screening provided to restrict direct overlooking where appropriate. All habitable spaces within the site are located more than 4.5 -16m from common rear and side boundaries to reduce potential overlooking. As such, there are no significant overlooking impacts to adjoining properties, including the adjoining properties at 9 Fergerson Avenue and 442, 444, 446, 448, 450, 452 and 454 The Horsley Drive.

Boundary fencing is proposed at varying heights. Front slatted fencing is to be 1.2m in height with separate entry provided to each ground floor dwelling via a gate. Side and rear boundary fencing generally is proposed at 1.8m in height.

The proposed fencing provides ample opportunity for passive surveillance while also achieving adequate privacy. The ample deep soil zones provided at the front and rear of the development will facilitate extensive tree and shrub planting to provide further privacy intervention.

The proposed dwellings have been designed in accordance with the requirements of the *Building Code of Australia* for sound and impact transmission so that acceptable noise levels between dwellings and adjoining properties are achieved. Furthermore, bedrooms are adequately separated from driveways and parking areas except for Unit 6 bedroom which is located approximately 0.9m from the southern driveway and parking space. It is not anticipated that noise generated from the southern driveway and parking will adversely impact the unit given the relevant parking space is meant to service residents of Unit 6 only.

Solar access and design for climate [section 101]

The design of seniors housing should —

- (a) for development involving the erection of a new building — provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

Blocks A and B are orientated in a north-south arrangement. Block C is rotated slightly, orientated in a north-west south-east arrangement. The split building design and orientation maximise solar access opportunities to the 12 units.

The buildings have been designed so that 9 of the 12 living areas and all POS areas achieve compliant solar access. The 3 units that do not receive compliant solar access still receive 1 hour of solar access from 9am to 3pm during the winter solstice.

Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 8.1, with no individual unit achieving less than 7 stars. All units receive natural cross ventilation.

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

Stormwater [section 102]

The design of seniors housing should aim to —

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

Stormwater catchment design, including on site infiltration trenches and rainwater OSD tanks, have been provided to achieve council requirements.

Hard surfaces have been minimised, with permeable surfaces introduced particularly in private garden areas and landscaping.

Site stormwater will be captured and drained as shown on the submitted stormwater management plans (*Appendix C*), with 1x 8000L rainwater tanks provided to facilitate water re-use. Further details regarding connection of downpipes to rainwater tank will be finalised during construction stage. Identified Requirement No.78 is recommended to ensure compliance.

Crime prevention [section 103]

Seniors housing should —

- (a) be designed in accordance with environmental design principles relating to crime prevention, and
- (b) provide personal property security for residents and visitors, and
- (c) encourage crime prevention by —
 - (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and
 - (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and

(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

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

Site planning enforces territorial reinforcement by establishing clear entry points and boundaries through fencing and landscaping.

The main vehicular entry point at the bend of Fergerson Avenue provides a secure progression from public to private spaces and will create a safe environment for residents. All units address Fergerson Avenue and provide passive surveillance of public areas as well as pedestrian and multiple vehicle entry points.

Fencing will be constructed along the side and rear boundaries, and all areas of private open space are fenced to create security and delineate between public and private spaces. The design of the proposed development will allow for general surveillance of the rear, central parking area, particularly units 4, 10, 5 and 11 which have POS onto these areas. Peep-holes will also be provided on the front doors of each dwelling to enable residents to view approaches to their dwelling without having to open the door.

Accessibility [section 104]

Seniors housing should –

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

The Access Report (*Appendix H*) demonstrates that obvious and safe pedestrian links are available from the site to transport services and local facilities east of the site.

The closest bus stop to the site Stop ID: 216546 (The Horsley Drive at Bowler Avenue) is approximately 70m along The Horsley Drive and Stop ID: 216513 (The Horsley Drive at Fergerson Avenue) which is also 200m from the site along The Horsley Drive, both stops well below the 400m minimum distance specified under clause 93(3)(a) of the Housing SEPP.

The Access Report (*Appendix H*) identifies provision of a proposed new footpath on Fergerson Avenue and 2 non-compliant pedestrian kerb ramps on the path of travel from the site to the bus stops and from the bus stop to the site which require upgrades. It is recommended the required upgrades are provided in accordance with the local council requirements (refer to Identified Requirement No. 75).

Car parking is provided for residents within the site, including 3 accessible and adaptable parking spaces. Accessible pathways are also provided between the car parking area and ground level units. There is ample street parking available on Fergerson Avenue for visitors.

Waste management [section 105]

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

A waste storage area is provided adjacent to the central driveway and will accommodate general waste, recycling and green waste. Separate bin storage is provided for Units 1 and 6 adjacent to the accessible parking spaces. The main storage area has been appropriately screened to minimise visual impact but still retain good visibility to avoid the creation of entrapment spaces. The site will be serviced by council's standard kerb-side pickup service, with bins taken to the kerb by a LAHC contractor.

