

## ACTIVITY MODIFICATION — Review of Additional Environmental Factors

### Conflict of Interest<sup>1</sup>

In this matter:

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

Signed



Dated 14 March 2025

Name Yolanda Gil  
Director, Planning and Assessment,  
Portfolio Development,  
Housing Portfolio, Homes NSW

### AMENDMENT SOUGHT TO

**Current Activity Description:** Demolition of existing dwellings and structures, removal of trees, boundary adjustment with 20 Debrincat Avenue, and the construction of 22 independent living seniors housing units comprising 10 x 1 bedroom and 12 x 2 bedroom units, with associated landscaping and fencing, surface parking for 10 cars, creation of a stormwater easement across 20 Debrincat Avenue and consolidation into a single lot.

**Location:** 2-10 Birch Street and 20 Debrincat Avenue, North St Marys, and is legally described as Lots 346-350 in Deposited Plan 31990 and Lot 305 in Deposited Plan 30223.

**Proposed Modification:** Modification to the current activity, including the installation of a substation in the southwest corner of the site, realignment of stormwater infrastructure to accommodate the substation, conversion from gas to electric hot water supply, and minor alterations to the building construction method of the rear, upper portion of units 11, 12, 21 & 22.

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1. Conflict of interest includes actual and potential. A conflict of interest includes pecuniary i.e. financial interests to you or a related party or non-pecuniary i.e. benefits to relatives, friends, business associates and personal causes, etc. This includes "close relative of a person" as defined in section 49(6) of the Property and Stock Agents Act 2002.

# ACTIVITY MODIFICATION — Review of Additional Environmental Factors

Seniors Housing Development

at

**2-10 Birch Street and 20 Debrincat Avenue, North St Marys NSW 2760**

February 2025





# 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

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Modification – Part 5 Review of Additional Environmental Factors

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

Homes NSW

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This document may only be used for the purposes associated with the subject activity to which this Part 5 Review of Environmental Factors relates and to the extent authorised under the provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021, for the express purposes set out under that legislation, and may not otherwise be copied, reproduced, distributed, or used without the written permission of the authors.

# Document Register

The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF) Modification, prepared by NSW Land and Housing Corporation.

No	Date	Version	Change since last version	Page
1	25 February 2025	1	Not applicable	All

## DOCUMENT SIGN-OFF

REF prepared by	
Having prepared the Review of Environmental Factors: <ul style="list-style-type: none"><li>I have declared any possible conflict of interests (real, potential, or perceived) to the Executive Director of Portfolio Development, Housing Portfolio, Homes NSW.</li><li>I do not consider I have any personal interests that would affect my professional judgement.</li><li>I will inform the Executive Director of Portfolio Development, Housing Portfolio, Homes NSW, as soon as I become aware of a possible conflict of interest.</li></ul> Name: Frances Beasley Designation: Senior Planner, Planning and Assessment, Homes NSW Signature: <i>Frances Beasley</i> Date: 25 February 2025	
REF peer reviewed by	
Name: Deborah Gilbert Designation: Team Leader, Planning and Assessment, Homes NSW Signature: <i>D Gilbert</i> Date: 27 February 2025	
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, Assessment, Homes NSW Signature: <i>C. Howell</i> Date: 6 March 2025	

**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 Executive Director of Portfolio Development, Housing Portfolio, Homes NSW.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform the Executive Director of Portfolio Development, Housing Portfolio, Homes NSW, as soon as I become aware of a possible conflict of interest.

