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REVIEW OF ENVIRONMENTAL FACTORS

Proposed General Housing Development

at

9-11 Stapleton Parade, St Marys NSW 2760

September 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by HMR Planning for the New South Wales Land & Housing Corporation.

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2	21.07.2023	v2	LAHC Minor edits	Various
3	28.08.2023	V3	LAHC Final edits	Various

DOCUMENT SIGN-OFF

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Contents

1	Executive Summary	9
2	Introduction	10
2.1	Summary of Proposed Activity	10
2.2	Demolition	13
2.3	Removal of Trees	13
2.4	Proposed Dwellings	14
3	Existing Site & Locality	16
3.1	Existing Site and Immediately Adjoining Development	16
3.2	Site Description	20
3.3	Neighbouring Development and Locality	20
4	Zoning and Permissibility	23
5	Planning and Design Framework	24
5.1	Environmental Planning and Assessment Act 1979	24
5.2	Biodiversity Conservation Act 2016 (BC Act)	24
5.3	Other Acts	24
5.4	Environmental Planning and Assessment Regulation 2021	25
5.5	State Environmental Planning Policy (Housing) 2021	27
5.6	Local Planning Controls	37
6	Notification, Consultation and Consideration of Responses	51
6.1	Council Notification	51
6.2	Notification of Occupiers of Adjoining Land and Other Persons	57
6.3	Notification of Specified Public Authorities	58
7	Review of Environmental Factors	59
7.1	Neighbourhood Character	59
7.2	Bulk and Density	59
7.3	Streetscape	60
7.4	Visual Impact	60
7.5	Privacy	61
7.6	Solar Access	61
7.7	Overshadowing	62
7.8	Traffic & Parking	62
7.9	Flora and Fauna	63
7.10	Heritage (European / Indigenous)	64
7.11	Soils / Contamination / Acid Sulfate Soils / Salinity	64
7.12	Drainage / Flood Prone Land / Hydrology/ Water Quality	65
7.13	Bushfire Prone Land	66
7.14	Noise and Vibration	66
7.15	Air Quality	66
7.16	Waste Minimisation	67
7.17	Resource Use & Availability	68
7.18	Community / Social Effects	68
7.19	Economic Impact	68
7.20	Cumulative Impact Assessment	69

8	Conclusion.....	70
8.1	Summary of Key Issues Raised in Assessment.....	70
9	Recommendation	70

List of Figures

Figure 1 Extract from Architectural Plans – Proposed Site Plan (Source: Architectural Plans, Morson Group, dated 20/06/2023)	14
Figure 2 Extract from Architectural Plans – Ground Floor Plan (Source: Architectural Plans, Morson Group, dated 20/06/2023)	15
Figure 3 Extract from Architectural Plans – First Floor (Source: Architectural Plans, Morson Group, dated 27/02/2023)	15
Figure 4 Extract from Architectural Plans – Stapleton Parade Streetscape Perspective (Source: Architectural Plans, Morson Group, dated 27/02/2023)	15
Figure 5 Location Plan (Source: SIX Maps)	16
Figure 6 Development site – 9 Stapleton Parade, St Marys Road (Source – HMR Planning - 24 April 2023)	17
Figure 7 Development site – 10 Stapleton Parade, St Marys (Source – HMR Planning - 24 April 2023)	17
Figure 8 Development site – 11 Stapleton Parade, St Marys (Source – HMR Planning - 24 April 2023)	18
Figure 9 Adjoining lane – Stapleton Lane, viewed from Stapleton Parade (Source HMR Planning - 24 April 2023)	18
Figure 10 Bennett Park located west from the development site (Source HMR Planning - 24 April 2023)	19
Figure 11 Adjoining development to the north located at No.12 Stapleton Pde (Source – HMR Planning - 24 April 2023)	19
Figure 12 Adjoining multi dwelling development located to the immediate east (rear) of the subject site (Source HMR Planning - 24 April 2023)	20
Figure 13 More recent multi dwelling housing development at 1 Brock Avenue (west of the site) (Source – HMR Planning - 24 April 2023)	21
Figure 14 More recent multi dwelling housing development at 1 Brock Avenue (west of the site) (Source – Architectural Design Statement, dated 19 June 2023 - <i>Appendix V</i>)	21
Figure 15 More recent multi dwelling housing development at 151 Glossop St (immediately east of the site) (Source – HMR Planning - 24 April 2023)	22
Figure 16 More recent multi dwelling housing development at 23-25 Lethbridge Street (north of the site) (Source – Architectural Design Statement, dated 19 June 2023 - <i>Appendix V</i>)	22
Figure 17 Land zoning map (Source: Land Zoning Map - Sheet LZN_019, Penrith Local Environmental Plan 2010)	23
Figure 18 Map of Properties Notified of the Proposed Development (Source: LAHC)	57

List of Tables

Table 1 Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979	24
Table 2 Environmental Planning and Assessment Regulation 2021 Section 171	25
Table 3 Factors to be taken into consideration concerning the impact of an activity on the environment	25
Table 4 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for ‘residential development without consent’ carried out by LAHC	27
Table 5 Seniors Living Urban Design Guidelines departures	30

Table 6	Good Design for Social Housing – Relevant Goals & Principles.....	32
Table 7	Compliance with other applicable State and Environmental Planning Policies.....	33
Table 8	Penrith Local Environmental Plan 2010	37
Table 9	Penrith Development Control Plan 2014.....	38
Table 10	Issues raised in Council submission.....	51
Table 11	Issues raised by adjoining owners / neighbours	57

1 Executive Summary

The subject site is located at 9-11 Stapleton Parade, St Marys and is legally described as Lots 25, 26 & 27 in Deposited Plan 35558.

