

RESPONSE TO SUBMISSIONS REPORT

Abel Tasman Village Seniors Housing

SSD-49937206

Concept & Detailed State Significant Development Application
222 Waldron Road & 138-140 Campbell Hill Road
Chester Hill, NSW

EVOLUTION PLANNING



June 2026

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Prepared for:
Abel Tasman Village

June 2026

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EP20/13/RtS Report

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CONTENTS

CONTENTS.....	4
1 Introduction	1
1.1 Supporting documents	2
2 Analysis of Submissions	4
2.1 Overview	4
2.2 Submissions	4
2.2.1 Analysis of Matters Raised	4
2.3 Categorisation of issues.....	7
3 Post Exhibition Actions.....	10
3.1 Further engagement.....	10
3.1.1 Meeting DPHI.....	10
3.2 Design related responses to submissions	10
3.2.1 Building A	11
3.2.2 Building E	12
3.2.3 Building C	14
3.3 Project data	15
4 Response to Submissions	17
4.1 Response to agency submissions	17
4.2 Response to Council submissions	20
4.3 DPHI.....	27
5 Revised Project Justification.....	39
5.1 Likely Impacts	39
5.2 Key Assessment Areas	39
5.3 Strategic Planning	41
5.4 Statutory Planning.....	41
5.4.1 Community Views	43
5.4.2 DCPs and other Non-Statutory Guidelines	43
5.4.3 Suitability of the Site.....	43
5.4.4 Public Interest	44

FIGURES

Figure 1: Extract Dwg. A1DA21 – Building A L2-5 plan - Interface with R3 zone.....	11
Figure 2: Extract Dwg. A1DA22 – Building A L6 - Interface with R3 zone.....	12
Figure 3: Example ‘1 bed plus study’ unit - : Extract Dwg. A1DA44b – Building E L4 Unit 43.....	13
Figure 4: SSDA lodged - Extract Dwg. A1DA46 Rev D - Building E East elevation	14
Figure 5: RtS revision - : Extract Dwg. A1DA46 Rev E - Building E – East elevation	14
Figure 6: SSDA lodged - Extract Dwg. A3DA33 - Building C South elevation.....	15
Figure 7: RtS revision - Extract Dwg. A3DA33 - Building C South elevation	15
Figure 8: Extract Building A Ground Floor – Proposed convex mirror.....	26
Figure 9: Project – LMR housing context	28
Figure 10: Building A - LMR housing context (indicative).....	29
Figure 11: Extract section Building A at interface with R3 zone	30
Figure 12: Building A - Ground floor analysis.....	33

CONTENTS

Figure 13: Ground floor analysis 34

Figure 14: Building A – Ground floor 35

Figure 15: Building A – Campbell Hill Road photomontage 36

TABLES

1 Supporting documents

2 Overview – submissions received

3 Summary of submissions

4 Categorisation of issues

5 Project data

6 Response to agency submissions

7 Response to Council submissions

8 Response the DPHI Key Issues Letter

9 Project Justification: Summary of key assessment areas

1 Introduction

This Response to Submissions (RtS) Report has been prepared on behalf of Abel Tasman Village Association Ltd, (ATV), the owner of the land, to address matters raised during the exhibition of a State Significant Development Application (SSDA) at 222 Waldron Road and 138-140 Campbell Hill Road, Chester Hill, NSW.

The project involves the re-development of the existing ATV seniors housing development and its expansion onto vacant land. The development is “Staged”, involving a “Concept Plan” for the entire site and a Stage 1 SSDA which will allow for the construction of 3 of the 4 proposed buildings – Buildings A, B and E. Building B is a residential care facility comprising 120 beds and the remaining accommodation in Buildings A, E and C is for independent living units, (ILUs).

The SSDA (SSD-49937206) was lodged on 25 November 2025 and was placed on Public Exhibition between 4 December 2025 and 17 December 2025.

On 19 December 2025, shortly after the end of the exhibition period, the NSW Department of Planning, Housing and Infrastructure, (DPHI), issued a letter to ATV requesting the preparation of a Submissions Report and provided copies of submissions from the relevant government agencies and Canterbury Bankstown Council, (the Council). The DPHI issued a ‘Key issues letter’ on 22 January 2026, which is also addressed in this RtS Report.

In direct response to submissions from Council and the DPHI, amendments are proposed to the project, resulting in a minor revision to the project description, as follows:

“Concept and Stage 1 development of the Abel Tasman Village, Chester Hill for the purpose of seniors housing.

Concept Proposal

- (1) concept building envelope for 4 buildings (building A, B, C and E) up to 8 storeys in height*
- (2) ground floor employment generating uses*
- (3) basement car parking for 136 car spaces.*

Stage 1

- (4) site preparation, including demolition, tree removal and earthworks*
- (5) construction of 3 buildings (buildings A, B and E) ranging from 4 to 8 storeys in height, including:*
 - o 120 residential care facility beds*
 - o ~~64-66~~ independent living units*
 - o seniors ancillary services, including café, hair salon, administration offices*
- (6) basement car parking for 94 car spaces*
- (7) site landscaping.”*

The proposed increase in ILUs at Stage 1 comes as a result of a reduction in height and floor area in Building C in Stage 2. The revision also includes changes to the unit mix so that the number of ILU bedrooms, (and therefore the residential population within Stage 1), remains the same. The building footprints remain unchanged.

The RtS is also an opportunity to address an oversight in the lodged material which only became apparent after the close of submissions and Council’s and the Department’s review. Whilst not identified in the submissions it needs to be addressed since it involves the “*maximum permissible floor space ratio*” and “*maximum permissible building height*” standards for the development.

INTRODUCTION

Following the Department's "*Test of Adequacy*" review of the SSDA and prior to formal lodgement, SEPP(Housing) 2021 was amended to include *Chapter 6 – LMR Housing*. The new policy was addressed in the submitted SSDA but not a later amendment to the policy which changed the definitions for "*maximum permitted floor space*" and "*maximum permitted building height*" to include the height and FSR available under Chapter 6.

The changes to the design have come about as a direct result of the submissions and not the recognition of the greater height and FSR standards. The amend plans, (**APP C**), have been revised accordingly to:

- show the correct maximum height limits on the building elevations and sections; and,
- revise the GFA tables to refer to the correct maximum permissible FSRs and to re-calculate the nett GFA.

In summary, upon application of the correct maximum permissible floor space ratio and building height standards, the proposed development now complies with *Clause 87 Additional floor space ratio* in terms of FSR.

The proposal now also complies with the maximum building height standards, except for Building A which is unaffected by the LMR provisions, being zoned E1 Local Centre and within the LMR 'town centre'. The Clause 4.6 variation request related to building height has been revised accordingly to exclude the previous non-compliances associated with Buildings B, E and C. Refer to **Section 5.1.1** below for the re-evaluation of the project against SEPP(Housing)2021.

1.1 Supporting documents

Post-lodgement new and revised documents prepared as a result of amendments to the SDA and in response to submissions are listed below.

TABLE 1: Supporting documents

Appendix	Document
A	Submissions Register
B	Revised Mitigation Measures Table
C	Architectural Drawings
D	Stormwater Plans (SSDA lodged, prepared by ADP)
E	Flood Assessment
F	ACHAR (Full)
G	ACAR (Redacted)
H	ACAR – RAP update 13/12/2025
I	ACAR – RAP update 16/2/2026
J	ACHAR – Extensive search – 16/1/2026
K	Arboricultural Impact Assessment
L	Design Report
M	Operational Waste Management Plan

INTRODUCTION

N	Clause 4.6 Variation Request - SEPP(Housing) 2021 - Clause 89- Use of ground floor of seniors housing in business zones
O	Social Impact Assessment
P	Clause 4.6 Variation Request - SEPP(Housing) 2021 - Clause 87- Height
Q	Design Verification Statement
R(1)	BASIX Certificate – Building E
R(2)	BASIX Report – Building E
S	Clause 4.6 SEPP Housing Clause 85(1) Sch 4 Car Parking
T	Access Report
U	Revised Statutory Compliance Table
V	BCA Report
W	Biodiversity Development Assessment Report
X	Landscape Plan – Canopy Cover

This RtS Report has been prepared in accordance with the *State Significant Development Guidelines – Appendix C, DPHI 2022*, (the Guidelines).

2 Analysis of Submissions

2.1 Overview

TABLE 2: Submissions received

Submissions	Support	Objection	Neutral/comments
Agencies			6
Council			1
Public	1		
Total	1	0	7

2.2 Submissions

Submissions were received from six, (6), government agencies and one (1) submission from Council as follows:

- Council, 17 December 2025;
- Sydney Water Corporation (Sydney Water), 16 December 2025;
- Transport for New South Wales (TfNSW), dated 15 December 2025;
- Ausgrid, 12 January 2026;
- Heritage New South Wales (HNSW), 11 December 2025;
- New South Wales State Emergency Service (SES), 10 December 2025;
- Department of Climate Change, Energy, the Environment and Water (DCCEEW), 17 December 2025;
- Conservation Programs, Heritage and Regulation Group (CPHR), 15 December 2025.

One, (1) public submission was received in support of the project.

Following its review of the application, the DPHI provided feedback in the 'Key issues letter' of 22 January 2026 which is also addressed in this response.

Refer to **Appendix A** – Submissions Register

2.2.1 Analysis of Matters Raised

Table 3 below provides a summary of the Council and agency submissions and the feedback from DPHI in response to 'Key issues' letter.

