

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Multi Dwelling Housing Development

at

47 – 49 Close Street, Parkes NSW 2870

May 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.

Published by Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

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Homes NSW

Postal address: Locked Bag 5022, Parramatta NSW 2124

nsw.gov.au/homes-nsw

ABN 24 960 729 253



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3	27.05.2024	V3	Final	Various

DOCUMENT SIGN-OFF


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Having prepared the Review of Environmental Factors: <ul style="list-style-type: none">I have declared any possible conflict of interests (real, potential or perceived) to the a/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.I do not consider I have any personal interests that would affect my professional judgement.I will inform the a/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest. Name: Abena Dankwa Designation: Planner, Planning & Assessment, Homes NSW Signature:  Date: 20 May 2024	
REF reviewed by:	
Having reviewed the Review of Environmental Factors: <ul style="list-style-type: none">I have declared any possible conflict of interests (real, potential or perceived) to the a/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.I do not consider I have any personal interests that would affect my professional judgement.I will inform the a/Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest. Name: Deborah Gilbert Designation: Team Leader, Planning & Assessment, Homes NSW Signature:  Date: 21 May 2024	
REF reviewed and endorsed by:	

I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Name: Carolyn Howell

Designation: Manager, Planning & Assessment, Homes NSW

Signature:



Date: 27 May 2024

REF authorised for issue by:

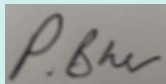
Having authorised the issuing of this Review of Environmental Factors:

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

Name: Peta Baker

Designation: Acting Director, Portfolio Services, Homes NSW

Signature:



Date: 01/06/2024

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1 Executive Summary

The subject site is located at 47-49 Close Street, Parkes, and is legally described as Lots 437 and 438 in Deposited Plan 750179. The proposed multi dwelling development is described as follows:

Demolition of the existing dwelling and structures, removal of trees, and the construction of a multi-dwelling housing development comprising 4 x 1 bedroom and 5 x 2 bedroom dwellings, with associated landscaping and fencing, surface parking for 7 cars, and consolidation into a single lot.

The proposed activity is permitted on the site under the applicable local environmental planning instrument, the *Parkes Local Environmental 2012* (PLEP 2012) and can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 2, Part 2, Division 6 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 60 dwellings on the site, does not exceed 9 metres in height and provides the required amount of parking for development on land that is not in an accessible area.

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

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

The 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 the *NSW Land and Housing Corporation Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Parkes Shire 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
- Parkes Shire Council and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP. A response was received from Council dated 2 February 2024. Comments on the response are provided in Section 7.1 of this REF. No submissions were received from occupiers of adjoining land.

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

Section 8 (2) of Schedule 7(A) of the Housing SEPP provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under section 43(1)(b)(i) before the amending policy was made and further that the activity is determined before 20 December 2024. This activity for multi dwelling housing satisfies both requirements and therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before *State Environmental Planning Policy Amendment (Housing) 2023* was made.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of the existing dwelling and structures, removal of trees, and the construction of a multi-dwelling housing development comprising 4 x 1 bedroom and 5 x 2 bedroom dwellings, with associated landscaping and fencing, surface parking for 7 cars, and consolidation of two lots into a single lot at 47-49 Close Street, Parkes.

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

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

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

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Parkes Local Environmental Plan 2012* (Parkes LEP 2012);
- it was determined that multi dwelling housing is 'permitted with consent' in the R1 – General Residential zone pursuant to the Parkes LEP 2012, and can be carried out 'without consent' under the provisions of the Housing SEPP;

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.

- a desktop analysis of land clearance information and a site visit of the site and surrounds were undertaken to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- 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 Site location

The site is located in the Parkes local government area (LGA) and comprises 2 adjoining residential allotments. A location plan is provided at **Figure 1** and **Figure 2**.



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



Figure 2 Location Plan (Source Nearmap accessed March 2024)

3.2 Site Description

The subject site consists of two allotments - 47 Close Street which is currently occupied by a single storey brick dwelling with tile roof and associated outbuildings, and 49 Close Street which is a vacant lot (refer to images at **Figure 3** to **Figure 6**). A variety of ornamental and indigenous trees are scattered throughout the site and around the site boundaries totalling 28 trees.



Figure 3 Development site – 47 Close Street (Source: Google Maps, Streetview, May 2023)



Figure 4 Development site – 47 Close Street - Unnamed Laneway view (Source: Google Maps, Streetview, May 2023)



Figure 5 Development site – 49 Close Street (Source: Google Maps, Streetview, May 2023)



Figure 6 Development site – 49 Close Street - Unnamed Laneway view (Source: Google Maps, Streetview, May 2023)

Copies of the Section 10.7(2) & (5) Planning Certificates (PC2023/0569 & PC2023/0570) dated 23 November 2023 are provided in *Appendix F*.

The site has a total area of 2022m², with frontage to Close Street (primary frontage) and to an unnamed laneway (secondary frontage) both of width 40.23m. Both north-eastern and south-western side boundaries are 50.29m long. The site falls gently to the east (rear) by approximately 1m (refer to the submitted Contour and Detail Survey Plan in *Appendix D*).

The Section 10.7 Planning Certificates for the lots indicate the site is not within a flood planning area and is not subject to flood related development controls. The site is not affected by bushfire risk, landslip, or coastal hazards. Additionally, the site is not subject to biodiversity certification nor a Property Vegetation Plan. The site is not within the Coastal Management Area or Coastal Use Area as mapped in *State Environmental Planning Policy (Resilience and Hazards) 2021*.

There are 28 trees for consideration in relation to the proposed development, 22 of which are located within the site, 3 on a neighbouring property and 3 on the adjacent road reserve (refer to Arborist Report in *Appendix J*). 11 trees are proposed for retention and protection with the remaining 17 recommended for removal and replacement.

Traffic and Access

Vehicular access is currently provided to each lot, via a crossover off Close Street. Unrestricted kerbside parking is permitted along both sides of Close Street.

Services

Water, sewer, electricity, and telephone facilities are available to the site (refer to Survey Plan in *Appendix D*). Water, electricity and telephone services are located along the road alignment of Close Street. Sewer is located along the unnamed laneway to the rear/south-eastern boundary of the site. Parkes Shire Council is the sewer and water authority.

Encumbrances

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

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by predominantly single storey detached dwelling houses of weatherboard, brick and fibro cement construction, some with a distinct heritage character and minimal new development.

The property immediately to the south-west of 49 Close Street is 51 Close Street, which contains a single storey detached dwelling of weatherboard finishes with metal sheet roofing (refer photograph at **Figure 7**).



Figure 7 Adjoining development to the south-west – 51 Close Street (Source: Google Maps Streetview, May 2023)

The property immediately to the north-east of 47 Close Street is 45 Close Street, which contains a single storey detached dwelling of brick construction with tile roofing (refer photograph at **Figure 8**).



Figure 8 Adjoining development to the north-east – 45 Close Street (Source: Google Maps Streetview, May 2023)

Across the street from the subject site are 52 and 54 Close Street, both containing single storey dwelling houses - fibro cement finishes with tiled roof for 54 Close Street and weatherboard finishes with metal sheet roof for 52 Close Street (refer photograph at **Figure 9** and **Figure 10**).



Figure 9 Adjoining development to the north– 52 Close Street (Source: Google Maps Streetview, May 2023)

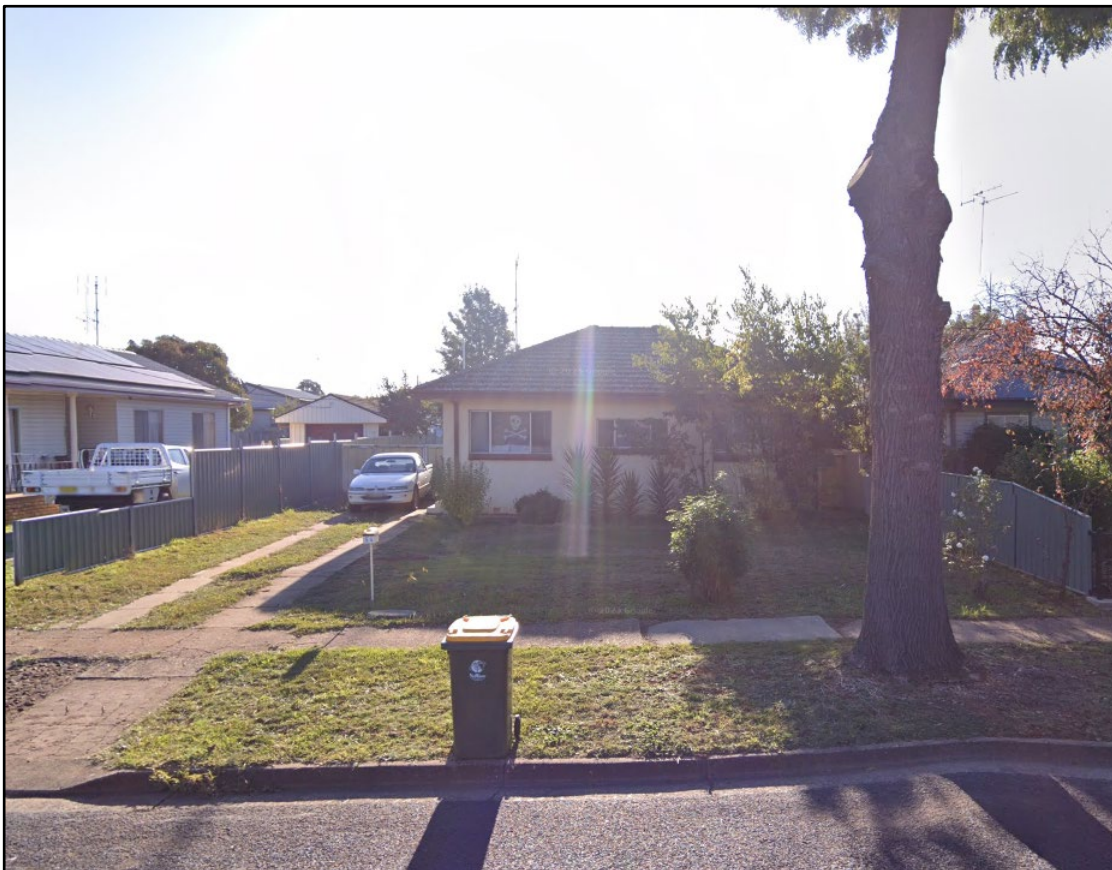


Figure 10 Adjoining development to the north– 52 Close Street (Source: Google Maps Streetview, May 2023)

Public Transport

There are 2 bus stops located within proximity of the site - Stop ID: 287043 (Close Street at Hooley Street) and Stop ID: 287042 (Best Street at Close Street). These bus stops are approximately 170m and 350m walking distance from the site respectively and are serviced by bus route 554. This route provides a loop service from Parkes Town Centre to West Parkes. Whilst the subject site is within 400m walking distance, via a safe pedestrian route, to the identified bus stops, the frequency of services do not satisfy the criteria for the land to be classed as being in an 'accessible area' pursuant to the Housing SEPP.