Name: Yolanda Gil

Designation: Director, Planning and Assessment, Portfolio Development, Homes NSW

Signature:



Date: 14 March 2025

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# 1 Executive summary

A modification is sought to the Activity Determination (Project No. BGYVZ) for a seniors housing development at 2-10 Birch Street and 20 Debrincat Avenue, North St Marys. The approved development activity is described as follows:

*Demolition of existing dwellings and structures, removal of trees, boundary adjustment with 20 Debrincat Avenue, and the construction of 22 independent living seniors housing units comprising 10 x 1 bedroom and 12 x 2 bedroom units, with associated landscaping and fencing, surface parking for 10 cars, creation of a stormwater easement across 20 Debrincat Avenue and consolidation into a single lot.*

The proposed modification is in relation to the following matters that have arisen during detailed design and documentation, including:

- Installation of a substation in the southwest corner of the site.
- Realignment of stormwater infrastructure to accommodate the substation.
- Conversion from gas to electric hot water supply.
- Provision of air conditioning (A/C) units for each unit.
- Minor adjustment to the entry path to the private open space area of Unit 13.
- Minor amendment to the building construction method for the rear, upper portion of units 11, 12, 21 and 22.

A Review of Environmental Factors (REF) has been undertaken for the proposed activity 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) to assess any additional impacts resulting from the proposed modification.

The proposed modifications are in response to a Practice Note adopted by Homes NSW on 10 May 2024 which requires air conditioning units be provided for all new dwellings, and a commitment to phase out reliance on gas as an energy supply source. The additional electrical loading generated by the A/C units and electric hot water systems has triggered the need for a substation which was identified post-determination. The minor amendment to the building construction method is required to improve construction efficiency.

The plans and supporting reports have been updated to reflect these changes and, as a consequence, amendments are sought to **Identified Requirement No. 1** to refer to the updated architectural, landscape and stormwater plans, as well as the BASIX Certificate, and NatHERS Certificates. An additional Identified Requirement (No. 84) is recommended to mitigate potential noise impacts as a result of the provision of air conditioning units.

The proposed modifications will not alter the key design elements of the approved senior housing development, including the overall built form, materials, and finishes, as well as the FSR, building height and length, building setbacks, or the number of dwellings.

The potential impacts of the proposed modifications are considered minimal, as the approved activity will remain substantially the same. Therefore, the modifications do not introduce any significant new impacts beyond those already identified and assessed in the original assessment.

Accordingly, it is recommended that the proposed modification be approved, subject to the Identified Requirements in the Modified Activity Determination.

## 2 Proposed modification

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### 2.1 Approved development

An Activity Determination was granted on the 22 December 2023 for a seniors housing development at 2-10 Birch Street and 20 Debrincat Avenue, North St Marys NSW 2760.

A description of the approved activity is as follows:

*Demolition of existing dwellings and structures, removal of trees, boundary adjustment with 20 Debrincat Avenue, and the construction of 22 independent living seniors housing units comprising 10 x 1 bedroom and 12 x 2 bedroom units, with associated landscaping and fencing, surface parking for 10 cars, creation of a stormwater easement across 20 Debrincat Avenue and consolidation into a single lot.*

The development is to be carried out by or on behalf of the NSW Land and Housing Corporation (LAHC) and, as such, is 'development without consent' under the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

### 2.2 Proposed modification

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The Architectural Plan set prepared as part of the original proposal is listed under **Identified Requirement 1** of the Activity Determination (**Appendix A**).

During the preparation of the detailed construction plans for the development, a practice note was adopted by Homes NSW which required that all new units be provided with air conditioning, which has subsequently increased the electrical loads for the development triggering the need for a substation. In addition, the *NSW Land and Housing Corporation Design Requirements 2023* came into effect post determination and encourages the use of electric hot water supply, rather than gas.

Construction improvements were also identified during detailed design which has subsequently led to changes to the construction method for the upper portion of the first-floor units at the rear of the site.

The amended Architectural Plans are provided in **Appendix B**, amended Landscape Plan in **Appendix C** and amended Stormwater Plans in **Appendix D**. The proposed amendments are detailed below:

- Installation of a substation in the southwest corner of the site.
- Realignment of stormwater infrastructure to accommodate the substation.
- Conversion from gas to electric hot water supply, including the provision of hot water storage units at ground floor level.
- Provision of A/C units for each dwelling.
- Minor adjustment to the entry path to the private open space area of Unit 13.
- Minor alterations to the building construction on the rear upper floor external walls (change from cladding on stud frame to cladding over cavity brick).