TABLE 3: Summary of submissions

Agency/Council	Summary of matters raised
Council	
Additional information	▪ GFA calculation – Staged construction and confirmation of calculation regarding Building B since it traverses the FSR standard boundary; ▪ Site consolidation; ▪ 3D model; ▪ Designation of retail/residential parking spaces; ▪ Confirmation of application of Section 7.11 and 7.12 developer contributions.
Design	▪ ADG compliance – solar access and cross ventilation; ▪ Stormwater design (detailed specifications); ▪ Request for easement to benefit properties on Banool Street to north; ▪ Vehicle access and car parking design:

ANALYSIS OF SUBMISSIONS

	○ Confirmation of waste collection vehicle; ○ Internal swept paths. ▪ Bin room door width; ▪ Loading bay marking; ▪ Holding room for bins; ▪ Bulk, massing and modulation – Interface with R3 zone and reserve; ▪ Building A – height/relationship with Campbell Hill Parade; ▪ Architectural expression and materiality; ▪ Retail tenancy design.
Conditions	▪ Vehicle access, kerb and gutter replacement; ▪ Parking bollards; ▪ Pedestrian island and kerb ramp construction; ▪ Payment of Development Contributions; ▪ Construction traffic restrictions.
Sydney Water	
Additional information	▪ Growth Data Form
Conditions	▪ Section 73 Compliance certificate; ▪ Building plan approval; ▪ Tree roots; ▪ Trade waste; ▪ Groundwater backflow prevention.
Ausgrid	
Conditions and advisories	▪ Application required for new connection(s); ▪ Work-safe clearance guidelines.
TfNSW	No comments
SES	
Recommendations	▪ Flood Risk and Impact Assessment for Stage 2.
Heritage NSW	
Additional information	Final Aboriginal Cultural Heritage Assessment Report (ACHAR) ▪ ACHAR – Provide an updated report incorporating Stage 4 consultation outcomes , including completion of placeholder sections (Sections 3 and 5). ▪ Consultation records – Submit evidence to demonstrate that all RAPs were contacted at each stage of the process, in accordance with the ACHAR Consultation Requirements for Proponents 2010; ▪ Continuous consultation - Demonstrate that consultation with RAPs has been maintained; ▪ Updated AHIMS search – The current AHIMS search is greater than 12 months old. Update required.

ANALYSIS OF SUBMISSIONS

DCCEEW	
Conditions	Procedures for reinjection of groundwater (if required).
CPHR	
Additional information	Arboricultural Impact Assessment (AIA) to be updated to include the latest plan; to elaborate on tree protection and retention measures.
DPHI	
(1) Bulk and Scale – Buildings A and E	- Reduce the bulk and scale of Buildings A and E at the interface with the R3 zone; - Overlooking from Building A to north
(2) Bulk and Scale – Building C	Reduce the bulk and scale of Building C to improve the streetscape and park interface outcomes and reduce overshadowing to the south.
(3) FSR	- GFA of existing buildings and GFA calculations for stages to ensure compliance with the standard; - Cl. 4.6 required if exceeded during staging; - Clarify GFA calculation for Building B which traverses the zoning and FSR standard boundary
(4) Use of ground floor in Zone E1 (Building A)	- Non-compliance with Clause 6.21 of the CBLEP. - Provide further information demonstrating how the proposal satisfies the intent of clause 6.21 of CBLEP and s.89(2) of SEPP(Housing), specifically, the activation and streetscape outcomes along the Campbell Hill Road frontage.
(5) Design	Design Panel comments require a 3.7m F/C height for retail uses. The proposed height is less than 3.7m, contrary to the Design Report. Design to be amended to comply.
(6) Biodiversity	Update AIA to reflect the current plans.
(7) Aboriginal Cultural Heritage Assessment Report (ACHAR)	- Provide an updated and final ACHAR, which incorporates Stage 4 consultation outcomes and evidence that RAPs were consulted; - New AHMS search. - All items raised by Heritage NSW.
(8) Social Impact Assessment (SIA)	Update to address accommodation for existing residents.
(9) Other Matters (Add.info/corrections)	Identify (RL) and the 'Height of buildings' on elevation and section plans;

ANALYSIS OF SUBMISSIONS

	b) Identify number of storeys Buildings A and B correctly; c) Section plans to be corrected to identify roads; d) Remove draft stamp from SIA report; e) Update tables in plans to replace reference to B2 zone with E1 Local Centre zone.
(10) Canopy Cover	▪ Calculations of existing and proposed canopy cover required.

2.3 Categorisation of issues

The issues raised in the submissions are categorised, and subcategorised, in accordance with the Guidelines, at Table 4 below.

TABLE 4: Categorisation of issues

Category	Issue	Stakeholder
The project		
Design	• Bulk and scale of Buildings A and E at the interface with the R3 zone.	Council/DPHI
	• Bulk and scale of Building C – amendments required to improve the streetscape and park interface outcomes and reduce overshadowing to the south.	Council/DPHI
	• Building A – Ground floor relationship with Campbell Hill Parade.	Council/DPHI
	• Architectural expression and materiality.	Council
	• Retail tenancy design.	Council
Vehicle circulation	• Vehicle access and car parking design: ○ Confirmation of waste collection vehicle; ○ Internal swept paths	Council
Waste	• Bin room door width; • Loading bay marking; • Holding rooms for bins.	Council
Housing	• Update SIA to address accommodation for existing residents.	DPHI
Procedural matters	(Includes additional information and corrections)	
GFA calculations	• GFA existing buildings and stages; • Clarify GFA calculation for Building B which traverses the zoning and FSR standard boundary;	DPHI/Council

ANALYSIS OF SUBMISSIONS

ACHAR	• Provide an updated and final ACHAR, which incorporates Stage 4 consultation outcomes and evidence that RAPs were consulted; • New AHMS search. • All items raised by Heritage NSW.	DPHI/Heritage NSW
Architectural drawings and information	• Identify (RL) and the 'Height of buildings' on elevation and section plans. • Identify number of storeys Buildings A and B correctly. • Section plans to be corrected to identify roads; • Remove draft stamp from SIA report; • Update tables in plans to replace reference to B2 zone with E1 Local Centre zone;	DPHI
	• Site consolidation; • Confirmation of application of Section 7.11 and 7.12 developer contributions. • Designation of retail/residential parking spaces; • 3D model.	Council
Development data	• Growth Data Form	Sydney Water
Canopy Cover	• Existing and proposed canopy cover calculations to be provided.	DPHI
Economic, environmental and social impacts		
Privacy	• Overlooking from Building A to north	DPHI
Trees	• Arboricultural Impact Assessment (AIA) to be updated to include the latest plan; to elaborate on tree protection and retention measures.	CPHR
Groundwater	• Procedures for reinjection of groundwater (if required).	DCCEEW
Flooding	• Flood Risk and Impact Assessment for Stage 2.	SES
The justification for the project		
Ground floor Building A	• Non-compliance with Clause 6.21 of the CBLEP. • Further justification showing satisfaction of the intent of clause 6.21 of CBLEP and s.89(2) of SEPP(Housing), specifically the activation and streetscape outcomes along the Campbell Hill Road frontage.	DPHI

ANALYSIS OF SUBMISSIONS

Retail – Floor-ceiling heights	Design Panel comments - Retail F/C height to achieve 3.7 m. Proposed height less than 3.7m, contrary to Design Report. Design to be amended design to comply.	DPHI
Solar Access	ADG compliance	Council
Cross ventilation	ADG compliance	Council
Issues beyond the scope of the project	Nil	Nil

3 Post Exhibition Actions

3.1 Further engagement

3.1.1 Meeting DPHI

Following the receipt of the agency submissions and the Department's 'Key issues letter', a meeting was held with the DPHI on 9 February 2026. The purpose of the meeting was to: update the Department on our response to the agency submissions; discuss the matters raised related to the height, bulk and scale of Buildings A, E and C; and, compliance with Clause 6.21 of CBLEP – in terms of the use of the ground floor of Building A.

During the meeting, the possibility of lowering Building C and redistributing some of the floor space to a more central location at Building E was discussed. The approach, which has ultimately been adopted in this response, was seen as a means of limiting the loss of seniors housing.

3.2 Design related responses to submissions

In response to the submissions related to Buildings C, it is proposed to lower the height of the building by 1 full storey and a further part level by the creation of an upper level setback from the reserve.

To partly compensate for the loss of accommodation in Building C (Stage 2), it is proposed to add a part level to Building E in Stage 1. This has the effect of increasing the number of ILUs within Stage 1 by 2 and a revised project description of:

"Concept and Stage 1 development of the Abel Tasman Village, Chester Hill for the purpose of seniors housing.

Concept Proposal

- (1) concept building envelope for 4 buildings (building A, B, C and E) up to 8 storeys in height*
- (2) ground floor employment generating uses*
- (3) basement car parking for 136 car spaces.*

Stage 1

- (4) site preparation, including demolition, tree removal and earthworks*
- (5) construction of 3 buildings (buildings A, B and E) ranging from 4 to 8 storeys in height, including:*
 - o 120 residential care facility beds*
 - o ~~64~~ 66 independent living units*
 - o seniors ancillary services, including café, hair salon, administration offices*
- (6) basement car parking for 94 car spaces*
- (7) site landscaping."*

Despite the minor increase in the number of ILUs in Stage 1, it is proposed to change the unit mix within Building E so that the number of bedrooms, (and therefore the residential population within Stage 1), does not change. Since the population and building footprints of the development remain unchanged there are no implications on the assessment of car parking, landscaping and deep soil areas.

The design led responses to the submissions are described in detail below. Refer to **Appendix C** for the revised Architectural Drawings.

3.2.1 Building A

Ground level

- Increase F/C heights to the retail tenancies to 2.7m, achieved by a reduction to the nominated depth of the roof slab above at that location;
- Convex mirror added to parking area.

Level 1

- Balconies - Units 2-5 - Fixed louvres on the northern balustrades replaced with adjustable louvres.

Levels 2-5

- Full height, north-facing, glazed doors replaced with fixed window up to 1m, stopping access to the balcony in front. Access from the main balcony is restricted physically by a fence between the balustrade and the building.