Surrounding Land Use

The surrounding land use is predominantly residential with other uses, including open space, commercial development and recreation areas. The site is located approximately 300m from the Police Citizens Youth Club and approximately 700m from the Parkes Bowling and Sports Club. Keast Park, a public recreation site, is located approximately 300m from the site. An area of commercial development (zoned Local Centre) is located about 1km east of the site comprising Woolworths and Aldi Supermarkets, chemist, health centres, beauty services, post office, takeaway food, cafes and other retail developments.

4 Project Description

The proposed activity can be described as follows:

4.1 Demolition

The proposed activity includes demolition of a single storey detached brick dwelling house, ancillary structures, driveways, pavement, fencing and ancillary structures as identified in the Demolition Plan (refer to *Appendix A*).

4.2 Removal of Trees

There are 28 existing trees identified for consideration in relation to the proposed development, 22 of which are located within the site, 3 on neighbouring properties and 3 on the adjacent road reserve (refer to Arborist Report in *Appendix J*). There are 11 trees are proposed for retention and protection with the remaining 17 recommended for removal and replacement.

The proposed tree removal is contained within the site boundaries and is recommended primarily to accommodate the proposed development. Moreover, the individual species are recommended for removal due to the proposed building footprints and associated infrastructure where encroachment will have an adverse impact on roots and crown for viability and stability of the relevant trees (refer to submitted Arboricultural Impact Assessment and Tree Management Plan in *Appendix J*).

More appropriate tree plantings (22 new trees), including trees capable of reaching mature heights of 20-25m, 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 9 residential dwellings consisting of 4 x 1 bedroom and 5 x 2 bedroom dwellings are proposed. Of the 9 residential dwellings proposed, Unit 1 has been designed as an adaptable unit which is capable of being adapted to suit persons with a disability should the need arise in the future. A photomontage of the development is provided at **Figure 11** below.

The proposed housing represents a contemporary, high-quality design. The use of face brick and fibro cement cladding for external walls and metal sheet roofing is consistent with the existing and developing character of the Parkes suburb. Units 1, 3 and 4 will address Close Street with habitable rooms and/or living area windows for these units, facing the street for passive surveillance. The remaining units, Unit 2, 5, 6, 7, 8 and 9 front the proposed internal access pathways. 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. The proposed design is illustrated at **Figure 12** to **Figure 14** below.

Minor cut and fill is proposed to provide a level building platform (refer to Cut and Fill Plan in *Appendix A*) and facilitate the installation of the onsite stormwater drainage system as shown on the civil plan (refer to *Appendix Q*).

A variety of new landscape plantings, including trees capable of reaching a mature height of 20-25m (refer to Landscape plan in *Appendix B*) 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. It is noted that parts of the site are indicated as turfed (front landscaped area for Unit 1 and Unit 4), which may pose maintenance issues for LAHC.

Accordingly, an Identified Requirement (No 19) is recommended requiring the Landscape Plan to be updated to replace these turfed areas with low maintenance shrubs and ground covers.

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

On-grade car parking for 7 vehicles, including 1 compliant adaptable parking space are provided to service the development.

Stormwater flows through the site from the north-western boundary (Close Street frontage) to the south-eastern boundary (Laneway frontage). Given the absence of drainage infrastructure for the Laneway and the potential for stormwater to end up in downstream properties, internal stormwater from the site is to be collected via a series of stormwater pits on the site connected to an aboveground onsite detention tank located in a communal landscaped area and piped to the Close Street frontage. Roof water will also be collected from downpipes and connected to a rainwater tank for recycling with overflow connected to the aboveground detention tank.

Metal fencing is proposed along the side and rear boundaries with the inclusion of the Laneway frontage, to a maximum 1.8m in height (1.5m Colorbond and 0.3m lattice). Grey aluminium batten fencing is provided to the front boundary and a small portion of the side boundaries to a height of 1.2m. Metal fencing 1.5m in height is provided to surround each residential dwelling for the purpose of separation and privacy of future residents. Metal fencing 1.8m in height is provided to screen private open space areas that face external boundaries (Units 4, 5, 6, 7, 8 and 9). The front of the development is orientated to Close Street.



Figure 11 Extract from Architectural Plans – Photomontage Street Perspective (Source: Architectural Plans, SARM Architects, dated 29/11/2023)

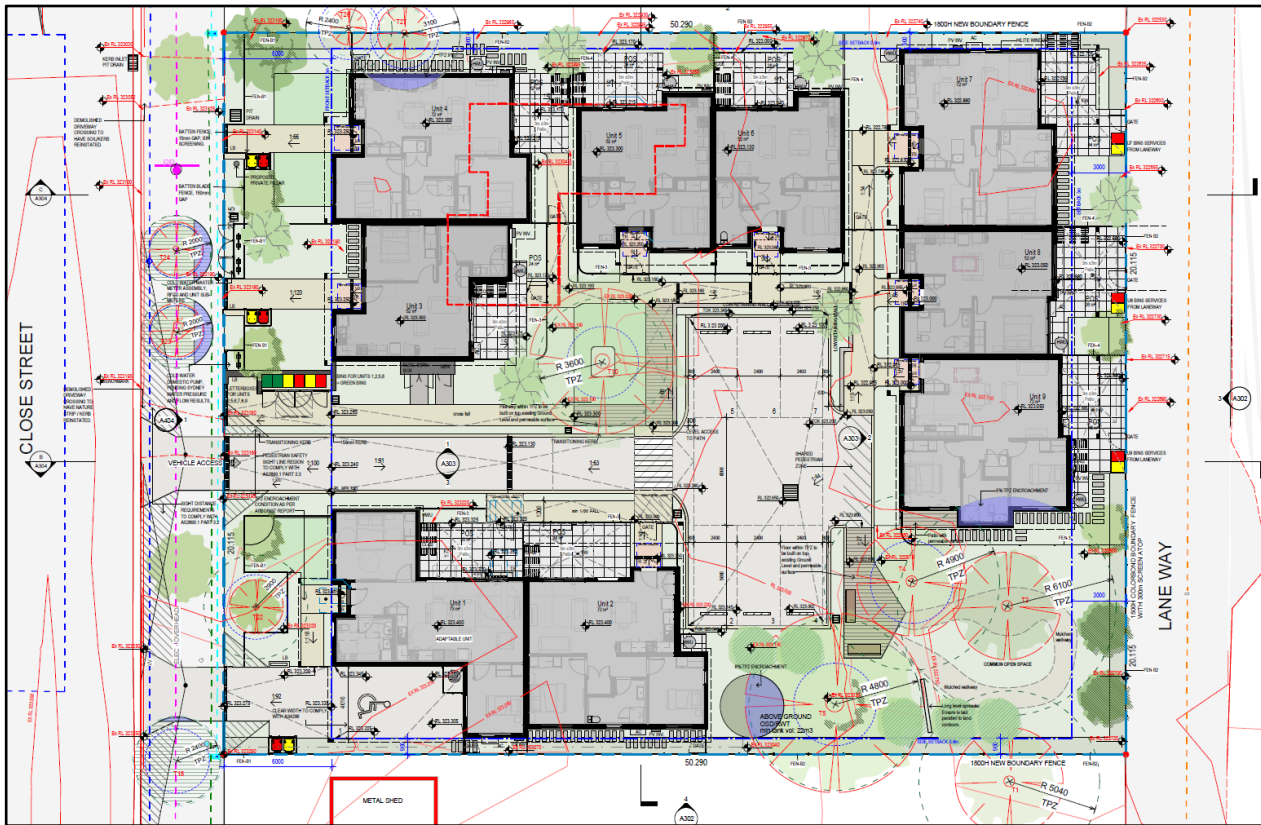


Figure 12 Extract from Architectural Plans – Site Plan (Source: Site Plans, SARM Architects, dated 29/11/2023)