6.6 Other State Environmental Planning Policies

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

Table 11 Compliance with other applicable State and Environmental Planning Policies

SEPP (Sustainable Buildings) 2022 (formerly SEPP (Building Sustainability Index: BASIX) 2004)
<p>A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to <i>Appendix K</i>). An updated BASIX certificate is required as a result of the introduction of reverse cycle air conditioning and increased provision of solar (photovoltaic electricity generating) energy systems (Identified Requirement No. 80).</p>
SEPP (Transport and Infrastructure) 2021
<p>The Transport and Infrastructure SEPP provides Planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and child care facilities and major infrastructure corridors.</p> <p>Division 17 Part 2.120 considers impacts of road noise or vibration on non-road development and focuses on road corridors with an annual average daily traffic volume of more than 20,000 vehicles.</p> <p>The site is located approximately 40m to a State Classified Road, The Horsley Drive which is identified as generating an annual average daily traffic volume of 19,178 according to the Traffic and Parking Impact Assessment prepared by Transport and Traffic Planning Associates (<i>Appendix T</i>). Additionally, the site is not immediately adjacent to The Horsley Drive or within its road corridor. Furthermore, the proposed development is not identified as a high traffic generating development.</p> <p>The Acoustic Assessment Report prepared by Acoustic Logic (<i>Appendix U</i>) specifies construction and ventilation requirements for the control of external noise impacts on the proposed development. The implementation of these recommendations will lead to satisfactory noise intrusion and operation noise emissions associated with the development.</p> <p>The proposed development is therefore not considered having an adverse impact on traffic or being adversely impacted by road noise or vibration.</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 proposed development includes the removal of 10 trees on site.</p> <p>In accordance with Part 2.2 and Part 2.3 of the SEPP, the clearing of trees on site requires Council approval. An Arborist Report has been prepared by RedGum Horticultural confirming 4 trees to be removed are of low ecological significance and suitable for removal. The remaining trees proposed for removal do not require Council approval for removal.</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. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p>The site is located within a regulated catchment, namely, the Georges River Catchment. Accordingly, the controls for development set out in Division 2 of Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.</p> <p>Under Section 171A(1) of the EP&A Regulation, LAHC, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must consider State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1), and</p> <p>Further, as the consent authority LAHC must be satisfied under State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).</p> <p>6.6 Water quality and quantity</p> <p>This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> • have a neutral or beneficial effect on the quality of water entering a waterway;

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

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

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

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

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

Comment: Stormwater will be collected within the site via a series of stormwater pits and gutters on the site connected to an underground on site detention tank draining to a new kerb inlet drainage pit along the site frontage in Fergerson 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. Identified Requirement (No. 13) recommends that sediment control measures be implemented during construction in accordance with Council requirements and/or the guidelines contained in the Blue Book *Managing Urban Stormwater: Soils and Construction* (4th edition, Landcom, 2004). Identified Requirements (Nos 6 and 42) are applied to the activity determination recommending that stormwater management of the activity is designed in accordance with Fairfield City Council's technical guidelines and policies.

6.7 Aquatic ecology

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

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

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

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

Comment: The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The removal of 10 trees is proposed for this site however, these trees have been

identified by Arborist Report prepared by RedGum Horticultural to be of low ecological significance and suitable for removal. Appropriate replacement planting is proposed to replace tree cover on the site and increase the variety of species. In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.

This clause relates to flood liable land.

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

6.9 Recreation and public access

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

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

SEPP (Resilience and Hazards) 2021

The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land. The site is not located in the mapped coastal zone.

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 Fairfield LGA.

Historical imagery indicates the site was vacant in 1943, however, located in a defined residential area (refer to **Figure 27**).



Figure 27 Historical aerial imagery of the site – 1943 (Source: NSW Historical Imagery)

There is no evidence to suggest alternate land uses have occurred on the site in the past 80 years. The s10.7 planning certificate (**Appendix F**) has not identified the site as being potentially contaminated.

Demolition was initially considered as part of the proposed activity. However, this process has occurred for each lot under a Complying Development Certificate process determined on 6 June 2023. It is noted that houses constructed during the 50's and 60's would likely have contained asbestos. A Certificate of Completion dated 14 July 2023

identifies that all demolition works and handling of asbestos contained within the demolition works have been carried out in accordance with all relevant regulations.

It is worth noting the site's proximity to 436-438 The Horsley Drive where it appears a service station was previously operational. However, the service station site is not identified on the EPA list of notified sites nor the contaminated land record of notices register. Furthermore, the service station is located downslope from the development site. It is therefore considered that the potential risk of contamination to the subject site from 436-438 The Horsley Drive is low.

6.7 Fairfield Local Environmental Plan 2013 (FLEP 2013)

Compliance with the relevant provisions / development standards set out in the FLEP 2013 is demonstrated in **Table 12** below.

Table 12 Fairfield Local Environmental Plan 2013

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 (9m).	Maximum building height (measured in accordance with the LEP definition) is 8.205 metres.
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (0.45:1).	Proposed FSR is 0.43:1.
5.10	Heritage conservation		Reference is made to Statement of Heritage Impacts prepared by GBA Heritage which concludes that the proposal will have an acceptable heritage impact (<i>Appendix J</i>).