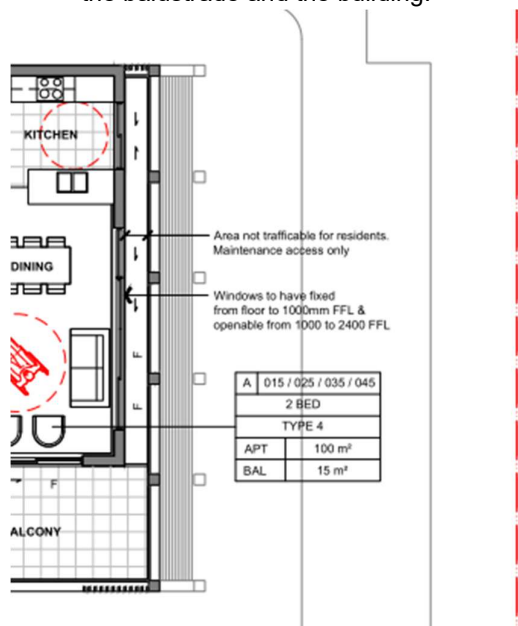


Figure 1: Extract Dwg. A1DA21 – Building A L2-5 plan - Interface with R3 zone

- Balconies - Units 12-14, 22-24, 32-34, 42-44 - Fixed louvres on the northern balustrades replaced with adjustable louvres.

Level 6

- Balconies - Units 52-54 - Fixed louvres on the northern balustrades replaced with adjustable louvres;
- Planter added behind the northern balcony balustrade.

POST EXHIBITION ACTIONS

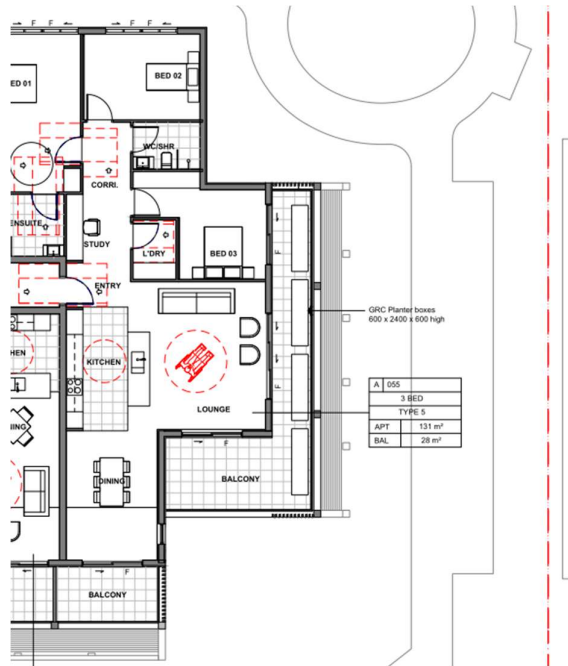


Figure 2: Extract Dwg. A1DA22 – Building A L6 - Interface with R3 zone

3.2.2 Building E

Ground level

- Balconies - Units 2-5 and 7 - Fixed louvres on the northern balustrades replaced with adjustable louvres.

Level 1

- Balconies - Units 12-14 and 16 - Fixed louvres on the northern balustrades replaced with adjustable louvres;
- Unit 11 northern balcony edge treated similarly to modified balconies at Levels 2-5 in Building A. Refer to Figure 1 above.
- Unit 13 converted to “1 bedroom plus study” unit.

1 bedroom plus study units - Despite the nett addition of two units in Building E, the revised building will contain the same number of bedrooms. This has been achieved by converting 3 of the 2 bedroom units into large single bedroom units with an open plan area nominated as a ‘study’, which could equally be used as a hobby area or second lounge, for example. There are no enclosing walls to these spaces and they would not be suited to bedrooms.

POST EXHIBITION ACTIONS



Figure 3: Example '1 bed plus study' unit - : Extract Dwg. A1DA44b – Building E L4 Unit 43

Level 2

- Balconies - Units 22-24 and 26 - Fixed louvres on the northern balustrades replaced with adjustable louvres.
- Unit 27 northern balcony edge treated similarly to modified balconies at Levels 2-5 in Building A. Refer to Figure 1 above;
- Unit 33 converted to "1 bedroom plus study" unit.

Level 3

- Two units removed from the northern end of the building to create a recessed setback of ~20m from the northern boundary;
- Unit 13 converted to "1 bedroom plus study" unit.

Level 4

- New level added following the recessed floor below, comprising 3 x 2 bedroom units and 1 x "1 bedroom plus study" units.

Refer to the extracts below from the SSDA lodged and RtS revision of the west elevation of Building E for comparison. The change to the 'height limits' reflects the corrected "*maximum permissible building height*".

POST EXHIBITION ACTIONS



Figure 4: SSDA lodged - Extract Dwg. A1DA46 Rev D - Building E East elevation



Figure 5: RtS revision - : Extract Dwg. A1DA46 Rev E - Building E – East elevation

Roof

- Floorplate and roof garden revised to reflect the new recessed floor plate below.

3.2.3 Building C

Level 4

- Upper level setback from the western boundary, involving the removal of 200sq.m GFA (2 units);

Level 5

- Level deleted, involving the loss of 695sq.m (6 units).

Roof

- Floorplate and roof garden revised to reflect the new recessed floor plate below.

Refer to the extracts below from the SSDA lodged and RtS revision of the south elevation of Building C for comparison.

POST EXHIBITION ACTIONS

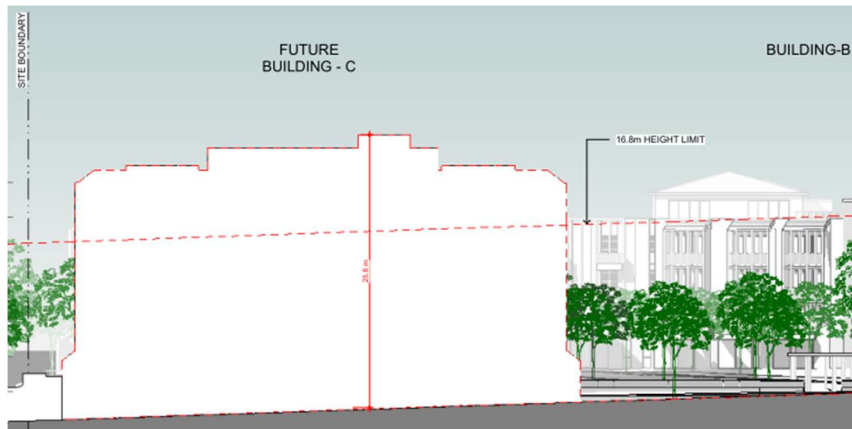


Figure 6: SSDA lodged - Extract Dwg. A3DA33 - Building C South elevation

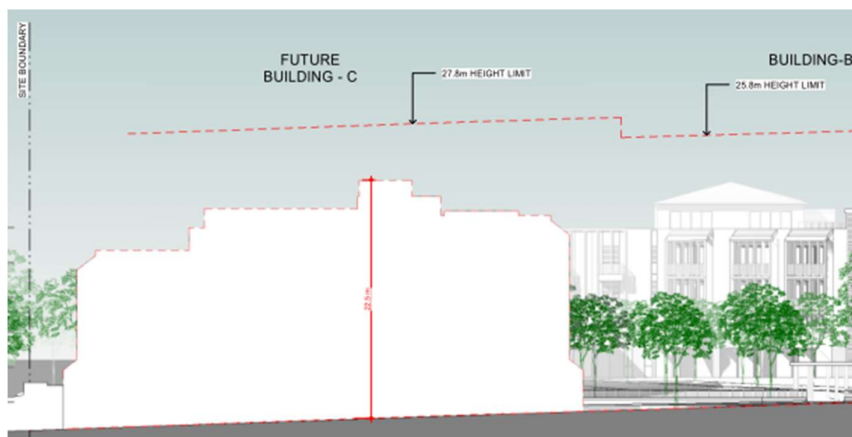


Figure 7: RtS revision - Extract Dwg. A3DA33 - Building C South elevation

3.3 Project data

TABLE 5: Project data

Data	Lodged		RtS	
	Concept Plan	Stage 1	Concept Plan	Stage 1
GFA	18,990.6sq.m	14,635.4sq.m	18,341.1sq.m	14,881.7sq.m
Retail GFA	353.3sq.m	159sq.m	353.3sq.m	159sq.m
Building heights	C - 26m	A - 27.3m B - 18.4m E - 17.8m	C - 21.3m	A - 27.3m B - 18.4m E - 21.1m
No. of RCF rooms.	110	110	110	110
No of RCF beds	120	120	120	120

POST EXHIBITION ACTIONS

<u>No of ILU units</u>				
A	39	39	39	39
E	25	25	27	27
Total units	TBC	64	TBC	66
<u>No of ILU bedrooms</u> <u>Stage 1</u>				
A	76	76	76	76
E	46	46	46	46
No. of car spaces	TBC	94	TBC	94

Refer to Amendment Report, prepared by Evolution Planning, for an evaluation of the proposed design related responses to submissions.

4 Response to Submissions

4.1 Response to agency submissions

Table 6 below contains the response to submissions to matters raised by the government agencies. No issues have been raised by the agencies, only requests for additional information and recommended conditions.

TABLE 6: Response to agency submissions

Agency	Summary of submission	Response
Sydney Water		
Additional information	Growth Data Form	Completed. Provided separately to DPHI in 'excel' format.
Conditions	- Section 73 Compliance certificate; - Building plan 'Tap-in' approval;	Noted. Refer to the Revised Table of Mitigation Measures at Appendix B
Advisories	- Tree roots; - Trade waste; - Backflow prevention.	Noted.
Ausgrid		
Conditions and advisories	- Application required for new connection(s); - Work-safe clearance guidelines.	Noted. Refer to the Revised Table of Mitigation Measures at Appendix B
TfNSW		
No comments		Noted.