The proposed modifications are informed by:

- Modified Architectural Plans (**Appendix B**)
- Modified Landscape Plans (**Appendix C**)
- Modified Stormwater Plans (**Appendix D**)
- Modified Notification Plans (**Appendix E**)
- Updated BASIX (**Appendix F**)
- Updated NatHERS certificate (**Appendix G**)
- Updated Certificate of Title (**Appendix H**)



### 3 Statutory Compliance

#### 3.1 Environmental Planning & Assessment Act 1979

Section 5.5(1) of the EP&A Act requires consideration to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the proposed development activity.

The proposed modifications to the Activity Determination are minor and will not substantially alter the overall environmental impact of the development assessed as part of the original determination.

Based on the assessment in this report, it is considered that the proposed modification will not change the level of compliance of the approved development on the matters listed for consideration in Section 5.5 of the EP&A Act.

#### 3.2 Environmental Planning & Assessment Regulation 2021

Clauses 171 and 171A of the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation) provide factors that must be taken into account concerning the impact of an activity on the environment. The proposed amendments will not give rise to any new impacts that could reasonably be considered ‘significant’.

#### 3.3 State Environmental Planning Policy (Housing) 2021

##### Development without consent

Section 108B, Chapter 3, Part 5, Division 8 of the Housing SEPP permits development for the purposes of seniors housing to be carried out as ‘development without consent’ subject to the provisions set out under that section.

The development, as modified, does not alter compliance with the building height or the number of dwellings and can therefore be carried out as ‘development without consent’; and the proposal, as modified, does not alter compliance with the non-discretionary development standards for independent living units set out in Section 108 of the Housing SEPP.

##### Notification before carrying out development

Under section 108C, LAHC must notify Council, any persons nominated by Council, and the occupiers of adjoining land of the intention to carry out the development. Given the nature of the proposed modification, it was deemed appropriate to notify the amended proposal.

##### Council notification

Penrith City Council was notified of the proposed modifications to the development by letter dated 9 December 2024 (refer to *Appendix I*). The notification response period formally closed on 28 January 2025 and Council responded by letter dated 28 January 2025. The key matters raised by council are extracted in **Table 1** below, and a response provided against each.

Table 1 Issues raised in Council submission

Issues raised	Response
<b><u>Planning Comments</u></b>  Whilst the need for a pad mount substation is understood, the position of such at the front boundary does not allow for any screening or landscaping planting along Birch Street. The substation will have an adverse visual impact when viewed from	Electrical loading calculations were undertaken during the original proposal and there was no requirement for a substation based on the design at that stage.  The proposal has since been amended to include the provision of air conditioning units to all dwellings. The

Issues raised	Response
<p>Birch Street. This is likely exacerbated by the orientation with the longest part of the substation facing the street. Pad mount substations should be planned for at the design stage of the development and integrated into the design to allow for appropriate positioning and screening.</p>	<p>additional electrical loading generated by the air conditioning units has subsequently triggered the requirement for a substation.</p> <p>Advice was sought from the electrical engineer on whether the substation could be rotated, and if fencing could be provided to screen the structure.</p> <p>It was confirmed that the location and orientation of the substation was designed in response to Endeavor Energy's requirements and specifications. Due to access requirements, the substation needs to be located at the site frontage.</p> <p>If the substation was rotated so that the shorter end faced the street, it would not meet the 6m exclusion zone requirements. Fencing in front of the substation was also not permitted as it would impede Endeavor Energy's access requirements.</p> <p>Despite the above, a substantial portion of the frontage will be landscaped and the area to the side and behind the substation easement will be planted out with shrubs at a range of heights which will assist in softening the structure in the streetscape. Fencing provided behind the substation aligns with the fencing type provided for the rest of the frontage, allowing it to tie in seamlessly with the rest of the development.</p>
<p><b>Engineering Comments</b></p> <p>There is a reduction in the permeable area of the site by 38.77m<sup>2</sup> and the OSD storage volume calculations have not been updated to reflect this. The documentation should be amended to reflect this.</p>	<p>The overall change in landscape area (permeable surface area) between the original and modified proposal is 9.8m<sup>2</sup>.</p> <p>Advice was sought from the consultant civil engineer who confirmed the following by email 6 February 2025 (Appendix J):</p> <p><i>"The revised permeable surface area won't affect the OSD calculation. OSD storage has been designed for the total site area of 3,631m<sup>2</sup> (refer our calculation on stormwater drawings sheet 3 &amp; 4)."</i></p>