6.8 Fairfield Development Control Plan 2013

Fairfield City Wide Development Control Plan 2013 (FDCP 2013) does not contain specific development controls for seniors housing. As such, the building setbacks for multi dwelling setbacks have been used for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 13** below.

The general controls for all development set out in FDCP 2013 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP.

Table 13 Fairfield Development Control Plan 2013

Compliance with setback controls for multi-dwelling housing

Multi-dwelling housing

Clause	Requirement	Proposed
6A.2 Built Form 6A.2.3 Setbacks	<p>Front setbacks</p> <p>The minimum front setback of dwellings is 6 metres, measured from the front property boundary to the front of the dwellings. However, porticos and verandas may encroach onto the 6 metres setback area by 500mm.</p> <p>Side and Rear setbacks</p> <p>Side and rear walls not built to the boundary should be at least 900 mm from the boundary.</p> <p>Beyond the first 20 metres of the site, the upper floor walls must be setback a minimum of 4 metres from side and rear boundaries and further where necessary in order to satisfy solar access and privacy requirements.</p>	<p>All units at minimum have a 6m setback to Fergerson Avenue. No porticos, verandas etc are located within the front setback.</p> <p>A minimum rear setback of 4.47m has been provided. A minimum side setback of 0.75m has been provided when measured from carport to northern side boundary and 4.99m for habitable spaces.</p> <p>Although not compliant with required 900m side setback, the privacy and solar access of the adjacent property is not considered adversely affected as the carport structure is non-habitable with a maximum height of 3.1m. Additionally, metal fencing of height 1.8m is proposed along the side boundary to screen the proposed development from adjoining properties. The minor non-compliance is therefore considered acceptable.</p> <p>The proposed buildings do not extend beyond 20m into the site.</p>

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 108C of the Housing SEPP, Fairfield City Council was notified of the development by letter dated 30 November 2023 (refer to **Appendix G**). The notification response period formally closed on 17 January 2024 and Council responded to the notification by email dated 7 February 2024 and a further response provided on 7 March 2024. The matters raised in communications with Council have been outlined in **Table 14** below. A response is provided in relation to the matters raised in Council's comments and where appropriate, these matters have been addressed in the identified requirements in the Activity Determination.

Table 14 Issues raised in Council submission

Issues raised	Response
<u>First Floor Balconies</u>	
The proposal includes first floor balconies within the rear that face the adjoining residential dwellings along The Horsley Drive. Council's Fairfield City Wide DCP 2013 for residential zones does not support first floor balconies that face the side or rear boundaries. Given this, it is requested that further consideration be given to amending the design to locate the first floor balconies to face the street or at the least mitigate potential privacy impacts through screening that is at least 1.5m high.	<p>Balconies have been located at the rear of the proposed buildings to optimise solar access to POS and adjoining internal living areas. The proposed plans illustrate adequate rear boundary setbacks have been provided, with the minimum setback identified as 4.47m which exceeds the rear setback as required by the Fairfield Citywide DCP 2013. Furthermore, substantial privacy screening has been provided to balconies to ensure any potential adverse privacy impacts are mitigated.</p> <p>A range of landscaping, specifically shrubs and trees, with mature height ranging from 2m to 15m have been provided along the rear and side boundaries to screen the proposed development and prevent overlooking of neighbouring properties.</p> <p>No change is considered necessary.</p>
<u>Bin Room</u>	
The proposal development is serviced by a bin room that is located on the corner of Fergerson Ave, facing the street. This is no considered ideal and would detract from the streetscape. It is therefore considered appropriate that the bin room be located behind the building line. Unit 4 could be redesigned and the bin room located further within the development.	<p>The bin room location is considered as a convenient location for residents of U2 to U5 and U7 to U12 (total 10 units) and is in a location easily accessible to the collection point.</p> <p>The proposed plans illustrate the bin area is located behind the building line and enclosed by a 1.5m high fence which is tightly spaced to provide adequate screening. Furthermore, the landscaping plan illustrates the location of shrubs (Lilly Pilly) of mature height 4m to 5m along the front edge of the bin area and further shrubs (Green John Bottlebrush and Rosemary Grevillea) of mature height 1m, along the access pathway leading to the bin area. The bin location is therefore considered appropriately</p>

