

REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

10-16 Birdwood Avenue, Cabramatta West 2166

July 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

REVIEW OF ENVIRONMENTAL FACTORS

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On February 1, 2024, Homes NSW, a division of the Department of Communities and Justice (DCJ) was formed. It has brought together the housing and homelessness services of DCJ with the NSW Land and Housing Corporation (LAHC), Aboriginal Housing Office (AHO) and key worker functions from across government under one roof. In 2025, the Minister administering the Housing Act 2001 became a landowning entity under the Homes NSW division.

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1	6.06.2025	v1	Not applicable - initial version	All
2	17.06.2025	v2	Various amendments	Various
3	23.06.2025	v3	Land Ownership updates	Various


DOCUMENT SIGN-OFF

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1 Executive Summary

The land the subject of this REF was transferred to the Minister administering the *Housing Act 2001* (the Minister) pursuant to an order made by the Minister on 12 May 2025 under section 35G of the *Housing Act 2001* with an effective transfer date of 9 June 2025. The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register has not been updated (Schedule 2A, section 2(a) of the *Housing Act 2001*). In addition, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by NSW Land and Housing Corporation (NSW LAHC) is taken to have been done or omitted by, to or in relation to, the Minister (section 2(e) of Schedule 2A of the *Housing Act 2001*).

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW LAHC under relevant legislation, which includes the *Environmental Planning and Assessment Act 1979*, and any regulations or subordinate instruments made under that Act.

The subject site is located at 10-16 Birdwood Avenue, Cabramatta West, and is legally described as Lots 64, 65, 66 and 67 in Deposited Plan 32233. The proposed seniors housing development is described as follows:

Demolition of existing dwellings and structures, removal of trees, construction of a 2 storey seniors housing development containing 18 units comprising 10 x 1 bedroom and 8 x 2 bedroom dwellings, with associated landscaping and fencing, surface parking for 8 vehicles, and consolidation into a single lot.

The proposed activity is permissible with consent in the R2 - Low Density Residential zone under the Fairfield Local Environmental Plan 2013 (FLEP 2013) and therefore can be carried out by the Minister without consent under the provisions of Chapter 3, Part 5, Division 8 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 40 dwellings on the site and does not exceed 9.5 metres in height.

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 (FLEP 2013) and is therefore permitted without consent under the provisions of the Housing SEPP.

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

The REF 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 Housing Design Guide* and taken into consideration *Good Design for Social Housing* and *NSW Land and Housing Corporation's Design Requirements*.
- The site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Fairfield City Council.

- A BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets.
- There are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.
- Fairfield City Council and owners and occupiers of adjoining land were notified of the proposed activity under the provisions of the Housing SEPP. A response was received from Council on 10 June 2025. 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**.

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 4 dwellings and structures, removal of trees, and the construction of a 2 storey independent living seniors housing development containing 18 units (10 x 1 bedroom and 8 x 2 bedroom), with associated landscaping and fencing, parking for 8 cars and consolidation of the 4 lots into a single lot at 10-16 Birdwood Avenue, Cabramatta West.

The activity¹ will be carried out by, or on behalf of, the Minister and is 'development without consent' under the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The proposed development is a seniors housing development for the purpose of providing affordable housing within the suburb of Cabramatta West.

This REF has been prepared by Homes NSW for the Minister in satisfaction of the provisions of Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and Part 8 of the *Environmental Planning & Assessment Regulation 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.

The land the subject of this REF was transferred to the Minister pursuant to an order made by the Minister on 12 May 2025 under section 35G of the *Housing Act 2001* with an effective transfer date of 9 June 2025. The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register has not been updated (Schedule 2A, section 2(a) of the *Housing Act 2001*). In addition, any act, matter or thing done or omitted to be done in relation to assets (including land) owned by NSW LAHC is taken to have been done or omitted by, to or in relation to, the Minister (section 2(e) of Schedule 2A of the *Housing Act 2001*).

Under section 35F of the *Housing Act 2001*, the Minister has the same functions as the NSW LAHC under relevant legislation, which includes the *Environmental Planning and Assessment Act 1979*, and any regulations or subordinate instruments made under that Act.

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*. The Minister is a determining authority pursuant to the powers and functions conferred by section 35F of the *Housing Act 2001*.

2.1 Purpose of this Review of Environmental Factors (REF)

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

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

2.2 Assessment Methodology

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

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is *Fairfield Local Environmental Plan 2013* (FLEP 2013);
- it was determined that seniors housing is 'permitted with consent' in the R2 zoning pursuant to the Fairfield LEP 2013, and can be carried out 'without consent' under the provisions of the Housing SEPP ;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the Minister to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- a site inspection was undertaken;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- Identified Requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Fairfield City local government area (LGA) and comprises 4 residential allotments legally described as Lots 64, 65, 66 and 67 in Deposited Plan 32233 and known as 10-16 Birdwood Avenue, Cabramatta West. A location plan is provided at **Figure 22 and 2**.



Figure 11 Location Plan with the subject site highlighted in red (Source: SIX Maps assessed on 28.05.2025)



Figure 22 Site Location Plan with the subject site highlighted in red (Source: Nearmap accessed 28.05.2025)

The site is currently occupied by four detached single storey fibro clad dwellings with tiled roofs (refer to photographs at **Figure 3 & Figure 4**).



Figure 33 Development site – 10 & 12 Birdwood Avenue, Cabramatta West (Source: Google Maps, accessed on 28.05.2025)



Figure 44 Development site – 14 & 16 Birdwood Avenue, Cabramatta West (Source: Google Maps, accessed on 28.05.2025)

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos. 763/2025, 764/2025, 766/2025 and 767/2025) dated 3 March 2025 are provided in **Appendix F**

The site has a total area of 2,320.7m², a frontage width of 62.485m to Birdwood Avenue, side (western) boundary of 41.685m, side (eastern) boundary of 33.53m and a rear (southern) boundary of 61.95m as shown on the Survey Plan in **Appendix D**.

The site contains a 2m cross fall from the rear south-west corner of the site to the north-east corner of the site fronting Birdwood Avenue.

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

The site is not identified as being heritage listed nor affected by bushfire.

The Arboricultural Impact Assessment (**Appendix K**) identifies 19 trees and 4 fruit trees located within the site. There are 2 fruit trees located in close proximity of the southern boundary, each within the neighbouring properties at 525 and 527 Cabramatta West Road.

Water, electricity, sewer, telephone are available to the site as shown in the Survey Plan at **Appendix D**. A sewer line traverses the northern frontage of the site. A power pole is located within the road reserve in front of Lot 66 at 14 Birdwood Avenue. Refer to Survey Plan in **Appendix D**.

A 1m wide drainage easement burdening Lots 64, 66 and 67 (10, 14, and 16 Birdwood Avenue respectively) is located towards the southern rear and western side boundaries. Refer to Certificate of Titles in **Appendix G** and Survey Plan in **Appendix D**.

There are no other encumbrances on Certificate of Titles, section 10.7 certificates or indicated on the Survey Plan that restrict the proposed development.

3.3 Neighbouring Development and Locality

The site is surrounded by established residential development characterised predominantly by older style single storey detached dwellings of brick, fibro clad or weatherboard construction with tiled roofs interspersed with more recent 2-storey dwellings (refer to photographs at **Figure 9 and 10**).

The properties immediately north of the site at 7 and 9 Birdwood Avenue each contain single-storey fibro clad dwellings with tiled roofs in a corner block with secondary street frontage along Moonshine Avenue (refer photograph at **Figure 5**). The property to the east at 8 Birdwood Avenue contains a single storey fibro clad dwelling with a tiled roof as shown in **Figure 6**. The property to the west at 18 Birdwood Avenue contains a single storey fibro clad and brick dwelling with a tiled roof as shown in **Figure 7**. The southern adjoining property at 527-535 Cabramatta Road comprises a multi dwelling at 527, double storey at 529 and a single storey dwelling at 535 with a pitched roof (refer photograph at **Figure 8**).

A recent 2 storey dwelling is located at 24 Birdwood Avenue and an attached multi -dwelling development is located at 527 Cabramatta Road (refer to **Figures 9 and 10**).



Figure 55 Neighbouring property at 7 and 9 Birdwood Avenue, Cabramatta West (north of site) (Source: Google Maps, accessed on 28.05.2025)



Figure 66 Neighbouring property at 8 Birdwood Avenue, Cabramatta West (east of the site) (Source: Google Maps, accessed on 28.05.2025)

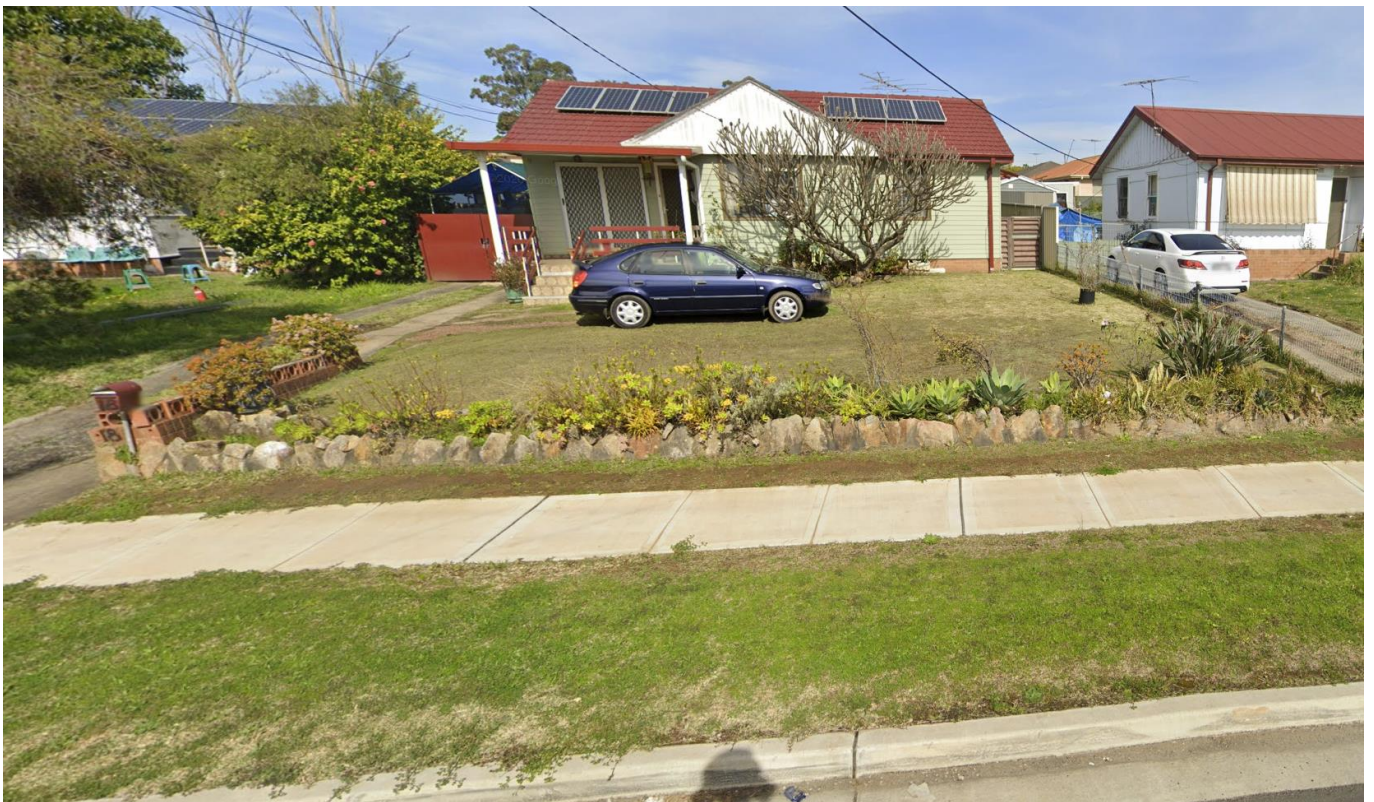


Figure 77 Neighbouring property at 18 Birdwood Avenue, Cabramatta West (west of the site) (Source: Google Maps, accessed on 28.05.2025)



Figure 88 Neighbouring property at 527-535 Cabramatta Road, Cabramatta West (south of the site) (Source: Google Maps, accessed on 28.05.2025)



Figure 99 Two storey dwelling further west of the site at 24 Birdwood Avenue, Cabramatta West (Source: Google Maps, accessed on 28.05.2025)



Figure 1010 Attached dwellings at 527 Cabramatta Road (Source: Google Maps, accessed on 28.05.2025)

Public Transport and Facilities

The area is predominately residential in nature. Cabramatta Station is located approximately 3.5km walking distance from the site. Fairfield, Cabramatta and Liverpool centres are accessible by public transport and provide a full range of services and facilities.

The closest bus stops are located north on Edensor Road after Harrington Street (ID2166139) which is located approximately 360m from the site. The return stop is located Edensor Road before Harrington Street (ID2166120) which is located approximately 385m from the site. For the purpose of assessing accessibility, the bus stops to the north on Edensor Road must be relied upon as the bus stops located to the south and on the southern side of Cabramatta Road does not provide a safe crossing point (pedestrian crossing or traffic light system) within 400m of the site.

The stops on Edensor Road are serviced by Route 807, at frequency of at least one service every hour from 6am to 9pm Monday to Friday and 8am to 6pm on Saturdays and Sundays. The Accessibility Capability Statement (**Appendix I**) confirms that the average and individual gradients from the site to the bus stops, as detailed on survey plans, satisfy the relevant access requirements. The site is therefore within an accessible area.

4 Project Description

4.1 Demolition

The proposed activity includes demolition of 4 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (**Appendix A**).

4.2 Removal of Trees

The Arboricultural Impact Assessment (**Appendix K**) undertaken for the site considers 23 trees (Tree 1-19 and four unnumbered fruit trees) within the site, and 2 fruit trees within the neighbouring property along the rear (southern) boundary. There are no trees in the road reserve of Birdwood Avenue.

The proposed development requires removal of 18 trees and four fruit trees located on the site. All the trees recommended for removal are within or have major encroachments from the proposed development footprint. All the trees proposed for removal have low to medium retention value. The remaining four fruit trees within the site, proposed for removal, are all exempt. One tree, described as Tree 16 (Coast Banksia) is proposed to be retained.

Both fruit trees within the neighbouring properties are to be retained and protected.

Appropriate replacement planting, including trees capable of reaching mature heights of 6-12m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees as demonstrated in the Landscape Plan in **Appendix B**. Six street trees (Water Gum) are proposed along the Birdwood Avenue frontage.