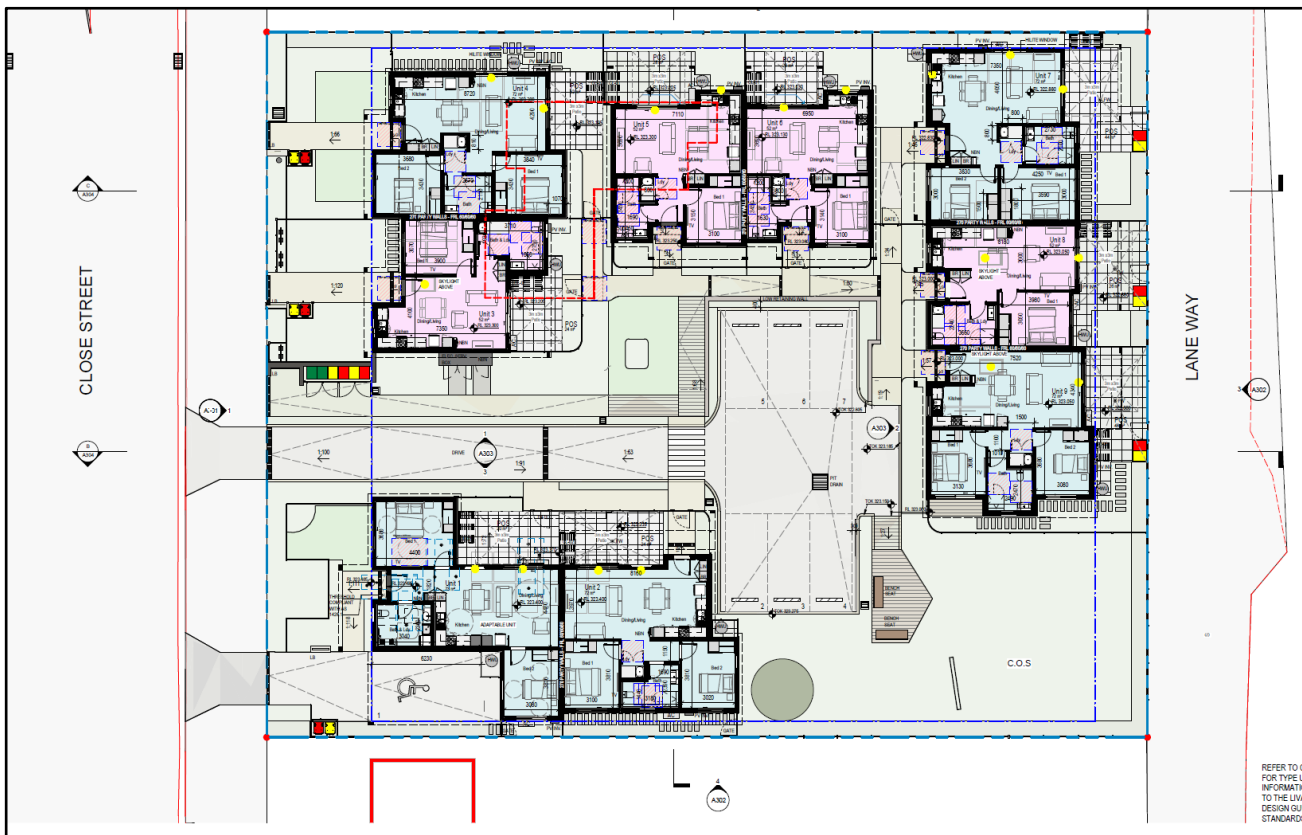


Figure 13 Extract from Architectural Plans – Ground Floor Plan (Source: Site Plans, SARM Architects, dated 29/11/2023)

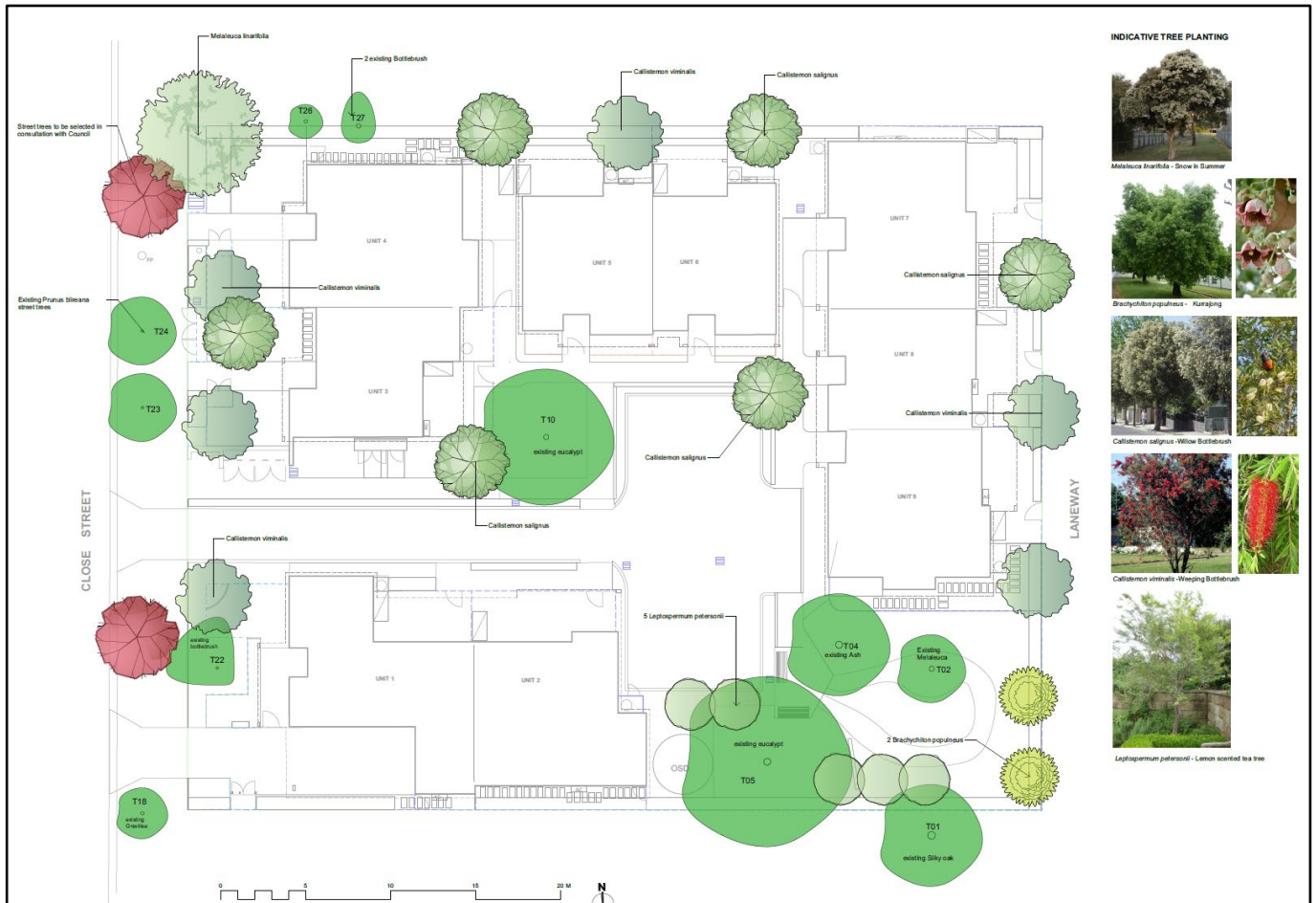


Figure 14 Extract from Landscaping Plans – GA Plan 4 of 4 (Source: Architectural Plans, Lindy Lean Landscape Architects, dated 30/11/2023)

4.4 Supporting information

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

Table 1 Supporting information

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Architectural – Appendix A				
Cover Page	A000	Rev C	29/11/2023	SARM Architects
Site Analysis	A101	Rev C	29/11/2023	SARM Architects
Context Block Analysis	A102	Rev C	29/11/2023	SARM Architects
Demolition Plan	A103	Rev C	29/11/2023	SARM Architects
Cut and Fill Plan	A104	Rev C	29/11/2023	SARM Architects
Erosion and Sediment Control Plan	A105	Rev C	29/11/2023	SARM Architects

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
Site Area Calculations	A106	Rev C	29/11/2023	SARM Architects
Site Plan	A201	Rev C	29/11/2023	SARM Architects
Ground Floor Plan	A202	Rev C	29/11/2023	SARM Architects
Roof Plan	A203	Rev C	29/11/2023	SARM Architects
Elevation – Street/West	A301	Rev C	29/11/2023	SARM Architects
Elevation -South/East	A302	Rev C	29/11/2023	SARM Architects
Elevation – Internal Views	A303	Rev C	29/11/2023	SARM Architects
Sections	A304	Rev C	29/11/2023	SARM Architects
Views from the Sun Study	A401	Rev C	29/11/2023	SARM Architects
Shadow Diagrams	A402	Rev C	29/11/2023	SARM Architects
Aerial Perspective	A403	Rev C	29/11/2023	SARM Architects
Schedule of Finishes	A404	Rev C	29/11/2023	SARM Architects
Landscape Plan – Appendix B				
Landscape - Existing Tree Protection	L01	Rev C	30/11/2023	Lindy Lean Landscape Architect
Landscape Site Plan	L02	Rev C	30/11/2023	Lindy Lean Landscape Architect
Concept Tree Planting Plan	L03	Rev C	30/11/2023	Lindy Lean Landscape Architect
Landscape Planting Plan	L04	Rev C	30/11/2023	Lindy Lean Landscape Architect
Landscape Details	L05	Rev C	30/11/2023	Lindy Lean Landscape Architect
Civil Plans – Appendix C				
Notes and Legends	C01	Rev 3	28/11/2023	Greenview Consulting
Ground Floor Drainage Plan	C02	Rev 3	28/11/2023	Greenview Consulting
Site Stormwater Details Sheet 1	C03	Rev 2	28/11/2023	Greenview Consulting
Contour and Detail Survey – Appendix D				
Contour and Detail Survey	Sheet 1 of 2	Rev D	23/11/2023	Premise Surveying, Engineering, Environmental & Town Planning Consultants
Contour and Detail Survey	Sheet 2 of 2	Rev D	23/11/2023	Premise Surveying, Engineering, Environmental & Town Planning Consultants

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd/mm/yyyy]:	Prepared by:
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Notification Plans – Appendix E

Notification Cover Page	QNP01	Rev C	29/11/2023	SARM Architects
Site & Landscape Plan	QNP02	Rev C	29/11/2023	SARM Architects
Development Data	QNP03	Rev C	29/11/2023	SARM Architects
Elevations	QNP04	Rev C	29/11/2023	SARM Architects
Schedule of Finishes	QNP05	Rev C	29/11/2023	SARM Architects
Shadow Diagrams	QNP06	Rev C	29/11/2023	SARM Architects