The proposed multi dwelling housing development is described as follows:

Demolition of 3 existing dwellings, removal of trees, and the construction of a multi dwelling housing development containing 14 dwellings comprising 12 x 2 bedroom and 2 x 3 bedroom units, with associated landscaping and fencing, surface parking for 9 cars, and consolidation into a single lot.

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

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

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

The REF demonstrates the following:

- from an analysis of the potential environmental impacts associated with the proposed activity, it has been concluded that the preparation of an Environmental Impact Statement is not required;
- based on a review of the potential environmental impacts resulting from the proposed activity it has been determined that, subject to implementation of mitigation measures to be incorporated as Identified Requirements, the activity will not have any significant adverse impact on the environment;
- the proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- the design of the proposed activity has adequately taken into account design principles and better practices set out in the *Seniors Living Policy: Urban Design Guidelines for Infill Development* and taken into consideration the *Good Design for Social Housing* and *NSW Land and Housing Corporation Design Requirements*;
- the site planning and design of the proposed activity adequately address the applicable local environmental planning and development controls of Penrith City Council;
- a BASIX certificate and NatHERS certificate and stamped plans have been submitted for the proposed activity demonstrating compliance with the State Government's environmental sustainability targets; and
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.
- Penrith City Council and occupiers of adjoining land were notified of the proposed activity under the provisions of Housing SEPP. A response was received from Council dated 14 April 2023. Comments on the response are provided in **Section 6.1** of this REF. Two submissions were received from occupiers of adjoining land. Comments on the submissions are provided in **Section 6.2** of this REF.

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

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of 3 existing dwellings and structures, removal of trees, and the construction of a multi dwelling housing development containing 14 dwellings comprising 12 x 2 bedroom and 2 x 3 bedroom units, with associated landscaping and fencing, surface parking for 9 cars, and consolidation into a single lot at 9-11 Stapleton Parade, St Marys.

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

This REF has been prepared by HMR Planning on behalf of LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the *Environmental Planning & Assessment Regulation* (EP&A Regulations) 2021.

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

2.1 Summary of Proposed Activity

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

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd-mm-yyyy]:	Prepared by:
Architectural – Appendix A				
Cover	DA01	B	27-02-2023	Morson Group
Existing Photographs	DA02	B	27-02-2023	Morson Group
Data Table, Deep Soil and Landscape	DA03	B	27-02-2023	Morson Group
3D Views	DA04	B	27-02-2023	Morson Group
3D Views	DA05	B	27-02-2023	Morson Group
Compliance	DA06	B	27-02-2023	Morson Group
Block Analysis	DA07	B	27-02-2023	Morson Group
Site Analysis	DA08	B	27-02-2023	Morson Group
Demolition Site Plan	DA09	B	27-02-2023	Morson Group
Proposed Site Plan	DA10	D	20-06-2023	Morson Group
Ground Floor	DA11	D	20-06-2023	Morson Group
First Floor	DA12	B	27-02-2023	Morson Group
Roof Plan	DA13	C	09-06-2023	Morson Group

¹ Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the Environmental Planning and Assessment Act 1979.

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd-mm-yyyy]:	Prepared by:
East & West Elevations	DA15	B	27-02-2023	Morson Group
North & South Elevations	DA16	B	27-02-2023	Morson Group
Streetscape Elevation - Stapleton	DA17			
Internal Elevations – Sheet 1	DA18	B	27-02-2023	Morson Group
Internal Elevations – Sheet 2	DA19	B	27-02-2023	Morson Group
Building Sections – Sheet 1	DA20	B	27-02-2023	Morson Group
Building Sections – Sheet 2	DA21	B	27-02-2023	Morson Group
Cut – Fill Plan	DA23	B	27-02-2023	Morson Group
Retaining Walls	DA24	B	27-02-2023	Morson Group
Material Schedule	DA25	B	27-02-2023	Morson Group
Window Schedule	DA30	B	27-02-2023	Morson Group
Solar Access Study – Sheet 1	DA40	C	09-06-2023	Morson Group
Solar Access Study – Sheet 2	DA41	C	09-06-2023	Morson Group
Solar Access – Existing (Sheet 1)	DA42	A	20-06-2023	Morson Group
Solar Access – Existing (Sheet 2)	DA43	A	20-06-2023	Morson Group
Landscape – Appendix B				
Landscape Site Plan	1	K	20-06-2023	Paul Scrivener Landscape
Planting Plan & Schedule	2	K	20-06-2023	Paul Scrivener Landscape
Landscape Plan	3	K	26-06-2023	Paul Scrivener Landscape
Civil – Appendix C				
Hydraulic Services Site Plan	HDA01	P14	19-07-2023	InLine Hydraulic Services
Hydraulic Services Ground Floor Plan	HDA02	P14	19-07-2023	InLine Hydraulic Services
Hydraulic Services First Floor Plan	HDA03	P14	19-07-2023	InLine Hydraulic Services
Hydraulic Services Roof Plan	HDA04	P14	19-07-2023	InLine Hydraulic Services
Hydraulic Services Sediment & Erosion Control Plan	HDA05	P14	19-07-2023	InLine Hydraulic Services
Hydraulic Services Detail Sheet 1	HDA06	P14	19-07-2023	InLine Hydraulic Services
Hydraulic Services Detail Sheet 2	HDA07	P14	19-07-2023	InLine Hydraulic Services
Site Survey – Appendix D				