### Neighbour notification

Owners and occupiers of neighbouring land were notified of the amended proposal on 9<sup>th</sup> December 2024. A sample of the notification letter is provided under **Appendix I**. Council provided an updated list of owner and occupier details on 26 November 2024, prior to notification letters being issued. **Figure 1** illustrates the properties that were notified.



Figure 1 Map of properties notified of the proposed development. Source: LAHC

Two submissions were received, and the key issues are discussed in **Table 2** below.

Table 2 Owner and occupier submissions

Issues raised	Response
<p><b>Submission 1</b></p> <ul style="list-style-type: none"> <li>Concerned that the properties will be sold for profit and not used for intended purpose.</li> <li>Concerns that the property wasn't owned by the state government but was owned by the people.</li> <li>It was requested that the land would be better used as a community garden.</li> <li>Unattractive design and poor amenity due to lack of trees.</li> </ul>	<p>Information was provided to the individual confirming that the land was owned by the NSW Land and Housing Corporation (LAHC) for the purposes of providing social housing, and that there was no plan to sell the units.</p> <p>It was confirmed that the development is for seniors housing, which is the largest growing cohort of LAHC tenants and housing was desperately needed.</p> <p>Identified Requirement No. 74 restricts the use of the development for seniors only. This restriction is for the lifecycle of the development.</p> <p>The design of the proposed development, including the bulk and scale were assessed under the original proposal. The proposed modification has not changed the design of the development.</p> <p>The proposal will retain 2 significant trees in the northwest corner of the site, and 1 significant tree in the middle of the site. The landscape scheme includes the planting of 21 new canopy trees across the site, as well as various shrubs and ground covers.</p> <p>The proposal has been designed to ensure a very high level of amenity is afforded for all residents.</p>
<p><b>Submission 2</b></p>	<p>The development will not result in any overshadowing or privacy impacts to the</p>

Issues raised	Response
<ul style="list-style-type: none"> <li>The adjoining property owner wanted to understand if the development as a whole would impact her property.</li> <li>Concern regarding the tree selection, and the risks associated with planting gum trees that may not be suitable for rear gardens due to dropping limbs.</li> </ul>	<p>property, which adjoins the site to the northeast corner.</p> <p>The adjoining owner was advised that the development would have a minor impact on the shared boundary fence which would be replaced. It was confirmed that the builder would contact them to make arrangements for replacement fencing during the construction stage.</p> <p>The proposed landscape scheme includes planting 6 x <i>Tristania laurina</i> 'Luscious' Water Gum at the rear of the development. These trees have a maximum height of 10m and a relatively compact canopy. The two existing gum trees located towards the front; northwest corner of the site is proposed to be retained as they make a substantial contribution to the streetscape. These trees have been assessed by a consultant arborist and confirmed that they are viable for retention and have a low probability of limb failure based on resistance drill testing undertaken during the assessment of the original proposal.</p>

#### Considerations before carrying out development

Under Section 108CB of the Housing SEPP, LAHC must consider the following:

- the *Seniors Housing Design Guide*
- the design principles for seniors housing set out in Schedule 8 of the Housing SEPP
- *Good Design for Social Housing*
- the *NSW Land and Housing Corporation Design Requirements 2023*.

It is noted that the original activity was required to consider the *Land and Housing Corporation Dwelling Requirements 2020* and the *Seniors Living Policy: Urban Design Guidelines for Infill Development*. However, these publications have since been superseded by the *NSW Land and Housing Corporation Design Requirements 2023* and the *Seniors Housing Design Guide*, respectively.