4.3 Proposed Dwellings

The proposed 2 storey seniors housing contains a total of 18 independent living units consisting of 10 x 1 bedroom and 8 x 2 bedroom dwellings. All dwellings have been designed in accordance with the Schedule 4 Housing SEPP requirements for seniors housing.

The proposed housing represents a contemporary, high-quality design. The use of face brick and vertical cladding for external walls and prefinished metal roofing is compatible with the locality. Of the 18 proposed units, 12 will address the street. Passive surveillance is maximised through orienting living spaces, balconies and window openings to the street where possible.

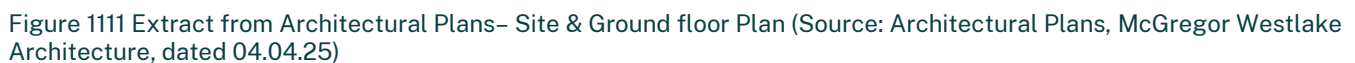
A balance of cut and fill (less than 1m) is proposed to provide a level building platform including an undercroft carpark located in the rear south-eastern portion of the site (refer to **Appendix A**).

A total of 8 surface car parking spaces will be provided on the site, including 4 accessible spaces to service the development.

Tree 16 located within the site is proposed to be retained. A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape (refer to Landscape Plans in **Appendix B**).

Each unit will be provided with its own enclosed private open space area or private balcony. These spaces are all directly accessible from the internal living areas of each dwelling.

Colourbond fencing in shale grey is proposed along the eastern and western boundaries to a maximum height of 1.8m above existing ground level. The existing boundary fencing along the southern boundary is proposed to be retained. Front fencing of vertical battens designed in dune colour is proposed along Birdwood Avenue. Error! Reference source not found. **to 17** include extracts from the architectural plans illustrating the proposed development.



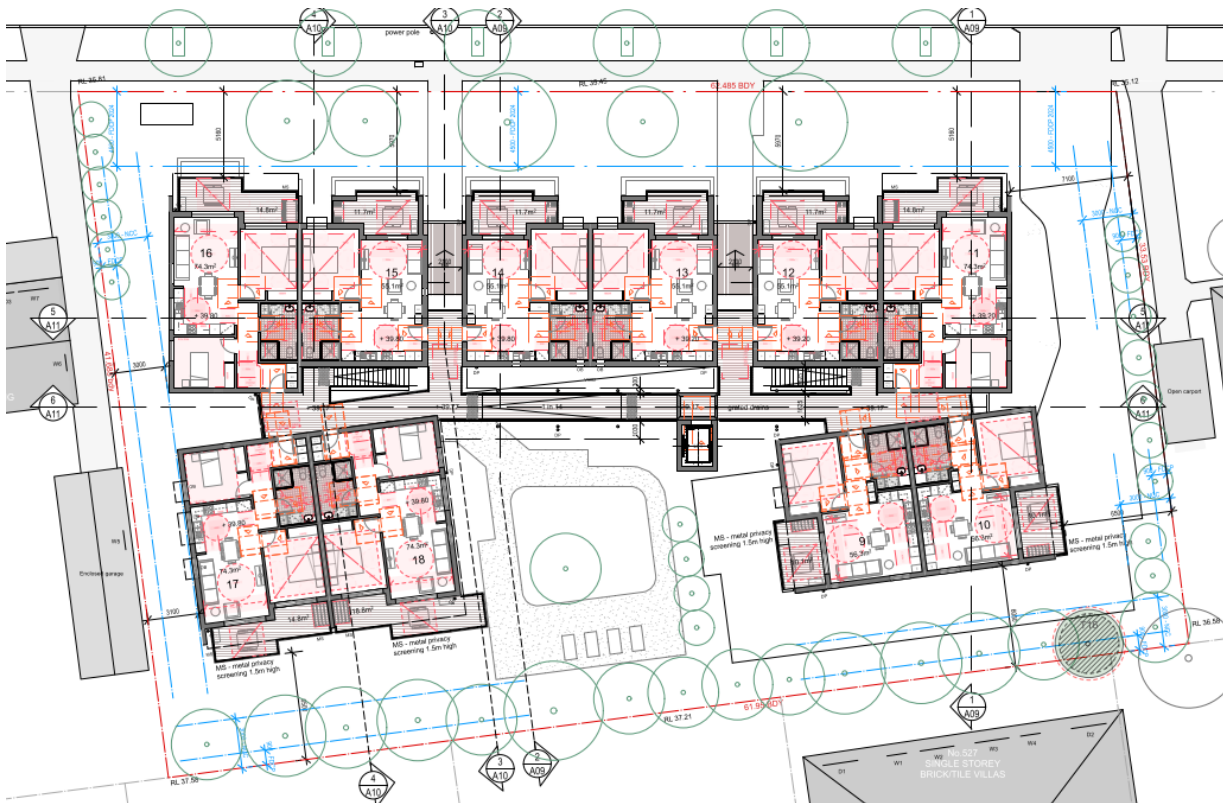


Figure 1212 Extract from Architectural Plans –First Floor Plan (Source: Architectural Plans, McGregor Westlake Architecture, dated 04.04.25)

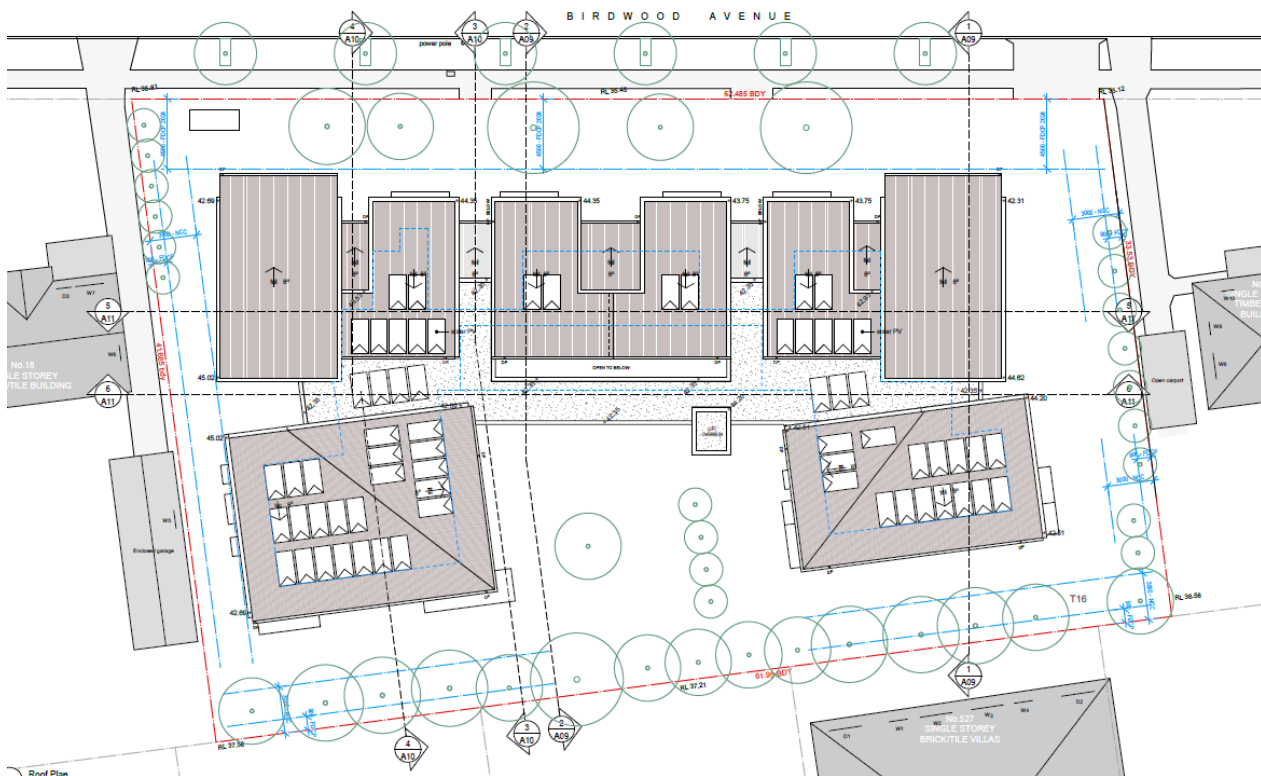
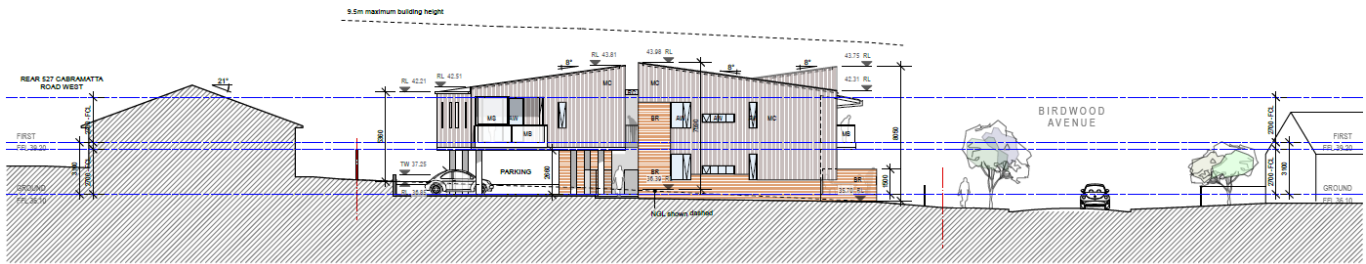


Figure 1313 Extract from Architectural Plans –Roof Plan (Source: Architectural Plans, McGregor Westlake Architecture, dated 04.04.25)

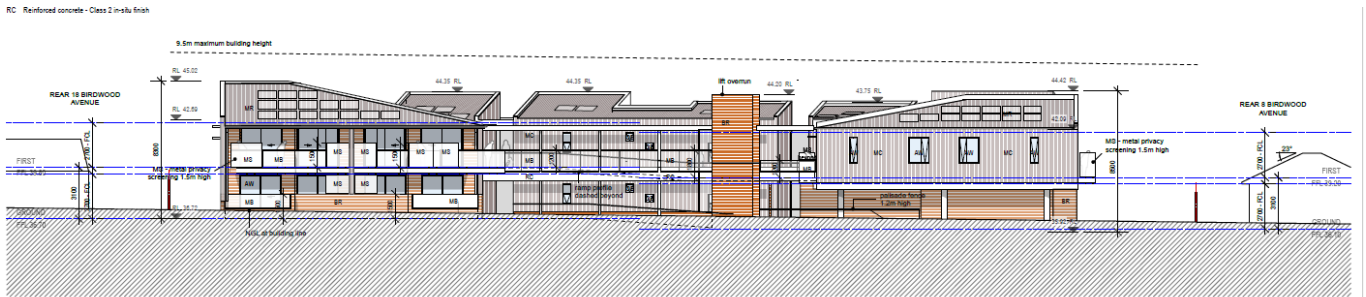


1 North elevation - Birdwood Avenue
scale 1:200 at A3



2 East elevation
scale 1:200 at A3

Figure 1414 Extract from Architectural Plans – Elevations (Source: Architectural Plans, McGregor Westlake Architecture, dated 04.04.25)



4 South elevation
scale 1:200 at A3



3 West elevation
scale 1:200 at A3

Figure 1515 Extract from Architectural Plans – Elevations (Source: Architectural Plans, McGregor Westlake Architecture, dated 04.04.25)



Figure 1616 Extract from Architectural Plans – Birdwood Avenue Perspective looking southwest (Source: Architectural Plans, McGregor Westlake Architecture, dated 04.04.25)



Figure 1717 Extract from Architectural Plans - Courtyard perspective (Source: Architectural Plans, McGregor Westlake Architecture, dated 04.04.25)

4.4 Supporting information

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

Table 11 Supporting documentation

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

Coversheet & Drawing List	A00	-	22.04.2025	McGregor Westlake Architecture
Context Plan	A01	-	04.04.2025	McGregor Westlake Architecture
Site Analysis Plan	A02	-	04.04.2025	McGregor Westlake Architecture
Demolition Plan	A03	-	04.04.2025	McGregor Westlake Architecture
Site & Ground Floor Plan	A04	-	04.04.2025	McGregor Westlake Architecture
First Floor Plan	A05	-	04.04.2025	McGregor Westlake Architecture
Roof Plan	A06	-	04.04.2025	McGregor Westlake Architecture
Elevations North & East	A07	-	04.04.2025	McGregor Westlake Architecture
Elevations West & South	A08	-	04.04.2025	McGregor Westlake Architecture
Sections 1 & 2	A09	-	04.04.2025	McGregor Westlake Architecture
Sections 3 & 4	A10	-	04.04.2025	McGregor Westlake Architecture
Sections 5 & 6	A11	-	04.04.2025	McGregor Westlake Architecture
Cut and Fill Plan	A12	-	04.04.2025	McGregor Westlake Architecture
Solar Analysis	A13	-	04.04.2025	McGregor Westlake Architects
Shadow Diagrams	A14	-	04.04.2025	McGregor Westlake Architects
Area Calculation Plans and Cross Ventilations	A15	-	04.04.2025	McGregor Westlake Architects
Schedule of Materials & Finishes	A16	-	04.04.2025	McGregor Westlake Architects
Perspective View 1	A17	-	04.04.2025	McGregor Westlake Architects
Perspective View 2	A18	-	04.04.2025	McGregor Westlake Architects
Perspective View 3	A19	-	04.04.2025	McGregor Westlake Architects

Appendix B Landscape Plans

Cover Sheet	-	-	-	Sprout Studio
Content	2	G	3.04.2025	Sprout Studio
Design Principles	3	-	-	Sprout Studio
Landscape Concept	4	-	-	Sprout Studio
Landscape Concept Finishes	5	-	-	Sprout Studio
Landscape Concept Planting	6	-	-	Sprout Studio
Elevations	7	-	-	Sprout Studio
Elevations	8	-	-	Sprout Studio
Existing Tree Plan	9	-	-	Sprout Studio
Analysis Site Calculations	10	-	-	Sprout Studio
Character Images	11	-	-	Sprout Studio
Character Images	12	-	-	Sprout Studio
Material & Finishes Schedule	13	-	-	Sprout Studio
Material & Finishes Schedule	14	-	-	Sprout Studio
Proposed Trees & Proposed Planting	15	-	-	Sprout Studio
Proposed Planting	16	-	-	Sprout Studio