Issues raised	Response
	<p>screened from the streetscape and is not expected to lead to adverse visual amenity impacts.</p> <p>No change is considered necessary.</p>
<p><u>Stormwater Drainage</u></p> <p>The final stormwater plans shall show the pre and post developed discharges on a tabulated form as per the Drains model for all rain events up to 100 Year ARI.</p> <p>Please note any approval will be subject to a section 138 Approval to be obtained from Council for drainage works in road reserve prior to commencement of any works on site.</p>	<p>Stormwater plans have been updated to show pre and post developed discharges on a tabulated form as per the Drains model for all rain events up to 100 Year ARI.</p> <p>With regards to a section 138 approval, Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a Public Authority, such as the Land & Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road (Fergerson Avenue) that is not a Crown Road. As such, a section 138 Approval is not required for works in Fergerson Ave.</p> <p>Public domain works including a stormwater pipe extension are required to connect to existing stormwater infrastructure in The Horsley Drive, which is a classified Crown Road and is subject to approval from Transport for NSW (TfNSW) under Section 138 to the Roads Act, 1993.</p>
<p><u>Parking and Site Access</u></p> <p>The disability space adjacent to Unit 6 has not been provided with shared space to comply with AS2890.6-2009 requirements. Sufficient justification as to how the compliance is achieved is to be considered.</p>	<p>The development proposes 6 x on-grade carparking spaces, including one AS2890.6-2009 compliant disabled parking space proposed with shared area. 2 out of 6 parking spaces have been designed to be at least 3.8m wide to comply with senior housing requirements.</p> <p>LAHC commits to the provision of parking for people with disabilities at a rate of 1 space for every 5 dwellings. This leads to the requirement of 3 accessible parking spaces for the proposed development.</p> <p>The car parking spaces located adjacent to Unit 1 and Unit 6 have widths of 3.8m and 4.2m respectively, which complies with the adaptable car parking requirements of AS 4299-1995. These spaces are allocated for the specific use of residents of these dwellings.</p> <p>It is considered that the parking provision for this development responds to both adaptability (AS4299:1995) and accessibility (AS2890.6) standards, and therefore complies with the intention of providing car parking to meet the needs of people with a disability. Compliance indicated as per</p>

Issues raised	Response
	the submitted Access Assessment Report prepared by MGAC (<i>Appendix H</i>).
<i>Heritage</i>	
<p>In principle, the proposal is acceptable from a heritage perspective. However, the roof colour should be modified to be more compatible the heritage item. The following Colorbond colours are suggested for the proposed roof sheeting: Evening Haze, Paperbark or Jasper.</p> <p>Any approval should be subject to the following conditions:</p> <ul style="list-style-type: none"> Prior to CC - Schedule of Materials, Colours and Finishes : The proposed Colorbond roof sheeting shall be either “Evening Haze”, “Paperbark” or “Jasper”. Reason: To ensure that the proposed development does not detract from the heritage significance of the adjoining item. During Construction – Archaeology: In accordance with Section 146 of the NSW Heritage Act, during the demolition, excavation or construction works; if any deposits, objects or relics are uncovered; the works are to stop immediately, and the NSW Heritage Council notified of the discovery. Depending on the nature of the discovery and advice from the NSW Heritage Council, an application for an excavation permit under Section 140 of the NSW Heritage Act may be required to be made. Reason: To be consistent with the NSW Heritage Act (1977). During Construction – Indigenous Heritage: In accordance with Council’s Aboriginal Heritage Study, this condition is applied in addition to Condition 1 Archaeology (above) to ensure that any objects of potential indigenous significance are protected. Such objects are not specifically protected by the relics provision as outlined by the NSW Heritage Council. The National Parks & Wildlife Act (1974) provides statutory protection for all Aboriginal ‘objects’ (consisting of any material evidence of the Aboriginal occupation of NSW) under Section 90 of the Act, and for ‘Aboriginal Places’ (areas of cultural significance to the Aboriginal community) under Section 84. It is an offence to harm either an Aboriginal object or Aboriginal Place in NSW. The Act defines an Aboriginal ‘object’ as: 	<p>The Statement of Heritage Impact prepared by GBA Heritage (<i>Appendix S</i>) identifies the Statement of Significance for the subject heritage item as entirely related to its architectural qualities, not its setting. As such, the proposed development is not considered as negatively impacting the architectural character of the heritage item.</p> <p>No change is considered necessary.</p> <p>Identified Requirements (Nos. 47 and 48) are recommended to ensure protection of any unexpected heritage / archaeological / Indigenous finds.</p>

Issues raised	Response
<p><i>'any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal European extraction, and includes Aboriginal remains'.</i></p> <p>Works must be stopped in the instance where there is a suspected discovery of an 'object' in accordance with the above definition and a valid and applicable Aboriginal Heritage Impact Permit be obtained under Section 90 of the NPW Act. Reason: To be consistent with the provisions of the National Parks & Wildlife Act (1974) and ensure the protection of all objects that are significant.</p>	

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Fairfield City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 15 September 2021. Council provided a response email on 24 September 2021 requesting for additional properties be included in the notification process. On 6 November 2023, confirmation was sought from Council on persons to be notified of the development, given the length of time between initial Council advice and intended notification period. Council provided confirmation via email dated 30 November 2023 **Figure 28** illustrates the final set of properties in which the occupiers were notified of the development.



Figure 28 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 108C(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 30 November 2023. Copies of the notification letters are provided at **Appendix G**.

The notification response period formally closed on 17 January 2024 and 2 submissions are discussed in **Table 15**.

On 2 May 2024, owners and occupiers of adjoining land were re-notified due to an administrative error. The re-notification period formally closed on 27 May 2024 and there were no additional submissions received.