RESPONSE TO SUBMISSIONS

SES		
Recommendations	Flood Risk and Impact Assessment for Stage 2.	Further analysis has found that safe pedestrian egress from the site is available via Campbell Hill Road for all flood events and all proposed openings to the basement will be above the PMF level. Refer to Appendix E for the response prepared by Hydracor Consulting Engineers.
Heritage NSW		
<u>Additional information</u>		
ACHAR	Final ACHAR – Provide an updated report incorporating Stage 4 consultation outcomes including completion of placeholder sections (Sections 3 and 5).	Refer to Appendix F for Final ACHAR, (APP G redacted version), incorporating Stage 4 consultation outcomes.
	Consultation records – Submit evidence to demonstrate that all RAPs were contacted at each stage of the process, in accordance with the ACHAR Consultation Requirements for Proponents 2010;	Refer to Appendix H for RAP Update 13 December 2025
	Continuous consultation - Demonstrate that consultation with RAPs has been maintained;	All RAPs were updated on 13 December 2025. The project archaeological consultant (GML Heritage) has provided the following comments related to ‘continuous consultation’: <i>“The last Abel Tasman Village project update was provided to the RAPs by GML on 13 December 2024. The project’s final ACHAR was issued to all RAPs in this update. Therefore, consultation lapsed six months later, on 13 June 2025.</i>

RESPONSE TO SUBMISSIONS

		<i>We note that:</i> • <i>No comments or concerns in relation to the project methodology, the finalised ACHAR or any other component of the project were raised by the RAPs;</i> • <i>The development proposal is unchanged from that outlined in the ACHAR. The impact assessment, management recommendations and conclusions remain valid;</i> • <i>No AHIMS sites have been registered in, or near, the project area.</i> <i>We understand HNSW direction in such situations has been that consultation can recommence but that an immediate update must be provided to all project RAPs. This was completed on 16 January 2026. Copies of this correspondence are provided with this response to submission."</i> Refer to Appendix H for the RAP Update 13 December 2025 and Appendix I for the RAP Update 16 January 2026.
	▪ Updated AHIMS search – Search within 12 months required.	Refer to Appendix J for current search, (16/1/2026).
DCCEEW		
Conditions and advisories	▪ Procedures for reinjection of groundwater (if required). ▪ Water Access License required unless exempt	Noted. Refer to the Revised Table of Mitigation Measures at Appendix B .
CPHR		
Additional information	Arboricultural Impact Assessment (AIA) to be updated to include the latest plan; to elaborate on tree	Refer to Appendix K for the revised AIA and the Revised Table of Mitigation Measures at Appendix B .

RESPONSE TO SUBMISSIONS

	protection and retention measures.	
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4.2 Response to Council submissions

Council generally supports the proposal and has provided feedback related to additional information; recommended design changes; and conditions.

TABLE 7: Response to Council submissions

Council	Summary of submission	Response
Additional information		
GFA calculation	Calculate GFA for Staged construction; existing Building GFA required.	Refer to APP C Amended Architectural Drawings – DWGs A1DA39-40 – Staging Plans 1-2. Each phase of the development within Stage 1 complies with the relevant FSR standards. Refer to Section 5 Environmental Assessment below.
Site consolidation	BCA fire separation issues since Building B since it straddles existing lot boundary	ATV intend to consolidate the existing lots. A condition may be imposed to require consolidation before the issue of an Occupation Certificate for Building A. Refer to the Revised Table of Mitigation Measures, APP B .
3D model	3D model required in accordance with <i>3D-Model-Submission-Manual</i>.	Provided separately to Council.
Developer contributions	- Confirmation of application of Section 7.11 and 7.12 developer contributions. - Payment of contributions.	ATV <u>is not</u> a 'social housing provider' for the purposes of applying Section 7.11 and 7.12 contributions. ATV is a not for profit organisation and to assist with project funding it is proposed that the developer contribution payments are scheduled. Refer to Section 7.22.1.2 of the Environmental Impact Statement, (EIS), prepared by Evolution Planning, 24 October 2025.
Post consent	Compliance certificate fees	Noted.

RESPONSE TO SUBMISSIONS

Design		
Solar access	ADG compliance – Solar access	The proposed louvres on the northern edges of the ILUs in Buildings A and E have been modified to be adjustable. This enables the residents to manage solar access. Drawings <i>A3DA25-26 Solar Compliance (APP C)</i> have been revised to correct an oversight in the submitted drawings with regard to the number of ILUs with no solar access. Two apartments (3%) do not receive direct solar access which satisfies the maximum under the ADG of 15%. The proposal satisfies Part 4A of the ADG. Refer to Section 5 Environmental Assessment below.
Cross ventilation	ADG compliance – Cross ventilation;	The ability to achieve optimal cross ventilation on ‘opposite’ walls, as shown in the ADG, is only available within the ILUs at the ends of Buildings A and E. That is not to say that satisfactory levels of ventilation are not achieved. The proposal satisfies the design criteria of a minimum of 60% cross ventilated units with 54/66 (81.8%) of the units satisfying the criteria The non-recessed balcony designs and the high proportion of openable windows versus solid facades will promote air flows into the units. The apartments with windows perpendicular to the main large balcony openings allow for internal air flows and satisfactory amenity levels. Of further relevance to the ability to cross ventilate the apartments is the nature of the proposed use, being for seniors housing purposes, thereby excluding cross-over apartments as a viable option for access reasons; and, since the proposal satisfies the ADG in terms of the depth of apartments; minimum ceiling heights; minimum internal areas; and, the number of units served by a single corridor. Refer to Section 5 Environmental Assessment below and APP C Dwg. A3DA27-28 – Natural Ventilation Compliance Plans.
<u>Building A</u>	Inappropriate transition in massing with R3 zone.	Building E has been modified to create upper level setbacks from the R3 zone. No changes are proposed to the Building A setbacks. Refer to Section 4.3 below - Response to DHPI
	Upper level setback required.	Refer to Section 4.3 below - Response to DHPI.

RESPONSE TO SUBMISSIONS

	Ground floor relationship with Campbell Hill Road	The floor in Building A which Council identifies as being overly elevated above Campbell Hill Road is the proposed first floor of the building, not the ground floor. The ground floor of the building aligns with the footpath level of Waldron Road, which requires an active street frontage under clause 6.10 of CBLEP, not Campbell Hill Road. The identification of the ground level of the building and compliance with the related LEP provision (Clause 6.21) is discussed below at Section 4.3.
<u>Building C</u>	Excessive bulk when viewed from Waldron Road and Abbot Park.	The bulk and scale of the building envelope has been satisfactorily reduced by the removal of 1 storey and the inclusion of a recessed upper floor setback from Abbot Park.
	Reduce overshadowing to south.	The Building C envelope has been reduced by 1 storey and now includes an upper level has been lowered in height, reducing overshadowing to the south. Refer to Section 5 Environmental Assessment below and APP C Dwgs. A3DA41-56 – Shadow Diagrams.
	Revise to comply with the maximum height.	Building C has been lowered in height. Refer to Section 4.3 below - Response to DHPI.
Architectural expression and materiality	Revise balcony materials to be lighter to create contrast and reduce the visual impact of the building.	An earlier version of the design included lighter coloured balcony and façade materials. As documented in the revised Design Report, (Appendix L), the State Design Review Panel (SDRP) requested that the façade design take cues from the brick materiality present in the existing village and the locality. The current design achieved this by changing the colour palette to reflect more earthy tones.
Car parking users	Designate retail/residential parking spaces to address potential conflicts between users.	The retail car parking spaces are located behind the retail uses separate to the residential spaces. App C Amended Architectural Plans – Dwg A1DA19 – Building A – Ground Floor Plan.
Retail tenancy design	Constrained space/design limiting future uses.	The design, in particular the frontage length of the retail tenancies, has been guided by the following key factors: The location of Building A in the E1 zone and the consequential orientation of Building A to follow both street frontages. Extending Building A further to the west, creating an ‘L-shaped’ building,

RESPONSE TO SUBMISSIONS

		would be contrary to the design principle of achieving an open, visually permeable site, when viewed from Waldron Road; • The requirement under clause 6.10 of CBLEP for an 'active street frontage' is across Waldron Road and in the E1 zone, only; • The necessity for vehicular access to the site; and, • The depth of the retail is limited due to the slope of the site, making any extended rear portion subterranean. The retail areas also align with ATV's related design brief which was largely twofold: • to create spaces which would attract uses/tenants which would be of benefit to the future residents of the development. Such uses might include health consulting rooms; a dentist; convenience retailing; or, a chemist, for example; and, • to consider the amenity of the future residents of the development. The proposed retail component of the project is capable of accommodating a wide assortment of retail and commercial uses and satisfies the zone objectives in this respect.
Stormwater engineering		
<u>Revised plans required</u>	▪ <i>Orifice steel plate will need to be 5mm in thickness according to Development Engineering standard Guide, clause 7.14, Orifice plates and choke pipes.</i>	An appropriate consent condition is recommended. Refer to the Revised Table of Mitigation Measures at Appendix B .
	▪ <i>Hydracor stormwater management site plan sheet 2 of 6 shows a 450 RCP to connect with existing lintel but ADP stormwater plan – ground floor shows pipe connected to a proposed lintel.</i>	Refer to Appendix D – Stormwater Plans, prepared by ADP.