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Typical Details	17	-	-	Sprout Studio
Typical Details	18	-	-	Sprout Studio
Typical Details	19	-	-	Sprout Studio
Typical Details	20	-	-	Sprout Studio
Typical Details	21	-	-	Sprout Studio
Typical Details	22	-	-	Sprout Studio

Appendix C Civil Plans

Cover sheet	C0001	D	04.03.2025	Tonkin
Legend	C0012	C	04.03.2025	Tonkin
Soil and Water Management Plan	C0101	E	18.03.2025	Tonkin
Soil & Water Management Notes & Details - Sheet 1 of 2	C0151	C	04.03.2025	Tonkin
Soil & Water Management Notes & Details - Sheet 2 of 2	C0152	C	04.03.2025	Tonkin
Engineering Plan – Sheet 1 of 2	C0301	F	18.03.2025	Tonkin
Engineering Plan – Sheet 2 of 2	C0302	E	11.03.2025	Tonkin
Public Works Plan	C0303	C	04.03.2025	Tonkin
Stormwater Longitudinal Section	C0621	C	04.03.2025	Tonkin
OSD Pre-Development Catchment Plan	C0661	A	11.03.2025	Tonkin
OSD Post Development Catchment Plan	C0662	B	18.03.2025	Tonkin
OSD Results & Calculations	C0663	A	11.03.2025	Tonkin
Typical Details	C0801	C	04.03.2025	Tonkin
OSD Details	C0802	D	11.03.2025	Tonkin

Appendix D Survey Plans

Detail level & Boundaries	Sheet 1 of 10	1	15.08.2023	Degotardi Smith & Partners
Detail level & Boundaries	Sheet 2 of 10	1	15.08.2023	Degotardi Smith & Partners
Detail level & Boundaries	Sheet 3 of 10	1	15.08.2023	Degotardi Smith & Partners
Detail level & Boundaries	Sheet 4 of 10	1	15.08.2023	Degotardi Smith & Partners
Detail level & Boundaries	Sheet 5 of 10	1	15.08.2023	Degotardi Smith & Partners
Detail level & Boundaries	Sheet 6 of 10	1	15.08.2023	Degotardi Smith & Partners
Detail level & Boundaries	Sheet 7 of 10	1	15.08.2023	Degotardi Smith & Partners
Detail level & Boundaries	Sheet 8 of 10	1	15.08.2023	Degotardi Smith & Partners
Detail level & Boundaries	Sheet 9 of 10	1	15.08.2023	Degotardi Smith & Partners

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Detail level & Boundaries	Sheet 10 of 10	1	15.08.2023	Degotardi Smith & Partners
Appendix E Notification Plans				
Notification Cover Sheet	N01	-	4.04.2025	McGregor Westlake Architecture
Notification Site and Ground Floor Plan	N02	-	4.04.2025	McGregor Westlake Architecture
Notification First Floor Plan	N03	-	4.04.2025	McGregor Westlake Architecture
Notification Elevation and Development Data	N04	-	4.04.2025	McGregor Westlake Architecture
Notification Elevations	N05	-	4.04.2025	McGregor Westlake Architecture
Notification Finishes Schedule	N06	-	4.04.2025	McGregor Westlake Architecture
Notification Shadow Diagram	N07	-	4.04.2025	McGregor Westlake Architecture
Appendix I Access Report Accessibility Capacity Statement	P223_382-2 (Seniors Housing) DY		16.04.2025	DC Partnership Pty Ltd
Appendix K Arborist Report Arboricultural Impact Assessment	NL_10-16 Birdwood_AIA_140225	1	14.02.2025	NewLeaf Arboriculture
Appendix L BASIX Certificate	1784012M_03	-	14.04.2025	Firststyle Homes Pty Ltd
Appendix M NatHERS Certificate	Cert No. #HR-PHQ4SV-02	-	19.02.2025	Cadence Efficiency Pty Ltd
Appendix N National Construction Code (BCA)	P240156	1	13.01.2025	BCA Vision
Appendix P Geotechnical Investigations	Report No: 23/2102	-	July 2023	STS Geotechnics Pty Ltd
Appendix Q Traffic Impact Assessment Report	23.458r01	03	January 2025	TRAFFIX
Appendix R Waste Management Plan	-	-	13.02.2025	Homes NSW
Appendix S Design Statement (lighting, water and roof pitch)	-	-	13.12.2024	McGregor Westlake Architecture
Appendix U Acoustic Report	TN581-01F02	1	06.02.2025	Renzo Tonin & Associates

Appendix F Section 10.7 Planning Certificates

Lot 64 DP 32233, Certificate no. 767/2025, dated 03.03.2025 - Fairfield City Council

Lot 65 DP 32233, Certificate no. 766/2025, dated 03.03.2025 - Fairfield City Council

Lot 66 DP 32233, Certificate no. 764/2025, dated 03.03.2025 - Fairfield City Council

Lot 67 DP 32233, Certificate no. 763/2025, dated 03.03.2025 - Fairfield City Council

Appendix G Certificate of Title and Deposited Plans

Title Search, Folio: 64/32233, Search Date 18.02.2025, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 65/32233, Search Date 18.02.2025, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 66/32233, Search Date 18.02.2025, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 67/32233, Search Date 18.02.2025, First Schedule: New South Wales Land and Housing Corporation

The Minister became the legal owner of the land on 9 June 2025 even though the NSW Land Registry Services title register has not been updated (Schedule 2A, section 2(a) of the Housing Act 2001).

Appendix H Statutory notification and Council submission

Appendix J Aboriginal Heritage Information Management System

AHIMS Search result - 15.04.2025

Design compliance certificates– Appendix O

Architect's Certificate of Building Design Compliance – 4.04.2025

Certificate of Landscape Documentation Compliance - 25.03.2025

Certificate of Civil Documentation Compliance - 25.03.2025

Appendix T Housing for Seniors Checklist

Housing SEPP 2021, Senior Housing Design Guideline, Good Design for Social Housing and LAHC Design Requirements compliance table - undated and prepared by McGregor Westlake Architecture

5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under the *Fairfield Local Environmental Plan 2013* (FLEP 2013). The proposed development is defined as ‘seniors housing’ under the provisions of FLEP 2013 and is permitted with consent in the R2 residential zone (refer to **Figure 18**).

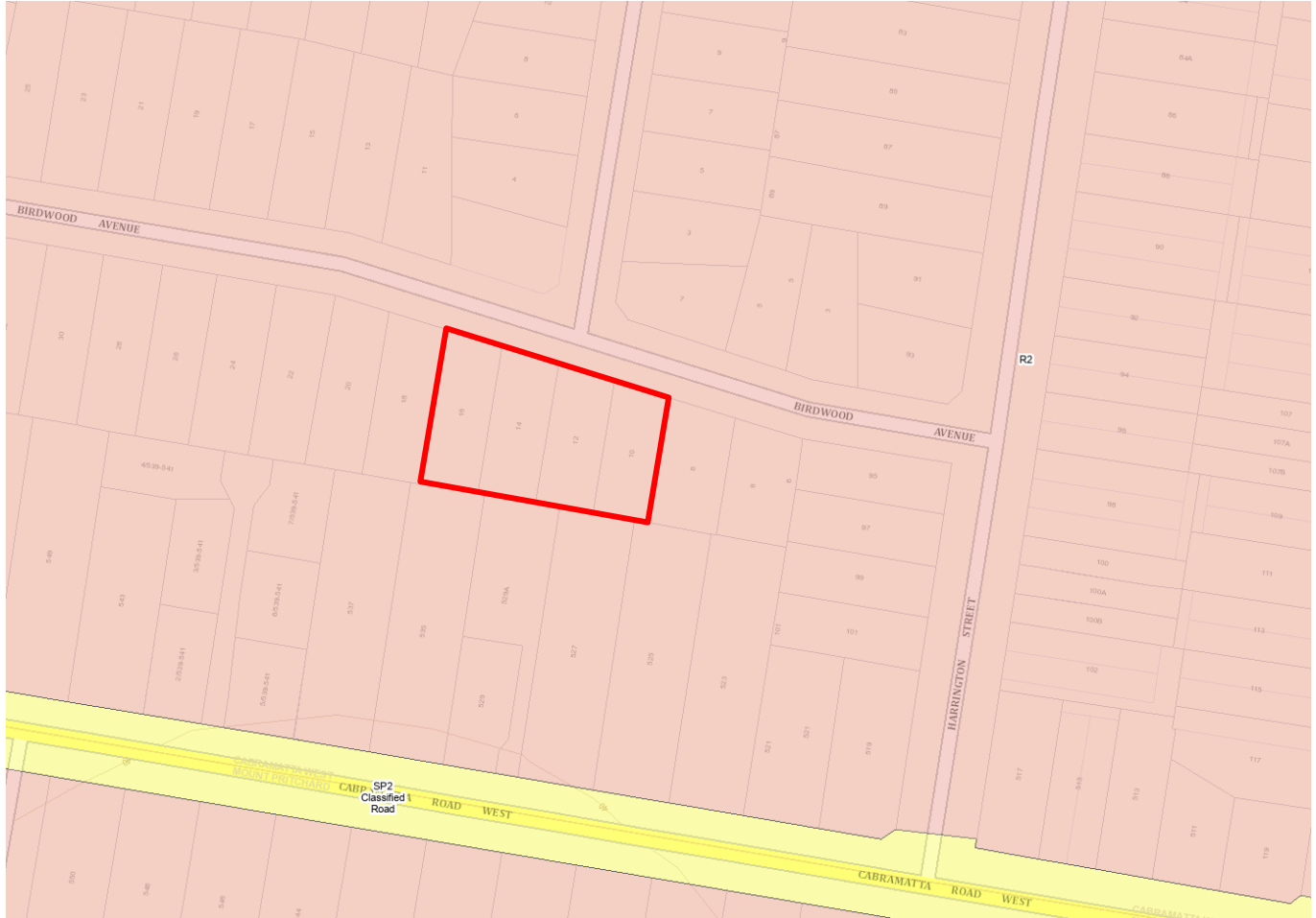


Figure 18: Land zoning map (Source: extract from NSW Planning Portal Spatial Viewer)

The relevant objectives of the R2 zone, as set out in FLEP 2013 are:

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

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

- will provide new affordable housing that meets the identified needs of the community, and
- will provide a high quality and attractive development that has been sympathetically designed to fit within its context and complement the characteristics of the locality.

Section 108B of the Housing SEPP permits seniors housing development to be carried out by the Minister as ‘development without consent’ subject to the provisions set out under that clause. **Table 66** in Section 6.5.2 of this REF demonstrates compliance with the relevant provisions of section 108B of the SEPP.

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider environmental impact [Section 5.5]

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

Table 22 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 22 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

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

6.2 Biodiversity Conservation Act 2016 (BC Act)

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

The Fairfield City Council Section 10.7 Certificates identify the subject site as being either within or in close proximity to an area potentially containing remnant vegetation associated within a Cumberland Plain Critically Endangered Ecological Community that is listed under the BC Act (refer to **Appendix F**). **Figure 19** below shows the site's proximity to land identified as having biodiversity values. Notwithstanding, the Arboricultural Impact Assessment (refer to **Appendix K**) does not identify the occurrence of any trees on the subject site or adjoining sites, as being of a species potentially forming part of the Cumberland Plains threatened ecological community.

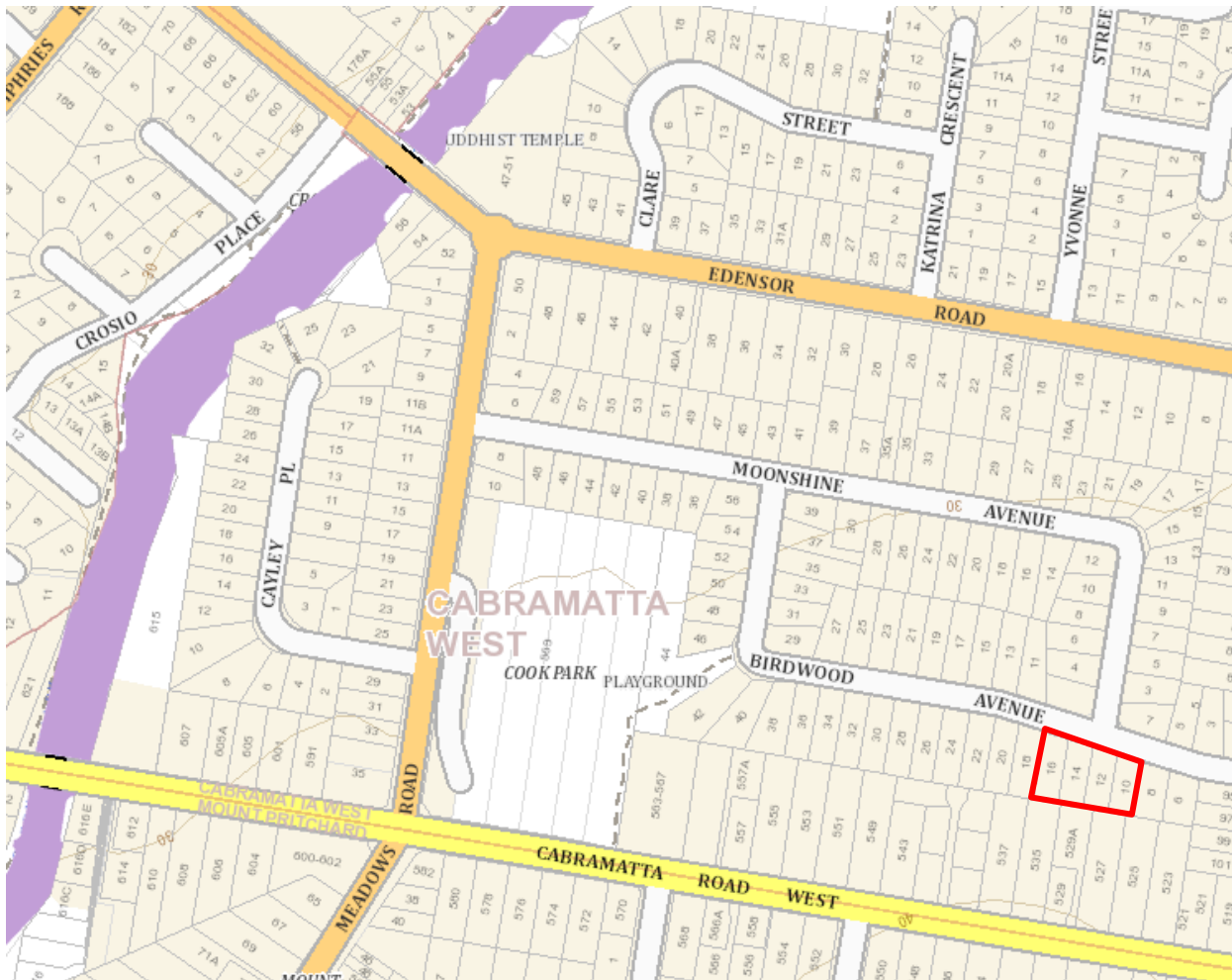


Figure 1919 Extract of Biodiversity Values map, depicted in purple; Subject site marked in red (Source: NSW Government Planning Portal, accessed 12 June 2025)

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. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The site is located approximately 500m from the mapped Biodiversity Values area, and the Arborist Report has not identified any trees on the site, or adjoining sites that may be impacted, as being part of the Cumberland Plain woodland ecological plant community.