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd-mm-yyyy]:	Prepared by:
Detail and Level Survey - Sheet 1 of 3		3	17-03-2022	Degotardi Smith & Partners
Detail and Level Survey - Sheet 2 of 3		3	17-03-2022	Degotardi Smith & Partners
Detail and Level Survey - Sheet 2 of 3		3	17-03-2022	Degotardi Smith & Partners
Notification Plans – Appendix G				
Notification plans	N01 – N05	B	27-02-2023	Morson Group
Specialist Reports				
Access Report - Appendix I	22209	A	02-12-2022	Vista Access Architects
Arborist's Impact Assessment and Method Statement – Appendix K	-	-	01-11-2022	Naturally Trees
BASIX Certificate – Appendix L	1349356M_02	-	08-06-2023	Partners Energy Management
NatHERS Certificate – Appendix M	0008270660	-	03-12-2022	Partners Energy Management
BCA Design Compliance Assessment – Appendix N	J4361	Final	02-12-2022	DPG Group
Site Investigation - Appendix R	10530/2867	-	03-09-2015	SMEC Testing Services
Heritage Assessment – Appendix S			27-01-2023	Extent People-Centred Heritage
Traffic and Parking Impact Assessment - Appendix T	02-106-4	-	June 2023	Stanbury Traffic Planning
Waste Management Plan – Appendix U	-	-	N/A	Peter Morson
View from Sun Diagrams – Appendix W	EOS01-07	B	27-02-2023	Morson Group
Tree Report – Appendix X			15-02-2023	Plateau Tree Service

Titles and Deposited Plans – Appendix E

Title Search, Folio: 25/35558, Search date 23-02-2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 26/35558, Search date 23-02-2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 27/35558, Search date 23-02-2023, First Schedule: New South Wales Land and Housing Corporation

Section 10.7 Planning Certificates – Appendix F

Planning Certificate, Certificate No 23/02927, 9 Stapleton Parade, St Marys – Issued by Penrith City Council dated 29 June 2023

Planning Certificate, Certificate No 23/02926, 10 Stapleton Parade, St Marys – Issued by Penrith City Council dated 29 June 2023

Planning Certificate, Certificate No 23/02925, 11 Stapleton Parade, St Marys – Issued by Penrith City Council dated 29 June 2023

AHIMS – Appendix J

AHIMS Search Result, 10 Stapleton Parade, St Marys, date 26/06/2023

Design compliance and checklists – Appendix O, P & Q

Architect's Certificate of Building Design Compliance, dated 27/02/2023

Civil Design Certificate, dated 19/07/2023

Landscape Design Certificate, dated 07/08/2023

Seniors Living Urban Design Guidelines checklist, prepared by Morson Group Architects dated 27/02/2023

Part 5 Activity Package Submission, Checklist for Development Proposals under the Housing SEPP, Morson Group Architects dated 27/02/2023

Sub-consultant Design Statements – Appendix V

Design statement in response to RFI, Landscape Design - Paul Scrivener dated 20-06-2023

Architectural Design Statement in response to Council RFI - Morson Architects Pty Ltd dated 19 June 2023

Engineering Response to Council Letter, 22194 – InLine Pty Ltd dated 16 June 2023

2.2 Demolition

The proposed activity includes demolition of 3 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to *Appendix A*).

2.3 Removal of Trees

Nineteen trees are located within the site and the proposal includes the removal of 18 of those trees. Trees external to the site along Stapleton Parade and adjoining properties will be retained and protected.

The tree removal within the site boundaries is recommended primarily to accommodate the proposed development or the individual species are recommended for removal as they are not considered to be significant or worthy of retention (refer to submitted Arboricultural Impact Appraisal and Method Statement in *Appendix K*). Following further assessment, the Arborist found that the root system of Tree No. 7 was causing significant damage to the pathways and driveway of 12 Stapleton Parade, creating a safety concern (refer to Tree Report in *Appendix X*). As such, this tree is also proposed to be removed and an Identified Requirement (No. 74) has been recommended requiring an appropriate replacement tree that has a semi-mature height at planting.

More appropriate tree plantings, including trees capable of reaching mature heights of between 8m and 15m, will be provided as part of the proposed landscaping plan to compensate for the loss of these trees (refer to submitted Landscape Plan in *Appendix B*).

2.4 Proposed Dwellings

Of the 14 residential units, 2 have been designed as adaptable units, 8 have been designed as Livable Housing Australia Silver Level and 4 have been designed as Livable Housing Australia Gold Level, which are capable of being adapted to suit persons with a disability should the need arise in the future.

The proposed housing represents a contemporary, high quality design. The use of face brick for external walls and Colorbond metal roofing is consistent with the existing and developing character of the St Marys suburb. Eight of the 14 dwellings will address the street (Units 1-8), with living areas and living area windows facing the street for passive surveillance. Each unit will be provided with its own enclosed private open space area. All these spaces are directly accessible from the living areas.

Minor cut is proposed to provide a level building platform. This level of cut is within Penrith City Council's DCP standards. Small retaining walls are proposed along the eastern boundary as shown on the Landscape Plan (refer to *Appendix B*).

A variety of new landscape plantings are proposed to offset the proposed tree removal and enhance the appearance of the site. New plantings will consist of a mixture of new trees, shrubs and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape.

A total of 9 surface car parking spaces will be provided on the site, including 2 accessible spaces.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the street drainage pit on the site frontage. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

A new 1.8 m high Colorbond fence is proposed along the side and rear boundaries. The Colorbond fencing along the southern side boundary will include a lattice top. A combination of split composite brickwork and slatted metal fencing will be provided at the front of the development orientated to Stapleton Parade. **Figure 1** to **Figure 4** include extracts from the architectural plans illustrating the proposed development.