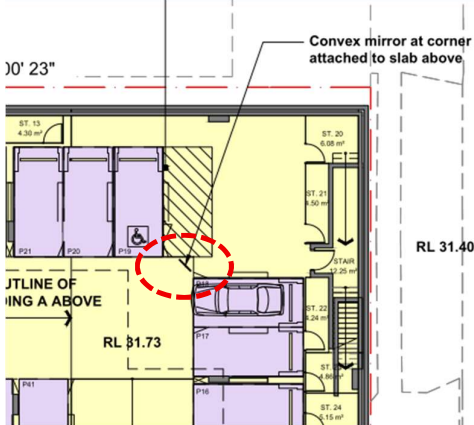
RESPONSE TO SUBMISSIONS

	▪ <i>A drainage easement will be required for properties along northern boundary of site (11 to 1 Banool Street) to Waldron road. Should these properties develop, draining stormwater to Banool Street kerb will pose a serious issue and runoff may flood new site</i>	Drainage easements are not required across the ATV site for the purpose of this project. If, or when, the properties to the north are developed to a higher density, then arrangements for drainage may be made at that time. Stormwater from the properties on Banool Street could be piped to Waldron Road via the Council reserve, which is a common dual function of such public assets.
	▪ <i>Council will require inlet and outlet invert levels of both RWT to identify adequate from RWT to OSD</i>	The project engineer has advised that 150mm of fall is proposed between RWT (RWT outlet IL of 32.150) and OSD (RWT IL of 32.00), minimum 1:100 fall to OSD. The final location of the RWT as shown will be positioned during detailed design. Refer to Appendix D Stormwater Plans.
	▪ <i>Council will require inlet, outlet invert levels and surface levels of proposed pits, in particular pits servicing building C, which show water travelling against existing grade into OSD 2</i>	Refer to Appendix D Stormwater Plans, where the issue of water travelling water away from OSD 2 is addressed.
	▪ <i>Applicant will need to confirm the stormwater construction process for building C in association with OSD 2. Will the pipes building C and connecting to OSD 2 be built in stage 1, if not will applicant puncture OSD 2 to service building C during stage 2 construction?</i>	Pipes and OSD's, as shown at Appendix D , will be built in Stage 1 as per detailed DA. The stormwater stub pit at Building C will be the connection point for the Building C future connection.
Waste		
	▪ Bin room door width to be a min. 2m.	An appropriate condition may be imposed. The bin room doors will be amended prior to construction certification. Refer to the Revised Table of Mitigation Measures at Appendix B

RESPONSE TO SUBMISSIONS

	▪ Loading bays to be identified.	An appropriate condition may be imposed. Refer to the Revised Table of Mitigation Measures at Appendix B
	▪ Holding rooms - Each floor and kitchen area must provide a designated holding space for bins before they are moved to the main collection point for bins	Interim holding rooms for waste are not required in Buildings A and E since chutes are provided to separate waste rooms below. Cleaning and waste removal within the Residential Care Facility (RCF), Building B, will be carried out by staff on a regular basis. It is preferred not to delay the transfer of waste from within the RCF residential wings to the main holding room.
Internal vehicular circulation		
	▪ Confirmation of waste collection vehicle.	As reflected in the Operational Waste Management Plan, (APP. M), ATV intend to engage the services of a private contractor to collect waste and recyclables. A condition may be imposed requiring evidence of the engagement of such services prior to the issue of an Occupation Certificate for Building A. Refer to the Revised Table of Mitigation Measures at APP B
	▪ Applicant to confirm if the retail parking bays are for staff or customers. If it is customers a minimum 2.5m width is required, in accordance with <i>AS2890.1;2004, table 2.2 layouts for parking space</i>	Four car parking spaces are required under Canterbury-Bankstown DCP 2023 ,(the DCP). Four retail spaces are proposed to be used by staff. One space with be allocated to each tenancy.
	▪ Disabled shared areas require bollards in accordance with AS2890.6;2009.	An appropriate condition may be imposed. Refer to the Revised Table of Mitigation Measures at APP B
	▪ Potential conflict with internal swept paths. B99 and B85 swept path indicates manoeuvrability	Due to the slow speed of vehicles in the basement areas, the risk of conflict is reduced. A convex mirror is proposed at the corner below Building A where some overlap occurs in the swept path. Refer to APP C .

RESPONSE TO SUBMISSIONS

	within Building A clash at corners and at the intersection.	 Figure 8: Extract Building A Ground Floor – Proposed convex mirror
<u>Traffic engineering Conditions</u>		
	- Vehicle access, kerb and gutter replacement; - Parking bollards on accessible spaces; - Pedestrian island and kerb ramp construction.	ATV will provide these public works associated with the development. A condition may be imposed. Refer to the Revised Table of Mitigation Measures at Appendix B
	Access to the bus stop via Campbell Hill Rd	Changes in level in an east-west direction constrains access to Campbell Hill Road. Residents in Building A will have direct access to Campbell Hill Road. The proposal otherwise satisfies SEPP(Housing) in terms of access to facilities and transport.
	Request that the Department impose a condition to prohibit	Construction traffic is assessed as being satisfactory in the Traffic Impact Assessment, (TIA), submitted with the SSDA. Routes are identified to take traffic to trunk roads as efficiently and safely as possible. Council acknowledges in its own submission that there are no schools in the vicinity of the site.

RESPONSE TO SUBMISSIONS

	construction traffic during school times.	
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4.3 DPHI

Table 8 below contains our response the matters raised in the “Key issues letter” from the DPHI.

TABLE 8: Response the DPHI Key Issues Letter

DPHI	Summary of key issues	Response
(1) Bulk and Scale – Buildings A and E Interface with R3 zone to north	- Reduce the bulk and scale of Buildings A and E at the interface with the R3 zone; - Recommended upper level setbacks.	Building E has been amended to create an upper level setback at its northern interface with the R3 zone and also to include an additional part level, also recessed from the northern boundary. The modification is to partly compensate for the removal of accommodation in Building C in Stage 2 and L4 of Building E. No changes are proposed to the overall form of Building A. The spatial relationship between Building A and the R3 zoned land is considered to be appropriate in light of the influence which Chapter 6 of SEPP(Housing), 'LMR Housing', will have on the built form character of the centre and, in particular, the R3 zoned land to the north of the site. The LMR now makes '<i>residential flat buildings</i>' on the neighbouring land permissible. The maximum building height of the development is also based on the maximum permitted height under the LMR provisions and it is only reasonable that the future character and context is also considered in this light. Following the gazettal of CBLEP23, which created new zoning and higher FSR and height standards for the centre, the LMR housing provisions were published, creating the potential for significant additional development opportunities beyond that anticipated in the LEP. In an overall sense, the proposed concept development will sit comfortably in the LMR housing context, as shown below in the extract from the revised Design Report (App. L).

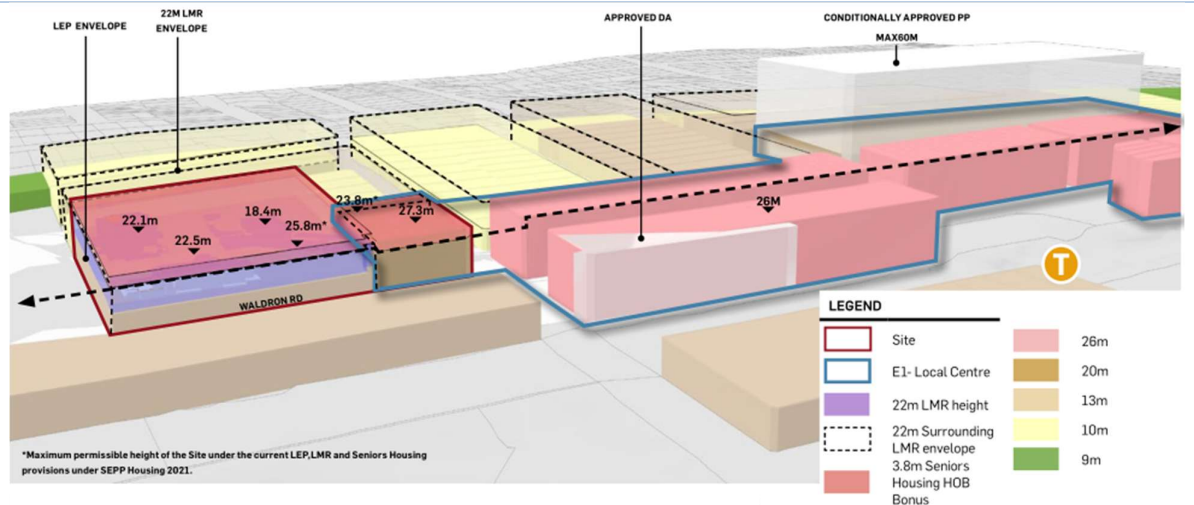


Figure 9: Project – LMR housing context

Source: Design Report, Urbis

Building A, as an important corner building at the entry to the centre, is justifiably more prominent. In this case, the applicable planning framework creates the contrary transition in massing since a greater maximum building height is available on the R4 zoned land than the E1 Local Centre land, which is located within the LMR 'town centre' and where the LEP is adopted as the base height standard.

The interface with the neighbouring development to the north is considered to be satisfactory in this context. The potential future development scenario shown below illustrates a compliant 6 storey residential flat building, setback from Building A by 6m for the first four levels then 9m for the upper floors to satisfy the ADG.

Building A has a uniform setback of 7.2m, exceeding the minimum separation distance criteria for the most parts if the neighbouring land were not treated as being a zone which allows for lower intensity housing and thereby a further 3m separation. Due to the application of the LMR housing provisions, this added 3m requirement is somewhat onerous since any future neighbouring RFB could be located 6m from the boundary.

RESPONSE TO SUBMISSIONS

At levels 2-5, the nearest overlooking opportunity is 9m from the boundary and level 6 has been treated with a new planter to mitigate downward overlooking from that level.