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 33** and Error! Reference source not found. 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 33 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 Housing Design Guide 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, Housing and Infrastructure issued "Guidelines for Division 5.1 assessments" made under Section 170 of the EP&A Regulation 2021.

Table 44 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	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	
(j) risk to the safety of the environment;	Yes	x	x	
(k) reduction in the range of beneficial uses of the environment;	NA			
(l) pollution of the environment;	Yes	x	x	
(m) environmental problems associated with the disposal of waste;	Yes		x	

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

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

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

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

6.4.2 Strategic Planning Framework

2022-2032 Fairfield City Plan - Community Strategic Plan

The 2022-2032 Fairfield City Plan is a 10-year plan that outlines five broad inter-related which identified priorities for the community's future. These themes comprise community wellbeing, environmental sustainability, places and infrastructure, local economy and employment, good governance and leadership, facilitating partnership with the community, government agencies and business. The 5 key strategic directions foster 10 priorities that will guide the Fairfield area in the next 10 years. A series of goals, outcomes and strategies are outlined to each of the 10 priorities, providing a clear and distinct guide to achieving the overarching themes of the plan.

Theme 2 'Places and Infrastructure' includes as Goal (a) *An accessible and liveable city* with the following outcome identified:

- Outcome 3 – Affordable high-quality development that improves the local character of the City.

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

Fairfield City 2040 A Land Use Vision – Shaping a Diverse City – Local Strategic Planning Statement (2020)

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

Notably, Planning Priority 1 seeks to provide housing that accommodates the needs of existing and future residents. Planning Priority 2 seeks to deliver greater housing diversity and affordability to meet the changing needs of the community. The proposed development will be contributing 18 seniors housing units to the affordable housing supply in the Fairfield LGA. It is diversifying the residential uses in Fairfield by introducing seniors housing to accommodate the ageing population in the locality and is well serviced by existing public transport options and essential services.

The proposed development of 18 seniors housing units contributes to the objectives of the Fairfield Local Strategic Planning Statement and will increase the provision of affordable and independent seniors housing units.

6.4.3 Activities in catchments [Section 171A]

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

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

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

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Housing for seniors and people with a disability – Part 5, Chapter 3

Division 1 – Land to which Part applies

This division sets out the circumstances in which the provisions of Part 5, Chapter 3 do, or do not, apply to land. Refer to **Table 5** below.

Table 55: Compliance with the relevant provisions of Chapter 3, Part 5, Division 1

Provision	Compliance
Division 1 – Land to which Part applies	
79 Land to which Part applies	
This Part applies to land in the following zones – (a) Zone RU5 Village, (b) Zone R1 General Residential, (c) Zone R2 Low Density Residential, (d) Zone R3 Medium Density Residential, (e) Zone R4 High Density Residential, (e1) Zone E1 Local Centre, (e2) Zone E2 Commercial Centre, (e3) Zone E3 Productivity Support, (e4) Zone MU1 Mixed Use,	Complies – the site is zoned R2 Low Density Residential.

Provision	Compliance
(f) Zone B1 Neighbourhood Centre, (g) Zone B2 Local Centre, (h) Zone B3 Commercial Core, (i) Zone B4 Mixed Use, (j) Zone B5 Business Development, (k) Zone B6 Enterprise Corridor, (l) Zone B7 Business Park, (m) Zone B8 Metropolitan Centre, (n) Zone SP1 Special Purposes, (o) Zone SP2 Infrastructure, (o1) Zone SP4 Enterprise under the following local environmental plans — (i) <i>Canada Bay Local Environmental Plan 2013</i> , (ii) <i>Central Coast Local Environmental Plan 2022</i> , (iii) <i>Penrith Local Environmental Plan 2010</i> , (iv) <i>Pittwater Local Environmental Plan 2014</i> , (v) <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> , (vi) <i>Sutherland Shire Local Environmental Plan 2015</i> , (vii) <i>The Hills Local Environmental Plan 2019</i> , (viii) <i>Warringah Local Environmental Plan 2011</i> , (o2) Zone SP5 Metropolitan Centre, (p) Zone RE2 Private Recreation.	
80 Land to which Part does not apply — general	
(1) This Part does not apply to the following land — (a) land to which <i>Warringah Local Environmental Plan 2000</i> applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan, (b) land described in Schedule 3. (2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because — (a) the land is identified under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , Chapter 2, or (b) in relation to land used for the purposes of an existing registered club — the land is described in another environmental planning instrument as — (i) private open space, or (ii) open space where dwellings or dwelling houses are permitted.	The site is not on land to which Warringah LEP 2000 applies. The land is not described in Schedule 3. Refer to the assessment under the heading 'Schedule 3 Environmentally sensitive land' below. NA – the site is not located within the coastal zone. NA – the land is not used for the purposes of a registered club.
Schedule 3 Environmentally sensitive land	
Land shown cross-hatched on the Bush Fire Evacuation Risk Map.	The site is not identified on the bush fire evacuation risk map.
Land identified as coastal wetlands and littoral rainforests area within the meaning of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , Chapter 2.	The land is not identified as coastal wetlands or littoral rainforest.

Provision	Compliance
Land identified as coastal vulnerability area within the meaning of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , Chapter 2.	The land is not identified as being within a coastal vulnerability area.
Land declared as an area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> , section 3.1.	The land is not declared as an area of outstanding biodiversity value.
Land identified on the Map within the meaning of the <i>Biodiversity Conservation Regulation 2017</i> , section 7.3.	The land is not so identified as a mapped area of biodiversity.
Land identified in another environmental planning instrument as follows — (a) (Repealed) (b) open space, (c) natural wetland	The land is not identified in another environmental planning instrument as either open space or natural wetland.

6.5.2 Development without Consent

Demolition

The proposed activity includes demolition of existing structures on the site. Section 42(2)(a) of the Housing SEPP permits the Minister to undertake demolition as “*development without consent*” provided demolition is permissible and the land the structures are located on is “*non-heritage land*” and is not “*identified in an environmental planning instrument as being within a heritage conservation area*”. The subject site contains neither of these heritage notations and therefore demolition can be undertaken by the Minister as “*development without consent*”.

A waste management plan has been prepared, and there are several Identified Requirements recommended in the Activity Determination which deal with site safety and environmental protection during demolition and construction.

Further the notification requirements of section 43 of the Housing SEPP mimic those in 108C of the Housing SEPP. Details of compliance with 108C are in **Table 6** below.

Development for Seniors Housing

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

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

Table 66 Compliance with relevant provisions under Chapter 3, Part 5, Division 8 of the SEPP for 'seniors housing development without consent' carried out by the Minister

Provision	Compliance
108A – Development to which Division applies:	
This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is permissible with consent within the R2 Low Density Residential zone under the FLEP 2013.
(b) in a prescribed zone or an equivalent land use zone.	The R2 zone is also a prescribed zone under the SEPP. Part 5, Division 8 of the SEPP therefore applies.
108B – Seniors housing permitted without development consent	
(1) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent if -	
(a) the relevant authority has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	Consideration of the development standards are provided in Table 7 and 8 below.
(b) the development will not result in a building with a height of more than- (i) 9.5m, or (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m and the servicing equipment complies with section 84(3) – 11.5m, and	The maximum building height is 8.5m.
(c) the seniors housing will not contain more than 40 dwellings on the site.	The development is for 18 dwellings on the site.
(2) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	Sections 2.15 and 2.17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> not applicable to the site or development.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
108C – Requirements for carrying out seniors housing	
(1) Before carrying out development to which this Division applies, a relevant authority must –	

Provision	Compliance
(a) request the council to nominate a person or persons who must, in the council's opinion, be notified of the development, and	Advice was sought from Fairfield City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 26 March 2025. Council provided a response on 27 March 2025 advising that the extent of notification is considered satisfactory.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	On 24 April 2025, the Minister notified Fairfield City Council of the proposed development activity. Letters notifying occupiers of adjoining land of the proposed development activity were sent by the Minister on 29 April 2025. Council requested an extension of time to respond to the notification, which was granted, and the response timeframe was extended until 30 May 2025 and another extension until 11 June 2025.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to the Minister's notification by email dated 10 June 2025. A response to the matters raised are provided in Section 7.1 of this REF. No submissions were received from adjoining owners or occupiers (refer to Section 7.2 of this REF).
(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 carried out.	Noted
108CA Landcom must notify Secretary of Department of Communities and Justice	Not applicable.
108CB – Considerations before carrying out development	
(1) Before carrying out development to which this division applies, the relevant authority must consider –	
(a) The Seniors Housing Design Guide, published by the Department in December 2023, and	Consideration of the Guide is outlined in Appendix T and Section 6.5.4 of this REF. These indicate the guidelines have been considered.
(b) The design principles for seniors housing set out in Schedule 8.	Consideration of these principles is outlined in Appendix T and Section 6.5.7 of this REF.
(2) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the AHO Design Guidelines NSW, published by the Aboriginal Housing Office in January 2020.	Not applicable
(3) Before carrying out development to which this division applies, the Land and Housing Corporation must consider –	Note: Under section 35F of the Housing Act 2001, the Minister administering the <i>Housing Act 2001</i> has the same functions as the NSW Land and Housing Corporation (LAHC) under relevant legislation, which includes the <i>Environmental Planning and Assessment Act 1979</i> and any regulations or subordinate instruments made under that Act

Provision	Compliance
(a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and	Refer to checklist in Appendix T and Section 6.5.5 of this REF. These conclude that the development complies with all relevant development standards relating to the Good Design for Social Housing.
b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	Refer to checklist in Appendix T and Section 6.5.6 of this REF. These conclude that the development complies with all relevant development standards relating to the NSW Land and Housing Corporation Design Requirements.
(4) Before carrying out development to which this division applies, Landcom must consider the <i>Landcom Affordable Housing Design Guideline</i> , published by Landcom, in partnership with the Government Architect- NSW, in November 2023	Not applicable.
108D - Exempt development Development for purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of a relevant authority in relation to seniors housing	Noted.
108E - Subdivision of seniors housing not permitted Development consent must not be granted for subdivision of seniors housing.	No subdivision proposed. The lots will be consolidated as part of the development.

The Housing SEPP requires the Minister to consider the applicable development standards specified in clause 84(2)(c) (iii), 85, 88, 89 and 108. Consideration of these sections of the SEPP is demonstrated in the **Table 77** and **Table 88** below.

Table 77 Consideration of section 84(2) (c) (iii), 85, 88, 89 of the Housing SEPP 2021

Provision	Compliance
84 Development standards – general (1) Development consent must not be granted for development to which this section applies unless – (c) for development on land in a residential zone where residential flat buildings are not permitted – (iii) if the development results in a building with more than 2 storeys – the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	The proposed development is in the R2 low density where residential flat buildings are not permitted. Not applicable as the proposed development is 2 storeys.
85 Development standards for hostels and independent living units (1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.	The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in Table 9 below.

Provision	Compliance
<p>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.</p> <p>Note — Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the Building Code of Australia.</p>	Noted.
<p>88 Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following —</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live in the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</p> <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>Identified Requirement No. 74 is recommended to achieve compliance.</p> <p>Identified Requirement No. 74 is recommended to achieve compliance.</p>
89 Use of ground floor of seniors housing in business zones	Not applicable as the site is located in a residential zone.

Table 88 Consideration of non-discretionary standards for Independent Living units (Section 108)

Development Standard	Required	Comment
2 (a) Building Height:	9.5m or less	Complies - Maximum height 8.5m
2(b) Height of Servicing Equipment	11.5m or less If greater than 9.5m, not more than 20% of roof area	Complies - Maximum height 8.5m
2(c) Density and Scale:	Floor Space Ratio 0.5:1 or less	Complies - 0.498:1 It is noted that the common corridors within the development have been designed as open breezeways and are therefore excluded from the calculation of floor space. In accordance with recent Land and Environment Court decisions and best practice, breezeway ends have been designed with one side as an open form, ensuring the breezeway is open to the elements. Further, all walls adjoining the breezeway are to be constructed as external walls. This design is considered

Development Standard	Required	Comment
		satisfactory to enable the open breezeways to be excluded from floor space calculations. In any case, compliance with the floor space ratio control is a consideration rather than a requirement.
2(d) Landscaped Area:	Minimum landscaped area that is the lesser of: (i) 35m ² per dwelling (18 x 35m ² = 630m ²) (ii) 30% of the site area (696.21m ²) Landscaped area minimum 696.21m ²	Complies – 963.2m ²
2(f) Deep Soil Zone:	Minimum 15% of area of site (15% x 2320.7m ² = 348.1m ²)	Complies – 33.4% or 776m ²
	Minimum 65% to be preferably located at rear of site (348.105m ² x 65% = 226m ²)	Complies – approximately 400m ²
	Minimum dimension 3m	Complies - Minimum dimension 3m
2(g) Solar Access:	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9am and 3pm at mid-winter	Complies - 78% of living areas and private open space areas achieve 2 hours of direct solar access to private open space and living areas between 9am and 3pm mid-winter
2(h) Private Open Space:	Ground level:	
	Minimum 15m ² per dwelling	Complies - Minimum 15.1m ² – 16.6m ²
	One area minimum 3m x 3m, accessible from living area	Complies - Minimum 3m x 3m
	Upper level/s:	Complies:
	1 bedroom: Minimum 6m ² Minimum dimensions 2m 2 or more bedrooms: Minimum 10m ² Minimum dimensions 2m	Minimum 10.1 - 11.7m ² Minimum 2m Minimum 14.8 – 18.8m ² Minimum 2m
2(j) Car parking:	Minimum 1 car parking space for each 5 dwellings (Minister concession) – 4 car parking spaces required	Complies - 8 on-grade car parking spaces for 18 dwellings, including 4 accessible parking spaces.