An assessment of the modified proposal against the relevant considerations is provided as follows:

- ***Seniors Housing Design Guide***

The amended proposal is consistent with the key principles and controls set out in the *Seniors Housing Design Guide*.

- ***The design principles set out in Schedule 8 of the Housing SEPP***

The proposed modifications do not alter the assessment of consistency with the Design Principles set out in Schedule 8, conducted as part of the original REF.

- ***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.

The proposed modifications does not substantially alter the original assessment of the activity in relation to the principles of 'Belonging' and 'Collaboration', however, the proposal as modified is considered to result in an improved outcome in relation to the principles of 'Value' and 'Wellbeing' due to buildability improvements and the additional amenity afforded by the provision of air conditioning.

- **LAHC Design Requirements 2023**

The proposal has been revised to include the provision of air conditioning units and electric hot water systems which is consistent with the LAHC design requirements. An additional identified requirement (No. 84) is recommended in relation to the operation of the A/C units to ensure compliance with the relevant noise regulations.

#### **Design standards for accessibility**

The proposed modifications are not considered to affect the approved activity's compliance with the relevant requirements outlined in Schedule 4 of the Housing SEPP concerning design standards for accessibility.

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### **3.4 SEPP (Sustainable Buildings) 2022**

The proposed modifications involve changing the hot water supply from gas to electric, and the provision of air conditioning units. As such, an updated BASIX Certificate (certificate 1376255M\_06, dated 28 October 2024) has been obtained for the modified development, as required under the SEPP (*Appendix F*).

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### **3.5 Local Planning Controls**

#### **3.5.1 Penrith Local Environmental Plan 2010 (PLEP 2010)**

The site is zoned R2 Low Density Residential under the PLEP 2010.

The development is defined as 'seniors housing' under the provisions of the PLEP 2010 and is prohibited in the R2 zone. The R2 zone is a prescribed zone under the Housing SEPP and therefore the development can be pursued as 'development without consent' pursuant to Chapter 3, Part 5, Division 8 of the Housing SEPP.

The development as proposed to be modified does not change the approved seniors housing use, maximum building height, or floor space ratio of the development and therefore, does not alter the assessment carried out as part of the original activity.

#### **3.5.2 Penrith Development Control Plan 2014**

The proposal, as modified, does not alter compliance with the relevant controls set out in the PDGP 2014.

## **4 Impact Assessment of Proposed Modification**

Section 5.5 (1) of the EP&A Act requires consideration to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the proposed development activity.

The proposed amendments will not have any adverse environmental impacts on balance of the following considerations:

- The proposed modifications update the originally approved activity to comply with a Homes NSW Practice Note issued 10 May 2024, which requires air conditioning units to be provided to each dwelling. The amended design therefore results in greater internal comfort levels, and an increase in the average NatHERS star rating from 7.2 stars (original proposal) to 7.5 stars (modified proposal).
- Any additional noise impact resulting from the proposed air conditioning units can be mitigated to acceptable levels by an additional Identified Requirement (No. 84).

- The proposed substation has been designed and located in accordance with the requirements of Endeavor Energy to ensure it can operate safely without impact on residents or neighbours. Sufficient landscaping has been provided within the frontage to soften the appearance of the structure, and proposed fencing provided around the easement will match that provided along the remainder of the frontage, ensuring it ties in seamlessly.
- The proposed realignment of stormwater infrastructure to accommodate the substation is a minor change to the stormwater management scheme originally proposed and has been certified as being in accordance with the relevant standards and council provisions (refer to *Appendix K*).
- The proposed modifications will not alter the key design elements of the approved senior housing development, including the overall built form, such as the roof form, materials, and finishes, as well as the FSR, building height and length, building setbacks, or the number of dwellings.
- The proposed modifications will result in a minor reduction to the overall deep soil area, landscaped area and private open space areas (units 1 – 2, 5, 6, 9 – 10, 13 – 15, and 19 – 20). The minor reduction to these areas is required to accommodate the substation, and electric hot water equipment. Notwithstanding this, the reductions will not lead to any non-compliances with the applicable standards under the Housing SEPP.
- Hot water units have been positioned in discrete locations and adequately screened from view to ensure they do not detract from the appearance of the development.
- There are no additional impacts to the existing trees on site which are to be retained.