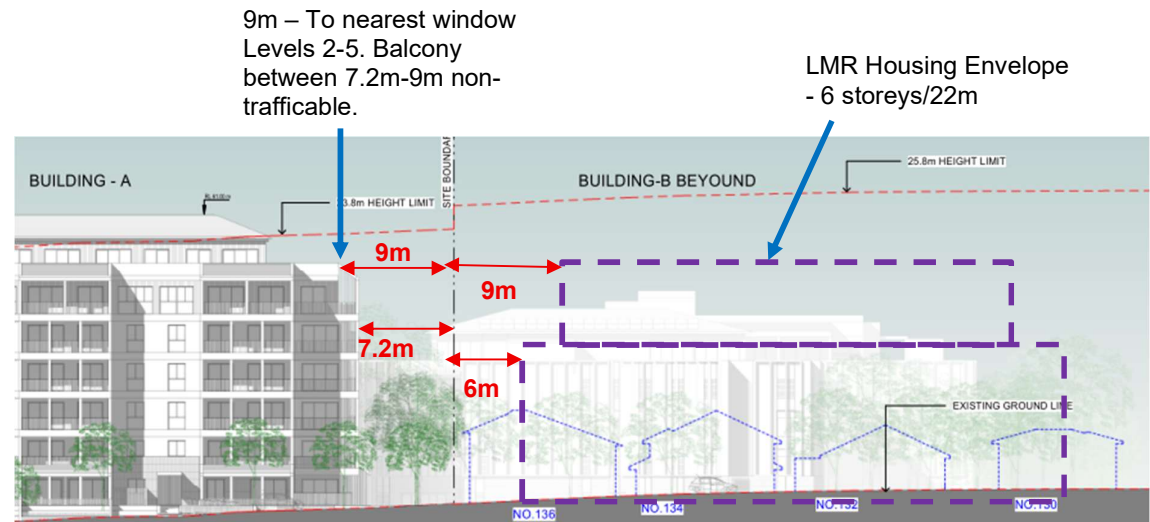
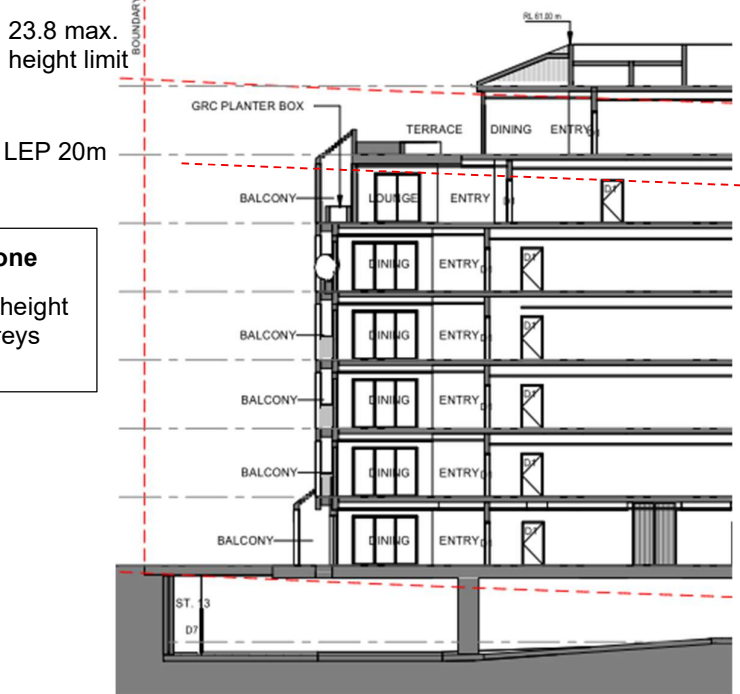


Figure 10: Building A - LMR housing context (indicative)

Any LMR development on the neighbouring R3 to the north could achieve 30% greater height and FSR if 'in-fill affordable housing' is provided, which would be available to any proponent since the neighbouring sites are all in 'accessible' locations.

The degree of compliance with the relevant height provisions at the zoning interface is also pertinent to the assessment of this issue. In Building A, the RL of the roof slab of Level 6 (the uppermost level of the building wall facing the R3 zone) is only 500mm higher than the LEP height standard and is 3.3m below the maximum permitted building height. The height non-compliance occurs at the mid-southern parts of the building satisfactorily minimising any massing related impacts on the R3 land to the north. A step down in height is achieved and an appropriate transition in height with the maximum permissible neighbouring height of 22m and 6 storeys is achieved.

RESPONSE TO SUBMISSIONS

		 Figure 11: Extract section Building A at interface with R3 zone
Overlooking	Overlooking from Building A to open space of dwellings to the north	The balustrades on the north facing units at level 1-5 have been reconfigured to make the slab area in front of the living rooms to the north is non-trafficable. The full height glazed doors at these locations have been replaced with full height glazing, fixed at the lower level. At level 6, a planter box is proposed at the northern balcony edge to limit overlooking in a downward direction. Except for L6, which has a new planter box, the separation distances of the revised design would achieve compliance with Part 3F of the Apartment Design Guide, (ADG), if the additional separation distance criteria of 3m is not applied. Lower density accommodation on the neighbouring R3 land under the LEP is permitted, but “<i>residential flat buildings</i>” is permitted under SEPP(Housing). The proposal would therefore

RESPONSE TO SUBMISSIONS

		include equitable separations in the context of the neighbouring site being redeveloped for the purpose of a “ <i>residential flat building</i> ” and in light of the design revisions does not significantly overlook the existing development.
(2) Bulk and Scale – Building C	▪ Design amendments required to reduce the height of Building C. ▪ Reduce the bulk and scale of Building C to improve the streetscape, reduce overshadowing to the south and provide a better transition in form with the public reserve.	To reduce the perceived massing of the future building, and reduce overshadowing, Building C has been revised to remove one (1) storey and to provide a recessed upper floor setback from the reserve to the new uppermost level.
(3) FSR	a) GFA of existing buildings and GFA calculations for stages to ensure compliance with the standard;	Each phase of the development within Stage 1 complies with the FSR standard. Refer to APP. C DWGs A3DA39-40 – Staging Plans 1-2.
	b) Cl. 4.6 required if exceeded during staging;	Complies. Cl.4.6 not required.
	c) Clarify GFA calculation for Building B which traverses the zoning and FSR standard boundary	The GFA associated with Building B in the E1 zone (Total 37.6sq.m) was previously identified in the SSDA submitted plans, the EIS, and the Cl 4.6 variation for FSR. The same allocation of GFA is reflected in the revised schedule of areas at Appendix C .
(4) Use of ground floor in Zone E1 (Building A)	a) Non-compliance with Clause 6.21 of the CBLEP.	The proposal complies with Clause 6.21 of CBLEP. In summary, the lowermost residential level within Building A facing Campbell Hill Road is the first floor of the building. The <u>ground floor</u> of Building A comprises shops, car parking, storage and waste facilities,

RESPONSE TO SUBMISSIONS

		and does not contain any "residential accommodation" being a "place used predominantly as a place of residence". The relevant LEP provisions are as follows: <i>"6.21 Restrictions on development in Zones E1 and E3</i> <i>(1) This clause applies to the following land—</i> <i>(a) land in Zone E1 Local Centre,</i> <i>(b) land in Zone E3 Productivity Support identified as "Area 9" on the Special Provisions Map</i> <i>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the ground level of a building resulting from the development will not be used for residential accommodation."</i> [emphasis added] "Residential accommodation" means: <i>"a building or place used predominantly as a place of residence, and includes any of the following—...</i> <i>...(l) seniors housing,</i> <i>(m) shop top housing,</i> <i>but does not include tourist and visitor accommodation or caravan parks."</i> [emphasis added] "Basement" means:
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RESPONSE TO SUBMISSIONS

“the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).”

The critical step to determine compliance with this clause is the correct identification of the ‘*ground level of the building*’, which is not straightforward in the context of this project due to the sloping topography of the site from north to south (and east to west); the floor slab of the retail tenancies fronting Waldron Road being excavated back into the site behind; and, the absence of a definition for the ‘*ground level of a building*’ in SEPP(Housing) or CBLEP.

The identification of the floor levels starts with the “*basement*” since it is defined in the LEP. Figure 12 below shows a section extract of the lower floor levels of Building A. The lower dashed red line is the existing ground level. The upper dashed line is plotted at 1m above the existing ground level to reflect the definition above.

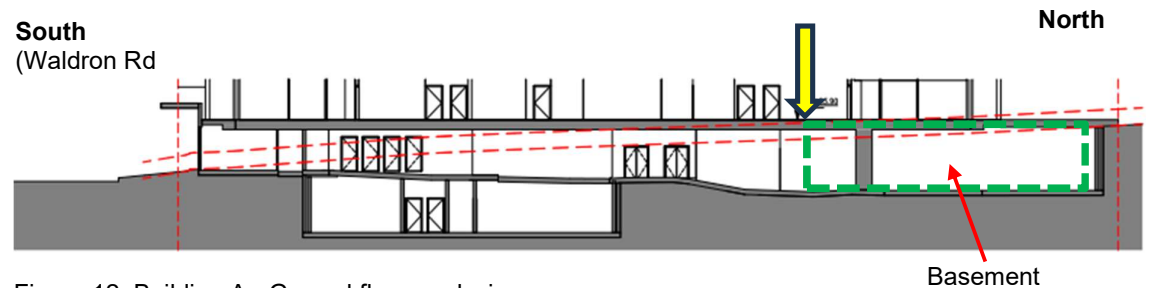


Figure 12: Building A - Ground floor analysis

The part of Building A, facing the primary frontage, Waldron Road, includes retail tenancies with an excavated area behind, accommodating parking and building services. The level is “*predominantly below ground level*”, since the level extends further across the site to service Buildings B and E, where it is entirely below ground level. The extent of basement is defined where the floor level of the storey immediately above is less than 1m above existing ground level, as indicated above. The area to the north of that point is “*basement*”. It therefore follows that the remaining floor area at this level is “*ground level*”.

RESPONSE TO SUBMISSIONS

By applying the definition for “*basement*”, 63% of the floor area of the floor level with a full retail frontage to Waldron Road is ‘ground level’ because the remainder is defined as “*basement*”.