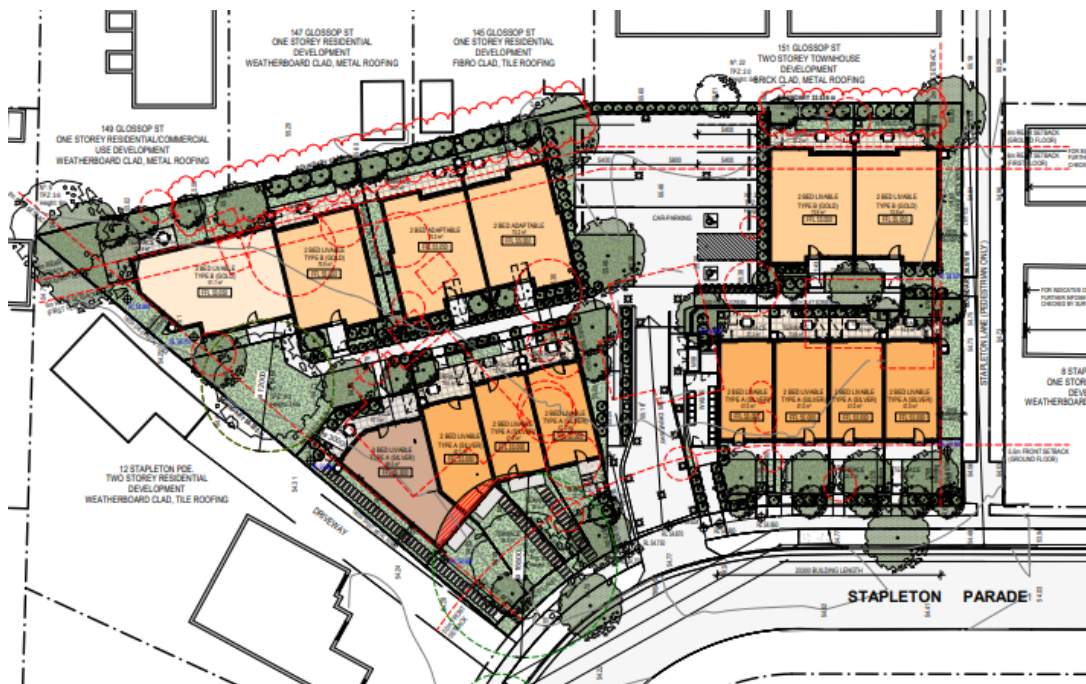


Figure 1 Extract from Architectural Plans – Proposed Site Plan (Source: Architectural Plans, Morson Group, dated 20/06/2023)



Figure 2 Extract from Architectural Plans – Ground Floor Plan (Source: Architectural Plans, Morson Group, dated 20/06/2023)

Figure 3 Extract from Architectural Plans – First Floor (Source: Architectural Plans, Morson Group, dated 27/02/2023)



Figure 4 Extract from Architectural Plans – Stapleton Parade Streetscape Perspective (Source: Architectural Plans, Morson Group, dated 27/02/2023)

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Penrith local government area (LGA) and comprises three residential allotments. A location plan is provided at **Figure 5**.

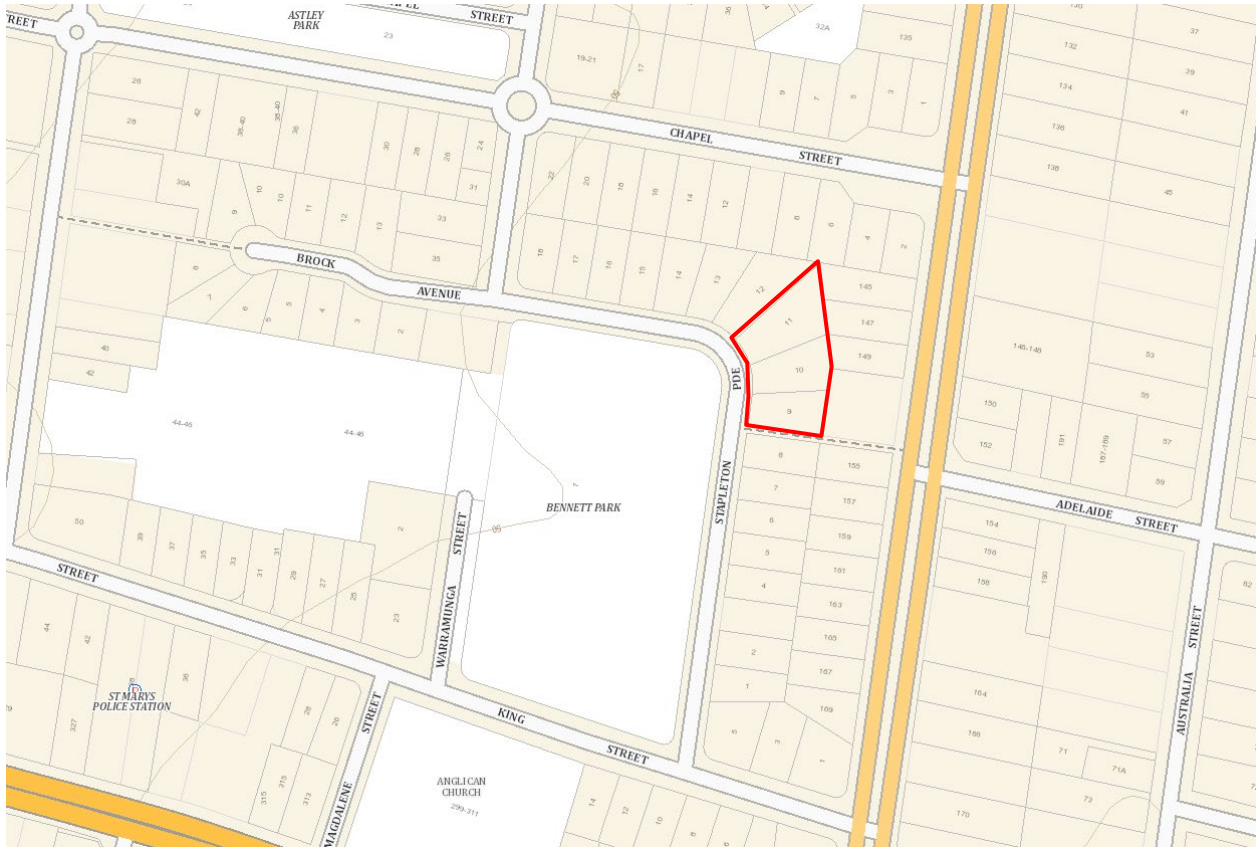


Figure 5 Location Plan (Source: SIX Maps)

The site is currently occupied by three single storey brick dwellings with tiled roofs (refer to photographs at **Figure 6** to **Figure 8**).