Table 15 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Unauthorised use of the subject site	<p>Visits to the site confirmed unauthorised activities were being conducted on the site by a trespasser. The trespasser has been made aware of the need to vacate the premises by LAHC officers. Additionally, a report has been lodged with the NSW Police Force for rectification.</p> <p>The unauthorised use will be discontinued to facilitate the provision of this development.</p>
Concerns about potential adverse amenity impacts – privacy issues from Units 11 and 12. Provide privacy screening on the rear and side of Unit 12 with trees that can grow up to 13m tall.	<p>Proposed planting to the eastern (rear) boundary, some of which have a mature height of 8 to 12m (Blueberry Ash) and others with mature height of 2 to 3m (Bottlebrush) can</p>

Issues raised	LAHC Response
	<p>adequately screen the proposed development from adjoining properties. Where planting is of a lower mature height, additional screening has been provided for bedroom window of U12 to mitigate any potential privacy impacts.</p> <p>Furthermore, the proposed development is adequately separated from the site boundaries with the least setback as 4.47m (eastern/rear boundary setback).</p>
Construction and dust	<p>Dust generation during site preparation / construction shall be controlled to minimise dust nuisance to adjoining properties and the general public. (see Identified Requirements 28, 61 and 62 within the Activity Determination).</p>
Traffic	<p>The provision of on-site parking meets and exceeds the requirements of the Housing SEPP by 3 spaces. Additionally, the Traffic Report prepared by Transport and Traffic Planning Associates and dated October 2023, highlights the development as not anticipated to result in any adverse traffic implications.</p>
Noise impact	<p>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 designed and constructed to achieve internal noise level design targets.</p>
Type of people to move into the development.	<p>This development is proposed to provide housing for seniors and people with a disability. The Department of Communities and Justice and/or Community Housing Providers appointed by LAHC manage the tenants who occupy the State's affordable housing developments. The majority of tenants are good neighbours and law-abiding people.</p> <p>Nevertheless, DCJ has in place a policy for dealing with disruptive tenants.</p> <p>More information about the policy can be found at http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/policies/antisocial-behaviour-management-policy.</p> <p>In addition, DCJ has a dedicated 24-hour hotline, 1800 422 322, where local residents can report any tenancy related matters.</p>

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.

8.1 Neighbourhood Character

The site is located within an established residential area generally supporting single and double storey detached dwellings houses. Within the local area there are dual occupancies and multi dwelling housing developments of brick or clad construction with tiled roofs and associated structures such as pergolas and garages.

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

Mitigation Measures

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

8.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding development in the locality of Fairfield. The two storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development is split into 2 separate buildings designed with suitable façade articulation and roof form to minimise bulk and scale and improve amenity in terms of solar access and overshadowing.

The proposal incorporates a floor space ratio of 0.43:1 and a maximum height of 8.205m which is consistent with a low-density residential area and compliant with FLEP 2013. The FSR and two storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R2 Low Density Residential zone, which encourages a variety of housing types.

The reasonable floor space ratio in conjunction with generous setbacks and landscaped deep soil areas confirms the proposal does not constitute an overdevelopment of the site. The proposal will provide housing at a density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development activity is compatible with the 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. The hardstand parking areas will be generally obscured from the streetscape through the siting of the dwellings and significant landscaping within the front setback.

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

The built form has been designed to address the street frontage through incorporation of street facing windows and doors to habitable rooms, as well as private open spaces and a balcony within the front setback, improving casual surveillance of the street.

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

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

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

The Fergerson Avenue front setback retains 1 mature Silky Oak tree. New landscaping within the front setback will incorporate the planting of several trees including 1x Illawarra Flame tree to a mature height of 12m, 6 x Blueberry Ash trees to a mature height of 8 – 12m and 1 x Forest Red Gum to mature height ranging from 15-35m and various shrubs with a mature height of 1-5m. Well considered tree and shrub planting along the side and rear boundaries of the site ensures long-term visual amenity for neighbouring properties and vastly improves the appearance of the site from Fergerson Avenue.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

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

- All habitable spaces are located more than 4.5 - 16m from common (rear and side) boundaries to avoid overlooking.
- Privacy fencing to a height of 1.2m is provided around private open space located on ground floor apartments (Units 1-6) within the front setback to provide a sense of ownership and security. 1.5-1.8m

high fences are provided to all primary private open spaces located to the rear of dwellings. Privacy screens are provided to balconies where required.

- Privacy is maintained through sufficient setbacks in the offsetting of windows that face the rear and side lot boundaries. This is particularly evident amongst first floor units (Units 7-12).
- Dense and diverse deep soil landscape planting is provided along common (both side and rear) boundaries. Species to be planted at the rear of the site include Blueberry Ash, Jacaranda and various shrubs. Vegetation with a greater mature height has been focused to the side boundary abutting Nos. 442, 444, 446 and 448 The Horsley Drive. This is due to the minimal rear building setback on these neighbouring lots.
- Habitable rooms are located away from parking, driveway and paths where possible or screened/separated by landscape planting or courtyards.
- Further screening between the proposed development and adjoining neighbours is achieved through the retention of significant existing trees (T1 and T6) along common boundaries.
- Proposed 1.8m fencing will mitigate potential unacceptable overlooking from ground level units into properties to the east.