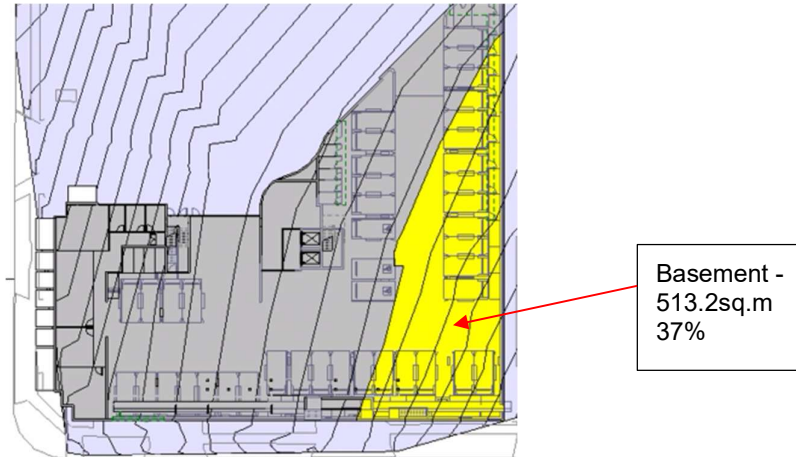


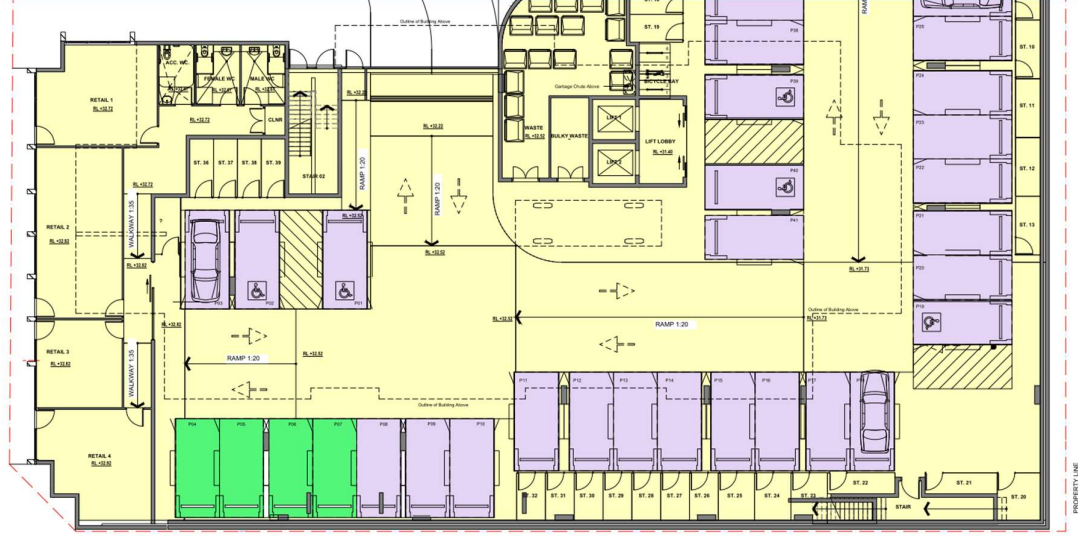
Figure 13: Ground floor analysis

Furthermore, the standard to be varied refers to “*the ground level of the building*”, in the singular, and a building cannot have more than one “*ground floor*”.

The proposed first floor is elevated one storey above the retail tenancies fronting Waldron Road at its southern end and at the existing ground level for a small part of the building at the northern end. The proposed first floor is located predominantly above ground level.

The ground level of the Building A, extracted below, comprises shops, car parking, storage and waste facilities, and does not contain any places used “*predominantly as a place of residence*” and Clause 6.21 is therefore satisfied.

RESPONSE TO SUBMISSIONS

		 Figure 14: Building A – Ground floor
	b) Provide further information demonstrating how the proposal satisfies the intent of clause 6.21 of CBLEP and s.89(2) of SEPP(Housing), specifically the activation and streetscape outcomes along the Campbell Hill Road frontage.	The minor technical non-compliance with s.89(2) of SEPP(Housing) is addressed in the accompanying Clause 4.6 variation request, prepared by Evolution Planning (Appendix N), revised to reflect the internal parking designation. The ground level of Building A sits, for the most part, below ground level and is a submissive element in the Campbell Hill Road streetscape. Refer to Figure 15 below.

RESPONSE TO SUBMISSIONS

		 Figure 15: Building A – Campbell Hill Road photomontage The proposed street presentation is consistent with the predominantly residential character of this street and responds satisfactorily to the fall in topography across the site. The non-compliance is created because a number the car spaces behind the 'ground floor' wall facing Campbell Hill Road are to be used by residential occupants. The provision would be technically satisfied if they were used by retail tenants. The part of the level which is visible from Campbell Hill Road is fully integrated into the landscaping strategy and does not create any significant adverse visual or massing related impacts on the streetscape.
(5) Design	Design Panel comments - Retail F/C height to achieve 3.7 m. Proposed height less than 3.7m, contrary to the	The SSDA submitted design included a retail floor to ceiling height of 2.48m, which made allowances for services and ducting. The F/C height has been revised to 2.7m which will adequately accommodate the range of uses which are anticipated in the units.

RESPONSE TO SUBMISSIONS

	Design Report. Design to be amended design to comply.	Any further increase to the height would have an adverse impact on the Campbell Hill Road streetscape by exposing more of the ground level. Further difficulties would also be encountered in terms of access and ramping to the first floor residential level.
(6) Biodiversity	Update AIA to reflect the current plans.	Refer to the revised Arboricultural Impact Assessment reflecting the current plans, (Appendix K).
(7) ACHAR	a) Provide an updated and final ACHAR, to include the Stage 4 consultation outcomes and evidence that RAPs were consulted; b) New AHMS search. c) All items raised by Heritage NSW.	Refer to Appendix F for the Final ACHAR and the response above to the Heritage for NSW submission.
(8) Social Impact Assessment (SIA)	▪ Update to address accommodation for existing residents.	No residents will be permanently displaced as a result of the proposed works. ATV will manage the demand for housing taking into account natural declines in population. A revised SIA is provided at Appendix O .
(9) Other Matters (Add.info/corrections)	a) Identify (RL) and the 'Height of buildings' on elevation and section plans; b) Identify number of storeys Buildings A and B correctly; c) Section plans to be corrected to identify roads; d) Remove draft stamp from SIA report;	These corrections have all been attended to in the revised architectural plans, (Appendix C). A revised SIA is provided at Appendix O

RESPONSE TO SUBMISSIONS

	e) Update tables in plans to replace reference to B2 zone with E1 Local Centre zone.	
(10) Canopy Cover	Calculations to be provided	Site area 12,979sq.m Existing tree canopy 1,771.6sq.m Proposed tree canopy area: 4,742.9sq.m Tree canopy as percentage of site area 41.4% Refer to Appendix X – Canopy Coverage Plan, Site Image. The Greener Place Design Guide includes core canopy coverage targets of: • Medium-High Density & Light Commercial: > 25% canopy coverage. • Low Density Suburban Areas: > 40% canopy coverage The proposed canopy cover of 41.4% exceeds the canopy coverage target of 40% for <u>low density areas</u>.

5 Revised Project Justification

This section provides further justification for the project in light of the additional information and associated amendments in response to submissions.

The proposal is fully justified in terms of its potential environmental, economic and social impacts; key assessment areas; the consistency of the proposal with the related strategic and statutory planning framework, the suitability of the site; and, the degree to which the project aligns with the public interest.

5.1 Likely Impacts

The proposed development will not result in any environmental, social or economic impacts that are either unacceptable, or which cannot be satisfactorily managed, minimised or mitigated. Refer to **Appendix B – Revised Summary of Mitigation Measures**.

The proposal addresses the principles of ESD, in accordance with Section 193 of the Regulation, as follows:

- Precautionary principle: The proposed development will not result in any threat of serious environmental damage or degradation.
- Intergenerational equity: The very nature of the proposed development supports the '*Intergenerational Principle*' by ensuring the housing needs of future generations are catered for, without the introduction of unacceptable impacts.
- Conservation of biological diversity and ecological integrity: The impacts on native vegetation have been minimized by the statutory offset, the retention of identified vegetation of significance; and, the proposed landscaping works including numerous compensatory trees, increasing the canopy cover on the site.
- Improved valuation, pricing and incentive mechanisms: The development will not have any unacceptable environmental impacts in relation to air quality, water quality, the use of resources or the disposal of waste. Additional measures will be implemented to ensure no environmental resources in the locality are adversely impacted during the construction or operational phases.

5.2 Key Assessment Areas

TABLE 9: Project Justification: Summary of key assessment areas

Assessment Area	Response to Submissions
Urban Design	Building A, located in the town centre, appropriately identifies this important corner site and will sit comfortably in the emerging built form character of the centre. The reduction in massing to Building C creates further transition in scale between the town centre and the reserve and reduces the bulk of the building when viewed from Waldron Road. The additional of a level to Building E sits below the existing tree canopy level when viewed from the reserve and the upper level recess minimises the perceived massing of the building when viewed from Banool Street and by limiting the northern building wall to three storeys creates a satisfactory massing and spatial relationship with the existing low density housing to the north.

Traffic and Parking	A single driveway is proposed from Waldron Road to a single basement servicing all of Stage 1,(Buildings A, B and E). All parking for residents, staff and visitors will be provided on site in accordance with SEPP(Housing). Parking, waste collection, and building services will occur at basement level, out of sight from the streets or neighbouring properties. The changes to the unit mix in Building E do not alter the demand for parking since the 'number of bedrooms' remains the same. The traffic generated by the development, modelled in the TIA to be in the order of 5-15 vehicles/hour, will not create adverse traffic conditions at local road intersections.
Noise	Noise impacts associated with mechanical plant, on-site vehicles, waste collection and construction have been found to either satisfy the related criteria under the NSW EPA Noise Policy for Industry, or considered capable of satisfying these criteria, subject to further detailed testing. Car parking, loading and waste collection activities all occur within the proposed basement level with no further mitigation measures necessary.
Overshadowing	Building A (only) will overshadow the north facing properties opposite Waldron Road for a brief period during mid-winter but will continue to receive solar access for more than double the minimum duration required under the ADG and DCP.
Visual Impacts	The proposal will involve a significant change in terms of how the site will be perceived by the community generally, and by those in neighbouring properties. The landscaping to building proportions of the proposal, weighing highly on the side of landscaping, has a significant effect on how the development will be perceived. The landscaping strategy is at the core of the design philosophy and the means of achieving the opportunities for the additional landscaping opportunities, in particular, minimising site coverage and maximising the separation between buildings, also minimises the visual impact of the development. The perceived scale of the development, when viewed from Waldron Road or opposite from the south, is minimised by creating views into the heart of the site, maximising site permeability by the generous separation between Buildings A and C and the street setback of Building B. The visual impacts of the development have been further minimised by the amendments to Buildings C and E, in particular the creation of upper level recesses from the reserve and the R3 zone respectively.
Native vegetation	Historic imagery shows the site was effectively grass covered prior to the construction of the ATV village in the early 1990's. The native vegetation to be removed relates to planted species for aesthetic and functional purposes and according to the BDAR is excluded from credit calculations. The impacts on native vegetation have been minimized by a biodiversity offset, the retention of identified vegetation of significance; and, the proposed landscaping works including compensatory planting, significantly improving the existing site condition and increasing canopy cover.