6.5.3 Development standards for Accessibility

Consideration of the development standards for accessibility set out in section 85 and Schedule 4 is demonstrated in **Table 99** below.

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

Table 99 Accessibility and useability standards [Schedule 4]

Development Standard (Sch 4)	Required	Comment
2.Siting Standards:		
Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel to an adjoining public road.	Complies. 100% of the ground floor units have accessible paths of travel in accordance with AS1428.1 to the front boundaries as confirmed by the Accessibility Capability Statement by DC Partnership (Appendix I).
'Sloping' sites i.e. with gradients entirely or partially >1:10	% of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS1428.1 to driveway or public road that is accessible to all residents	Not applicable, as the site does not have a gradient of more than 1:10.
Common areas	All common areas and facilities to have wheelchair accessibility as per AS1428.1	Capable of compliance. All common areas have accessible paths of travel in accordance with AS1428.1. Compliance indicated as confirmed by the Access Report by DC Partnership (Appendix I).
3. Letterboxes:		
	To be located on a hard standing area, have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling and lockable.	Complies. Letterboxes have been provided adjacent to Birdwood Avenue pedestrian entrance to the east and can be accessed by a continuous accessible path of travel as per AS 1428.1 as confirmed by the Access Report by DC Partnership (Appendix I).
Multiple letterboxes	The structure must be in a prominent location.	Complies. Letterboxes have been provided adjacent to both the Birdwood Avenue pedestrian entries as confirmed by the Access Report by DC Partnership (Appendix I).
Finished level	At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).	Capable of compliance. Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement No. 73).

4. Car parking:

Parking spaces associated with a class 1, 2 or 3 building under the <i>Building Code of Australia</i> are	<p>(2) Provided in a common area for use by occupants who are seniors or people with a disability, the following applies —</p> <p>(a) for a parking space not in a group — the parking space must comply with AS/NZS 2890.6,</p> <p>(b) for a group of 2–7 parking spaces —</p> <p>(i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) 50% of the parking spaces must —</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction,</p> <p>(c) for a group of 8 or more parking spaces —</p> <p>(i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) at least 50% of the parking spaces must —</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.</p>	<p>As a social housing provider, the Minister is required to provide 4 car parking spaces in accordance with 108(2) of the Housing SEPP. The required car spaces meet the accessibility requirements of the Housing SEPP as detailed below:</p> <p>2(a) NA – parking spaces are provided in a group.</p> <p>(b) Complies – All 4 spaces comply with AS2890.6.</p> <p>Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).</p> <p>An additional 4 car parking spaces are provided in addition to the minimum requirements specified in the Housing SEPP. These spaces comply with the requirements of AS2890.1 for standard car parking spaces.</p>
Multiple parking spaces accessible by a common access point	(6) Accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.	The proposal does not incorporate power-operated doors, gates, barriers and the like as they pose a maintenance issue for the Minister.
	<p>(7) A parking space, other than a parking space under subsection (6), must be —</p> <p>(a) secured by a power-operated door, or</p> <p>(b) capable of accommodating the installation of a power-operated door, including by having —</p> <p>(i) access to a power point, and</p> <p>(ii) an area for motor or control rods for a power-operated door.</p>	Not applicable as all car parking is provided in a common car parking area
	(8) A requirement in this section for a parking space to comply with AS/NZS 2890.6 extends to the associated shared area within the meaning of AS/NZS 2890.6.	Noted.
	(9) In this section, a parking space is in a common area if it is not attached to or integrated with a hostel or independent living unit.	Noted.

5. Accessible entry

Main entrance to a dwelling	Must have— (a) a clear opening that complies with AS 1428.1, and (b) a circulation space in front of the door and behind the door that complies with AS 1428.1.	Complies. Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).
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6. Interiors

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

Internal doorway	(1) Must have an unobstructed opening that complies with AS1428.1	Capable of compliance. Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).
Internal corridor	(2) Must have a minimum unobstructed width of 1,000mm	Complies. Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).
Circulation spaces	(3) in front of and behind an internal doorway in the following areas must comply with AS 1428.1— (a) a kitchen, (l) a laundry, (c) a bathroom (d) a toilet, (e) a bedroom, (f) a living area, (g) the main area of private open space.	Capable of compliance. Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).

7. Bedroom

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

	At least one bedroom in a dwelling must have: (a) a clear area, not including a circulation space, sufficient to accommodate (i) for a hostel- a wardrobe and a single size bed, or (ii) for an independent living unit - a queen size bed, and (b) a clear area for the bed of at least: (i) 1,200mm wide at the foot of the bed, and (ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any other obstruction, and	Complies. Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).
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- (c) at least 2 double general power outlets on the wall where the head of the bed is likely to be
- (d) at least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be

8. Bathroom

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

	<p>(1) At least one bathroom in a dwelling must be located on —</p> <ul style="list-style-type: none"> (a) the same floor as the entry to the dwelling, or (b) a floor serviced by a private passenger lift accessible only from inside the dwelling. 	<p>Complies.</p> <p>Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).</p>
	<p>(2) The bathroom must have the following —</p> <ul style="list-style-type: none"> (a) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586 — 2013, (b) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use exiting hydraulic lines, (c) a shower that — <ul style="list-style-type: none"> (i) is accessible without a shower-hob or step, and (ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and (iii) is in the corner of a room, and (iv) has a wall capable of accommodating the installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1, (d) a wall cabinet with shelving illuminated by an illumination level of at least 300 lux, (e) a double general power outlet in an accessible location, in accordance with AS 1428.1. 	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(3) Subsection (2)(c) does not prevent the installation of a shower screen that can easily be removed to enable compliance with that paragraph.</p>	<p>Noted.</p>

9. Toilet

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

	<p>(1) At least one toilet in a dwelling must be located on –</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p>	<p>Complies.</p> <p>Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).</p>
	<p>(2) The toilet must have the following –</p> <p>(a) a water closet pan –</p> <p>(i) in the corner of the room, and</p> <p>(ii) with a centreline set out in accordance with AS 1428.1,</p> <p>(b) a circulation space in front of the water closet pan that is –</p> <p>(i) at least 1,200mm long and at least 900mm wide, and</p> <p>(ii) clear of door swings and fixtures, other than a toilet paper dispenser or grab rails,</p> <p>(c) a circulation space around the water closet pan that complies with AS 1428.1,</p> <p>(d) a slip resistant floor surface that achieves a minimum rating of P3 accordance with AS 4586 – 2013,</p> <p>(e) a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(3) A removable shower screen may be located in the circulation space specified in subsection (2)(c).</p>	<p>Noted.</p>

10. Surfaces of balconies and external paved areas

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

	<p>Balconies and external paved areas must have surfaces that are slip resistant and comply with –</p> <p>(a) the <i>Building Code of Australia</i>, or</p> <p>(b) the Standards Australia Handbook SA HB 198:2014, <i>Guide to the specification and testing of slip resistance of pedestrian surfaces</i>, published on 16 June 2014.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
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11. Door Hardware

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

	<p>(1) Door handles and hardware for all doors, including entry doors and</p>	<p>Capable of compliance.</p>
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external doors, must comply with AS 1428.1.
(2) To avoid doubt, subsection (1) does not apply to cabinetry.

Further specification to be provided at detailed construction documentation stage (refer to **Identified Requirement 73**).

12. Switches and power points

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

(1) Switches and power points must —
(a) comply with AS 1428.1, or
(b) be capable of complying with AS 1428.1 through future adaptation.
(2) Subsection (1) does not apply to —
(a) remote controls, or
(b) power points likely to serve appliances that are not regularly moved or turned off.

Capable of compliance.
Further specification to be provided at detailed construction documentation stage (refer to **Identified Requirement 73**).

13. Private passenger lifts

(1) This section applies to a private passenger lift that is required by this schedule to be accessible only from inside a particular dwelling.

Not Applicable.
Private passenger lifts have not been proposed.

Part 2 Additional standards for independent living units

14. The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of independent living units.

15. Bedroom

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

At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on —
(a) the same floor as the entry to the unit, or
(b) a floor serviced by a private passenger lift accessible only from inside the unit.

Complies.
Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (**Appendix I**).

16. Living room

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

(1) A living room in an independent living unit must be located on —
(a) the same floor as the entry to the dwelling, or
(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.
(2) The living room must have —
(a) a circulation space that —
(i) is clear of all fixtures, and
(ii) has a diameter of at least 2,250mm, and

Complies.
Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (**Appendix I**).

(b) a telecommunications or data outlet adjacent to a general power outlet.

17 Main area of private open space

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

The main area of private open space for an independent living unit must be located on —

- (a) the same floor as the entry to the dwelling, or
- (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.

Complies.
Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (**Appendix I**).

18. Kitchen

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

(1) A kitchen in an independent living unit must be located on —

- (a) the same floor as the entry to the dwelling, or
- (b) a floor serviced by a private passenger lift accessible only from inside the dwelling.

Complies.
Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (**Appendix I**).

(2) The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance.

Complies.
Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (**Appendix I**).

(3) Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without —

- (a) relocating the sink, or
- (b) moving a load-bearing wall, or
- (c) breaching another circulation requirement.

Complies.
Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (**Appendix I**).

(4) The kitchen must have the following fittings —

- (a) a bench that includes at least one work surface that is —
 - (i) at least 800mm long, and
 - (ii) clear of obstructions, and
 - (iii) not in the corner of the room,
- (b) a lever tap set with the lever and water source that is within 300mm of the front of the bench,
- (c) a cooktop next to the work surface,

Capable of compliance.
Further specification to be provided at detailed construction documentation stage (refer to **Identified Requirement 73**).

	<p>(d) an isolating switch for the cooktop,</p> <p>(e) an oven that —</p> <p>(i) has operative elements between 450mm and 1,250mm above the finished floor level, and</p> <p>(ii) is next to the work surface,</p> <p>(f) at least one double general power outlet located within 300mm of the front of a work surface.</p>	
	<p>(5) The cupboards must —</p> <p>(a) not be entirely located in the corner of the bench or the corner of the room, and</p> <p>(b) face where the user of the fixture is likely to be.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(6) An overhead cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the bottom of the cupboard.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(7) A below-bench cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the top of the cupboard.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(8) The lever tap set, cooktop, isolating switch, oven and double general power outlet must —</p> <p>(a) not be in the corner of the bench or the corner of the room, and</p> <p>(b) face where the user of the fixture is likely to be.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
	<p>(9) Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>

19. Laundry

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

	<p>(1) A laundry in an independent living unit must be located on —</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p>	<p>Complies.</p> <p>Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).</p>
	<p>(2) The laundry must have the following —</p>	<p>Complies.</p>

	<p>(a) a circulation space that complies with AS 1428.1 at the approach to any external doors,</p> <p>(b) an appropriate space for an automatic washing machine and a clothes dryer,</p> <p>(c) a clear space in front of each appliance of at least 1,550mm,</p> <p>(d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586 – 2013,</p> <p>(e) a continuous accessible path of travel to the main area of private open space or any clothesline provided for the dwelling.</p>	Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).
	(3) The space specified in subsection (2)(c) may overlap with a door swing or the circulation space for a door.	Noted
	<p>(4) For laundry facilities in a cupboard, the cupboard must be capable of being fitted with “D” pull cupboard handles in the following locations –</p> <p>(a) for below-bench cupboards – towards the top,</p> <p>(b) for overhead cupboards – towards the bottom,</p> <p>(c) for floor-to-ceiling doors – between 900mm and 1,100mm above the finished floor level.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
	(5) In this section – laundry includes laundry facilities in a cupboard.	Noted.

20. Linen Storage

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

	<p>An independent living unit must have a floor-to-ceiling linen storage cupboard that –</p> <p>(a) is at least 600mm wide, and</p> <p>(b) has adjustable shelving.</p>	<p>Capable of compliance.</p> <p>Further specification to be provided at detailed construction documentation stage (refer to Identified Requirement 73).</p>
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20. Lift access in multi-storey buildings

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

	<p>An independent living unit on a storey above the ground storey must be accessible by a lift that complies with the <i>Building Code of Australia</i>, Volume 1, Part E3.</p>	<p>Although a concession for this clause is provided to the developments undertaken by the Minister under Section 85(2) of the HSEPP, the proposed development provides a passenger lift and is readily capable of compliance with this requirement.</p> <p>Further specification to be provided at detailed construction documentation</p>
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		stage (refer to Identified Requirement 73).
21. Garbage		
	A garbage storage area and a recycling storage area provided for an independent living unit must be accessible by a continuous accessible path of travel from the dwelling entrance.	Complies. The bin storage area is provided adjacent to the carpark which is convenient for all users. Accessible travel paths have been provided from the bin storage area to each dwelling. Further details are contained in the Accessibility Capability Statement prepared by DC Partnership (Appendix I).

6.5.4 Seniors Housing Design Guide

The *Seniors Housing Design Guide* (SHDG) (November 2023) has been prepared to assist in the design and assessment of applications for seniors housing development under the Housing SEPP.

The Guide offers design principles and best practice for developments assessed under the Housing SEPP. Part 2 of the Guide includes chapters that assist to understand the site, context and future resident needs, leading to better housing solutions for seniors.

In accordance with Part 3, Section 11 of the Guide, the development is considered as ‘stand-alone independent living unit development medium density’. As such, the design principles for independent living set out in Part 3, Section 15 of the Guide are relevant to the design of the development. These principles, as follows, must be considered when designing such developments:

- neighbourhood amenity and streetscape
- solar access and design for climate
- stormwater
- crime prevention
- accessibility
- waste management

Section 108CB(1)(a) of the Housing SEPP requires the relevant authority to take into account the relevant provisions of the Guide when assessing a proposed seniors housing development under Chapter 3, Part 5, Division 8 of the Housing SEPP.

An assessment of the design of the activity against the Guide is provided at **Appendix T**. The proposed design is consistent with the Guide.

6.5.5 Good Design for Social Housing

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

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

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

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe.

All units have been designed to comply with accessibility requirements of Schedule 4 of the Housing SEPP, and 4 accessible car parking spaces are provided. The development therefore caters for varying degrees of mobility, to accommodate the changing needs of tenants over time and allowing them to age in place.

