

# WILLOWTREE PLANNING



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11 April 2024

REF: WTJ23-506

NSW Department of Planning, Housing and Infrastructure  
State Significant Acceleration Team  
Locked Bag 5022  
Parramatta NSW 2124

**Attention: Gabriel Wardenburg**

**RE: REQUEST FOR INDUSTRY-SPECIFIC SEARS  
PROPOSED RESIDENTIAL AGED CARE FACILITY  
PROPERTY AT 3 NORTHVILLE DRIVE, EDGEWORTH (LOT 1 DP222035)**

We write on behalf of Royal Freemasons Benevolent Institution (RFBI) (the Proponent) to the NSW Department of Planning, Housing and Infrastructure (DPHI) in support of a request for industry-specific Secretary's Environmental Assessment Requirements (SEARs), under the Rapid Assessment Framework (RAF). The intent of the letter is to demonstrate that the proposal is eligible for industry-specific SEARs.

The proposal involves the construction of a Residential Aged Care Facility (RACF) and associated parking, at 3 Northville Drive, Edgeworth, legally described as Lot 1 DP222035 (the Site).

The Site is located within the Lake Macquarie Local Government Area (LGA) and is zoned R2: Low Density Residential Zone (R2 Zone), pursuant to the *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014). The proposed development falls within the definition of 'seniors housing', which is permissible with consent in the R2 Zone as well as via Clause 81 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

The proposed development seeks consent for a RACF and associated parking, with an Estimated Development Cost (EDC) of approximately \$28.7 million (ex GST).

The proposed development satisfies the definition of State Significant Development (SSD) pursuant to:

- Schedule 1, Section 28 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), being development for seniors housing outside of the Greater Sydney region, including a RACF, with an EDC of more than \$20 million.

This letter provides an overview of the proposed development and the relevant planning framework that applies to enable the issuance of industry-specific SEARs, which will then guide the preparation of a formal Environmental Impact Statement (EIS) for development of the Site.

The proposal is considered to meet the criteria for industry-specific SEARs, based on the following:

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- It does not constitute Designated Development;
- It is wholly permissible pursuant to the Housing SEPP; and
- It does not involve a concept development application (DA)

The following sections provide an overview of the proposal to inform the NSW DPHI's decision making for the issuance of industry-specific SEARs.

### 1.0 SITE DESCRIPTION

The Site is identified as 3 Northville Drive, Edgeworth, legally described as Lot 1 DP222035. The Site is an irregular shaped lot and exhibits a total land area of approximately 17.9ha.

In its existing state, the Site comprises the RFBI Hawkins Masonic Village. This includes the following:

- 174 independent living units. The existing units are a mixture of single-storey and two-storey buildings, of which there are between two (2) - five (5) attached units per building;
- 77 residential care beds;
- A RACF in the centre of the Site;
- A community hall at the northern edge of the Site;
- The Macquarie Family Practice (general practitioners office) at the northern edge of the Site; and
- A podiatrist office in the centre of the Site.

Access to the Site is obtained via Northville Drive which leads to an internal roading network. This provides access to the RACF, as well as the independent units. There are several parking areas located throughout the Site and some of the units contain individual garages or car parking spaces. A number of bus stops are also located throughout the internal roading network.

The remainder of the Site is grassed, with a number of trees and vegetation scattered throughout. A large area of bushland exists at the southern corner of the Site.

The Site is located in the suburb of Edgeworth, which forms part of the wider Lake Macquarie Local Government Area (LGA).

Directly north and east of the Site is existing low-density residential development. Other notable land uses in the immediate vicinity include:

- The New Heights Christian Church on the northern side of Northville Drive; and
- The Edgeworth Heights Public School to the north-east of the Site.

To the west and south of the Site is Cockle Creek; a large river that flows into Cockle Bay Harbour. On the southern side of Cockle Creek is a large area of bushland which continues on the northern side of Northville Drive.

A cadastral map of the Site is shown in **Figure 1** and an aerial photo of the Site is shown in **Figure 2**.



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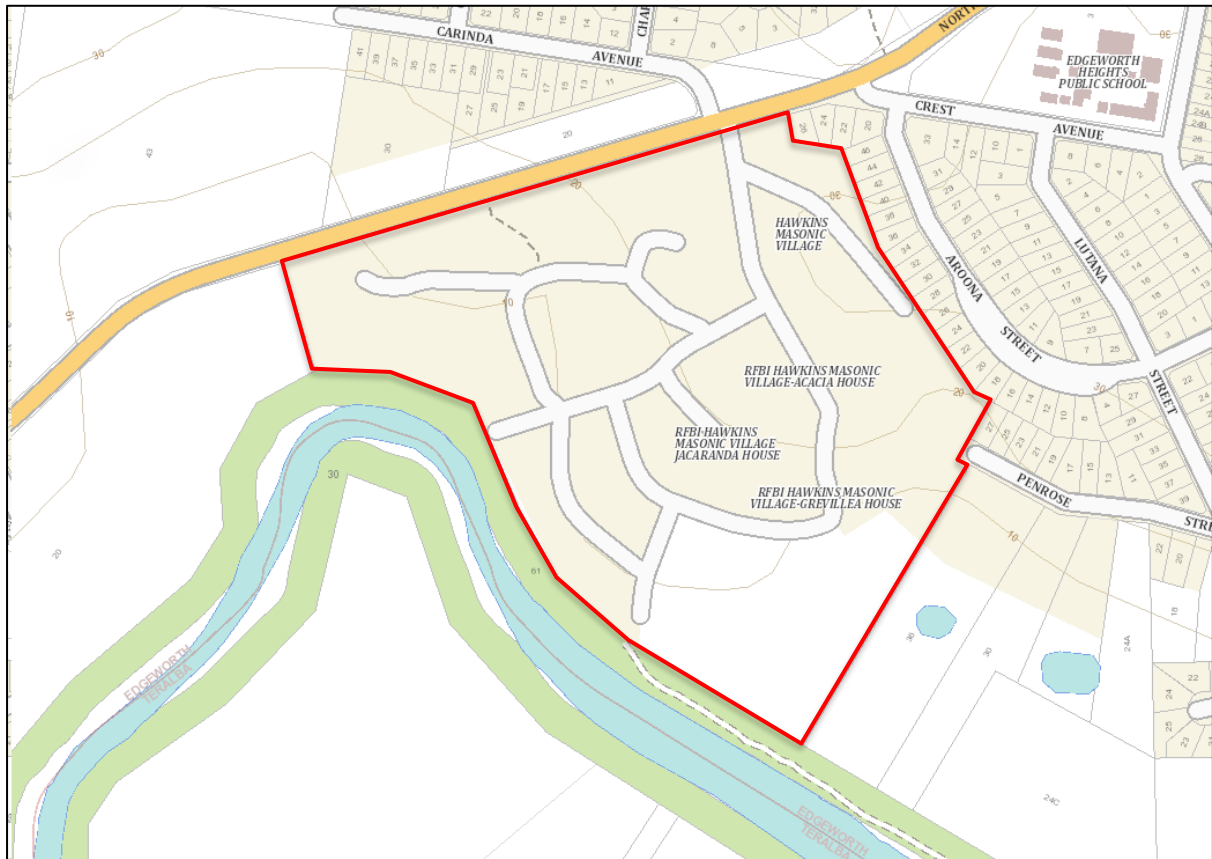