Access Report – Appendix H

DA Access Report	CA230046	DA	4/12/2023	Accessed
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AHIMS – Appendix I

AHIMS Search Result	-	-	5/12/2023	NSW Government
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Arborist's Report – Appendix J

Arboricultural Impact Assessment and Tree Management Plan	Ref 8707.1	Rev 2	1/12/2023	Redgum Horticultural
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BASIX – Appendix K

BASIX Certificate	Cert No. 1729664M	-	11/12/2023	Greenview Consulting Pty Ltd
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BCA report – Appendix L

BCA Compliance Assessment	P230157	Rev 3	30/11/2023	BCA Vision
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NatHERS Certificate – Appendix N

NatHERS Certificate	No. 0009121820	-	11/12/2023	Greenview Consulting Pty Ltd
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Geotechnical Investigations – Appendix P

Geotechnical Investigation	No. 23/0437	-	March 2023	STS Geotechnics Pty Ltd
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Waste Management Plan – Appendix R

Waste Management Report	-	-	27/11/2023	SARM Architects
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Traffic Report – Appendix S

Traffic and Parking Impact Assessment	N2331022A	Rev 1a	November 2023	Motion Traffic Engineers
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Car Parking Report - Appendix T

Driveway and Carpark Certification of a Proposed General Housing Unit Development	N2331022A	Rev 1b	November 2023	Motion Traffic Engineers
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Section 10.7 Planning Certificates – Appendix F

Lot 437 DP 750179, Cert no. PC2023/0569, dated 23.11.2023 – Parkes Shire Council

Lot 438 DP 750179, Cert no. PC2023/0570, dated 23.11.2023 – Parkes Shire Council

Notification letters & Council submission – Appendix G

Design compliance and checklists – Appendix M

Architect's Certificate of Building Design Compliance – SARM Architects, dated 29/11/2023

Certificate of Landscape Documentation Compliance – Lindy Lean Landscape Architect, dated 30/11/2023

Certificate of Stormwater Design Statement Compliance – Greenview Consulting, dated 06/12/2023

Seniors Living Policy checklist – Appendix O

Seniors Living Urban Design Guidelines checklist - SARM Architects, dated 29/11/2023.

Titles and Deposited Plans – Appendix Q

Title Search, Folio: 437/750179, Search date 4.07.2022, New South Wales Land Registry Services

Title Search, Folio: 438/750179, Search date 4.07.2022, New South Wales Land Registry Services

Deposited Plan

5 Zoning and Permissibility

The site is zoned R1 General Residential under *Parkes Local Environmental Plan 2012* (PLEP 2012) (**Figure 15**). The proposed development is defined as ‘multi dwelling housing’ under the provisions of PLEP 2012 and is permissible with consent in the R1 zone.

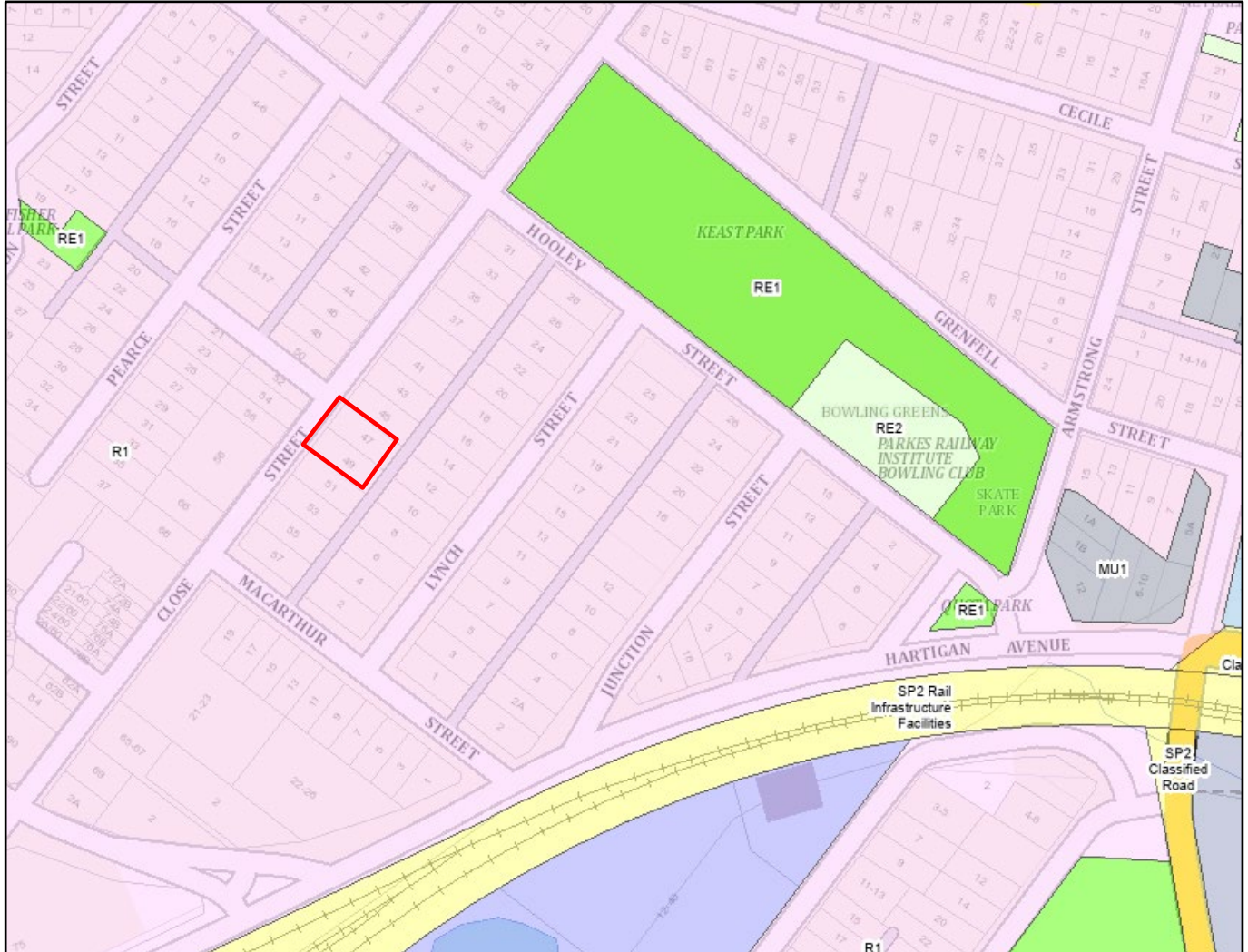


Figure 15 Land zoning map (Source: NSW Planning Portal)

The relevant objectives of the R1 zone, as set out in PLEP 2012 are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.

The proposed development is consistent with the above objectives because it:

- will provide new affordable housing that meets the identified needs of the community;
- will provide a density and type of housing that will add to the variety of housing in the locality;

- will not preclude other land uses that will meet the day to day needs of residents; and
- increases housing density on a site within walking distance to bus transport that links to the town centre;

Section 42 of the Housing SEPP permits residential development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that clause. **Table 5** in subsection 6.5.1 of this REF demonstrates compliance with the relevant provisions of Section 42 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
<p>Sub-section 3</p> <p>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.</p>	<p>No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the <i>Wilderness Act 1987</i>).</p>

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;	Yes		x	
(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	

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]
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	
(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Yes		x	
(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [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 multi dwelling housing development is not expected to generate any significant or long-term impacts on the environment. The short-term impacts, during construction, will be managed by construction methods that include environmental protection measures for noise, dust, soil erosion and sediment control, traffic management and site safety, protection of trees and standards for connection of utilities and services. Construction will also have positive economic impacts with the generation of employment. There will be long term positive social outcomes through the provision of affordable housing that meets the needs of the community. The activity is consistent with the goals and targets of the Parkes Shire Local Strategic Planning Statement (LSPS) and Community Strategic Plan as considered below at Section 6.4.2 of this report.

6.4.2 Strategic Planning Framework

Parkes Shire 2041 Local Strategic Planning Statement

The Parkes Shire Local Strategic Planning Statement is a 20-year plan that identifies 5 key themes associated with 13 Planning Priorities for the LGA. The key themes are identified below:

- Connecting the central west to the world.
- Supporting our needs.

- Preserving what's important.
- Accommodating residential growth and development.
- Growing the economy.

Notably, the theme 'Preserving what's important' highlights an anticipated change which leads to an increase in the proportion of lone person and couples without dependent households. This will create demand for a variety of housing types and a need for housing design to better respond to those wanting to age in place i.e. opportunities for medium density development and aged / retirement living options.

Planning Priority 10 under the relevant theme provides the following:

'Provide a range of diverse housing in the right locations to accommodate housing demand that meets the needs of changing demographics within the Parkes Shire.'

The proposed development will be contributing 9 multi-unit dwellings to the affordable housing stock in the Parkes Shire LGA. The development will diversify the residential uses in Parkes by introducing housing that could potentially accommodate smaller households and/or the ageing population in the locality and is well serviced by existing public transport options and essential services. As such, the proposed development contributes to the objectives of the Parkes Shire Local Strategic Planning Statement.

Parkes Shire 2035+ Community Strategic Plan

The Parkes Shire 2035+ is a 10-year plan that outlines 4 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, environment, economy and leadership. A series of goals, outcomes and strategies are outlined, specific to each of the 4 themes.

The Community Strategic Plan identifies the following objective and strategy for the theme of 'Community':

- Objective 1.2. - Our community is liveable, growing and connected.
- Strategy 1.2.2 - Plan for more housing choice to support a diversifying community, with an emphasis on more compact housing and affordable housing.