Mitigation Measures

No mitigation measures are required.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the Seniors Living Policy: Urban Design Guidelines for Infill Development. The submitted Architectural Plans indicate that 75% of dwellings receive at least 2 hours direct solar access to the living and POS areas on June 21, which meets the requirements of the Housing SEPP. 100% of POS areas receive at least 2 hours of solar access during the winter solstice.

Shadow diagrams confirm the proposed development will facilitate sunlight to living areas and private open space of the dwellings on adjoining sites. Overshadowing impacts are negligible to adjoining properties as the majority of shadowing impacts are located within the site and in the Fergerson Avenue road reserve.

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

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

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

At 9am, shadows generated by the proposed development are generally contained within the site and extend into Fergerson Avenue. There is no overshadowing to neighbouring properties. The dwelling at 9 Fergerson Avenue causes minor overshadowing to Units 1 and 7.

At 12pm, shadows generated by the proposed development are contained within the site and extends minimally to the Fergerson Avenue road reserve. This is largely caused by Block C.

At 3pm, shadows generated by the proposed development are generally contained within the site, with a small portion of Fergerson Avenue impacted by Block C.

Overall, the shadow diagrams demonstrate there will be no overshadowing impacts to neighbouring dwellings. Minor overshadowing occurs to the backyard of Lot 4 DP 536587 between 2pm and 3pm. The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9.00am and 3.00pm at the mid winter solstice.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

Surface car parking for 6 resident vehicles, including 1 accessible space and 2 adaptable spaces, will be available on site to serve the proposed development. There are 2 at grade carports with a minimum dimension of 3.8m x 6m proposed. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for seniors housing developments carried out by LAHC by 3 spaces. Unrestricted street parking is available on Fergerson Avenue to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (*Appendix T*) indicates the project peak traffic generation as a result of the proposed development would be minimally increased by 2-3 vehicle trips per hour more than what was previously generated on site by the 4 dwellings that have recently been demolished. 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 and Parking Assessment Report examined the adequacy of public transport services in proximity to the site. There are 3 bus services (Routes 812, 813, and 814) serving bus stops on The Horsley Drive, providing frequent connections to the Fairfield, Blacktown, Bonnyrigg, and Smithfield town centres and railway stations. As a result, the site is highly accessible to a range of facilities (retail, commercial, health etc.) that are available in these centres.

The Traffic and Parking Assessment Report examined the adequacy of the proposed internal driveway and parking arrangement. There will be 3 vehicle accesses provided at Fergerson Avenue, as follows:

- a 5.5m wide driveway providing access to 4 spaces.
- 2 x 3.8m wide driveways providing access to 1 space each.

The proposed access arrangements meet the design criteria of AS2890.1, particularly in relation to the provisions for sightlines and passing opportunity (for the larger car park access) as per AS2890.1 Clause 3.2.2.

The design of the proposed car parking spaces and aisles comply with the AS2890.1:2004 requirements, while the accessible space conforms to the AS2890.6 criteria. It is noted that the access movements for the single-driveway spaces will involve a reverse manoeuvre; however, this arrangement reflects that of a normal residential dwelling and is acceptable, particularly in a local road frontage.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment has been prepared for the site by Redgum Horticultural (*Appendix J*). The report considers 7 trees, 5 of which are located within the site while 2 are trees are within neighbouring properties.

The report recommends the removal of 4 existing trees within the site that are either located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones (TPZ). It also recommends retention of 1 existing tree (T1) within the site and 2 existing trees on neighbouring sites (T5 & T6). There will be no impact to Tree 1 & 5 with an acceptable major encroachment for Tree 6 which is to be retained and protected as per AS 4970 (2009).

It should be noted a further 6 trees are proposed for removal, however, these trees do not require approval to remove.

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

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

Mitigation Measures

Works within the TPZs of the retained trees are to be undertaken using tree sensitive excavation and construction techniques such as pier and beam construction with suspended sections to reduce any impact on their stability, with piers to be dug by hand using non-motorised machinery to further assist in their protection. Retained trees are to be protected in accordance with the Tree Protection Plan contained within the Arboricultural Impact Assessment (refer *Appendix J*).

If associated infrastructure (pipe works) are to be installed within the TPZ 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 arborist (refer to Identified Requirement No. 36).

Any excavations within the TPZ must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to Identified Requirement No. 36).

8.10 Heritage (European / Indigenous)

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 30 January 2024 (*Appendix I*) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, Identified Requirements (Nos. 47 and 48) have been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

No heritage items are identified in Fairfield Council's Section 10.7(2) & (5) Planning Certificates located on the site. However, a European heritage item of local significance borders the site to the east, at 452 The Horsley Drive, Fairfield.

Item I65 – Inter-War Bungalow is listed under Schedule 5 of FLEP 2013. A Statement of Heritage Impact has been prepared for the site by GBA Heritage (*Appendix S*).