The Heritage Assessment undertaken by Extend Heritage Pty Ltd, dated 27 February 2023 (refer **Appendix S**) considered the heritage significance of the dwellings and concluded the following:

“Detailed investigation into the history and significance of the subject properties has shown that, contrary to the comments in the St Marys Town Centre Structure Plan, the cottages at 9,10 and 11 Stapleton Parade, St Marys have no connection to the Duration Cottages in North St Marys and are not noted in the DoCoMoMo report on ‘Permanent Duration Cottages’. The assessment in this report has determined the subject properties do not meet the threshold for heritage listing at a state or local level under the NSW heritage criteria, individually or as a group. Accordingly, the group of cottages does not warrant listing as a heritage item or further consideration as a potential heritage retention area.”

To the immediate south is Stapleton Lane, which provides pedestrian through site link between Stapleton Parade and Glossop Street (refer to photograph at **Figure 9**). To the west, is Bennett Park which currently contains a large, grassed area and children’s playground (refer to photograph at **Figure 10**). A draft Concept Plan has been prepared by CONVIC on behalf of Penrith City Council which seeks to upgrade Bennett Park to include a new mixed recreation space. The property to the north (12 Stapleton Street) contains a two-storey

weatherboard dwelling house with tile roof (refer to photograph at **Figure 11**) and properties to the east contain a multi dwelling housing complex (151 Glossop Street) (refer to photograph at **Figure 12**), and single-storey dwelling houses located at 145-149 Glossop Street.



Figure 6 Development site - 9 Stapleton Parade, St Marys Road (Source - HMR Planning - 24 April 2023)



Figure 7 Development site - 10 Stapleton Parade, St Marys (Source - HMR Planning - 24 April 2023)



Figure 8 Development site – 11 Stapleton Parade, St Marys (Source – HMR Planning - 24 April 2023)



Figure 9 Adjoining lane – Stapleton Lane, viewed from Stapleton Parade (Source HMR Planning - 24 April 2023)



Figure 10 Bennett Park located west from the development site (Source HMR Planning - 24 April 2023)



Figure 11 Adjoining development to the north located at No.12 Stapleton Pde (Source - HMR Planning - 24 April 2023)



Figure 12 Adjoining multi dwelling development located to the immediate east (rear) of the subject site (Source HMR Planning - 24 April 2023)

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates (Nos 9, 10 and 11) dated 29 June 2023 are provided in *Appendix F*.

The site has a total area of approximately 2,593m², a curved frontage to Stapleton Parade of 44.68m, side (southern) boundary of 36.575m, a side (northern) boundary of 56.32m and an angled rear (eastern) boundary of 85.725m (refer to the submitted Detail and Level Survey Plan in *Appendix D*).

The site falls from the rear (south-eastern) part of the site down toward the front (north-eastern) corner of the site by approximately 1.1m. An easement for stormwater drainage is not required. The site is not within a flood planning area and is not subject to flood related development controls.

There are 19 trees within the site. Two trees are located outside the site, adjacent to the site on private properties. Water, sewer, electricity and telephone facilities are available to the site (refer to the submitted Detail and Level Survey Plan for the location of available services at *Appendix D*). Water, electricity and telephone services are located along the road alignment of Stapleton Parade. Sewer is located along the rear boundary of the site. There are no encumbrances on title, section 10.7 certificates or indicated on the Detail and Level Survey Plan.

3.3 Neighbouring Development and Locality

The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of brick construction with tiled roofs interspersed with more recent 2-storey dwelling houses, dual occupancy and multi dwelling housing developments (refer to photographs at **Figure 13** to **Figure 15**). Approximately 350m to the north of the site at 23-25 Lethbridge Street is a recently constructed, contemporary residential flat building (refer to photograph at **Figure 16**).

Two bus stops are located on Glossop Street, approximately 75m and 202m walking distance east of the site (refer to the Long Section Surveys in the Detail and Level Survey plans provided at **Appendix D**). These stops are serviced by Sydney Buses Network 774, which connects Mount Druitt to Penrith via Nepean Hospital including train stations, major shopping centres and local centres in these areas.

The site benefits from proximity to open space including Bennett Park located immediately opposite (to the west) of the site. Approximately 470m further west of the site is the local centre of St Marys, along Queen Street, which provides most day-to-day needs for residents. There are also a number of community based land uses including child care centres, medical centres and churches.



Figure 13 More recent multi dwelling housing development at 1 Brock Avenue (west of the site)
(Source – HMR Planning - 24 April 2023)



Figure 14 More recent multi dwelling housing development at 1 Brock Avenue (west of the site)
(Source – Architectural Design Statement, dated 19 June 2023 - **Appendix V**)



Figure 15 More recent multi dwelling housing development at 151 Glossop St (immediately east of the site)
(Source – HMR Planning - 24 April 2023)



Figure 16 More recent multi dwelling housing development at 23-25 Lethbridge Street (north of the site)
(Source – Architectural Design Statement, dated 19 June 2023 - **Appendix V**)

4 Zoning and Permissibility

The site is zoned R3 Medium Density Residential under *Penrith Local Environmental Plan 2010* (PLEP 2010). The proposed development is defined as ‘multi dwelling housing’ under the provisions of PLEP 2010 and is permissible in the R3 zone.

‘Multi dwelling housing’ is permitted in the R3 zone under PLEP2010 and therefore, is permitted on the subject land with consent under the provisions of the HSEPP pursuant to section 42.