The development incorporates passive and active sustainable design by achieving cross ventilation to 100% of apartments, and at least 2 hours of solar access during the mid-winter solstice to the living areas and private open spaces to 78% of units. Durable and low maintenance materials are proposed and units are appropriately sized to reduce running costs. The proposal achieves a high NatHERS rating with an average of 7.2 stars which exceeds the minimum targets. Reverse cycle air conditioning will be provided to the living areas of each dwelling to assist with climate controls, as well as photovoltaic systems to offset energy costs. PV solar panels are predominately positioned on the north facing roof elevations to maximise solar gains.

Each ground floor level unit is provided with an area of private open space that accommodates a paved area for outdoor dining. All upper-level units are provided with a balcony that accommodates outdoor dining as well as service functions such as clothes drying and air conditioning units. High quality landscaping across the site will enhance the amenity for residents.

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

Belonging

The form and materiality of the proposed development have been selected to respond to the style and emerging character of the local area and will make a high-quality contribution to the streetscape. The prominent use of brickwork and cladding with an earth-toned palette will ensure the visual appeal of the development is maintained over time.

The pedestrian entries, central lobbies and communal areas have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces. Casual seating is proposed within a landscaped setting within the communal open space to encourage community connection, supporting the health and wellbeing of residents.

The mixed unit sizing caters to the needs of a diverse range of tenants and meets the requirements for seniors housing to cater for seniors or people with a disability and their household members.

Value

The development exceeds sustainability targets, with all 18 dwellings achieving a NatHERS score of 7.2 or above. The scheme incorporates sustainable features including insulation, high-quality glazing, clothes lines, native plantings, ceiling fans, and good solar access and cross ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

The 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 generally 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 and Fairfield City Council.

6.5.6 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 Minister's social housing portfolio. These requirements apply to all new developments undertaken by the Minister and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.

Clause 108CB(3)(a) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed seniors housing development under Chapter 3, Part 5, Division 8 of the Housing SEPP.

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

6.5.7 Housing SEPP Design Principles

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

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

The Housing SEPP articulates a range of design principles that the Minister must consider in determining whether to proceed with a proposed seniors housing activity. **Table 10** below demonstrates how the principles have been considered in the design of the proposal.

Table 1010 Response to Design Principles (Part 5, Division 8)

1. Neighbourhood amenity and streetscape
Seniors housing should be designed to —
(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and
N/A no residential care facility proposed.
(b) recognise the desirable elements of —
(i) the location's current character, or
(ii) for precincts undergoing a transition — the future character of the location so new buildings contribute to the quality and identity of the area, and

The existing character is predominantly single and two storey residential development of varying age and architectural style. A mix of brick, fibro clad or weatherboard construction with tiled roofs is a prominent feature of housing in the immediate area, particularly dwellings constructed during the mid to late twentieth century. Dispersed throughout the neighbourhood are more recent additions including larger, contemporary brick and rendered 2 storey dwellings with pitched roofs.

The proposed development reflects and respects the existing character of the local area. The proposed use of brick and cladding to all external elevations, articulated elevation design, pitched roof forms and landscaping design integrates with the design and character of the surrounding area.

The design of the proposal is a compatible form which remains consistent with the design and character of the street and the surrounding local area.

(c) complement heritage conservation areas and heritage items in the area, and

The site is not located within a heritage conservation area nor are there any heritage items that adjoin the site.

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

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

The development has been designed to reflect the desirable characteristics of the area which include landscaped front setbacks, prominent entry points and a combination of face brick and metal cladding to external elevations. An additional 6 street trees are proposed that will contribute to the established corridor of street tree planting along Birdwood Avenue.

The proposed building setbacks are compatible with the streetscape character of the locality and are generally consistent with Council's DCP requirements. The development is below the height limit permitted under the Housing SEPP and FLEP 2013 and provides generous side and rear setbacks, to minimise building bulk, overlooking and overshadowing.

Given the orientation of the site and proposed building setbacks, acceptable overshadowing is cast upon the adjoining properties. At 9am, minor overshadowing falls upon eastern side setback of 18 Birdwood Avenue predominately over the roofed shed area with some overshadowing falling upon the eastern side elevation of the dwelling. By 10am, the extent of shadow is reduced to a minor portion of the rear shed, with no overshadowing to the eastern side elevation or rear garden of 19 Birdwood Avenue.

Minor overshadowing to the adjoining properties to the south in Cabramatta Road West occurs, however overshadowing mostly falls within shadow cast by the dividing fence line.

By 3pm, some overshadowing falls upon the western side facade of 8 Birdwood Avenue and part of the rear garden area.

The additional overshadowing to adjoining properties is not material, with the surrounding dwellings' primary living areas and principal open spaces remaining largely unaffected by the proposed development.

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

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

The proposed building line sits forward of the existing building line along Birdwood Avenue. Notwithstanding, this is consistent with the FDCP 2024 primary front setback requirement of 4.5m and contributes to defining the character. Generous side setbacks are provided, together with landscaping, ensuring the building sits comfortably within the streetscape.

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

The proposed landscape design incorporates substantial plantings within the site frontage and to the rear of the development which will enhance the streetscape, soften the built form as viewed from the street and provide a vegetated buffer to adjoining neighbours for additional amenity.

The scheme incorporates a mix of ground covers and native shrubs. Larger shade trees are proposed at the front and rear of the site and will grow to a mature height of 3.5-12m. Low maintenance planting in the common landscaped area will create a pleasant environment for residents and attract animal and birdlife. 6 new trees (*Tristaniopsis laurina* 'Luscious' – Water Gum) will be located within the council verge.

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

The proposed development requires removal of 18 trees (except Tree 16 – Coast Banksia) and 4 fruit trees located on the site. All the trees recommended for removal are within or have major encroachments from the proposed development footprint. All the trees proposed for removal have low to medium retention value. The 4 fruit trees within the site proposed for removal are all exempt. One tree will be retained on the site, being a Coast Banksia (T16).

As outlined above, substantial replacement planting is proposed to compensate for the loss of existing vegetation. This will include 40 new trees on the site capable of achieving a mature height of 3.5-12m, as well as over 400 shrubs and groundcover. 6 new trees (*Tristaniopsis laurina* 'Luscious' – Water Gum) are also proposed within the council verge. Over time, this replacement vegetation will provide additional habitat for fauna in the long-term.

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

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

2. Visual and acoustic privacy

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

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

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

The building has generally been designed so that high use areas such as living rooms and private open space areas are oriented predominately to the front to minimise privacy impacts. Where windows and balconies are proposed, adequate setbacks have been maintained and privacy screening provided to restrict direct overlooking were appropriate. The proposed vehicle driveway and car parking is proposed to the rear of the site to provide additional separation between the proposed building and neighbouring properties. Windows from first floor southern elevations have been designed with substantial setbacks to restrict direct lines of sight into neighbouring properties. To further protect any direct view from the balconies of Unit 10, 17, 18 into the neighbouring properties to the east and south, perforated aluminium powder-coated balustrades in part up to 1.5m height are proposed. The windows of Unit 17, along western boundary, are provided with obscure glazing up to 1.5m sill heights to restrict direct line of sight into the neighbouring property.

Boundary fencing to a height of 1800mm will assist with mitigation of visual and acoustic impacts associated with the internal hard stand car parking and private open space areas oriented to the south and/or east. Perimeter landscaping will also act as a visual and acoustic buffer between the car park and adjacent development. The generous setbacks to the south, east and west of the site provides adequate deep soil areas which will accommodate shade trees and dense landscape plantings which will create a pleasant outlook when viewed from neighbouring properties.

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

3. Solar access and design for climate

The design of seniors housing should —

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

78% of units achieve at least 2 hours of direct solar access to living areas and principal private open space areas in mid-winter, which exceeds the 70% targets set under the Housing SEPP. Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 7.2, with the lowest overall rating of 6.1 being achieved.

As demonstrated on the shadow diagrams (refer to **Appendix A**), more than 2 hours solar access is maintained to living spaces and private open space of neighbouring dwellings in mid-winter.

4. Stormwater

The design of seniors housing should aim to —

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

Stormwater will be collected via an underground OSD tank located immediately beneath the driveway. Roof water from the proposed development will be collected from downpipes and connected to a below-ground rainwater tank to facilitate water re-use for landscape irrigation. A series of stormwater pits and gutters on the site enable stormwater to drain to the rainwater tank and OSD. Excess water is discharged to the kerb inlet pit on Birdwood Avenue.

Hard surfaces have been minimised where possible both in private garden areas and communal areas to improve groundwater percolation.

Site stormwater will be captured and drained as shown on the submitted Civil Plans (**Appendix C**).

5. Crime prevention

Seniors housing should —

- (a) be designed in accordance with environmental design principles relating to crime prevention, and
- (b) provide personal property security for residents and visitors, and
- (c) encourage crime prevention by —
 - (i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and
 - (ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and
 - (iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

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

Site planning enforces territorial reinforcement by establishing clear entry points and boundaries through fencing and landscaping. Of the 18 units, 12 address Birdwood Avenue and provide passive surveillance of public areas as well as the pedestrian and vehicle entry points.

Fencing will be constructed along the side and rear boundaries, and all areas of private open space are fenced to create security and delineate between public and private spaces. The design of the proposed development will allow for general surveillance to both the street frontage as well as to the communal carpark and driveway along the northern portion of the site. Several balconies, bedroom, kitchen and living room windows are oriented to either the street frontage or communal carpark to achieve adequate passive surveillance to these areas.

Peepholes will also be provided on the front doors of each dwelling to enable residents to view approaches to their dwelling without having to open the door (**Identified Requirement No. 77**).

6. Accessibility

Seniors housing should –

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

The Accessibility Capability Statement (**Appendix I**) demonstrates that obvious and safe pedestrian links are available from the site.

The closest bus stops are located north on Edensor Road after Harrington Street (ID2166139) which is located approximately 360m from the site. The return stop is located on Edensor Road before Harrington Street (ID2166120) which is located approximately 385m from the site. The Minister is not required to consider clause 93, however it is noted the activity achieves compliance with the prescribed 400m maximum distance stipulated for other seniors housing developments. The stops on Edensor Road are serviced by Route 807, at a frequency of at least one service every hour from 6am to 9pm Monday to Friday and 8am to 6pm on Saturdays and Sundays. The site is therefore within an accessible area. The Access Report (**Appendix I**) confirms that the average and individual gradients from the site to the bus stops, as detailed on survey plans, satisfy the relevant access requirements.

The Accessibility Capability Statement notes that the footpath including the pram ramp upgrades located at the intersection of Birdwood Avenue and Harrington Street and on Edensor Road are required to be upgraded to improve accessibility and pedestrian safety for users, which will ensure compliance with accessibility requirements. Refer to Identified Requirement No. 78.

Furthermore, the Bus Stop (ID2166139) on *Edensor Road after Harrington Street* has a yellow pole without text as an indicator of the bus stop location. To improve the visibility of this bus stop (ID2166139) for drivers and pedestrians, it is recommended the bus stop sign be upgraded in consultation with Fairfield City Council. Refer to Identified Requirement No. 78.

Car parking is provided for residents within the site, including 4 accessible parking spaces. Accessible pathways are provided between the car parking area and the internal lobby. There is ample street parking available on Birdwood Avenue for visitors if required.

7. Waste management

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

A waste storage area is provided at the rear of the development adjacent the communal carpark and will accommodate general waste, recycling and green waste. The storage enclosure has been appropriately screened to minimise visual impact but still retain good visibility. The storage area has 2 entries which ensure entrapment spaces are not created. The site will be serviced by council's standard kerb-side pickup service, with bins taken to the kerb by a contractor.

6.6 Other State Environmental Planning Policies

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

Table 1111 Compliance with other applicable State and Environmental Planning Policies

SEPP (Sustainable Buildings) 2022

A BASIX Certificate has been obtained for the development proposal, (refer to **Appendix L**). The certificates confirm that the development complies with the minimum requirements for water, energy and thermal performance.

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 childcare facilities and major infrastructure corridors.

The site is not located in close proximity to a State Classified Road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.

SEPP (Biodiversity and Conservation) 2021

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

Chapter 2: Vegetation in non-rural areas. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 18 trees and 4 fruit trees located on the site (refer to the Arborist Report at **Appendix K**).

Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council. An assessment of the proposed tree removal has been undertaken within Section **8.9** of this REF.

Chapters 3 & 4 – Koala habitat protection 2020 and 2021, are not applicable as the land is not within a prescribed zone, or equivalent land use zone – section 3.3 and section 4.4.

Chapter 5 – River Murray Lands is not applicable, the land is not shown on the map and is not located in the riverine land of the River Murray, pursuant to section 5.3.

Chapter 6 – Water Catchments. The site is located within a regulated catchment, namely, the Georges River Catchment. Accordingly, the controls for development set out in Chapter 6, Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.

Under Section 171A (1) of the EP&A Regulation, the Minister, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must consider the State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1). Further, as the consent authority the Minister must be satisfied under State Environmental Planning Policy (Biodiversity and Conservation) 2021, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).

6.6 Water quality and quantity

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

- have a neutral or beneficial effect on the quality of water entering a waterway;
- have an adverse impact on water flow in a natural waterbody;
- increase the amount of stormwater run-off from a site, and
- incorporate on-site stormwater retention, infiltration or reuse.

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

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

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

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

Comment: Stormwater will be collected within the site via a series of stormwater pits and gutters. Roof water will be collected from downpipes to an above-ground rainwater tank, which has an overflow connected to the underground OSD within the driveway. The site drains to a kerb inlet within Birdwood Avenue. The proposed development complies with the controls set out in Division 2, Chapter 6, Part 6.2 of the Biodiversity and Conservation SEPP that apply to the activity.

Identified Requirement No. 13 recommends that sediment control measures be implemented during construction in accordance with Council requirements and/or the guidelines contained in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004).

Identified Requirements Nos. 6 and 42 are applied to the activity determination recommending that stormwater management of the activity is designed in accordance with Fairfield City Council's technical guidelines and policies.

6.7 Aquatic ecology

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

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

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

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

Comment: The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The proposed removal of existing trees is supported by the arborist in the accompanying Arboricultural Impact Assessment (**Appendix K**). The proposed development includes planting of suitable native indigenous vegetation. In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.

6.8 Flooding

This clause relates to flood liable land.

Comment: The Section 10.7(2) & (5) Planning Certificate indicate that the land is not identified as being flood liable and therefore is not subject to any flood related development controls.

6.9 Recreation and public access

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

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

SEPP (Resilience and Hazards) 2021

The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

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 Cabramatta West. The Section 10.7(2) & (5) Planning Certificates do not identify the site as potentially contaminated (refer to **Appendix F**). Notwithstanding, the *draft Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the former 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 and these are considered in the **Table 12** below:

Table 1212 - 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	The Minister's records indicate that the land has been used for residential purposes since the early 1940'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	The Minister's 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	Each lot 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	The Minister's 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 has been undertaken which indicated that the site is unlikely to have been associated with potentially contaminating activities.

g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the early 1940's.
(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 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.