## 5 Proposed amendments to Activity Determination

As outlined below, *Identified Requirement No. 1* is recommended to be updated to reflect the changes to the approved plans and documents, while *Identified Requirement No. 84* is recommended to be added to mitigate potential noise impacts resulting from the A/C units.

### Identified Requirement No. 1

The development shall be carried out substantially in accordance with the following plans / documents as modified below and by any of the undermentioned identified requirements:

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
<b>Architectural</b>				
Cover Page	1 of 22	D	<del>15.11.2023</del> 4.12.2024	DTA Architects
Block Analysis Plan	2 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Site Analysis Plan	3 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Demolition Plan	4 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Subdivision Plan	5 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Development Data	6 of 22	<del>C</del> D	<del>15.11.2023</del> 27.11.2024	DTA Architects
Site Plan	7 of 22	<del>C</del> D	<del>15.11.2023</del> 27.11.2024	DTA Architects



Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Ground Floor Plan	8 of 22	G D	<del>15.11.2023</del> 27.11.2024	DTA Architects
First Floor Plan	9 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Roof Plan	10 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Elevations	11 of 22	G D	<del>15.11.2023</del> 27.11.2024	DTA Architects
Elevation & Internal Elevations	12 of 22	G D	<del>15.11.2023</del> 27.11.2024	DTA Architects
Internal Elevations	13 of 22	G D	<del>15.11.2023</del> 27.11.2024	DTA Architects
Sections	14 of 22	G D	<del>15.11.2023</del> 27.11.2024	DTA Architects
Sections	15 of 22	G D	<del>15.11.2023</del> 27.11.2024	DTA Architects
Shadow Diagrams – 21st June 9am	16 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Shadow Diagrams – 21st June 12pm	17 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Shadow Diagrams – 21st June 3pm	18 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Solar Access – View From Sun	19 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Solar Access – View From Sun	20 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Solar Access – View From Sun	21 of 22	C	<del>15.11.2023</del> 26.10.2023	DTA Architects
Perspectives	22 of 22	G D	<del>15.11.2023</del> 27.11.2024	DTA Architects
<b>Civil/ Stormwater</b>				
Specification Sheet	1 of 8	E F	<del>29.11.2023</del> 27.11.2024	MSL Consulting Engineers
Site Drainage Plan	2 of 8	E F	<del>29.11.2023</del> 27.11.2024	MSL Consulting Engineers
Drainage Plan – Sheet 1	3 of 8	E F	<del>29.11.2023</del> 27.11.2024	MSL Consulting Engineers
Drainage Plan – Sheet 2	4 of 8	E F	<del>29.11.2023</del> 27.11.2024	MSL Consulting Engineers
OSD Section and Stormwater Details	5 of 8	E F	<del>29.11.2023</del> 27.11.2024	MSL Consulting Engineers
Stormwater Details	6 of 8	E F	<del>29.11.2023</del> 27.11.2024	MSL Consulting Engineers
Sediment Control Plan	7 of 8	E F	<del>29.11.2023</del> 27.11.2024	MSL Consulting Engineers