The relevant objectives of the R3 zone, as set out in PLEP2010 is:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposed development provides housing that meets the identified needs of the community and will be consistent with the objective.

Section 42 of the Housing SEPP permits residential development that may be carried out ‘with consent’ to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that clause.

Table 4 in subsection **5.5.1** of this REF demonstrates compliance with the relevant provisions of section 42 of the SEPP.



Figure 17 Land zoning map – site outlined in yellow (Source: ePlanning Spatial Viewer, 28.08.23)

5 Planning and Design Framework

5.1 Environmental Planning and Assessment Act 1979

5.1.1 Duty to consider environmental impact [Section 5.5]

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

Table 1 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 1 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

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

5.2 Biodiversity Conservation Act 2016 (BC Act)

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

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity is unlikely to affect threatened species, ecological communities or their habitats and therefore no further assessment is necessary. This is because the land does not contain threatened species, endangered ecological communities or constitute habitat of threatened species or ecological communities. The proposed activity will neither be a key threatening process and the land is not part of or in the vicinity of any declared area of outstanding biodiversity value.

5.3 Other Acts

No other State and Commonwealth Acts are applicable to the proposed activity.

5.4 Environmental Planning and Assessment Regulation 2021

5.4.1 Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]

For the purposes of Part 5 of the EP&A Act, the factors in **Table 2** and **Table 3** below have been taken into account in considering the likely impact of the proposed activity on the environment. The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

Table 2 Environmental Planning and Assessment Regulation 2021 Section 171

Factors to be taken into account concerning the impact of an activity on the environment.	Comment
Is the activity of a kind for which specific guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in the guidelines.	No specific guidelines. This does not include guidelines such as the Seniors Living Urban Design Guidelines, that are in force under other legislation or instruments.
Is the activity of any other kind for which general guidelines are in force? If so the factors to be taken into account when considering the likely impact of the activity on the environment are those referred to in those guidelines.	Yes – Department of Planning and Environment issued “Guidelines for Division 5.1 assessments” made under Section 170 of the EPA regulation 2021.

Table 3 Factors to be taken into consideration concerning the impact of an activity on the environment

Guidelines for Division 5.1 assessments require the following Environmental factors to be taken into account:	Relevant?	Impact		
	Yes/NA	Temporary	Minor	Significant [Note 1]
(a) environmental impact on the community	Y	x	x	
(b) transformation of a locality;	Y		x	
(c) environmental impact on the ecosystems of the locality;	Y		x	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;	Y	x	x	
(e) effect on a locality, place or building having aesthetic, anthropological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;	N/A			
(f) impact on the habitat of protected animals (within the meaning of Biodiversity Conservation Act 2016);	N/A			
(g) endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;	N/A			
(h) long-term effects on the environment;	Y		x	
(i) degradation of the quality of the environment;	Y	x	x	
(j) risk to the safety of the environment;	N/A			
(k) reduction in the range of beneficial uses of the environment;	N/A			
(l) pollution of the environment;	Y	x	x	
(m) environmental problems associated with the disposal of waste;	Y		x	

(n) increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply;	Y		x	
(o) cumulative environmental effect with other existing or likely future activities.	Y		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	N/A			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Y discussed below in section 5.4.2		x	
(r) other relevant environmental factors.	Y		x	

Note 1: A significant impact triggers the preparation of an Environmental Impact Statement.

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

The proposed housing development is not expected to generate any significant or long-term impacts on the environment. The short term impacts, during construction, will be offset by positive social outcomes in the long term social benefits of providing affordable housing that meets the needs of the community. The applicable Local Strategic Planning Statement (LSPS) and Community Strategic Plan are considered below at **Section 5.4.2** of this report.

5.4.2 Strategic Planning Framework

Penrith Local Strategic Planning Statement – Planning for a Brighter Future

The Penrith Local Strategic Planning Statement was endorsed by Penrith City Council in March 2020. It is a 20 year plan that identifies 21 Planning Priorities for the LGA, focused around infrastructure, partnerships, homes, communities, places, connectivity, economy, environment, sustainability and resilience.

Notably, Priority 3 seeks to provide new homes to meet the diverse needs of our growing community. The proposed development will be contributing 14 dwellings to the affordable housing supply in the Penrith LGA. It is diversifying the residential uses in St Marys by introducing a medium density and affordable housing option to accommodate the population in the locality and is well serviced by existing public transport options.

The proposed development, of 14 residential dwellings contributes to the objectives of the Penrith Local Strategic Planning Statement and will increase the provision of affordable dwellings.

Penrith 2036+ Community Strategic Plan

The Penrith 2036+ Community Strategic Plan was adopted by Council in June 2022. It is a 15 year plan that outlines five desired outcomes that are derived from an extensive community engagement process, which will inform long-term planning and the strategies to achieve them. Under the five outcomes there are key goals and subsequent strategies for Council to facilitate in partnership with the community, government agencies and business. These five desired outcomes are supported by key goals that will guide the Penrith area in the next 15 years. The themes are focused around; environmental impacts, affordable and mixed housing, a liveable city and public transport. The proposed development for 14 units is not in conflict with the Penrith 2036+ Community Strategic Plan and will provide new affordable housing within the LGA.

5.4.3 Activities in Catchments [Section 171A]

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

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

An assessment of these controls on development is provided in **Table 7** of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Hawkesbury-Nepean Catchment.

5.5 State Environmental Planning Policy (Housing) 2021

5.5.1 Development without Consent

Section 42 of the HSEPP permits certain development that may be carried out 'with consent' to be carried out by LAHC as 'development without consent' subject to the provisions set out under that section. **Table 4** below demonstrates compliance with the relevant provisions of section 42 of the HSEPP.