The proposed development for 9 multi dwelling units 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. As such, the proposal is not in conflict with the Parkes Shire 2035+ Community Strategic Plan and will provide new affordable housing within the LGA.

6.4.3 Activities in catchments [Section 171A]

Regulated catchments include the Sydney Drinking Water Catchment, the Sydney Harbour Catchment, the Georges River Catchment and the Hawkesbury-Nepean Catchment. The site is not located in a regulated catchment.

6.5 State Environmental Planning Policy (Housing) 2021

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*.

Section 8(2) of Schedule 7(A) of the Housing SEPP provides that the amendments made on 14 December 2023 do not apply to an activity by the Land and Housing Corporation where notice of the activity has been provided to Council under section 43(1)(b)(i) before the amending policy was made and further that the activity is determined before 20 December 2024. This activity for multi dwelling housing satisfies both requirements and

therefore *State Environmental Planning Policy Amendment (Housing) 2023* does not apply to this activity. The assessment of this activity has been undertaken against the Housing SEPP that was in force immediately before *State Environmental Planning Policy Amendment (Housing) 2023* was made.

6.5.1 Development without Consent

Section 42 of the Housing SEPP permits certain development that may be carried out ‘with consent’ to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that section. Table 5 below demonstrates compliance with the relevant provisions of Sections 42 and 43 of the HSEPP.

Table 5 Compliance with relevant provisions under Chapter 2, Part 2, Division 6 of the HSEPP for ‘residential development without consent’ carried out by LAHC

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	The development is permissible with consent within Zone R1 under the PLEP 2012.
(b) all buildings will have a height of not more than 9m, and	The maximum proposed building height is 5.5m
(c) the development will result in 60 dwellings or less on a single site, and	The development is for 9 dwellings
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	Not applicable
(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.5 parking spaces (ii) for each dwelling containing 2 bedrooms – 1 parking space (iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and	<p>The proposal provides 7 parking spaces based on the identified rates:</p> <p>4 x 1 bedroom = 2 parking spaces required</p> <p>5 x 2 bedroom = 5 parking spaces required</p> <p>Not applicable</p>
(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –	
(a) the demolition of buildings and associated structures if the building or structure is on land – (i) that is non-heritage land, and (ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,	Demolition is proposed on non-heritage land and on land not identified in an environmental planning instrument as being within a heritage conservation area
(b) the subdivision of land and subdivision works.	Subdivision is not proposed.

Provision	Compliance
Note – Section 32 prohibits the subdivision of a boarding house.	
(3) This Division does not apply to – (a) development to which this Part, Division 5 applies, or (b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.	Not applicable
(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.	Noted
(5) State environmental planning policy (Transport and Infrastructure) 2021, sections 2.15 and 2.17 apply to the development and, in the application of the sections –	Consultation with other authorities other than Parkes Shire Council was not required for this activity.
(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
(6) In this section– Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. Residential development has the same meaning as in the Housing Act 2001, section 8.	Noted
43 Requirements for carrying out residential development –	
(1) Before carrying out development under this Division, the Land and Housing Corporation must–	
(a) request the council nominate a person or persons who must, in the council’s opinion, be notified of the development, and	LAHC wrote to Parkes Shire Council on 16 October 2023 seeking confirmation of the extent of notification and if any other persons are required to be notified. On 27 October 2023, Parkes Shire Council provided details of those persons that are to be notified.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	Parkes Shire Council was notified of the proposed development activity through a letter dated 12 December 2023 sent by LAHC. Letters notifying landowners and occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date. The closing date for submissions was 29 January 2024.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council requested an extension to submission due date and responded to LAHC’s notification by letter dated 2 February 2024. Comments from Council and evaluative responses are provided in Section 7.1 of this REF. No submissions were received from adjoining neighbours.
(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 6.5.2 of this REF. These conclude that the development complies with all relevant development requirements relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations

Provision	Compliance
	discussed in subsection 6.5.2 of this report. In these cases, suitable alternatives are proposed which are necessary due to project-specific design responses.
(e) 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
(f) 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 the Architect's Certificate of Building Design Compliance dated 30 November 2023 in Appendix M which indicates that the design requirements have been considered and the design is compliant.
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	Not applicable
(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

6.5.2 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.

Section 43(1)(d) of the Housing SEPP requires the relevant authority to take into account the relevant provisions of the SLUDG when assessing a proposed residential development under Chapter 2, Part 2, Division 6 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 6**.

Table 6 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)	Driveways are concrete to meet LAHC maintenance and durability requirements. Parking is not allocated to individual units with the exception of the accessible parking space allocated to the adaptable Dwelling 1.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	Driveway gates to common parking areas are not consistent with the LAHC Design Standards for maintenance reasons. However, landscaping is proposed to soften the visual aspect of the driveway
4.14 Locate private open space in front setbacks where possible to minimise negative impacts on neighbours?	All dwellings have their private open space allocated suitably for each unit. The private open space areas for Units 1 and 2 have frontage to the internal driveway with adequate separation. Units 7, 8 and 9 have their private open space area facing the Laneway frontage. The private open space areas for Units 4, 5 and 6 are located to the northern boundary and are well separated from the single residential neighbour to the north as well as adequately screened via a 1.8m high fence. As such, private open spaces will have no negative impacts to neighbouring property.
4.16 Design dwellings around internal courtyards?	A common open space area is proposed for the development which is located at the eastern corner of the site. All units have direct access to the common open space area except for Unit 1. However, Unit 1 has habitable rooms and living areas facing Close Street providing casual surveillance of the street. Additionally, the subject site is within walking distance of a public park for active recreation. Each dwelling also has external spaces that can be enjoyed.

6.5.3 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.

Section 43(1)(f)(i) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

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

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe. The floor plan design allows for Unit 1 to be adapted to accommodate the changing needs of tenants over time and allowing them to age in place.

The development incorporates passive and active sustainable design, durable and low maintenance materials and appropriately sized units to reduce running costs. The proposal achieves a NatHERS rating with an average of 7.7 stars which exceeds the minimum targets set by LAHC. PV solar panels are positioned on the north and west facing roof elevations to maximise solar gains.

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

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

Belonging

The design approach responds to the style and character of the local area providing a low density suburban development consisting of increased building footprint over a single storey massing and is well integrated within its community.

The pedestrian entry and communal spaces have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces.

The mixed unit sizing caters to the needs of a diverse range of tenants.

Value

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

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

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

Collaboration

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

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

6.5.4 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.

Section 43(1)(f)(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 residential development under Part 2, Division 6 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.

6.6 Other State Environmental Planning Policies

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

Table 7 Compliance with other applicable State Environmental Planning Policies

SEPP (Sustainable Buildings) 2022

A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to *Appendix K*).

SEPP (Transport and Infrastructure) 2021

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

The site is located approximately 600m from Forbes Road/A39 which is a state road, and about 200m from the Western NSW railway line (measured in a straight line). The site is not immediately adjacent to the identified road or rail corridors. Furthermore, the proposed development is not identified as a traffic generating development. The proposed development is therefore not considered having an adverse impact on traffic or being adversely impacted by road/rail noise or vibration.

The provisions of the SEPP therefore do not apply.

SEPP (Biodiversity and Conservation) 2021

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

The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing do apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. There are 28 trees for consideration in relation to the proposed development, 22 of which are located within the site, 3 on a neighbouring property and 3 on the adjacent road reserve (refer to Arborists Report in *Appendix J*). Eleven (11) trees are proposed for retention and protection with the remaining 17 recommended for removal and replacement. However, Parkes Shire Council does not have a tree protection policy in place and therefore, a permit from Council would not be required for the proposed removal of 17 trees within the site.

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

An assessment of the proposed tree removal is provided in section 8.9 of this REF.

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 Parkes LGA. The s10.7 planning certificates (*Appendix F*) have not identified the site as being potentially contaminated. Notwithstanding, the draft *Contaminated Land*

Planning Guidelines (draft Guidelines) prepared by the Department of Planning 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 8** below.

Table 8 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 1980's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	47 Close Street currently contains a single storey detached dwelling and associated structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection did not reveal any evidence of potential contaminating activities.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Immediate adjoining development is residential.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard identified requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.
i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM act or a site regulated by the EPA under the CLM Act.

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

6.7 Parkes Local Environmental Plan 2012 (PLEP 2012)

Compliance with the relevant provisions / development standards set out in the PLEP 2012 is demonstrated in **Table 9** below.

Table 9 Parkes Local Environmental Plan 2012

Relevant Provisions / Development Standards for Multi Dwelling Housing			
Clause	Provision / Development Standard	Required	Provided.
4.3	Height of Buildings	Not adopted	Maximum building height is 5.5m.
4.4	Floor Space Ratio	Not adopted	Proposed FSR is 0.29:1.
6.6	Airspace operations	(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.	The proposed development is 1 storey only and will not penetrate the Obstacle Limitation Surface for Parkes Airport.

6.8 Parkes Shire Development Control Plan 2021

Parkes Shire Development Control Plan 2021 (PSDCP 2021) contains specific development controls for multi dwelling housing which are addressed below in **Table 10**.