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
OSD Catchment Plan	8 of 8	E F	29.11.2023 27.11.2024	MSL Consulting Engineers
<b>Landscape</b>				
Landscape Plan	1 of 1	D E	03.11.2023 27.11.2024	DTA Architects
<b>Survey</b>				
Detail & Survey Level	1 of 10	A	31.03.2023	Norton Survey Partners
Detail & Survey Level	2 of 10	-	-	Norton Survey Partners
Detail & Survey Level	3 of 10	-	-	Norton Survey Partners
Detail & Survey Level	4 of 10	-	-	Norton Survey Partners
Detail & Survey Level	5 of 10	-	-	Norton Survey Partners
Detail & Survey Level	6 of 10	-	-	Norton Survey Partners
Detail & Survey Level	7 of 10	-	-	Norton Survey Partners
Detail & Survey Level	8 of 10	-	-	Norton Survey Partners
Detail & Survey Level	9 of 10	-	-	Norton Survey Partners
Detail & Survey Level	10 of 10	-	-	Norton Survey Partners
<b>Footpath Survey and Upgrades</b>				
Footpath Layout Plan	1 of 4	B	29.11.2023	MSL Consulting Engineers
Footpath Standard Details	2 of 4	B	29.11.2023	MSL Consulting Engineers
Footpath Long section – 1	3 of 4	B	29.11.2023	MSL Consulting Engineers
Footpath Long section – 2	4 of 4	B	29.11.2023	MSL Consulting Engineers
<b>BASIX</b>				
BASIX Certificate	BASIX Certificate No <del>1376255M_02</del> 1376255M_06	-	<del>14.06.2023</del> 28.10.2024	Greenview Consulting Pty Ltd
Nationwide House Energy Rating Scheme – Class 2 summary	NatHERS Certificate No 0008706870	-	<del>25.06.2023</del> 25.10.2024	Greenview Consulting Pty Ltd
<b>Reports</b>				
Access Report	22088-DA	R1.2	23.05.2023	Access-i

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Arborist's Impact Assessment and Tree Management Plan	7800.1	-	30.11.2023	Redgum Horticultural
Statutory Compliance Report	J4409	FINAL	22.05.2023	DPC
Geotechnical Investigation	22/1495	-	May 2022	STS Geotechnics Pty Ltd
Waste Management Plan	-	-	-	Land and Housing Corporation
Traffic Impact Assessment – Seniors Housing	-	3	18.05.2023	ParkTransit Pty Ltd
Cut and Fill Plan	1 of 1	B	19.06.2023	MSL Consulting Engineers

## Identified Requirement No. 84 - Air Conditioning

### Design and Installation

Any air conditioning unit installed on the premises must be designed, specified and installed to ensure that they comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and must not emit a noise that exceeds 5dB(A) above the ambient background noise level measured at any property boundary. Acoustic treatment may be required to ensure this is achieved.

Certification, from an appropriately qualified acoustic consultant, shall be provided at construction documentation stage that the air conditioning units can comply with this requirement.

Further certification, from an appropriately qualified acoustic consultant, shall be provided prior to occupation that the installed air conditioning units comply with this requirement.

### On-Going

The use of any air-conditioning unit must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulations 2017 and must not:

- (a) emit a noise that is audible within a habitable room in any adjoining residence (regardless of whether any door or window to that room is open);
  - (i) before 8.00 am and after 10.00 pm on any Saturday, Sunday or Public Holiday; or
  - (ii) before 7.00 am or after 10.00 pm on any other day;
- (b) emit a noise that exceeds 5dB(A) above the ambient background noise level measured at any property boundary.

## 6 Conclusion

Pursuant to Section 5.5 (1) of the EP&A Act, the modification application has taken into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the proposed modification.

Furthermore, the factors to be taken into account pursuant to Clause 171 of the EP&A Regulation have been fully considered in determining the likely impact of the amendment on the environment.

The proposed modification does not result in any non-compliances with the relevant provisions in the Housing SEPP, PLEP 2010 or PDCP 2014.

The original application was assessed under Part 5 of the EP&A Act, pursuant to Section 108 of the Housing SEPP. The development can be carried out by LAHC as 'development without consent' as the development will have a height of not more than 9.5m and will result in no more than 40 dwellings on the site.

The proposed modification associated with the activity can be supported on the basis that:

- the proposed modifications are minor in nature and will have minimal impacts on the nature of the approved activity; and
- there will be minimal discernible changes to the impacts that were considered in the original assessment and Determination.

Accordingly, it is recommended that the proposed modification be approved in accordance with the identified requirements contained in the Activity Determination.