Figure 1. Cadastral Map (Source: SIX Maps, 2023)



Figure 2. Aerial Map (Source: Near Map, 2023)



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### 2.0 PROPONENT DETAILS

The Proponent for this proposal is RFBI, refer to **TABLE 1**.

TABLE 1: PROPONENT CONTACT DETAILS	
Company Details	Royal Freemasons Benevolent Institution
Contact Name	Steven Ellitt
Position	Development Manager
Contact Number	0418 882 119
Email Address	sellitt@rfbi.com.au

### 3.0 ESTIMATED DEVELOPMENT COST

The preliminary EDC of the proposed development in accordance with the EDC definition under the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation), is estimated based on the scope of works outlined in **Section 4.0** below.

A preliminary EDC Report has been prepared by MBM, and included in **Appendix 2**, which estimates a total EDC of \$28.7 million (ex GST).

### 4.0 PROJECT DETAILS

The proposal will seek development consent for the construction and operation of a RACF and associated parking. The current preliminary proposal plan, prepared by Integrated Design Group is included within **Appendix 1**.

The particulars of this proposal are summarised below:

- Construction of a two-storey RACF. This will comprise of the following:
  - 80 residential care beds;
  - Communal living areas;
  - Office space and staff facilities; and
  - Ancillary uses such as a hair salon, health room, and café.
- Construction of carparking.

A separate Development Application has been lodged with Council for the demolition of the existing RACF, as these works are subject to a separate construction timeframe (ie. anticipated to be completed within the next 12 months).

The location of the RACF and parking are indicated on **Figure 3** below. No other changes are proposed to any existing buildings on the Site.



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Figure 3. Site Plan (Source: Integrated Design Group, 2023)

### 5.0 STATUTORY CONTEXT

This section sets out the statutory planning framework and controls relevant to the proposal.

The following statutes, strategic plans and policies have been considered as part of the development planning phase:

#### Commonwealth Planning:

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

#### State Planning:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*
- *Coal Mine Subsidence Compensation Act 2017*
- *Protection of the Environment Operations Act 1997*
- *Water Management Act 2000*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*



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### Local Planning:

- *Lake Macquarie Local Environmental Plan 2014*

### 5.1 Environment Protection and Biodiversity Conservation Act 1999

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval at a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

The requirements of the EPBC Act will be considered as part of the forthcoming EIS. Initial investigations indicate a Commonwealth approval is not required.

### 5.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the overarching governing statute for all development in NSW and pursuant to Part 4, the proposal is considered SSD under the Planning Systems SEPP.

#### 5.2.1 Section 4.15(1) of the EP&A Act 1979

Section 4.15(1) of the EP&A Act specifies the matters, that a consent authority must consider when determining a DA. The forthcoming EIS will consider and address all matters outlined in Section 4.15 of the EP&A Act.

#### 5.2.2 Section 4.46 of the EP&A Act 1979 - Integrated Development

Section 4.46 of the EP&A Act defines ‘Integrated Development’ as matters which require consent from the consent authority and one or more authorities under related legislation. Section 4.46 notes that integrated development is not State Significant Development. However, we note the following approvals are required:

- The Site is located within a mine subsidence district. As the proposal involves the ‘erection of improvements over land’, approval is required from Subsidence Advisory NSW in accordance with Clause 22 of the *Coal Mine Subsidence Compensation Act 2017*.
- The Site is mapped as comprising bushfire prone land. Development of bushfire prone land for a ‘special fire protection purpose’ will require approval pursuant to Section 100B of the *Rural Fires Act 1997*. ‘Special fire protection purpose’ is defined as follows:

**special fire protection purpose** means the purpose of the following—

- (a) a school,
- (b) a child care centre,
- (c) a hospital (including a hospital for the mentally ill or mentally disordered),
- (d) a hotel, motel or other tourist accommodation,
- (e) a building wholly or principally used as a home or other establishment for mentally incapacitated persons,
- (f) **seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,**



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- (g) a group home within the meaning of State Environmental Planning Policy No 9—Group Homes,
- (h) a retirement village,
- (i) any other purpose prescribed by the regulations.

### 5.3 Environmental Planning and Assessment Regulation 2021

#### 5.3.1 Section 7 – Designated Development

Section 7(1) of the EP&A Regulation states that:

*“Development described in Schedule 3, Part 2 is declared to be designated development unless it is not designated development under Schedule 3, Part 3.”*

The proposal, being a RACF, does not trigger Designated Development pursuant to Schedule 3 of the EP&A Regulation.

### 5.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) and *Biodiversity Conservation Regulation 2017* (BC Regulation) seek to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Part 7 of the BC Act sets out requirements for biodiversity assessments and approvals under the EP&A Act.

Pursuant to Section 7.2(1) of the BC Act, development or an activity is likely to significantly affect threatened species if:

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.

Pursuant to Section 7.9 of the BC Act, an SSD “is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

As the Site does not contain any areas of mapped biodiversity value, it is anticipated that a BDAR waiver will be sought.