The proposed development will have an acceptable impact on the heritage significance of the heritage item in the vicinity at 452 The Horsley Drive, Fairfield, as:

- The Statement of Significance for the subject heritage item is entirely related to its architectural qualities, not its setting. The proposed development would not negatively impact the architectural character of the heritage item.
- The urban area surrounding the heritage item is already developed with later structures. The original setting to the subject heritage item is no longer extant. The proposed development would not negatively impact the historic setting of the heritage item.
- The proposed development would not physically impact the neighbouring heritage item.
- There are no views identified in the Statement of Significance for the subject heritage item that are identified as significant.
- The primary views to the neighbouring heritage item are from The Horsley Drive, which would not be impacted by the proposed development. The proposal will have minor visibility from The Horsley Drive.
- Limited views of the neighbouring heritage item from the public domain in Fergerson Avenue would be negatively affected by the proposed development. These restricted views are to the rear of the heritage item, which has reduced architectural detailing and Little heritage significance. The proposed development would have an acceptable impact on views of the neighbouring heritage item from the public domain in Fergerson Avenue.

The likelihood of any heritage relics being discovered on site during excavation / construction is considered to be minimal however, Identified Requirements) have been applied should any relics be discovered on the site during excavation/construction.

Mitigation Measures

Standard Identified Requirements (No. 47 and 48) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Investigation has been prepared by STS Geotechnics (*Appendix P*). The report indicates that because there were buildings and trees present, abnormal moisture conditions (AMC) prevail at the site. As a result of the AMC and soft clays present, the site is classified a *problem site (P)*. However, provided the recommendations given in the geotechnical report are adopted and the footings bear in the underlying firm or firm to stiff natural soils, the site may be reclassified *Highly Reactive (H1)*. The report makes the following recommendations.

- Foundation Design - Pad and/or strip footings founded in firm natural soils may be proportioned using an allowable bearing pressure of 70 kPa. This value may be increased to 100 kPa in firm to stiff natural

soils. The structural designer should however be aware that the standard designs given in AS2870 assume a minimum allowable bearing pressure of 100 kPa.

- Soil Aggressiveness - The exposure classification for the onsite soils is non-aggressive to steel and to concrete in accordance with AS2159-2009. The soils are classified as A1 in accordance with AS2870-2011.

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. Aerial imagery of the site (circa 1943) indicates the site has been located in a residential area with no evidence of contaminating activities associated with industry and agriculture for at least the last 80 years.

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 16**, below.

Table 16 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. Identified Requirement (No.17) attached to the determination require any evidence of contamination to be appropriately managed at the time of identification.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	The subject site is currently vacant and was previously used for residential purposes. Each lot previously contained a single storey detached dwelling and associated structures which have since been demolished.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.

(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	<p>A site inspection has been undertaken and did not indicate that the site may have been associated with potentially contaminating activities listed in Table 1.</p> <p>A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during site preparation / construction works.</p>
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	<p>Immediate adjoining development is residential. However, a service station is located at 436-438 The Horsley Drive, Fairfield, on the opposite side of Fergerson Avenue to the development site. It appears that the service station is no longer operational. The service station site is not identified on the EPA list of notified sites or the contaminated land record of notices register. The service station is located downslope from the development site.</p>
(h) Are there any human or environmental receptors that could be affected by contamination?	No	<p>A standard identified requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.</p>
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	<p>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.</p>

Acid Sulfate Soils

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

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate Council adopted policy No 67 – Building in Saline Environments applies to the land. The Geotechnical Investigation report prepared by STS Geotechnics Pty Ltd (**Appendix P**) highlights the electrical conductivity values for the site as consistent with the presence of non-saline soils.

Mitigation Measures

Standard Identified Requirement (No.1) is recommended to require compliance with the recommendations of the Geotechnical Investigation prepared by STS Geotechnics Pty Ltd. Standard Identified Requirement (No.17) is also recommended to address any potential soil contamination occurrence.

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 street drainage pit within Fergerson Avenue at the site frontage. A new stormwater drainage line is proposed within Fergerson Avenue to cater for the development. The proposed stormwater infrastructure within the road reserve will connect to new infrastructure proposed for the seniors housing development. Further details regarding roof water collection for the proposed development from downpipes to an underground rainwater tank would be provided during construction stage. Identified Requirement No.78 is recommended to ensure compliance. The rainwater tank is connected to the underground detention tank to cater for any overflow.

Public domain works including a stormwater pipe extension is required to connect to existing stormwater infrastructure in The Horsley Drive, subject to approval from Transport for NSW (TfNSW) under Section 138 of the Roads Act, 1993. Identified Requirement No.45 is recommended to this effect.

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

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

Mitigation Measures

Identified requirements (Nos. 6-9 & 14) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements. Additionally, Identified Requirement (No.44) has been recommended to ensure approval from Transport for NSW (TfNSW) under Section 138 of the Roads Act, 1993 is obtained.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Site Preparation / Construction

During site preparation/construction, typical noise levels associated with building works will be generated within the hours prescribed under 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.