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

Table 10 Parkes Shire Development Control Plan 2021

Compliance with Part C.3 Medium Density Development		
Multi-dwelling housing		
Clause	Requirement	Proposed
C.3.2 – Site Area and Frontage	a. Frontage not less than 18m at the building line b. Minimum site area of 280m ² per dwelling unit.	Complies – Frontage 40.23m Complies with intent –

Compliance with Part C.3 Medium Density Development

	<p>c. Notwithstanding b) above, the site area can be less than 280m² where the proposed development demonstrates consistency with all other objectives and standards in this Part.</p> <p>(2022m² divided by 280m² = 7 dwellings)</p>	<p>9 dwellings proposed leading to a minimum site area of 225m² per dwelling.</p> <p>Consistency with all other objectives and standards demonstrated in subsequent responses.</p>
C.3.3 Earthworks, Retaining Walls, Structural Support and Drainage	<p>a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation by way of sediment basins, sediment fences, hay bale sediment filters and the like.</p> <p>b. Earthworks to not exceed 3m height/depth from existing ground level.</p> <p>c. Earthworks to not exceed 1m depth within 1m from any property boundary.</p> <p>d. Imported fill must be certified Virgin Excavated Natural Material (VENM).</p> <p>f. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the boundary.</p> <p>g. Excavation areas shall be properly drained to a legal point of stormwater discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve).</p> <p>h. Finished ground levels must drain to roadside drainage infrastructure or a drainage reserve at a minimum grade of 2%.</p>	<p>Complies - Soil erosion and sedimentation has been carefully considered and area proposed to be appropriately fenced as illustrated on Erosion and Sediment Control Plan (refer to Appendix A). Identified Requirement 13 is recommended to ensure compliance.</p> <p>Complies - Earthworks do not exceed 3m depth nor exceed 1m depth within 1m from any boundary as illustrated on Cut and Fill Plan (refer to Appendix A).</p> <p>Complies – Any fill is required to be Virgin Excavated Natural Matter (VENM) as recommended in Identified Requirement 46.</p> <p>Complies - All earthworks will be located wholly within the site boundaries.</p> <p>Complies – The site will drain to a proposed kerb inlet pit on the Close Street frontage which will connect to existing drainage infrastructure in the street in accordance with the stormwater drainage plans (Appendix C).</p>

Compliance with Part C.3 Medium Density Development

C.3.4 - Streetscape	<p>b. Development is designed with attractive street elevations that feature at least 1 main entry door and 1 major window to a living area or bedroom per dwelling unit.</p> <p>f. Variation of building design and/or materials used on external facades is provided where more than 3 dwelling units face a public primary or secondary road.</p> <p>g. Development does not necessitate the removal of existing street trees that significantly contribute to streetscape appeal and character.</p>	<p>Complies - The main entry door and bedroom windows for Units 1, 3 and 4 face the Close Street frontage.</p> <p>Complies - The proposed development contributes to an attractive streetscape through modulation of the building façade with features such as recession and projections. There is also the use of different materials on the external facades of proposed units – light beige and dark grey brick walls and dark grey prefinished vertical cladding.</p> <p>Complies - All existing street trees are retained.</p>
C.3.5 – Setbacks for Laneway Lots	<p>a. Primary Road – Average building line or 6m</p> <p>Side boundary – 0.9m or BCA</p> <p>Rear laneway or boundary – 5m</p> <p>c. Despite a) development on Laneway Lots may vary the setback requirements where compliance with Part C.3.12 Medium Density Housing Adjoining Laneways can be demonstrated.</p>	<p>Complies - The development is setback a minimum 6m from the Close Street frontage.</p> <p>Complies - Side boundary setback of 0.9m</p> <p>Complies with intent (refer to item c.) - Rear boundary (Laneway) setback of 3m</p> <p>The development complies with the provisions of Part C.3.12 (see below). The proposed reduced rear setback does not lead to overshadowing, overlooking or privacy impacts, and provides adequate space for landscaping and private recreation. The neighbouring properties along the Laneway have their primary frontage to Lynch Street and are not adversely impacted by the reduced setback. Additionally, the development exceeds deep soil provision requirements providing 210m² of deep soil zone at the rear of the site. Main access for the development is proposed from Close Street rather</p>

Compliance with Part C.3 Medium Density Development		
		<p>than the Laneway. A 1.8m metal fence is proposed to adequately screen the development along the Laneway frontage.</p> <p>The proposed development is therefore considered to uphold the objectives of Part C.3.5.</p>
C.3.6 – Building Design	<ul style="list-style-type: none"> a. Development is not more than 9m above existing ground level. b. Building design achieves at least 3 hours of solar access to key living spaces / private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm c. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level and are to be setback 0.45m from any boundary 	<p>Complies - Maximum building height is 5.5m.</p> <p>Complies - 89% (8/9 units) of dwellings and 100% of private open spaces achieve at least 3 hours sunlight between 9am and 3pm in mid-Winter.</p> <p>Complies – air conditioning units will be located as shown on the Site Plan (<i>Appendix A</i>).</p>
C.3.7 - Privacy	<ul style="list-style-type: none"> a. Windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings. 	<p>Complies - Proposed windows facing side boundaries are high sill or sufficiently distanced from adjoining dwellings and will be screened by 1.8m high boundary fencing and proposed landscaping to ensure privacy. The proposed development does not include balconies or decks.</p>
C.3.8 – Private Open Space	<ul style="list-style-type: none"> a. Provide a minimum of 50m² of private open space per dwelling. Not less than 3m wide in any direction. d. Private open space in medium density housing is oriented, where possible, to have a north-easterly aspect. e. Accessible directly from main living areas f. Clearly defined by walls, fencing and landscaping 	<p>POS designed according to LAHC Design Requirements as required by the Housing SEPP – min 15m² required, min 20m² provided.</p> <p>Complies – Units 1, 2, 4, 5, 6, 7, 8 & 9 have private open space oriented to have a north-easterly aspect.</p> <p>Complies – All private open space areas are directly accessible from main living areas.</p> <p>Complies – All private open spaces are fenced to provide self-contained spaces.</p>
C.3.9 – Driveways, Access and Car Parking	<ul style="list-style-type: none"> a. comply with <i>Part 4A of the Austroads Guide to Road Design</i> and <i>Parkes Shire Council Engineering Design Minimum</i> 	<p>Complies – The proposed driveway, access and carparking complies with Australian Standards and Council's requirements as identified in Driveway</p>

Compliance with Part C.3 Medium Density Development

	<p><i>Standards for Subdivision and Development 2021</i>, unless otherwise specified in this Part.</p> <p>b. The number of driveways provided from any site to any one street frontage is limited to 1 ingress and 1 egress, except for large developments where this may not be practical.</p> <p>d. Safe sight distance of driveways complies with <i>Part 4A of the Austroads Guide to Road Design</i></p>	<p>and Carpark Certification in Appendix T.</p> <p>2 single width driveways are proposed – 1 to provide access to the communal parking area and 1 to provide access to the adaptable car parking space servicing Unit 1. The proposal does not increase the number of existing driveways provided to the site.</p> <p>Complies – refer to Driveway and Carpark Certification in Appendix T.</p>
C.3.10 – Stormwater Management	<p>a. complies with Part 3: Stormwater drainage of AS/NZS 3500.3, 2015 Plumbing and Drainage</p> <p>b. Incorporate on-site detention as specified in the Parkes Shire Council Engineering Design Minimum Standards for Subdivision and Development 2021.</p> <p>c. Takes into account the stormwater management requirements of the whole site in a 5% AEP</p>	<p>Complies – Proposed stormwater management design satisfies Council's requirements (refer to Civil Plans in Appendix C)</p>
C.3.11 - Utilities	<p>a. Provided with a combined letter box structure that is incorporated into site landscaping and in accordance with Australian Standards.</p> <p>b. Provided with a standard telephone service to each dwelling</p> <p>c. Provided with suitable waste bin storages at each dwelling that are not readily visible from a public road, adjoining properties or dwellings within the medium density development.</p> <p>d. Connected to the centralised electricity supply network.</p> <p>e. Connected to a reticulated water supply main.</p>	<p>Complies</p> <p>Letterboxes are provided at each pedestrian entrance to the development and incorporated into proposed landscaping.</p> <p>LAHC's preference is for kerbside collection over on-site. Bin storage has been appropriately integrated into building design to avoid adverse visual amenity impacts. Units 1, 3, 4, 7, 8 and 9 have private waste bins and a communal waste bin area is dedicated to Units 2, 5 and 6. Bins will be stored in suitably screened enclosures or in private open spaces, .</p> <p>The proposed development is able to connect to all available utility services as required.</p>

Compliance with Part C.3 Medium Density Development

	f. Connected to a reticulated sewer main.	
C.3.12 – Medium Density Housing Adjoining Laneways	<p>a. Does not exceed 1 storey in height.</p> <p>b. The laneway is not the main pedestrian access to medium density dwellings.</p> <p>c. Any door adjoining a laneway is setback a minimum 1.5m from the boundary adjoining the laneway</p> <p>f. Resident or visitor parking is not provided in the laneway reserve.</p> <p>h. Adequate provision is made for the collection of mail from a primary road</p>	<p>Complies – Proposal is 1 storey.</p> <p>Complies – Pedestrian access is provided from Close Street.</p> <p>Complies - All doors adjoining the laneway are setback a minimum 3.5m from the boundary adjoining the laneway.</p> <p>Complies - Resident or visitor parking is not provided in the laneway reserve. On-site parking is accessed from Close Street.</p> <p>Complies - Adequate provision is made for the collection of mail from Close Street.</p>

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 43 of the Housing SEPP, Parkes Shire Council was notified of the development by letter dated 12 December 2023 (refer to **Appendix G**). The notification response period formally closed on 29 January 2023 with an extension granted to 5 February 2024. Council responded to the notification by letter dated 2 February 2024, with matters raised outlined in **Table 11** below. A response is provided in relation to the matters raised in Council's letter and where appropriate, these matters have been addressed in the Identified Requirements in the **Activity Determination**.