### 5.5 Rural Fires Act 1997

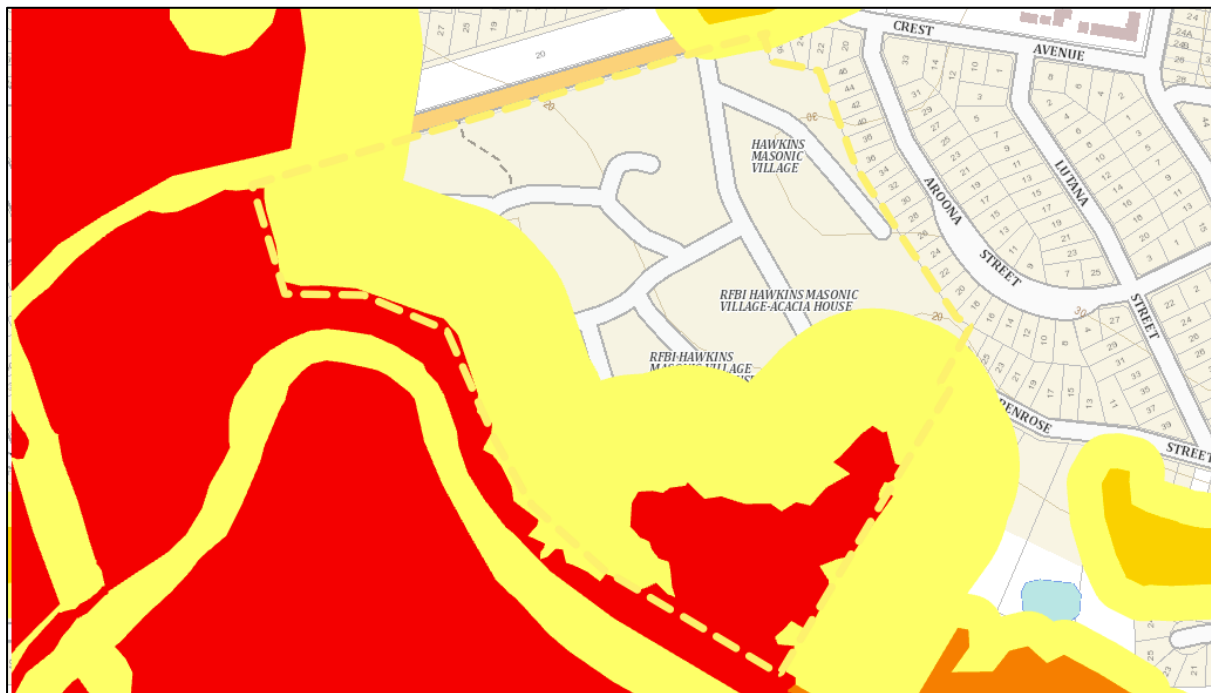
The *Rural Fires Act 1997* seeks to ensure that development does not increase the risk of bushfire attack or increase risk to human life, property or other assets. The Site is mapped as bushfire prone land as indicated in **Figure 4** below.

The proposal is considered a ‘special fire protection purpose’ in accordance with Section 100B of the *Rural Fires Act 1997*. The proposal therefore requires approval from the NSW Fire Service. A Bushfire Report will be prepared to support the EIS.



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**Figure 4. Bush fire prone area (Source: NSW Legislation, 2023)**

### 5.6 Coal Mine Subsidence Compensation Act 2017

The *Coal Mine Subsidence Compensation Act 2017* provides a framework for dealing with the impacts of coal mine subsidence. The Site is located within a mine subsidence district, which means there is potential subsidence risks due to previous underground coal mining. All development within a mine subsidence district must have approval from Subsidence Advisory NSW before commencing work.

A Mine Subsidence Report will be prepared to support the EIS and approval will be sought from Subsidence Advisory NSW.

### 5.7 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

*"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."*

Given the proposed use of the Site for seniors housing, the proposed development would not trigger any requirements under the POEO Act.

### 5.8 Water Management Act 2000

The objective of the WM Act is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

Section 91 relates to Activity Approvals and outlines that:



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- (1) *A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.*
- (2) *An aquifer interference approval confers a right on its holder to carry out one or more specified aquifer interference activities at a specified location, or in a specified area, in the course of carrying out specified activities.*

For the purposes of the WM Act, aquifer interference activity means an activity involving:

- a) *the penetration of an aquifer,*
- b) *the interference with water in an aquifer,*
- c) *the obstruction of the flow of water in an aquifer,*
- d) *the taking of water from an aquifer in the course of carrying out mining, or any other activity prescribed by the regulations,*
- e) *the disposal of water taken from an aquifer as referred to in paragraph (d).*

The Cockle Creek runs along the southern boundary of the Site, however the proposed works will be located more than 40m from this location and therefore will not be located in, on or under waterfront land. However, should groundwater interference be identified as part of future investigations, further consideration of the WM Act will be undertaken, including consultation with Water NSW and DPE Water.

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

The Housing SEPP facilitates the development of affordable and diverse housing in NSW. It encourages the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability. Chapter 3, Part 5 of the Housing SEPP sets out matters for housing for seniors and people with a disability.

The proposal seeks development consent for seniors housing. In accordance with Division 1, the Site is located within a prescribed zone, being the R2 Zone. Clause 81 of the Housing SEPP states that development for the purposes of seniors housing may be carried out with development consent in the R2 Zone.

A full assessment against the development standards of the Housing SEPP will be undertaken as part of the EIS.

### 5.10 State Environmental Planning Policy (Planning Systems) 2021

Schedule 1 of the Planning Systems SEPP includes provisions for developments to be undertaken as SSD. Clause 28, Schedule 1 is relevant to the proposed development:

#### **28 Seniors Housing**

*Development for the purposes of seniors housing if—*

- (a) *the seniors housing component has an estimated development cost of—*
  - (i) *for development on land in the Greater Sydney region—more than \$30 million, or*
  - (ii) *otherwise—more than \$20 million, and*
- (b) *the seniors housing component includes a residential care facility, and*
- (c) *other components of the proposed development are not prohibited on the land under an environmental planning instrument.*

The preliminary EDC of the proposed development is in excess of \$20 million, thus the SSD provisions apply.



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### 5.11 State Environmental Planning Policy (Transport and Infrastructure) 2021

The T&I SEPP aims to facilitate the effective delivery of infrastructure across NSW.

#### 5.11.1 Traffic generating development

Pursuant to Clause 2.121, certain proposed developments are known as Traffic Generating Development, and are referred to Transport for NSW (TfNSW) for concurrence. Schedule 3 of T&I SEPP, lists the types of development that are defined as Traffic Generating Development. The referral thresholds for residential accommodation includes sites of:

- 300 or more dwellings
- 75 or more dwellings if the site has access to a classified road or to road that connects to classified road.

The proposal would not trigger Traffic Generating Development, as it does not provide more than 300 dwellings. The forthcoming EIS will be supported by a robust transport and traffic impact assessment.

### 5.10 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:

- land use planning within the coastal zone, in a manner consistent with the objects of the *Coastal Management Act 2016*.
- management of hazardous and offensive development.
- remediation of contaminated land and to minimise the risk of harm.

In relation to the Site, the following matters are highlighted:

#### Coastal Management

The Site is mapped as being within the 'Coastal Environment Area' and with the 'Coastal Use Area' and therefore Chapter 2 of the Resilience and Hazards SEPP is relevant. Clause 2.10 and 2.11 list matters which must be considered by the consent authority prior to the granting of consent. Consideration will be given in the EIS to these matters.