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

Buildings will be constructed to comply with the deemed-to-comply provisions of the *Building Code of Australia* with respect to noise transmission. Buildings will be designed and constructed to achieve internal noise level design targets as specified in the Acoustic Assessment Report prepared by Acoustic Logic (*Appendix U*).

The site itself is located at Fergerson Avenue; a local road characterised by low trip generation. It is important to note that the site is also located in close proximity to a State Classified Road, The Horsley Drive. This road is identified as generating an annual average daily traffic volume of 19,178 according to the Traffic and Parking Impact Assessment prepared by Transport and Traffic Planning Associates (*Appendix T*).

Given the site is not immediately adjacent to The Horsley Drive or within its road corridor and the proposed development is not identified as a high traffic generating development, it is therefore considered there will be negligible impacts to future residents as a result of acoustic emissions caused by traffic.

Mitigation Measures

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

To address road traffic noise intrusion the Acoustic Report prepared by Acoustic Logic recommends that the development be designed such that an internal noise level of ≤ 40 dB LAeq,15hrs can be achieved within living room and for bedrooms, an internal noise level of ≤ 35 dB LAeq,9hrs as recommended in the Acoustic Assessment Report prepared by Acoustic Logic (*Appendix U*).

Air conditioning noise will be controlled by design and operational 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, 57, 77 and 78) have been applied to ensure compliance with the above mitigation measures.

8.15 Air Quality

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

Mitigation Measures

Appropriate standard Identified Requirements (Nos. 61 and 62) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

A Waste Management Plan has been prepared by Kennedy Associate Architects. 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 building contractor.

During Site Preparation/Construction

- Excavation Material to be retained where possible and used as topsoil, offered to alternate contractors or transport to an approved landfill site.
- Green waste from trees is to be mulched on site and offered to alternate contractors. Larger stumps to be removed from site.

- Concrete from existing driveways is to be crushed and used as a temporary driveway then transport to a suitable plant.
- Hazardous Waste if found on site to be transport to an approved land fill site.

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

During Occupation

The proposed units will be provided with access to 1 shared waste storage facility located centrally at the end of block B near the central driveway in which 15 x 240L bins are provided for general waste, recycling and green waste which service units 02-05, 07-12 (total 10 units). These are in a location easily accessible to the collection point.

Units 01 & 06 have 2 x 240L bins located in their individual courtyards providing 1x 240L for general waste, 1 x 240L for recycling. 1 x 240L green waste bin is included in the communal bin area.

Waste cupboards will be located within the kitchen joinery of each unit. The cupboard will be sized to accommodate garbage, recyclables and compostable material with enough storage for one day's waste.

Separate wheelie bins for recyclable and non-recyclable waste will be placed at the kerbside collection.

Mitigation Measures

Standard Identified Requirements (Nos. 49-53) are recommended to ensure construction/site preparation waste is appropriately managed and disposed of.

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

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 site preparation, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

The proposed development will provide contemporary housing that will satisfy current State Government environmental sustainability requirements, particularly through improved energy and water efficiency. These factors will ensure reduced depletion and degradation of natural resources in the long term.

Mitigation Measures

No additional mitigation measures are required.

8.18 Community / Social Effects

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

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

- provide housing that meets environmental sustainability targets, particularly through improved energy and water efficiency; and
- provide accessible housing on the site.

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

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

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

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, FLEP 2013, 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 independent seniors housing dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

9.2 Recommendation

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

10 Appendices

10.1.1 APPENDIX A – ARCHITECTURAL PLANS

10.1.2 APPENDIX B – LANDSCAPE PLANS

10.1.3 APPENDIX C – CIVIL PLANS

10.1.4 APPENDIX D – SURVEY PLAN

10.1.5 APPENDIX E – NOTIFICATION PLANS

10.1.6 APPENDIX F – SECTION 10.7 PLANNING CERTIFICATES

10.1.7 APPENDIX G – NOTIFICATION PUBLIC AUTHORITY LETTERS AND
RESPONSES

10.1.8 APPENDIX H – ACCESS REPORT

10.1.9 APPENDIX I – AHIMS SEARCH

10.1.10 APPENDIX J – ARBORIST REPORT

10.1.11 APPENDIX K – BASIX CERTIFICATE

10.1.12 APPENDIX L – BCA REPORT

10.1.13 APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

10.1.14 APPENDIX N – NatHERS CERTIFICATE

10.1.15 APPENDIX O – HOUSING FOR SENIORS CHECKLIST

10.1.16 APPENDIX P – GEOTECHNICAL INVESTIGATIONS

10.1.17 APPENDIX Q – TITLE SEARCH AND DP

10.1.18 APPENDIX R – WASTE MANAGEMENT PLAN

10.1.19 APPENDIX S – HERITAGE IMPACT ASSESSMENT

10.1.20 APPENDIX T – TRAFFIC REPORT

10.1.21 APPENDIX U – ACOUSTIC REPORT