Table 11 Issues raised in Council submission

Issues raised	Response
<u>Statutory Planning</u>	
Multi-dwelling housing is a land use that is permissible with consent under Parkes LEP 2012, consistent with the intention of this development proposal, which has been prepared under the provisions of State Environmental Planning Policy (SEPP) Housing 2021.	Noted.
<u>Development Control Plan – Part C.3.2 Site Coverage</u>	
Council's DCP standard for site area is 280m ² /dwelling. The area of the site is 2024m ² , which supports 7 dwellings to be compliant with the DCP standard. Note: The site area can be less than 280m ² where the proposed development demonstrates consistency with all other objectives and standards in the relevant part of the DCP.	The proposed development leads to the provision of 9 dwellings, i.e.. 225m ² per dwelling. The proposal has been reviewed against other objectives and standards of the DCP and is deemed generally compliant (refer to Table 9). The density of the proposed development is suitable for the site as it does not create any unacceptable impacts on adjoining properties or the broader streetscape.
<u>Development Control Plan – Part C.3.8 Private Open Space</u>	
Council's DCP standard for POS is 10m ² /dwelling. The allocated POS is 9m ² /dwelling. The variance is considered to be minimal.	The Housing SEPP and more specifically, the LAHC Design Requirements require POS to be a minimum 15m ² for ground floor dwellings. Moreover, the Architectural Plans highlight the provision of POS with the least being 20m ² . Compliance is therefore achieved.
<u>Development Control Plan – Part C.3.9 Driveways, Access and Parking</u>	
Council's DCP standard for car parking in multi-dwelling housing proposals is as follows: 1 on-site car parking space per dwelling + 1 space per 4 dwellings for visitor parking. The proposal indicates 7 car spaces, one being specifically allocated to the adaptable dwelling. This is a shortfall of two spaces, and no visitor parking is proposed. Council requests that	On-site parking is compliant with the requirements of the Housing SEPP which stipulates car parking requirements for residential developments (in this case, in a non-accessible area). As such, Council's parking rates do not apply in this instance. Notwithstanding this, social housing tenants have lower car ownership rates than the general community. For instance, ABS data for the Parkes LGA

Issues raised	Response
consideration be given to allocation of four additional spaces (two for residents, and two visitor spaces).	<p>in 2021 shows that 35.5% of social housing households have no cars, which is relatively higher in comparison to general population households at 6.6%.</p> <p>Additionally, 13.2% of social housing households have 2 or more cars while 57.3% of general population households have 2 or more cars.</p>
<u>Development Control Plan – Part C.3.10 Stormwater Management</u>	
Council is satisfied with the hydraulic design of the proposed development.	Noted.
<u>Traffic Movement</u>	
Council requests that vehicular turning paths (swept paths) be shown on the plans, to confirm safe and appropriate ingress/egress to the site and residents' homes.	<p>On 29 February 2023, vehicular turning paths (swept paths) were sent to Council for comment. Council raised concerns with potential encroachment into parking areas during vehicle manoeuvring. These comments were taken on board and turning paths were refined to better illustrate the clearances (refer to Appendix T). The Driveway and Carpark Certification (Appendix T) confirms that swept paths show adequate manoeuvrability.</p>
<u>Water and Sewer Infrastructure</u>	
Council requests that separate reticulated sewer connections be supplied to each unit. The development can be connected to Council's reticulated water supply network	<p>The proposed development will be provided with reticulated water and sewer in accordance with the requirements of the relevant authority. Standard Identified Requirements No. 30 and 39 have been included in the Activity Determination to ensure compliance.</p>
<u>General Considerations/Anticipated Conditions of Development Consent</u>	
<p>General Considerations/Anticipated Conditions of Development Consent –</p> <ul style="list-style-type: none"> Approval under Section 138 of the Roads Act 1993 Approval under Section 68 of the Local Government Act 1993 	<p>Noted – Identified Requirements have been included in the Activity Determination where appropriate to ensure compliance.</p> <p>Approval under Section 138 of the Roads Act 1993 is not required. 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 that is not a Crown Road.</p> <p>Under section 69 of the Local Government Act 1993, section 68 does not require the Crown to obtain the approval of a Council to do anything that is incidental to the erection or demolition of a building, regardless of whether Council is the water and sewer authority. However, in relation to plumbing and drainage work, any permits and inspections required by Council will</p>

Issues raised	Response
<ul style="list-style-type: none"> Compliance with the Building Code of Australia Levying of applicable reticulated water/sewer headworks charges under Section 64 of the <i>Local Government Act 1993</i> Provision of fire hydrants/other fire protection requirements Levying of Developer Contributions under <i>Parkes Shire Section 94A Contributions Plan 2016</i> Consolidation of the two existing lots Allocation of street addresses to all dwellings. 	<p>be obtained during the construction of and completion by LAHC's building contractor.</p> <p>Standard Identified Requirement (No. 2) is recommended to ensure compliance with the National Construction Code.</p> <p>An Identified Requirement (No 76) has been recommended to ensure any applicable reticulated water/sewer headworks charges are paid.</p> <p>Fire protection requirements will be provided in accordance with the National Construction Code (refer to Identified Requirement No. 2).</p> <p>Section 7.12 (formerly Section 94A) Contributions are not applicable to activities carried out under Part 5 of the EP&A Act.</p> <p>Standard Identified Requirement (No. 5) has been applied to require consolidation into a single lot.</p> <p>An Identified Requirement (No. 77) is recommended to this effect.</p>

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 16 October 2023. Council provided an email response on 27 October 2023 confirming the extent of notification. **Figure 16** illustrates the properties in which the occupiers and landowners were notified of the development.

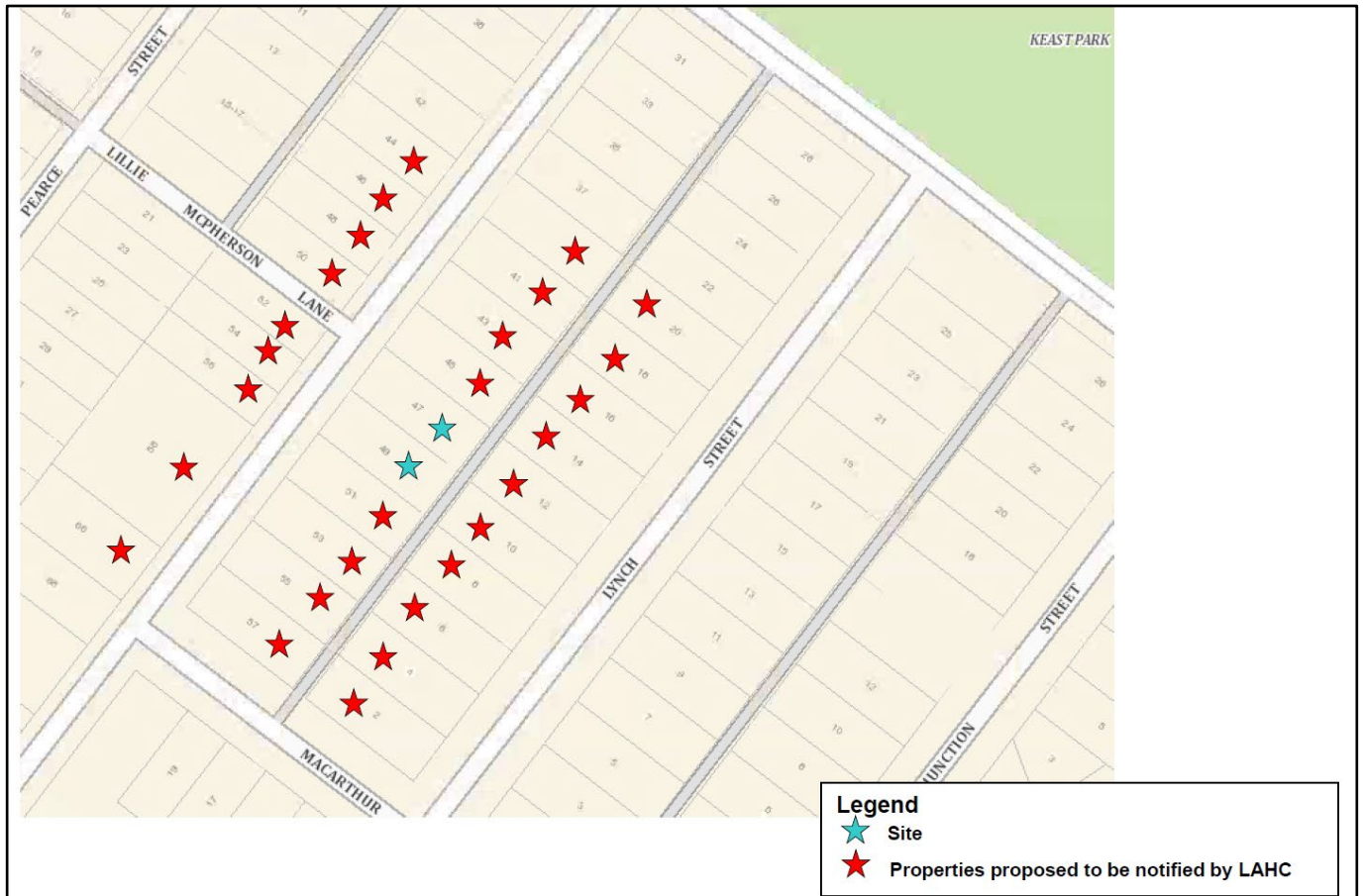


Figure 16 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 43(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 12 December 2023. A sample of the notification letter is provided at **Appendix G**.

The notification response period formally closed on 29 January 2023 and no submissions were received.

7.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) 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 characterized by lower density detached dwellings houses of weatherboard, brick and fibro cement construction, some with a distinct heritage character and minimal new development. Landscaping is typically grassed lawns and ornamental planting. Parkes Shire Housing Strategy 2021 to 2041 highlights the importance of housing assistance for many residents and the fact that the current rate of housing approvals and construction (approximately 30 new houses per year) is not keeping up with housing demands. The Housing Strategy also adopts a high development growth scenario that requires rezoning for additional residential land for the main settlement areas including the Parkes area. The proposed development is therefore aligned with Council's Housing Strategy 2021 to 2041 as it contributes to housing supply, aligns with the future growth of the region and is consistent with intended neighbourhood character of the local area.