#### Remediation of Land

Under Chapter 4 of the Resilience and Hazards SEPP, where a DA is made, the consent authority must not grant consent unless:

- it has considered whether the land is contaminated, and*
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The relevant contamination reporting will be provided as part of the EIS.

### 5.11 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The *State Environmental Planning Policy (Biodiversity Conservation) 2021* (Biodiversity Conservation SEPP) contains:

- planning rules and controls for the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.



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- the land use planning and assessment framework for koala habitat.
- provisions which establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray.
- provisions seeking to protect and preserve bushland within public open space zones and reservations.
- provisions which aim to prohibit canal estate development.
- provisions to support the water quality objectives for the Sydney drinking water catchment.
- provisions to protect the environment of the Hawkesbury-Nepean River system.
- provisions to manage and improve environmental outcomes for Sydney Harbour and its tributaries.
- provisions to manage and promote integrated catchment management policies along the Georges River and its tributaries.
- provisions which seek to protect, conserve and manage the World Heritage listed Willandra Lakes property.

Consideration will be given in the EIS to the requirements of the Biodiversity Conservation SEPP. At this stage it has not been determined as to whether any tree removal is required.

### 5.12 State Environmental Planning Policy (Sustainable Buildings) 2022

*The State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP) encourages the design and delivery of more sustainable buildings across NSW and commenced on 1 October 2023. It sets sustainability standards for both residential and non-residential development and contributes to NSW's target of achieving net zero by 2050.

Chapter 2 of the Sustainable Buildings SEPP is relevant for residential development. The EIS will address the matters listed in Chapter 2 and will provide a BASIX Certificate.

### 5.13 Lake Macquarie Local Environmental Plan 2014

The Site is located within the R2 Zone pursuant to the LMLEP 2014. **Figure 5** below provides a representation of the Site and surrounding land zoning under the LMLEP 2014.



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Figure 5. LMLEP 2014 Land Use Zones (Source: NSW Legislation, 2023)

### 5.13.1 Land use

Under the *Standard Instrument - Principal Local Environmental Plan* the proposal would be considered a 'residential care facility', which is a type of 'seniors housing'. The following definitions are applicable:

**seniors housing** means a building or place that is—

- (a) a residential care facility, or
  - (b) a hostel within the meaning of *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 5, or
  - (c) a group of independent living units, or
  - (d) a combination of any of the buildings or places referred to in paragraphs (a)-(c), and that is, or is intended to be, used permanently for—
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital.

**residential care facility** means accommodation for seniors or people with a disability that includes—

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,



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*but does not include a dwelling, hostel, hospital or psychiatric facility.*

### 5.13.2 Permissibility

The objectives of the zone are as follows:

- *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.*
- *To encourage development that is sympathetic to the scenic, aesthetic and cultural heritage qualities of the built and natural environment.*

Within the R2 Zone the following development is permissible without consent:

- *Home-based childcare; Home occupations.*

Within the R2 Zone the following development is permissible with consent:

- *Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Kiosks; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; **Seniors housing**; Sewage reticulation systems; Sewage treatment plants; Shop top housing; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems.*

Within the R2 Zone the following development is prohibited:

- *Any other development not specified in item 2 or 3.*

In accordance with the above, seniors housing is permitted with consent in the R2 Zone under the LMLEP 2014.

### Development Standards

**TABLE 2** outlines the developments consistency and compliance with the relevant development standards and controls under the LMLEP 2014.

TABLE 2. DEVELOPMENT STANDARDS	
Clause	Comment
Clause 4.3 – Height of Buildings	The maximum building height is 8.5m. The proposal is to provide a two-storey building which is largely compliant with the maximum height limit.
Clause 5.11 – Bush Fire Hazard Reduction	The Site is located within a bush fire prone area – vegetation category 1 and vegetation buffer (see <b>Figure 4</b> ). A Bushfire Report will be prepared to support the EIS.
Clause 5.21 – Flood Planning	The Site is located within a flood planning area (see <b>Figure 6</b> below). There are no works proposed within this area, however in accordance with the industry-specific SEARs requirements, a Flood Risk Assessment will be prepared to support the EIS.



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Clause 7.1 – Acid Sulfate Soils	The Site is identified as containing acid sulfate soils classes 2, 3 and 5 (see <b>Figure 7</b> below). The area of proposed works primarily contains Class 5 soils. Further consideration will be given as part of the EIS.
Clause 7.7 – Development on sensitive Aboriginal landscape areas	The site is located within a sensitive Aboriginal landscape area (see <b>Figure 8</b> below). There are no works proposed within this area, however in accordance with the industry-specific SEARs requirements, an Aboriginal Cultural Heritage Assessment Report will be provided as part of the EIS.