Table 4 Compliance with relevant provisions under sections Chapter 2, Part 2, Division 6 of the HSEPP for 'residential development without consent' carried out by LAHC

Provision	Compliance
42 (1) – This Division applies to residential development if -	
(a) the development is permitted with consent on the land under another environmental planning instrument, and	Yes – the development is permissible under the PLEP 2010.
(b) all buildings will have a height of not more than 9m, and	Yes – the maximum building height is 7.3m.
(c) the development will result in 60 dwellings or less on a single site, and	Yes – the development is for 14 dwellings.
(d) for development on land in an accessible area – the development will result in at least the following parking spaces – (i) for each dwelling containing 1 bedroom – 0.4 parking spaces (ii) for each dwelling containing 2 bedrooms – 0.5 parking spaces (iii) for each dwelling containing at least 3 bedrooms – 1 parking space, and	Yes – the site is located within an accessible area and the development includes 9 parking spaces (12 x 2 bed @ 0.5 spaces = 6 and 2 x 3 bed @ 1 space = 2).

Provision	Compliance
<p>(e) for development on land that is not in an accessible area – the development will result in at least the following parking spaces –</p> <p>(i) for each dwelling containing 1 bedroom – 0.5 parking spaces</p> <p>(ii) for each dwelling containing 2 bedrooms – 1 parking space</p> <p>(iii) for each dwelling containing at least 3 bedrooms – 1.5 parking space, and</p>	N/A – the site is located within an accessible area.
<p>(2) This Division applies to the following development if the development is permitted on the land under another environmental planning instrument –</p>	Noted. The development is permitted with consent in the R3 zone under the PLEP 2010.
<p>(a) the demolition of buildings and associated structures if the building or structure is on land –</p> <p>(i) that is non-heritage land, and</p> <p>(ii) that is not identified in an environmental planning instrument as being within a heritage conservation area,</p>	Yes – the site is not identified as a heritage item and is not located within a heritage conservation area.
<p>(b) the subdivision of land and subdivision works.</p> <p>Note – Section 32 prohibits the subdivision of a boarding house.</p>	Yes – consolidation of the site into a single lot is proposed.
<p>(3) This Division does not apply to –</p> <p>(a) development to which this Part, Division 5 applies, or</p> <p>(b) development that is part of a project, or part of a stage of a project, that the Minister determined under the Act, former section 75P to be subject to the Act, Part 4.</p>	<p>Division 5, <i>Residential flat buildings – social housing providers, public authorities and joint ventures</i> does not apply in this instance.</p> <p>The subject development is not subject to Part 4 of the EP&A Act and no part of the project has been determined under former Section 75P of the EP&A Act.</p>
<p>(4) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent.</p>	The proposed development will be undertaken by or on behalf of the Land and Housing Corporation, being a relevant authority.
<p>(5) <i>State environmental planning policy (Transport and Infrastructure) 2021</i>, sections 2.15 and 2.17 apply to the development and, in the application of the sections –</p>	Noted
<p>(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and</p>	Noted
<p>(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.</p>	Noted
<p>(6) In this section–</p> <p>Former section 75P means the Act, section 75P, as in force immediately before its repeal by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011.</p> <p>Residential development has the same meaning as in the Housing Act 2001, section 8.</p>	Noted

Provision	Compliance
43 Requirements for carrying out residential development -	
(1) Before carrying out development under this Division, the Land and Housing Corporation must-	
(a) request the council nominate a person or persons who must, in the council's opinion, be notified of the development, and	Yes – advice was sought from Council regarding additional persons or properties that should be notified of the development via email sent to Council on 24/05/2022. Council provided a response email on 20/02/2023 and did not request any additional properties to be included for notification.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	Yes – a letter notifying Penrith City Council of the proposed development activity was sent by LAHC on 2/03/2023. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same date.
(c) take into account the responses to the notice that are received within 21 days after the notice is given, and	Council responded to LAHC's notification by letter dated 14/04/2023, and two submissions were received from adjoining landowners. The detail of these submissions is discussed further in Section 6 of this REF.
(d) take into account the relevant provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> , published by the Department in March 2004, and	Yes – refer to Table 5 .
(e) if the relevant authority is the Aboriginal Housing Office – consider the relevant provisions of the <i>Aboriginal Housing Design Guidelines</i> , published by the Aboriginal Housing Office in January 2020, and	N/A
(f) If the relevant authority is the Land and Housing Corporation – consider the relevant provisions of – (i) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation in September 2020, and (ii) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023, and	Yes, refer to checklists in <i>Appendix O</i> and <i>Appendix P</i> and subsection 5.5.2 and 5.5.4 of this REF. These conclude that the development complies with all relevant provisions relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> with the exception of the minor variations discussed in subsection 5.5.2 of this REF. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints.
(g) if the development is for the purposes of manor houses or multi dwelling housing (terraces) – consider the relevant provisions of the Codes SEPP, Part 3B.	The proposed development is for multi-dwelling housing (villas/townhouses) and not for manor houses or multi dwelling housing (terraces). The provisions of the Codes SEPP, Part 3B are not applicable in this instance.
(2) In this section, a reference to the council is a reference to the council for the land on which the development is proposed to be located.	Noted.

5.5.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

The *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG) (March 2004) has been prepared to assist in the design and assessment of applications for development under the Housing SEPP and is used for all Part 5 applications, excluding group homes and boarding houses.

The SLUDG outlines the design issues, principles and better practices that must be considered when designing a development for assessment under the Housing SEPP. There are five sections in the document, each corresponding to a key issue when designing development under the Housing SEPP. These include:

- Improving neighbourhood fit;
- Improving site planning and design;
- Reducing impacts on streetscape;
- Reducing impacts on neighbouring properties; and
- Improving internal site amenity.

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

An assessment of the design of the activity against the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided at **Appendix P**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 5**.