The bulk and scale of the proposed development is compatible with the existing character of the neighbourhood and will deliver a built form outcome consistent with the planning controls. The single storey design, siting, layout and landscape setting of the proposed development aligns with that of existing development in the locality. Boundary setbacks are also appropriate to the context and setting.

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 Parkes. The single 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 dwellings appropriately address the street and rear dwellings have entries that will be clearly identified from common internal pathways.

The proposal incorporates a floor space ratio of 0.29:1 and a maximum height of 5.5m which is consistent with a low-density residential area. The FSR and built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R1 General Residential zone, which encourages a variety of housing types and densities.

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 suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development activity is compatible with the form of low density developments within the surrounding locality. The street façade is divided into a number of distinct elements, separated with substantial landscaping. The communal hardstand parking area 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, the proposed development will make a positive contribution to Close Street. The built form has been designed to address the street frontages through incorporation of street facing windows and doors, as well as landscaped areas 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.

New landscaping within the front setback will incorporate the planting of several trees including 1x Willow Bottlebrush, 3 x Weeping Bottlebrush, 1 x Paperbark and 2 x Japanese Plum to mature heights ranging from 3-10m and various shrubs with a mature height of 0.2-3m. Well considered tree and shrub planting along the side and rear boundaries of the site ensures long-term visual amenity for neighbouring properties and will improve the appearance of the site from Close Street.

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 the following:

- Privacy fencing of 1.5m to 1.8m in height and appropriate landscaping are provided around private open spaces to provide a sense of ownership and security. The private open space areas for Units 1 and 2 have frontage to the internal driveway with adequate separation and aluminium batten fencing to a height of 1.5m. Units 7, 8 and 9 have their private open space area facing the Laneway frontage. The private open space areas for Units 4, 5 and 6 are located to the northern boundary and are well separated from the single storey residential neighbour to the north as well as adequately screened via a 1.8m high fence.

- Privacy is also maintained through sufficient setbacks (minimum of 0.9m from the side boundaries in accordance with PSDCP 2021) and proposed building height (5.5m) which minimises overlooking into adjoining properties. Front setbacks are also consistent with the setback requirements under PSDCP 2021 and include substantial landscaping and low-height fencing to further mitigate privacy impacts to residents whilst maintaining adequate passive surveillance.
- Habitable rooms are located away from parking, driveways and paths where possible or screened/separated by landscape planting or courtyards.
- Proposed Colorbond and lattice boundary fencing to a combined height of 1.8m will mitigate unacceptable overlooking into properties to the north and south.

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 89% (8/9) of dwellings' living areas and 100% of private open spaces receive at least 3 hours direct solar access on June 21, which meets the requirement for a minimum of 70% of dwellings to achieve 3 hours of direct solar access to the living and private open space areas on June 21.

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

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

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

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

At 9am, shadows generated by the proposed development extend to the adjoining southern property but mostly to the extent of an existing metal shed within the southern property. The living areas and private open space of 51 Close Street are minimally impacted. Shadows generated also extend into Close Street reserve. The dwelling at 45 Close Street - adjoining northern property, causes minor overshadowing to Unit 4.

At 12pm, shadows generated by the proposed development extend slightly into 51 Close Street - adjoining southern property, but do not impact living areas and private open space.

At 3pm, shadows generated by the proposed development extend slightly into 51 Close Street - adjoining southern property, but do not impact living areas and private open space.

Overall, the shadow diagrams demonstrate there will be minimal overshadowing impacts to neighbouring dwellings. The adjoining properties will therefore maintain a minimum 3 hours of sunlight to living and principal private open space areas between 9am and 3pm at the mid-winter solstice.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

Surface car parking is proposed for 7 vehicles, including 1 adaptable space. There is 1 car space dedicated to Unit 1 that requires a reverse movement into or out of the car space. Reversing onto a local street is generally accepted by Council for small developments where traffic generation is not significant. The remaining communal car spaces allow for vehicles to enter and leave in a forward direction. The provision of on-site car parking meets the parking requirements set out in the Housing SEPP for developments carried out by LAHC not in an accessible area. Unrestricted street parking is available on Close Street to accommodate any overflow parking demand generated by the proposed development.

The Traffic and Parking Assessment Report (*Appendix S*) indicates the projected peak traffic generation as a result of the proposed development as low and will not have any unacceptable implications in terms of road network capacity.

The Carpark Report (*Appendix T*) examined the adequacy of the proposed internal driveway and parking arrangement. The report confirms that the proposed design is suitable based on an assessment of projected vehicle movements.

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 28 trees in relation to the proposed development, 22 of which are located within the site, 3 on a neighbouring property and 3 on the adjacent road reserve.

The report recommends the removal and replacement of 17 existing trees all located within the site that are either found within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones. It also recommends retention of 11 existing trees, 3 of which are located on neighbouring sites and another 3 on the adjacent road reserve. There will be minor to major encroachments as a result of the proposed development for some trees which are to be retained. These trees will be protected as per AS 4970 (2009) and the recommendations of the arborist report.

Appropriate replacement planting is proposed for trees to be removed, 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 TPZ 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 and Tree Management Plan (refer *Appendix J*).

Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to Identified Requirement No. 37).

8.10 Heritage (European / Indigenous)

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

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 5 December 2023 (*Appendix I*) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been recommended should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

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

Mitigation Measures

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

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation has been prepared by STS Geotechnics (*Appendix P*). The report indicates the following:

- The subsurface conditions consist of topsoil overlying sandy clays and materials that appear to be weathered rock, however may be a dense gravel layer. Topsoil was encountered to depths of 0.1m. Very stiff natural sandy clays underlie the topsoils to the depths of 0.5 to 0.8m.
- Groundwater was not observed during drilling works.

Contamination

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

Notwithstanding, the draft *Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in **Table 8** above

This evaluation indicates that the site is unlikely to be contaminated, however, an identified requirement is recommended to cover the possibility of finding contamination during works.

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. Additionally, a review of the NSW Government ePlanning Spatial viewer does not identify the land as having the potential to contain Acid Sulfate Soils.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates does not identify the subject site as being impacted by policies relating to salinity. Furthermore, the Geotechnical Site Investigation prepared by STS Geotechnics (*Appendix P*) highlights that E_{Ce} values of 0.8 and 0.6 dS/m are 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.

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

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. The site slopes from the north-western boundary (Close Street frontage) to the south-eastern boundary (Laneway frontage). Given the absence of drainage infrastructure for the Laneway and the potential for stormwater to end up in downstream properties, internal stormwater from the site is to be collected via a series of stormwater pits on the site connected to an aboveground onsite detention tank located in the rear landscaped area and piped to a proposed kerb inlet pit on the Close Street frontage, connected to existing street drainage infrastructure (refer to *Appendix C*). Roof water will also be collected from downpipes and connected to a rainwater tank for recycling with overflow connected to the aboveground detention tank.

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 & 43) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

8.13 Bushfire Prone Land

The Section 10.7(2) & (5) Planning Certificates issued by 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 Demolition / Construction

During demolition/construction typical noise levels associated with demolition/building works will be generated within the hours consistent with the requirements for complying development across NSW, being 7am to 5pm Monday to Saturday with no work on Sundays or public holidays.

During Occupation

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

Air conditioning units are proposed to be provided. 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 to be designed and constructed to achieve internal noise level design targets.

The site is located approximately 600m from Forbes Road/A39 which is a state road, and about 200m from the Western NSW railway line (measured in a straight line, not walking distance). The site is not immediately adjacent to the identified road and rail corridors. Furthermore, the proposed development is not identified as a high traffic generating development. The proposed development is therefore not considered having an adverse impact on traffic or being adversely impacted by road/rail noise or vibration.

Mitigation Measures

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

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, 61 and 74) 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. 65 & 66) 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 SARM Architects (*Appendix R*). The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

During Demolition and Construction

- Excavation is to be reused on site as fill.
- Green waste is to be organised off-site by skip contractor for both recycling and disposal.
- Concrete is to be organised off-site by skip contractor for both recycling and disposal.
- Timber where possible is to be reused on site or disposed off-site by skip contractor.
- Metal where possible is to be reused on site or disposed off-site by skip contractor.
- Plasterboard organised off-site by skip contractor for both recycling and disposal.
- Hazardous Waste if found on site to be transported offsite for disposal by skip contractor.

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

During Occupation

Units 2, 5 and 6 will be provided with access to a communal waste storage area located close to Unit 3 near the central driveway. Units 1, 3, 4, 7, 8 and 9 have private waste bins.

In total, 8 x general waste bins, 8 x recycling bins and 2 green waste bins are provided for the development. These are in a location easily accessible to the collection point.

Shared communal bins and individual bins for Units 1, 3 and 4 are to be presented on Close Street for collection, along the street frontage. Individual bins for Units 7, 8, and 9 are to be presented on the Laneway for collection, along the laneway frontage.

Mitigation Measures

Standard Identified Requirements (Nos. 46, 51-57) are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

A standard Identified Requirement (No. 38) is recommended to require the preparation of a final waste management plan for the demolition, 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 demolition, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

Solar energy systems will be installed as part of the development, to minimise the use and cost of access to natural resources.

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

Mitigation Measures

Identified Requirement (No. 75) is recommended to ensure solar energy system installation is carried out by a qualified personnel in accordance with required specifications.

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

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Parkes Shire 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 trades people 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 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, PLEP 2012, 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 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 the *Activity Determination*.

10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – CIVIL PLAN

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – NOTIFICATION PUBLIC AUTHORITY LETTERS AND
RESPONSES

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS SEARCH

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – BCA REPORT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NatHERS CERTIFICATE

APPENDIX O – SENIORS LIVING POLICY CHECKLIST

APPENDIX P – GEOTECHNICAL INVESTIGATIONS

APPENDIX Q – TITLE SEARCH AND DP

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC REPORT

APPENDIX T – CAR PARKING REPORT