Given the above it is unlikely that the site is contaminated however a recommended **Identified Requirement No. 17** requires implementation of management measures in the unlikely event of contamination prior or during construction works.

6.7 Fairfield Local Environmental Plan 2013 (FLEP 2013)

Compliance with the relevant provisions / development standards set out in the FLEP 2013 is demonstrated in **Table 13** below.

Table 1313: Fairfield Local Environmental Plan 2013

Relevant Provisions / Development Standards for Seniors Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (9 metres).	Complies. Maximum building height (measured in accordance with the LEP definition) is 8.5m.
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (0.45:1).	Does not comply. Proposed FSR is 0.498:1 and will comply with the Housing SEPP, which prevails over the LEP provisions.
6.2	Earthworks	(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters – (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,	Complies. A Geotechnical Investigation (Appendix P) was undertaken, and the results have informed the design of the development. The proposed activity includes areas of cut and fill, as detailed in the Architectural Drawings in Appendix A . A maximum excavation depth of

Relevant Provisions / Development Standards for Seniors Housing

		<p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, water catchment or environmentally sensitive area</p> <p>h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>approximately 1m is proposed across the site.</p> <p>The proposed development has been designed to ensure minimal disruption and detrimental effect on existing drainage patterns and soil stability in the locality.</p> <p>It will have minimal adverse impact on the future use or redevelopment of the land. Where possible, excavation has been set back from common boundaries.</p> <p>Where possible, excavated material will be used onsite as fill or for landscaping purposes as per the Waste Management Plan (Appendix R).</p> <p>Identified Requirement No. 46 is recommended to cover the potential disturbance of any relics found on the site during demolition and construction.</p> <p>The hydraulics consultant has certified that site drainage has been designed in accordance with Council's requirements (refer Certificate of Stormwater Compliance in Appendix O). The proposed stormwater management system will ensure water quality is maintained. Further, erosion and sedimentation measures will be implemented during works to ensure that there are no adverse impacts on any watercourse, water catchment or environmentally sensitive areas.</p>
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6.8 Fairfield Citywide Development Control Plan 2024

Fairfield Citywide Development Control Plan 2024 (FDCP 2024) does not contain specific development controls for seniors housing. As such, the relevant controls for multi-unit housing (Chapter 6A) have been used for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 14** below.

Table 1414 Fairfield Citywide Development Control Plan 2024

Compliance with controls for multi-unit housing		
Multi-unit housing		
Clause	Requirement	Proposed
6A.1.1.2 Lot Width and Depth	A minimum average lot width and depth of 20 metres is required for all multi dwelling housing	Complies. The site provides a 62.485m frontage width to Birdwood Avenue, a western boundary width of 41.685m, an eastern boundary width of 33.53m and a southern boundary width of 61.95m.
6A.2.1 Floor Space Ratio (FSR)	Maximum permissible floor space ratio for any multi dwelling housing development must comply with the floor space ratio prescribed in the Fairfield LEP 2013 noting the exceptions. (0.45:1)	Does not comply. A FSR of 0.498:1 is proposed which complies with the FSR standard for the site as set out in the Housing SEPP.
6A.2.2 Building Height	<p>Maximum height of building for any dwelling housing development must comply with height of building development standards prescribed on the <i>Fairfield LEP 2013 Height of Building Map</i>.</p> <p>For multi dwelling housing with a maximum height of buildings of 9m (2 storeys):</p> <p>i. for buildings with pitched roofs, the maximum heights of the eave line and the ridgeline from ground level (existing) shall not exceed 7.2 metres and 9 metres respectively.</p>	<p>Complies.</p> <p>A building height of 8.44m is proposed. This is in keeping with the height requirements for the site as set out in the FLEP 2013 and Housing SEPP which prevails. The roof will have a generally flat roof pitch.</p>
6A.2.3.1 Front Setback Controls	<p>The minimum front setback of multi dwelling housing is 4.5 metres, measured from the front property boundary to the front of the dwellings.</p> <p>The front setback area of townhouse and villa developments shall not be used for any purpose other than landscaping only. In this regard, private courtyards, private open spaces, car parking spaces including visitor spaces, garbage bays, above ground rainwater tanks, pergola or the like are not permitted in the front setback area.</p>	<p>Complies.</p> <p>Primary front setback - 6m front setback provided to Birdwood Avenue, with balconies and paved courtyards providing a minimum 5.1m setback to the front boundary.</p>
6A.2.3.3 Side and Rear Setback Controls Ground Floor	Side and rear setbacks not built to the boundary should be at least 900mm from the boundary.	Does not comply. The proposal achieves a minimum 7.7m setback from the eastern side boundary, 3m setback from the western side boundary, and a 6.08m
6A.2.3.3 Side and Rear Setback Controls Upper Floor	Beyond the first 20 metres of the site, the upper floor walls must be setback a	

Compliance with controls for multi-unit housing

	<p>minimum of 4 metres from side and rear boundaries and further where necessary in order to satisfy solar access and privacy requirements of Sections 6A.5.1 Solar Access and 6A.5.3 Privacy of this Chapter. For the first 20 metres of a site, the upper floor side walls must be setback by a minimum of 900mm from boundaries. A further distance may be necessary in order to satisfy access and privacy requirements of Sections 6A.5.1 Solar Access and 6A.5.3 Privacy of this Chapter.</p>	<p>setback from the southern side boundary.</p> <p>These setbacks are considered to reasonably satisfy solar access controls in that neighbouring dwellings will continue to receive 3 hours of sunlight between 9am and 3pm during the midwinter solstice.</p> <p>Further consideration has been made to ensure there is no solar access and privacy impacts on 18 Birdwood Avenue, as the proposed development is located at 3m setback from the western side boundary. Minor overshadowing falls upon the eastern side setback of 18 Birdwood Avenue at 9am, predominately over the roofed shed area with some overshadowing falling upon the eastern side elevation of the dwelling. By 10am, the extent of shadow is reduced to a minor portion of the rear shed, with no overshadowing to the eastern side elevation or rear garden. There is no overshadowing on 18 Birdwood Avenue from 12pm onward and therefore compliance is achieved.</p> <p>Privacy impacts have also been reasonably addressed in that the facade design avoids or minimises overlooking of private open spaces and windows of nearby dwellings.</p>
6A.7.6 Waste and Dry Recycling Collection	<p>a) Council will provide garbage container(s) to each dwelling. Development plans must show that for each dwelling, in private areas, provision has been made for:</p> <ul style="list-style-type: none"> a. General bin b. Dry recycling bin c. Space for a third bin. <p>b) The area identified for garbage and recycle bins storage should be located away from the windows of habitable rooms and be stored in a substantially shaded area or within an enclosure.</p> <p>c) Garbage and recycle bins must not be visible from common or public areas except when out for collection.</p>	<p>Complies.</p> <p>A waste area is located behind the building and will be accessed via a separate accessway abutting the driveway which then merges into the passable bay. The waste enclosure will accommodate general waste, recycling and green waste.</p> <p>This is accessible from the internal breezeway corridor.</p> <p>The waste storage area is adequately located away from the habitable room windows.</p> <p>The site will be serviced by council's standard kerb-side pickup service, and</p>

Compliance with controls for multi-unit housing

	<p>d) A clear path from the dwelling's garbage and recycle bins storage area, either through a side passage or through a garage, to the collection point on the street must be provided.</p> <p>e) Ensure that Waste and Dry recycling Collection is in accordance with the Department of Environment and climate change's guide 'Better Practice Guide for Waste Management in Multi-unit dwellings (2008)'.</p>	<p>bins will be taken to the kerb by a contractor.</p> <p>Based on Council's generation rates, the total number of bins are as follows:</p> <ul style="list-style-type: none"> • General Waste: 120L/unit/week 120L x 18 = 9x 240L bins • Recycling waste: 80L/unit/fortnightly 80L x 18 = 6 x 240L bins • Organics = (18 x 40L)/240L = 3x 240L bins collected <p>The bin rates as shown in the Architectural Plan (refer to Appendix A) complies with the above Council requirements.</p>
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7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with section 108C of the Housing SEPP, Fairfield City Council was notified of the proposed development by letter dated 4 April 2025 (refer to **Appendix H**). The notification response period formally closed on 20 May 2025 and Council requested an extension of time to respond to the notification, which was granted by the Minister, and the response timeframe was extended until 30 May 2025 and another extension until 11 June 2025.

Council responded on 10 June 2025 as detailed in **Table 15**. Key issues raised by Council are summarised in **Table 15** below and a full copy of council's submission is provided in **Appendix H**. A response to the key issues raised is in **Table 15** below.

Table 15 Issues raised in Council submission

Issues raised	Response
<ul style="list-style-type: none"> Driveway crossing should be relocated to be at least 1m from the property boundary to allow for 1m of dense perimeter landscaping along all sections of vehicular circulation space 	<p>Satisfied. The majority of the proposed driveway is setback a minimum 1.8m from the eastern boundary, except for the passable bay. The passable bay is located closer to the eastern setback due to the angled front boundary line and an irregular shape of the site. New plants, such as 3 Pinnacle Lilly Pilli, 9 Elaeocarpus and shrubs, are proposed within this setback as shown in the Landscape Plan (Appendix B). The proposed trees will reach a mature height between 1.5 - 9m and mature spread between 1.5m – 2.5m, assisting in screening the development. Given that the building is adequately setback from the eastern boundary (7.1m), there is further landscaping proposed between the building and the boundaries, further reducing any potential impact on the adjacent properties.</p>
<ul style="list-style-type: none"> Overhang of the first floor over the at-grade carpark, i.e. units 9 and 10, would likely be inconsistent with the surrounding built character of the area, and should be removed from the proposed development. 	<p>Noted. Undercroft car parking is provided to the rear of the building footprint and will be generally obscured from street view, resulting in a built form that has been designed with consideration of the surrounding dwellings. The proposed 1.8m high fencing and thick landscaping between the building and the boundaries will further assist to reduce direct view of the car parking area.</p>
<p>Due to the slope of the land, the development should be mindful of designing the building to reduce instances of headlight spill into the units, by vehicles travelling south along Moonshine Avenue.</p>	<p>Noted. Moonshine Avenue is not a busy street and therefore will not generate high traffic volume. However, the proposed development is elevated from the street level and the front setback is proposed with thick landscaping including trees, such as Magnolias and Lily Pillis, which will reduce headlight spill into the units. Blinds will be installed in all the units which will further block any headlight spill from the cars.</p> <p>On balance, the proposed development has been orientated to have a relationship with the street and to ensure general surveillance of Birdwood and Moonshine Avenue. The living room</p>

Issues raised	Response
	and bedroom of the units have been oriented to front the street to increase the northern solar access.

7.2 Notification of Occupiers of Adjoining Land and Other Persons

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

On 26 March 2025, advice was sought from Council regarding additional persons or properties that should be notified of the development. Council responded on 27 March 2025 advising that the notification map is consistent with Council’s Community Participation Plan and acceptable to Council. **Figure 20** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 2020 Map of Properties Notified of the Proposed Development (Source: Homes NSW)

Under section 108C(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 29 April 2025. A copy of the pro-forma notification letter is provided at **Appendix H**.

The notification response period formally closed on 20 May 2025 and no submissions were received.

7.3 Notification of Specified Public Authorities

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

8 Review of Environmental Factors

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 predominately supporting older style single and 2-storey detached dwelling houses that are constructed of brick, weatherboard or fibro with a mix of pitched tiled and metal roofing. There are interspersed contemporary 2-storey dwellings recently constructed in the surrounding streets, indicating the area is experiencing some renewal. Currently there is a low level of transition from low density housing to medium density development despite this form of seniors housing being permissible within the zone.

The proposed seniors housing development represents a contemporary, high-quality design, that will complement the existing development in the local area. The use of face brick and cladding for external walls and pitched metal roofing will make a positive contribution to the existing character of the locality. The design also incorporates adequate articulation and fenestration to minimise the perceived bulk and scale of the 2-storey built form. The undercroft parking design will not be highly visible from the street being set behind the building at the rear of the site. The contemporary design will complement the existing properties in the area.

The building has been orientated towards Birdwood Avenue, with balconies overlooking the street which increases street presence and encourages passive observation of the public spaces. Suitable design treatments, including fencing, landscaping and a considered planting mix ensures the proposal will generate benefits to the neighbourhood character. The development has been designed to be indistinguishable from private housing.

The planting of 6 new street trees fronting the site will contribute to the overall streetscape character of Birdwood Avenue. Landscaping proposed within the development will help soften the development and make a positive contribution to the streetscape presence.

Mitigation Measures

No mitigation measures are required.

8.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding development in the locality of Cabramatta West. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development is well articulated with stepped setbacks across Birdwood Avenue frontage and designed with several roof pitches to break the visual bulk and minimise bulk and scale.

The proposal incorporates a floor space ratio of 0.498:1 and a maximum height of 8.5m which is generally consistent with a low to medium density residential area. The FSR and 2-storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R2 Low Density Residential zone, which encourages a variety of housing types and densities.

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 proposed development will make a positive contribution to the Birdwood Avenue presentation, by virtue of the following:

- The proposed development will replace ageing housing stock that has reached the end of its economic life with a contemporary, architecturally designed residential development that uplifts the existing character of the locality.
- The built form has been designed to address the street frontage. The incorporation of street-facing windows, separate pedestrian entries, and balconies facing Birdwood Avenue improves casual surveillance of Birdwood Avenue.
- The facade has been articulated with balconies, rows of varied roof forms and defined entry lobbies to create visual separation and reduce the overall scale of the development when viewed from the street. Balconies and elevated ground level courtyards front Birdwood Avenue which will provide an active and engaging streetscape presence.
- The dwellings fronting Birdwood Avenue includes primary living areas and balconies which address and provide an active frontage to the street.
- The use of contrasting bricks, and vertical profile metal cladding create a classic and timeless architectural style that will be sympathetic to the surrounding existing development.
- Significant landscaping has been proposed in the front setback areas including feature canopy trees, as well as shrubs and grasses which will help soften the development and make a positive contribution to the streetscape presence. There are 6 new street trees proposed along the road reserve which will improve the appearance of the site from Birdwood Avenue.
- Undercroft car parking is provided to the rear of the building footprint and will be generally obscured from street view, resulting in a built form that has been designed with consideration of the surrounding dwellings.
- A waste storage enclosure has been carefully designed behind the building line and will be obscured when viewed from 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 as discussed in sections Error! Reference source not found. to Error! Reference source not found. above. Articulation, a neutral

colour palette, and new landscaping across the site will assist with the overall aesthetic of the site and add to the long-term visual amenity of the surroundings.