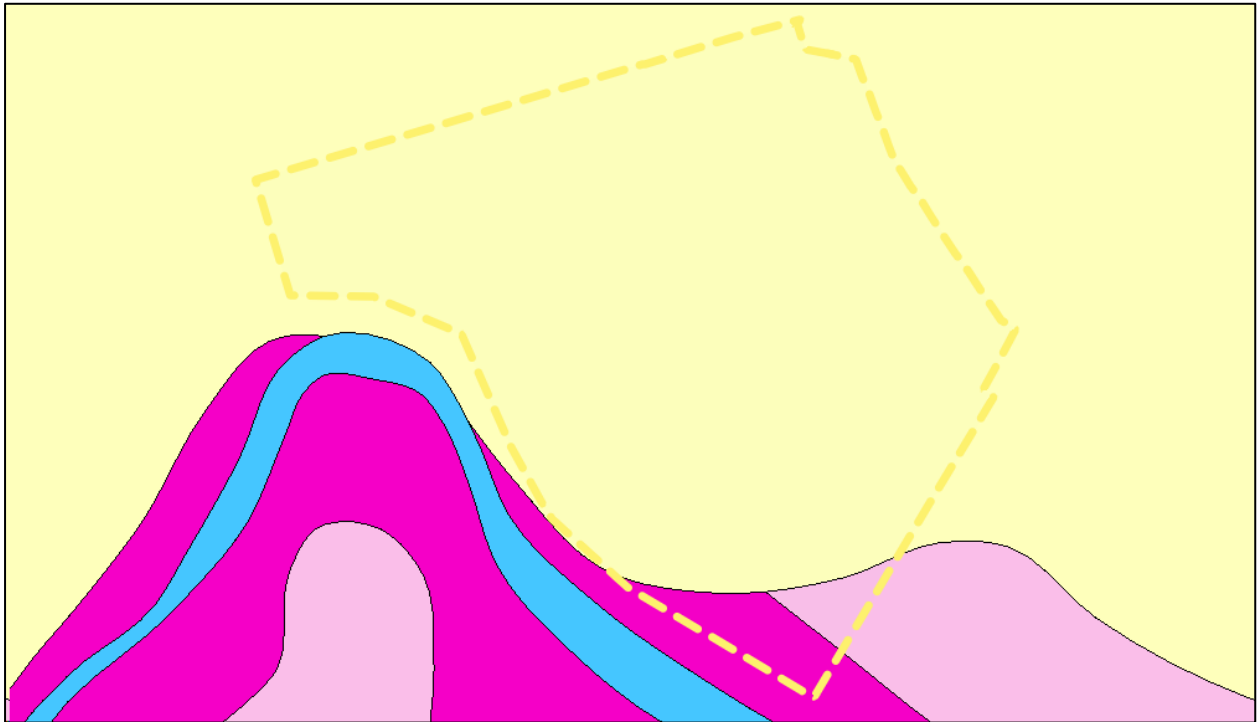


Figure 6. Flood Planning Area (Source: NSW Legislation, 2023)

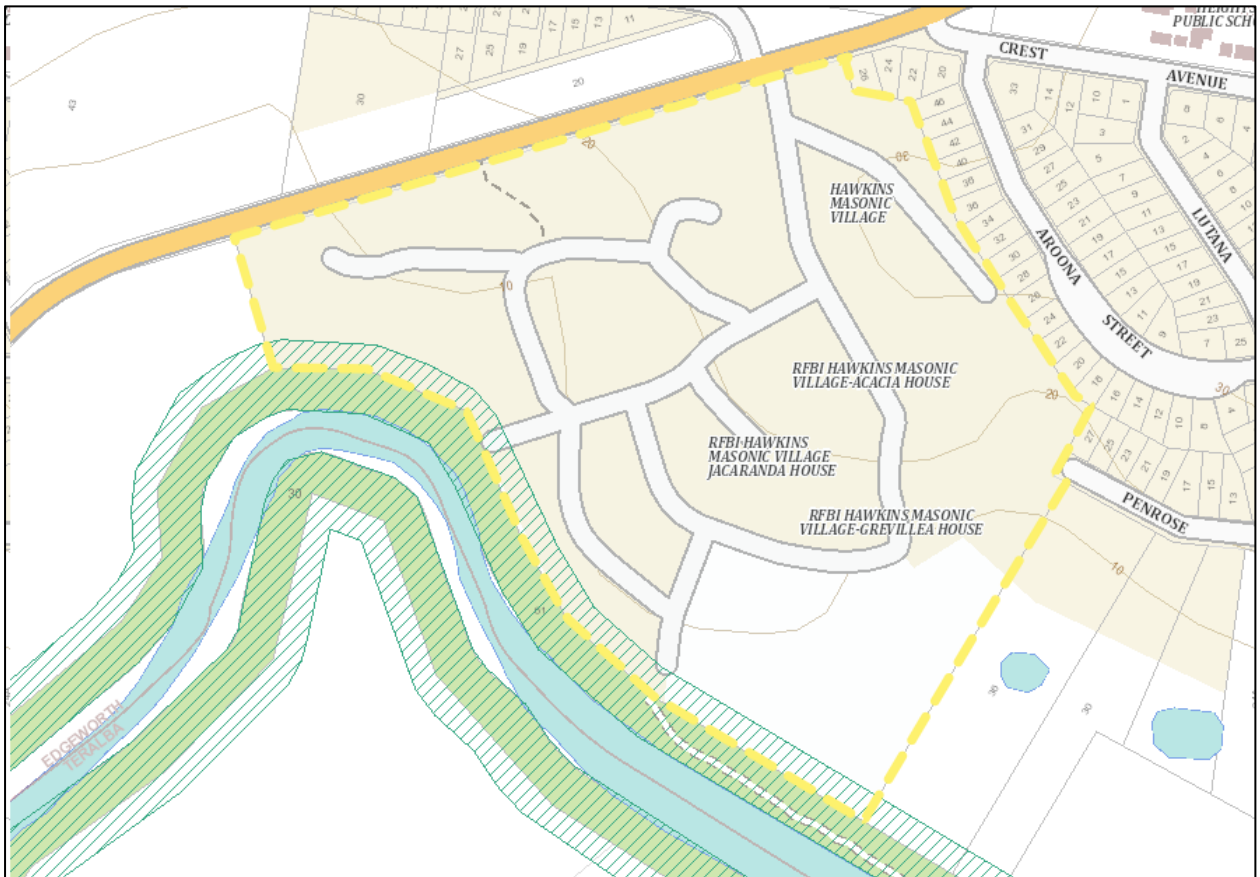


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**Figure 7. Acid Sulfate Soils (Source: NSW Legislation, 2023)**



**Figure 8. Sensitive Aboriginal Landscape Areas (Source: NSW Legislation, 2023)**



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### 6.0 OTHER APPROVALS/COMMENTS

No other approvals are sought for this proposal.

### 7.0 INDUSTRY-SPECIFIC SEARS

This section reviews the relevant industry-specific SEARs and includes commentary on how the Applicant intends to respond to each item, where applicable. Refer to **TABLE 3** for further details.

TABLE 3: INDUSTRY-SPECIFIC SEARS		
Issue and Assessment Requirements	Documentation	Applicant Comments
<p><b>1. Statutory Context</b></p> <ul style="list-style-type: none"><li>Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies and guidelines.</li><li>Identify compliance with applicable development standards and provide a detailed justification for any non-compliances.</li><li>Provide an explanation of how the development as described in the EIS is consistent with the development as was described in the request for SEARs (including any components that were not SSD) and provide a justification for any differences.</li><li>Address the requirements of any approvals applying to the site, including any concept approval or recommendation from any Gateway determination.</li></ul>	Address in EIS.	Noted – the proposal will address the requirement of this item.
<p><b>2. Estimated Development Cost and Employment</b></p> <ul style="list-style-type: none"><li>Provide the estimated development cost (EDC) of the development prepared in accordance with the relevant planning circular using the Standard Form of EDC Report.</li><li>The EDC Report must specify the EDC of the seniors housing component of the development.</li><li>Provide an estimate of the retained and new jobs that would be created during the construction and operational phases of the development, including details of the methodology to determine the figures provided.</li></ul>	EDC Report.	Noted – an EDC Report will support the proposal.  A preliminary EDC Report has been prepared by MBM, and included in <b>Appendix 2</b> , which estimates a total EDC of \$28.7 million (ex GST).
<p><b>3. Design Quality</b></p> <ul style="list-style-type: none"><li>Demonstrate how the development will achieve:<ul style="list-style-type: none"><li>design excellence in accordance with any applicable EPI provisions.</li><li>good design in accordance with the seven objectives for good design in <i>Better Placed</i>.</li></ul></li></ul>	Address in EIS. If required: <ul style="list-style-type: none"><li>Design Excellence Strategy (where design excellence is required by an EPI).</li><li>Competition Report (where a competitive</li></ul>	Design quality will be addressed in the EIS.  The proposal will be reviewed by the SDRP prior to lodgement.