Social Impacts	The project will result in positive social outcomes across all social impact assessment categories. The only potential negative impacts identified in the SIA were those associated with potential construction activities, which may be successfully mitigated.
Construction and Dewatering	No significant adverse impacts are anticipated during this temporary phase of the project. Dewatering during excavation may be satisfactorily managed subject to the recommendations within the Dewatering Management Plan. All impacts associated with ground works and construction activities on the site may be mitigated accordingly.

5.3 Strategic Planning

The proposed development involves the redevelopment and intensification of existing, dated seniors housing stock, in a location which is highly to this type of development, with new housing designed to meet the specialised housing needs of the aging population, and firmly aligns with all related State and Local strategic plans and the Strategic Vision of ATV.

The Canterbury-Bankstown Local Government Area will see the highest growth in older people in the South District Plan region, with an estimated 35,900 additional people aged 65 or over by 2036. The South District Plan and the Local Planning Strategies all identify the high demand for seniors housing and acknowledge the aging population and lack of specialised housing in suitable, accessible locations. The District Plan advocates more medium density, diverse and specialised housing types within walkable neighbourhoods. At Stage 1, the proposed development includes 66 x ILUs and 120 x bed RCF, in proximity to local services and public transport, supporting these urgent housing priorities.

The project involves the creation of up to 150 jobs during the construction phase, and approximately 160 once completed, including 140 directly related to the seniors housing component. The proposal will stimulate the economy of the local centre by the influx of additional residents and demand on local services.

5.4 Statutory Planning

The relevant statutory planning framework is fully addressed at **Appendix U** – Revised Statutory Compliance Table.

In summary, the proposed development:

- is appropriately administered as a SSDA pursuant to SEPP (Planning Systems) 2021, Section 2.6, Schedule 1, Section 28 ‘*Seniors Housing*’. The proposal includes a RCF and has an EDC of \$75,756,631.00 (ex. GST).
- satisfies all of the statutory jurisdictional prerequisites required before the grant of consent;
- satisfies Section 7.9 *Biodiversity Conservation Act 2016* which requires the preparation of a Biodiversity Development Assessment Report (BDAR) with respect to SSD;
- fully supports the Objects of the Act;
- has been considered satisfactory against s.4.15 ‘Evaluation criteria’ under the Act, as expanded upon within this section;
- is permitted with consent under the LEP.

The proposed development is permitted with consent under the LEP. The proposal is for a “mixed-use development” comprising “seniors housing”, “retail premises”, and “neighbourhood shops”. Building A in the B2 is a “Seniors Housing” development with “retail premises” at

ground level. “*Retail premises*” are permitted in the B2 zone and “*Seniors Housing*” is permitted by way of Clause 25 of the LEP “*Additional permitted uses for particular land*”, Schedule 1 s.25 “*Use of certain land for purposes of seniors housing in Area 1.*” Development in the R4 zone comprises:

- Building B – “*seniors housing*” development, a RCF;
- Building E - “*seniors housing*” development, containing ILUs; and,
- Building C (in stage 2) – “*seniors housing*” development comprising “*neighbourhood shops*” at ground floor level with ILUs above.

“*Neighbourhood shops*” are permitted in the R4 zone and “*Seniors Housing*” is permitted under Clause of the LEP.

- supports the objectives of the R4 and E1 zones under the LEP and is permitted with consent;
- satisfies the ‘*Earthworks*’ provisions at Clause 6.2 of the LEP;
- satisfies the ‘*Design Excellence*’ provisions at Clause 6.15 of the LEP;
- satisfies the ‘*Restrictions on development in Zones E1 and E3*’ provisions at Clause 6.21 of the LEP;
- satisfies SEPP(Housing) *Chapter 3, ‘Part 5 – Housing for seniors and people with a disability’*, except for development standards at Section 85(1) Sch. 4 Parking; Section 87 related to: additional height, and, Section 89 pertaining to the use of the ground floor of the buildings in business zones for non-residential purposes.

The proposed development relies on Clause 4.6 of the LEP to vary the additional height standard applicable to the E1 zoned land (Building A) at Clause 87(c) of the SEPP. The remainder of the development complies with respect to ‘building height’ owing to the application of the greater height standard in the R4 zone where the LMR housing provisions apply. This has created an unusual circumstance where the development potential, in this context, is greater outside of the ‘Town Centre’. Refer to **Section 5.1.1** above and the accompanying updated Clause 4.6 variation request, **(APP P)**.

Clause 4.6 of the LEP is also relied upon with respect to a technical breach to Section 89(2) of SEPP(Housing), which restricts ground floor frontages of buildings in business zones being used for residential purposes. In this case, the area behind part of the ground floor wall facing Campbell Hill Road accommodates parking and storage cages associated with the residential uses above. Having retail parking spaces in that location would make no difference to the external appearance of the building and the proposed internal configuration is more convenient for the building users. Refer to **Appendix N, Clause 4.6 Variation Request - SEPP(Housing) 2021 - Clause 89- Use of ground floor of seniors housing in business zones**.

- satisfies SEPP(Housing) ‘*Chapter 4 - Design Quality of Residential Apartment Development*’, which applies to the ILU elements including the Design principles under this Chapter;
- satisfies the Objectives and related assessment criteria under SEPP (Industry and Employment) 2021, ‘*Chapter 3 - Advertising and Signage*’;
- satisfies SEPP (Biodiversity and Conservation) by the preparation of a BDAR and the implementation of the NSW Biodiversity Offset Scheme. Three (3) Ecosystem Credits are required to be retired to offset the residual biodiversity impacts of the proposal.

The native vegetation to be removed measures 0.33ha and is described in the BDAR as “*infill planted, disturbed, weed infested vegetation*”. No threatened species were recorded on the site;

- satisfies the relevant provisions of *SEPP (Transport and Infrastructure) 2021* - Section 2.48 requires the consent authority to give written notice to the electricity supply authority.

The proposed development does not significantly adversely impact on the operations of the Waldron Road (a classified road). A single crossing will service all of Stage 1. The proposal is not deemed to be “*Traffic-generating development*” under s.2.122 and the forecasted traffic generation rates have been assessed to not adversely impact on the performance of local road junctions;
- is suited to the site in terms of potential soil and groundwater contamination, subject to the implementation of the Remediation Action Plan, and consent may be granted in accordance with Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 - Remediation of Land*. The former service station site been remediated and a Site Audit Statement has been issued;
- satisfies the related provisions of *SEPP (Sustainable Buildings) 2022*. BASIX Certification is provided for the ILUs;
- provides for increases in demand for local infrastructure by the proposed scheduled payments of Section 7.11 contributions to provide a reasonable balance between the actual increase in residential population and the obligations of the developer.

5.4.1 Community Views

Extensive community and stakeholder engagement was conducted prior to lodgement when no objections were raised, although some concern was raised with respect to traffic impact, which has been assessed as satisfactory, both during construction and the on-going use of the development.

Following public notification, as indicated above, only 1 public submission was received, which supports the development.

5.4.2 DCPs and other Non-Statutory Guidelines

The proposal satisfies the related provisions of:

- the DCP, except for the Building A ground floor building setback facing Waldron Road.

The front building line at ground level is setback ~1.5m from the Waldron Road boundary instead of the preferred nil setback. The setback at this location is considered to strike a satisfactory balance between the sloping topography of the land from north to south; the provision of level access to the shops from Waldron Road; and, the presentation of the building when viewed from Campbell Hill Road;
- the ADG, except for strict compliance with the ‘Building Separation’ design criteria at Part 3F in limited locations. The proposed minor variations are deemed to be acceptable given the overarching objective, to mitigate privacy impacts, are met. Refer to **Section 5.1.2.1** above;
- the *Seniors Housing Guidelines*, and;
- “*Greener Places – Assessment of “Principles of Green Infrastructure”* – 41.1% canopy proposed;

5.4.3 Suitability of the Site

The site is considered to be highly suited to the proposed development for the following reasons:

- It replaces an existing dated seniors housing and brings vacant land into productive use;
- The location of the site is in close proximity to services and bus and rail services;
- The absence of any significant natural or physical features on the site which would hinder the delivery of the project;

REVISED PROJECT JUSTIFICATION

- The consistency of the project with the planning framework for this site having been identified for an uplift in development intensity in the recently gazetted LEP.

5.4.4 Public Interest

The proposed development being for specialized, seniors accommodation in a variety of forms to cater for the personal needs of the individual, directly meets the housing needs of the aging population. The site is highly suited to this intensified form of housing having convenient access to local services and bus and train transport options, and is firmly within the public interest.

The public interest is further met by:

- the consistency of the proposal with the wider strategic planning framework related to the prioritisation of housing;
- by embracing the principles of ecologically sustainable development;
- the creation of up to 150 jobs during the construction phase, and approximately 160 once completed, including 140 directly related to the seniors housing component; and,
- by achieving these benefits without the introduction of any significant environment impacts on neighbouring properties or the wider environment.

----- END -----