Mitigation measures

No further mitigation measures are required.

8.5 Privacy

A high level of internal and external privacy will be maintained by the proposed development, by virtue of the following:

- Where possible, living areas are orientated to face the street frontages rather than towards side and rear boundaries. Where this isn't possible, adequate setbacks have been maintained and privacy screening provided to balconies. Windows have been minimised to reduce opportunity for overlooking.
- Ground floor courtyards within the development have been appropriately separated from common areas by fencing and/or landscape treatments.
- Unit 17 will have privacy screening along the side (western) elevation. Units 17 and 18 will have 1.5m privacy screen along parts of the southern balcony elevations. Unit 9 will be screening along its southern balcony end. Unit 10 will be screened along its southern end, and the partial length of its eastern balcony façade. This privacy screening will assist to minimise direct overlooking to neighbours to the east, west and south of the property.
- Perforated aluminium powder coated balcony balustrades are proposed to assist with protecting the privacy of both tenants and neighbours.
- Unit 17 windows on the western elevation incorporates translucent glass up to 1.5m from the FFL to ensure that overlooking is mitigated to the adjacent development at 18 Birdwood Avenue.
- The first-floor common breezeway has been set back approximately 15m from the rear, to mitigate overlooking impacts to adjoining properties to the south.
- Further screening between the proposed development and adjoining neighbours will be achieved through substantial canopy tree planting in deep soil areas provided at the side and rear of the site (refer to the Landscape Plan in **Appendix B**).
- Proposed 1.8m metal fencing will mitigate unacceptable overlooking from ground level units into properties to the east and west. Existing 1.8m metal fencing along the southern boundary is proposed to be retained.

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 and private open spaces. The architectural plans (refer to **Appendix A**) demonstrate that 78% of dwellings receive at least 2 hours direct solar access to the living and POS areas on June 21 (mid-winter), which meets the requirements under the Housing SEPP.

In accordance with the LAHC Design Requirements, 100% of units will receive at least 15 minutes of solar access, with no 'no sun' units proposed.

Thoughtful placement of living areas and open spaces will maximise solar access to these areas thus satisfying the Housing SEPP requirements

Mitigation Measures

No mitigation measures are required.

8.7 Overshadowing

The shadow diagrams (refer to **Appendix A**) confirm the development has been designed to minimise overshadowing of surrounding development. Given the orientation of the site and generous setbacks to the east, west and south boundaries, minimal overshadowing will be cast upon adjoining properties.

The shadow diagrams demonstrate that any impacts are deemed supportable for the following reasons:

- **18 Birdwood Avenue** - At 9am, minor overshadowing falls within the eastern setback of 18 Birdwood Avenue predominately over the roofed shed and carport, with some additional overshadowing cast upon the eastern side setback. A minimal amount of rear garden is also overshadowed at this time; however, the existing dwelling and a large area of the rear POS remain unaffected. There is no existing window on 18 Birdwood Avenue that the proposed development will cast shadow upon. By 10am, the extent of shadow is reduced to a minor portion of the rear shed, with no overshadowing to the eastern side elevation or rear garden.
- **8 Birdwood Avenue** - At 3pm, minor overshadowing falls on a small south-western corner of 8 Birdwood Avenue, however the existing dwelling and its rear private open space remain largely unaffected by the proposed development.
- **Properties to the south fronting Cabramatta Road West** - There is minor overshadowing within the POS of these properties, including the rear unit of 527 Cabramatta Road West, however the majority falls within the shadow area from the rear dividing fence.
- No shadow will be cast to any other adjoining property.

As identified above, the proposed development will not materially reduce solar access to living and principal private open space areas to less than 2 hours between 9am and 3pm during the midwinter solstice.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic and Parking

The proposal incorporates 8 at grade car parking spaces, including 4 accessible parking spaces. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for seniors housing developments carried out by the Minister by 4 additional spaces. Unrestricted street parking is available on Birdwood Avenue to accommodate any overflow parking demand generated by the proposed development. The proposal also includes the removal of 3 redundant vehicle crossovers of Birdwood Avenue, which will assist with additional on-street parking.

The Traffic Impact Assessment (refer to **Appendix Q**) indicates that the development will have a projected generation of 3 vehicles per hour in the AM peak hour and 8 vehicle per hour in the PM peak hour. When taking into account the existing development, the proposed development is anticipated to result in a net decrease of -1 vehicle in the AM peak hour and a net increase of 4 vehicles in the PM peak hour. It was confirmed by the traffic engineer that the impact of this additional traffic generation is considered to be minor in this context of

the existing road network. The traffic assessment deems the proposal acceptable in terms of traffic generation and will not cause undue strain on the existing local road network.

The proposed car parking area to the rear will be accessed via a driveway from Birdwood Avenue. A vehicular passing bay is provided at the northern end of the driveway. The proposed entries and parking layout was assessed in the Traffic Impact Assessment (**Appendix Q**) and swept path testing was undertaken. The proposed driveway width, sight lines and parking layout was confirmed as compliant with AS2890.1:2004. The 4 accessible parking spaces have been designed to comply with the requirements of AS4299, as verified in the Accessibility Capability Statement (refer to **Appendix I**).

To ensure that vehicular sightlines are appropriately addressed, new boundary fences forward of the front building line along both side boundaries will be required to be tapered down to 1.2m.

Council's kerbside waste collection will be undertaken on Birdwood Avenue frontage as per Council's requirement.

Mitigation Measures

Identified Requirement No. 82 will be included to require that new side fencing forward of the front building is tapered down to a maximum 1.2m at the street frontage, to ensure compliance with vehicular sightlines.

8.9 Flora and Fauna

The Arboricultural Impact Assessment (**Appendix K**) undertaken for the site considers 23 trees (Tree 1-19 and 4 unnumbered fruit trees) within the site, and 2 fruit trees within the neighbouring property along the rear (southern) boundary. There are no trees in the road reserve of Birdwood Avenue.

The proposed development requires removal of 18 trees and 4 fruit trees located on the site. All the trees recommended for removal are within or have major encroachments from the proposed development footprint. All the trees proposed for removal have low to medium retention value. The remaining 4 fruit trees within the site proposed for removal are all exempt.

Tree 16, being a Coast Banksia within the site is proposed for retention and will be protected during construction in accordance with the tree protection measures outlined in the Arboricultural Impact Assessment.

Both fruit trees within the neighbouring properties are to be retained and protected in accordance with the tree protection measures outlined in the Arboricultural Impact Assessment.

There are no street trees within Birdwood Avenue frontage of the site. 6 new street trees (Water Gum) that will grow to a mature height of 5-8m will be planted within Birdwood Avenue frontage.

Appropriate replacement planting is proposed within the site, as indicated on the Landscape Plan (refer to **Appendix B**). The new plantings incorporate a mix of trees, ground covers and shrubs. A total of 38 new trees will be planted to offset the loss of tree canopy. 5 large native trees (1-Water Gum, 2-Magnolia and 2-Weeping Lilly Pilly) are proposed that will grow to a mature height of 4-9m. New trees that will grow to a mature height of 3- 12m are proposed to the rear landscaped area. 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 that compensatory planting is proposed.

Mitigation measures

Identified Requirements Nos. 1, 18 – 20 and 36 are recommended to require the implementation of the Landscape Plan; and the tree protection measures as recommended in the Arboricultural Impact Assessment.

8.10 Heritage (European / Indigenous)

Fairfield Council's Section 10.7(2) & (5) Planning Certificates did not identify any heritage items on, or in the vicinity of the site and the site is not within a conservation area (refer to **Appendix F**).

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 15 April 2025 (**Appendix J**) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, therefore, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

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

Mitigation Measures

Identified Requirement Nos. 46 and 47 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 Investigation has been prepared by STS Geotechnics (**Appendix P**) and indicates the following:

- The subsurface conditions consist of topsoil and fill overlying natural silty clays, sandy silty clays, and clayey sands.
- Groundwater was not observed during drilling works.
- Because there are trees and existing dwellings present, abnormal moisture conditions (AMC) prevail at the site. The site is classified a Problem Site (P). Provided the recommendations provided in the report are adopted the site may be reclassified Highly Reactive (H1). Foundation design and construction consistent with this classification shall be adopted as specified in the report.

Contamination

According to Fairfield City Council's Section 10.7(2) and (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 former 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

As detailed above in Section 6.6 of this REF the site is unlikely to be contaminated.

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not identified as being within an Acid Sulfate Soils.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is affected by salinity (**Appendix F**). The Geotechnical Investigation (**Appendix P**) confirms that the EC_e values of 0.3 to 5.2 dS/m are consistent with the presence of non-saline to moderately saline soils. An identified requirement has been applied to cover the possibility of any salinity being discovered on the site.

Mitigation Measures

Identified Requirement No. 17 is recommended to cover the possibility of discovering site contamination during demolition / construction works.

Identified requirement No. 81 has been included to ensure construction measures and materials are implemented in accordance with Fairfield City Council's Building in Saline Environments policy to minimise the risk of salt damage to the development from urban salinity.

8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements, as certified by the stormwater engineer in **Appendix O**.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to a 43m³ underground detention tank below the driveway that will drain to existing public stormwater infrastructure within Birdwood Avenue (refer to civil plans in **Appendix C**). Roof water will be collected from downpipes and connect to a 5m³ underground rainwater tank for recycling with overflow connected to the underground detention tank. Stormwater drainage for the proposed development has been designed in accordance with Council's requirements, as certified by the stormwater engineer (refer to **Appendix O**).

The Survey Plan (**Appendix D**) and Certificate of Title and Deposited Plan (**Appendix G**) identifies the existing stormwater easements of 1m width along the full extent of the western and southern boundary of Lot 67, south-west corner of Lot 66 and south-east corner of Lot 64. The proposed development including the car parking area have been sufficiently setback from the existing easements to ensure the pipe is protected and retained.

With regards to the building design, the open breezeway form is considered to raise the risk of water egress into dwelling entries. A Design Statement prepared by the architect confirms that strategies will be put in place to ensure walkway drainage is appropriately addressed to prevent water egress into dwellings, including a generous roof overhang and strip drainage in front of the

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. 1, 6-9, 14, 29, 42 and 72 have been included to ensure the stormwater management measures are designed and constructed in accordance with Fairfield City Council standards, and in consultation with Council.

8.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

8.14 Noise and Vibration

During Demolition / Construction

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

During Occupation

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

The Architectural Plans (**Appendix A**) illustrate the provision for air conditioning units for each individual unit. 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 up 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.

Mitigation Measures

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

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

Identified Requirements Nos. 2, 58, 60 & 79 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

Identified Requirements Nos. 61, 64 & 65 have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

8.16 Waste Minimisation

A Waste Management Plan (**Appendix R**) has been prepared in connection to the development. The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

During Demolition

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

- Excavation material – Reuse within the site during cut and fill.
- Bricks to be sorted for recycling.
- Concrete waste will be stockpiled for recycling.
- Tiles from roof will be stockpiled for recycling.
- Fibro and plasterboard to be sorted for collection and disposal at an approved building waste collection facility.
- Green waste to be stored on site and re-used as mulch.
- Metal will be recycled.

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

During Construction

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

- bricks, tile and concrete to be transported to building recycling facility;
- timber shall be sent to the approved building waste collection facility;
- plasterboard will be disposed at an approved building waste collection facility; and
- metals shall be sent to the approved building waste collection facility.

During Occupation

General non-recyclable waste, recyclable waste and green waste will be disposed of in Council's standard waste, recycle and green storage bins located in the waste enclosure behind the building. Bins can be transported from the waste storage area via a concrete path and driveway to the kerb and collection by Council's waste contractor.

Bins will be placed on the street kerb by a contractor for collection by Council's waste services.

Mitigation Measures

Identified Requirements Nos. 1, 34b, 44-45 and 50-56 are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

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

8.17 Resource Use & Availability

The proposed activity will not result in any discernible 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 (**Appendix L**). Further, a photovoltaic solar system and rainwater tank for water re-use will contribute to the project's sustainability.

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

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

Mitigation Measures

No additional mitigation measures are required.

8.18 Community / Social Impacts

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

- assist the Minister in meeting its significant, long-standing and growing demand for social housing in the Fairfield City local government and surrounding area;
- assist the Minister 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 Fairfield City 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 tradespersons and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, FLEP 2013, and the design principles and better practices set out in the relevant guidelines.

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

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

9.2 Recommendation

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

10 Appendices

10.1.1 APPENDIX A – ARCHITECTURAL PLANS

10.1.2 APPENDIX B – LANDSCAPE PLANS

10.1.3 APPENDIX C – CIVIL PLANS

10.1.4 APPENDIX D – SURVEY PLAN & LONGITUDINAL SURVEY TO BUS STOP

10.1.5 APPENDIX E – NOTIFICATION PLANS

10.1.6 APPENDIX F – SECTION 10.7 PLANNING CERTIFICATES

10.1.7 APPENDIX G – CERTIFICATE OF TITLE AND DEPOSITED PLANS

10.1.8 APPENDIX H – STATUTORY NOTIFICATION AND COUNCIL SUBMISSION

10.1.9 APPENDIX I – ACCESS REPORT

10.1.10 APPENDIX J – AHIMS SEARCH

10.1.11 APPENDIX K – ARBORIST REPORT

10.1.12 APPENDIX L – BASIX CERTIFICATE

10.1.13 APPENDIX M – NatHERS CERTIFICATE

10.1.14 APPENDIX N – NATIONAL CONTRUCTION CODE (BCA REPORT)

10.1.15 APPENDIX O – DESIGN COMPLIANCE CERTIFICATES

10.1.16 APPENDIX P – GEOTECHNICAL INVESTIGATIONS

10.1.17 APPENDIX Q – TRAFFIC IMPACT ASSESSMENT REPORT

10.1.18 APPENDIX R – WASTE MANAGEMENT PLAN

10.1.19 APPENDIX S – DESIGN STATEMENT (LIGHTING, WATER & ROOF PITCH)

10.1.20 APPENDIX T –HOUSING FOR SENIORS CHECKLIST

10.1.21 APPENDIX U – ACCOUSTIC REPORT