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<ul style="list-style-type: none"> <li>▪ Demonstrate that the development:             <ul style="list-style-type: none"> <li>○ Where required by an EPI or concept approval, or where proposed, has been subject to a competitive design process, carried out in accordance with an endorsed brief and Design Excellence Strategy; or</li> <li>○ In all other instances, has been reviewed by the State Design Review Panel (SDRP) consistent with the <i>NSW SDRP: Guidelines for Project Teams</i>.</li> </ul> </li> <li>▪ Recommendations of the jury and Design Integrity Panel (where a competitive design process has been held) or the SDRP are to be addressed prior to lodgement.</li> </ul>	<p>design process has been held).</p> <ul style="list-style-type: none"> <li>▪ Design Review Report (where the project has been reviewed by the SDRP).</li> </ul>	
<p><b>4. Built Form and Urban Design</b></p> <ul style="list-style-type: none"> <li>▪ Explain and illustrate the proposed built form, including a detailed site and context analysis to justify the proposed site planning and design approach.</li> <li>▪ Demonstrate how:             <ul style="list-style-type: none"> <li>○ The development considers the design principles in Part 5, Division 6 of <i>State Environmental Planning Policy (Housing) 2021</i> and the <i>Seniors Housing Guidelines 2021</i>.</li> <li>○ The proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality.</li> <li>○ The building design will deliver a high-quality development, including consideration of façade design, articulation, activation, roof design, materials, finishes, colours, any signage and integration of services.</li> </ul> </li> <li>▪ Assess how the development complies with the relevant accessibility requirements.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Architectural drawings.</li> <li>▪ Design Report.</li> <li>▪ Survey Plan.</li> <li>▪ BCA Compliance Report.</li> <li>▪ Accessibility Report.</li> </ul>	<p>Noted – the proposal will address the requirements of this item through the listed reports.</p> <p>Preliminary architectural drawings are attached as <b>Appendix 1</b>.</p>
<p><b>5. Environmental Amenity</b></p> <ul style="list-style-type: none"> <li>▪ Address how good internal and external environmental amenity is achieved, including access to natural daylight and ventilation, pedestrian movement throughout the site, access to landscape and outdoor spaces.</li> <li>▪ Assess amenity impacts on the surrounding locality, including lighting impacts, solar access, visual privacy, visual amenity, view loss and view</li> </ul>	<ul style="list-style-type: none"> <li>▪ Shadow Diagrams.</li> <li>▪ View Analysis.</li> <li>▪ Pedestrian Wind Environment Assessment.</li> </ul> <p>If required:</p> <ul style="list-style-type: none"> <li>▪ SEPP 65 Verification Statement</li> <li>▪ SEPP 65 Assessment</li> </ul>	<p>Noted – the proposal will address the requirements of this item through the listed reports.</p> <p>In accordance with Clause 4 of SEPP 65, it is not applicable to the proposal as the proposal does not involve a residential flat building,</p>



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<p>sharing, overshadowing and wind impacts. A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.</p> <ul style="list-style-type: none"> <li>▪ Provide a solar access analysis of the overshadowing impacts of the development within the site, on surrounding properties and public spaces (during summer and winter) at hourly intervals between 9am and 3pm, when compared to the existing situation and a compliant development (if relevant).</li> <li>▪ For any applicable parts of the development, provide an assessment against SEPP 65 and the <i>Apartment Design Guideline</i>.</li> </ul>		<p>shop top housing or mixed-use development.</p>
<p><b>6. Visual Impact</b></p> <ul style="list-style-type: none"> <li>▪ Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development.</li> <li>▪ Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Visual Analysis.</li> <li>▪ Visual Impact Assessment.</li> </ul>	<p>Noted – the proposal will be informed by photomontages and perspective drawings, where necessary.</p> <p>Initial assessment has indicated a Visual Impact Assessment is not necessary, as it is centrally located on a large allotment, with limited viewing audiences.</p>
<p><b>7. Public Space</b></p> <ul style="list-style-type: none"> <li>▪ Demonstrate how the development maximises the amount, access to and quality of public spaces (including open space, public facilities and streets/plazas within and surrounding the site), reflecting relevant design guidelines and advice from the local council and the Department.</li> <li>▪ Demonstrate how the development: <ul style="list-style-type: none"> <li>○ Ensures that public space is welcoming, attractive and accessible for all.</li> <li>○ maximises permeability and connectivity.</li> <li>○ maximises the amenity of public spaces in line with their intended use, such as through adequate facilities, solar access, shade and wind protection.</li> <li>○ Maximises street activation.</li> <li>○ minimises potential vehicle, bicycle and pedestrian conflicts.</li> </ul> </li> <li>▪ Address how Crime Prevention through Environmental Design (CPTED) principles are to be integrated into the development, in accordance with <i>Crime Prevention and the Assessment of Development Applications Guidelines</i>.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Public Space Plan (as part of the Design Report).</li> <li>▪ CPTED Report</li> </ul>	<p>Noted – the proposal will address the requirements of this item through the listed reports.</p>



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<p><b>8. Trees and Landscaping</b></p> <ul style="list-style-type: none"> <li>▪ Assess the number, location, condition and significance of trees to be removed and retained and note any existing canopy coverage to be retained on-site.</li> <li>▪ Provide a detailed site-wide landscape plan, that: <ul style="list-style-type: none"> <li>○ details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage (as a percentage of the site area).</li> <li>○ provides evidence that opportunities to retain significant trees have been explored and/or informs the plan.</li> <li>○ demonstrates how the proposed development would: <ul style="list-style-type: none"> <li>▪ contribute to long term landscape setting in respect of the site and streetscape.</li> <li>▪ mitigate the urban heat island effect and ensure appropriate comfort levels on-site.</li> <li>▪ contribute to the objective of increased urban tree canopy cover.</li> <li>▪ maximise opportunities for green infrastructure, consistent with Greener Places and having regard to any bush fire risk.</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Arboricultural Impact Assessment.</li> <li>▪ Landscape Plan.</li> </ul>	<p>Noted – the proposal will address the requirements of this item through the listed reports.</p>
<p><b>9. Ecologically Sustainable Development (ESD)</b></p> <ul style="list-style-type: none"> <li>▪ Identify how ESD principles (as defined in section 193 of the EP&amp;A Regulation) are incorporated in the design and ongoing operation of the development.</li> <li>▪ Demonstrate how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards.</li> <li>▪ Demonstrate how the development minimises greenhouse gas emissions (reflecting the Government’s goal of net zero emissions by 2050) and consumption of energy, water (including water sensitive urban design) and material resources.</li> </ul>	<p>ESD Report.</p>	<p>Noted – the proposal will provide an ESD report.</p>
<p><b>10. Traffic, Transport and Accessibility</b></p> <ul style="list-style-type: none"> <li>▪ Provide a transport and accessibility impact assessment, which includes: <ul style="list-style-type: none"> <li>○ an analysis of the existing transport network, including the road hierarchy and any pedestrian, bicycle or public transport infrastructure, current daily and peak hour vehicle movements, and existing</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Transport and Accessibility Impact Assessment.</li> <li>▪ Construction Traffic Management Plan.</li> <li>▪ Green Travel Plan or equivalent.</li> </ul>	<p>Noted – the proposal will address the requirements of this item through the listed reports.</p>



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<p>performance levels of nearby intersections.</p> <ul style="list-style-type: none"><li>○ details of the proposed development, including pedestrian and vehicular access arrangements (including swept path analysis of the largest vehicle and height clearances and an explanation of how residents will access facilities and services), parking arrangements and rates (including bicycle and end-of-trip facilities), drop-off/pick-up-zone(s) and bus bays (if applicable), and provisions for servicing and loading/unloading.</li><li>○ analysis of the impacts of the proposed development during construction and operation (including justification for the methodology used), including predicted modal split, a forecast of additional daily and peak hour multimodal network flows as a result of the development (using industry standard modelling), identification of potential traffic impacts on road capacity, intersection performance and road safety (including pedestrian and cyclist conflict) and any cumulative impact from surrounding approved developments.</li><li>○ measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery (including proposed arrangements with local councils or government agencies) of any infrastructure improvements in accordance with the relevant standards.</li><li>○ measures to promote sustainable travel choices for employees, residents, guests and visitors, such as connections into existing walking and cycling networks, minimising car parking provision, encouraging car share and public transport, providing adequate bicycle parking and high quality end-of-trip facilities, and implementing a Green Travel Plan.</li></ul> <ul style="list-style-type: none"><li>▪ Provide a Construction Traffic Management Plan detailing predicted construction vehicle routes, access and</li></ul>		
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<p>parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated.</p>		
<p><b>11. Biodiversity</b></p> <ul style="list-style-type: none"> <li>▪ Assess any biodiversity impacts associated with the development in accordance with the <i>Biodiversity Conservation Act 2016</i> and the <i>Biodiversity Assessment Method 2020</i>, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the development is on biodiversity certified land.</li> <li>▪ If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification.</li> </ul>	<p>Biodiversity Development Assessment Report or BDAR Waiver.</p>	<p>Noted – the proposal will be supported by either a BDAR waiver or BDAR.</p>
<p><b>12. Noise and Vibration</b></p> <ul style="list-style-type: none"> <li>▪ Provide a noise and vibration assessment prepared in accordance with the relevant NSW Environment Protect Authority (EPA) guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented.</li> </ul>	<p>Noise and Vibration Impact Assessment.</p>	<p>Noted – the proposal will be supported by a Noise and Vibration Impact Assessment.</p>
<p><b>13. Ground and Water Conditions</b></p> <ul style="list-style-type: none"> <li>▪ Assess potential impacts on soil resources and related infrastructure and riparian lands on and near the site, including soil erosion, salinity and acid sulfate soils.</li> <li>▪ Provide a Surface and Groundwater Impact Assessment that assesses potential impacts on: <ul style="list-style-type: none"> <li>○ Surface water resources (quality and quantity) including related infrastructure, hydrology, dependent ecosystems, drainage lines, downstream assets and watercourses.</li> <li>○ Groundwater resources in accordance with the <i>Groundwater Guidelines</i>.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Geotechnical Assessment.</li> <li>▪ Surface and Groundwater Impact Assessment.</li> <li>▪ Salinity Management Plan and/or Acid Sulfate Soils Management Plan.</li> </ul>	<p>Noted – the proposal will address the requirements of this item through the listed reports.</p>
<p><b>14. Water Management</b></p> <ul style="list-style-type: none"> <li>▪ Provide an Integrated Water Management Plan for the development that:</li> </ul>	<ul style="list-style-type: none"> <li>▪ Water Management Plan.</li> </ul>	<p>Noted – the proposal will be supported by a Water Management Plan.</p>



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<ul style="list-style-type: none"> <li>○ is prepared in consultation with the local council and any other relevant drainage or water authority.</li> <li>○ outlines the water-related servicing infrastructure required by the development (informed by the anticipated annual and ultimate increase in servicing demand) and evaluates opportunities to reduce water demand (such as recycled water provision).</li> <li>○ details the proposed drainage design (stormwater and wastewater) for the site including any on-site detention facilities, water quality management measures and nominated discharge points, on-site sewage management, and measures to treat, reuse or dispose of water.</li> <li>○ demonstrates compliance with the local council or other drainage or water authority requirements and avoids adverse downstream impacts.</li> <li>▪ Where water and drainage infrastructure works are required that would be handed over to the local council, or other drainage or water authority, provide full hydraulic details and detailed plans and specification of proposed works that have been prepared in consultation with, and comply with the relevant standards of, the local council or other drainage or water authority.</li> </ul>		
<p><b>15. Flooding Risk</b></p> <ul style="list-style-type: none"> <li>▪ Identify any flood risk on-site having regard to adopted flood studies, the potential effects of climate change, and any relevant provisions of the <i>NSW Floodplain Development Manual</i>.</li> <li>▪ Assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required.</li> </ul>	Flood Risk Assessment.	The proposal will be supported by a Flood Risk Assessment.
<p><b>16. Hazards and Risk</b></p> <ul style="list-style-type: none"> <li>▪ Where there are dangerous goods and hazardous materials associated with the development provide a preliminary risk screening in accordance with Chapter 3 of <i>SEPP (Resilience and Hazards) 2021</i>.</li> <li>▪ Where required by <i>SEPP (Resilience and Hazards) 2021</i>, provide a Preliminary Hazard Analysis prepared in</li> </ul>	<ul style="list-style-type: none"> <li>▪ Preliminary Hazard Analysis.</li> </ul> <p>If required:</p> <ul style="list-style-type: none"> <li>▪ Hazard Analysis (Pipeline)</li> </ul>	Noted - the proposal will be supported by a preliminary risk screening assessment, and if required a Preliminary Hazard Analysis.



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<p>accordance with <i>Hazardous Industry Planning Advisory Paper No.6 - Guidelines for Hazard Analysis</i>.</p> <ul style="list-style-type: none"> <li>If the development is adjacent to or on land in a pipeline corridor, report on consultation outcomes with the operator of the pipeline, and prepare a hazard analysis.</li> </ul>		
<p><b>17. Contamination and Remediation</b></p> <ul style="list-style-type: none"> <li>In accordance with Chapter 4 of <i>SEPP (Resilience and Hazards) 2021</i>, assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable (or will be suitable, after remediation) for the development.</li> </ul>	<p>Preliminary Site Investigation.</p> <p>If required:</p> <ul style="list-style-type: none"> <li>Detailed Site Investigation.</li> <li>Remedial Action Plan.</li> <li>Preliminary Long-term Environmental Management Plan.</li> </ul>	<p>Noted - the proposal will be supported by the relevant documents.</p>
<p><b>18. Waste Management</b></p> <ul style="list-style-type: none"> <li>Identify, quantify and classify the likely waste streams to be generated during construction and operation.</li> <li>Provide the measures to be implemented to manage, reuse, recycle and safely dispose of this waste.</li> <li>Identify appropriate servicing arrangements for the site.</li> <li>If buildings are proposed to be demolished or altered, provide a hazardous materials survey.</li> </ul>	<ul style="list-style-type: none"> <li>Waste Management Plan.</li> <li>Hazardous Material Survey.</li> </ul>	<p>Noted - the proposal will be supported by a Waste Management Plan and Hazardous Material Survey.</p>
<p><b>19. Aboriginal Cultural Heritage</b></p> <ul style="list-style-type: none"> <li>Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site.</li> </ul>	<p>Aboriginal Cultural Heritage Assessment Report.</p>	<p>Noted - the proposal will be supported by an Aboriginal Cultural Heritage Assessment Report.</p>
<p><b>20. Environmental Heritage</b></p> <ul style="list-style-type: none"> <li>Where there is potential for direct or indirect impacts on the heritage significance of items of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated.</li> </ul>	<ul style="list-style-type: none"> <li>Statement of Heritage Impact.</li> <li>Archaeological Assessment.</li> </ul>	<p>N/A. There are no heritage items on or in close proximity to the subject site. As such a Heritage Impact Assessment is not required.</p>
<p><b>21. Social Impact</b></p> <ul style="list-style-type: none"> <li>Provide a Social Impact Assessment prepared in accordance with the <i>Social Impact Assessment Guidelines for State Significant Projects</i>.</li> </ul>	<p>Social Impact Assessment.</p>	<p>Noted - the proposal will be supported by a Social Impact Assessment prepared in accordance with the <i>Social Impact Assessment Guidelines for State Significant Developments</i>.</p>



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<p><b>22. Infrastructure Requirements and Utilities</b></p> <ul style="list-style-type: none"> <li>▪ In consultation with relevant service providers: <ul style="list-style-type: none"> <li>○ assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site.</li> <li>○ identify any infrastructure upgrades required on-site and off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained.</li> <li>○ provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be co-ordinated, funded and delivered to facilitate the development.</li> </ul> </li> </ul>	<p>Infrastructure Management and Staging Plan.</p> <p>Delivery, and</p>	<p>Noted – the proposal will be supported by an Infrastructure Delivery, Management and Staging Plan.</p>
<p><b>23. Bush Fire Risk</b></p> <ul style="list-style-type: none"> <li>▪ If the development is on bush fire prone land, provide a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with <i>Planning for Bush Fire Protection</i>.</li> </ul>	<p>Bush Fire Assessment.</p>	<p>The Site is located on bushfire prone land.</p>
<p><b>24. Aviation</b></p> <ul style="list-style-type: none"> <li>▪ If the development proposes a helicopter landing site (HLS), assess its potential impacts on the flight paths of any nearby airport, airfield or HLS.</li> <li>▪ If the site contains or is adjacent to a HLS, assess the impacts of the development on that HLS.</li> </ul>	<p>Aviation Report</p>	<p>N/A. The proposal does not propose an HLS.</p>
<p><b>25. Construction, Operation and Staging</b></p> <ul style="list-style-type: none"> <li>▪ If staging is proposed, provide details of how construction and operation would be managed and any impacts mitigated.</li> </ul>	<p>Address in EIS.</p>	<p>Noted – the proposal will address the requirement of this item.</p>
<p><b>26. Contributions and Public Benefit</b></p> <ul style="list-style-type: none"> <li>▪ Address the requirements of any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind and include details of any proposal for further material public benefit.</li> <li>▪ Where the development proposes alternative public benefits or a departure from an existing contributions framework, the local council, the Department and relevant State agencies are to be consulted prior to lodgement and details, including</li> </ul>	<p>Address in EIS.</p>	<p>Noted – the proposal will address the requirement of this item.</p>



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how comments have been addressed, are to be provided.		
<b>27. Engagement</b> <ul style="list-style-type: none"><li>▪ Detail engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guidelines for State Significant Projects</i>. Detail how issues raised and feedback provided have been considered and responded to in the project. In particular, applicants must consult with:<ul style="list-style-type: none"><li>○ the relevant Department assessment team.</li><li>○ any relevant local councils.</li><li>○ any relevant agencies (including the Western Parkland City Authority for development within the Western Parkland City).</li><li>○ the community.</li><li>○ if the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&amp;A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&amp;A Act, the agency relevant to that approval or authorisation.</li></ul></li></ul>	Engagement report.	Noted – the proposal will be supported by an Engagement Report, in accordance with the <i>Undertaking Engagement Guidelines for State Significant Projects</i> .

The proposal is considered to meet the eligibility criteria for industry-specific SEARs. As such, it is requested that NSW DPHI issue formal SEARs for the preparation of an EIS for this proposal as SSD.

Should you require any further information to do so, please do not hesitate to contact the undersigned on 0418 443 167 or via email at [apigott@willowtp.com.au](mailto:apigott@willowtp.com.au).

Your sincerely,



Andrew Pigott  
Director  
Willowtree Planning Pty Ltd

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**Appendix 1** Preliminary Architectural Plans  
**Appendix 2** Preliminary EDC Report