Table 5 Seniors Living Urban Design Guidelines departures

Guideline Requirement	Response
2.23 Maintain, where possible, existing crossings and driveway locations on the street	The site will require consolidation into a single lot and the existing driveways will be demolished. A new driveway along the western boundary of the site is proposed to ensure the site is well designed and utilised.
3.06 Set back upper levels behind the front building façade?	<p>The two storey townhouses at the front of the development do not contain upper levels that are set back further than the ground floor building façade.</p> <p>The buildings have been designed to adopt a modern, simplified form, with articulation provided through vertical elements, architectural window and awning covers and contrasting brickwork. Substantial tree planting and landscaping along the site frontage will ensure the proposed development doesn't generate any unacceptable visual impacts on the streetscape and surrounding dwellings.</p>
3.08 Reduce the apparent bulk and visual impact of the building by breaking down the roof into smaller roof elements?	There are no roof elements visible from the front façade or streetscape.
3.09 Use a roof pitch sympathetic to that of existing buildings in the street?	There is no pitch roof visible in the front façade. This development has been designed in accordance with the emerging, more contemporary character of new developments in the area. The surrounding properties are older style, low density dwellings which are

Guideline Requirement	Response
	<p>expected to be redeveloped in the future into a more medium density residential typology.</p> <p>A low-profile roof pitch is proposed for buildings located at the rear to reduce overshadowing to existing neighbouring buildings.</p>
3.22 Vary the alignment of driveways to avoid a 'gun barrel' effect?	A straight driveway is required due to the configuration of the site and the need to optimise the number of dwellings which are oriented to the street. It is considered that the inclusion of landscaping along both sides of the driveway and at the rear of the parking area serves to reduce the 'gun barrel' effect.
3.24 Consider alternative site designs that avoid driveways running the length of the site?	Parking located at the rear of the site is required to achieve a maximum yield of 14 units (9 car parking spaces). The driveway runs the length of the site, however planting has been provided to minimise the impact of the driveway.
3.25 Terminate vistas with trees, vegetation, open space or a dwelling rather than garages or parking?	The driveway terminates in the car parking area, this is required for vehicle turning to enter and exit the site in a forward direction. The parking area is surrounded by proposed new landscaping.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)	The proposed driveway will be paved to allow for the safe movement of vehicles within the site. Landscaping is proposed on either side of the driveway, pedestrian pathway and surrounding the central car parking area to break up hard surface areas and soften the appearance of the development.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	A gate has not been provided to avoid repairs, maintenance and management costs, and is also considered unnecessary as high quality landscaping is proposed to soften the driveway.
4.03 Set upper storeys back behind the side or rear building line?	The development is limited to two storeys at the front of the site and one storey dwellings at the rear and the design is consistent with the required side and rear setbacks. The absence of a complying setback for upper storeys will generate no adverse impacts to privacy or overshadowing of surrounding development.
4.04 Reduce the visual bulk of roof forms by breaking down the roof into smaller elements rather than having a single uninterrupted roof structure?	There is no visual roof element along the front façade. Separation is provided between the two rows of townhouses fronting the site. Villas at the rear are broken down to smaller buildings to reduce the bulk of building form and roof.
4.12 Protect sun access and ventilation to living areas and private open space of neighbouring dwellings by ensuring adequate building separation?	The proposed development has been designed to minimise overshadowing of surrounding development whereby the adjoining properties including the adjoining development located to the south (at No.8 Stapleton Parade) will maintain a minimum of 3 hours sunlight to all living and principal private open space areas between 9:00 am and 3:00 pm on the 21st of June. Refer

Guideline Requirement	Response
	to Section 7.7 and overshadowing diagrams at <i>Appendix A</i> .
4.20 Position driveways so as to be a buffer between new and existing adjacent dwellings?	Driveway is located centrally within the site to ensure closest access to all dwellings.
5.30 Provide communal open space that is clearly and easily accessible to all residents and easy to maintain and includes shared facilities, such as seating and barbeques to permit resident interaction?	No communal open space facilities provided as the design of the proposed dwellings allows for generous private outdoor spaces. The proposed landscaping within the private and communal spaces across the site incorporate easy to maintain species. A public park is located directly opposite the site and provides areas for passive recreation.

5.5.3 Good Design for Social Housing

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

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

An assessment of the proposed development against the *Good Design for Social Housing* document, published in September 2020, indicates that the proposed development has adequately considered the goals and principles as outlined in **Table 6** below.

Table 6 Good Design for Social Housing – Relevant Goals & Principles

Goals	Principles	Discussion on how the design responds to the principles
<i>Wellbeing</i>	Healthy environments Good for tenants Quality homes	<ul style="list-style-type: none"> Safe access is provided from the car park to entries of the building. The units have been designed to ensure residents have privacy and feel safe. Development compliant with BASIX requirements (<i>Appendix L</i>). The proposal includes high quality landscaping and outdoor areas to enhance the site amenity for residents and the streetscape.
<i>Belonging</i>	Mixed tenure Good shared and public spaces Contribute to local character	<ul style="list-style-type: none"> Easily identified front entrances. Attractively designed landscaping along street frontage and internal courtyard. The development is generally small in scale which minimises the resident density. The building design and landscaping integrates with the surrounding residential neighbourhood.
<i>Value</i>	Whole of lifecycle approach Sustainability and resilience Make every dollar count	<ul style="list-style-type: none"> Low maintenance landscape species. Durable building materials. The orientation of each dwelling and private open space area has been designed to optimise natural light to these areas. An underground rainwater tank is provided for the development to assist with sustainability and on-site water retention.

Goals	Principles	Discussion on how the design responds to the principles
		<ul style="list-style-type: none"> Development meets BASIX requirements for building sustainability.
Collaboration	A good partner Place making Continuous improvement	<ul style="list-style-type: none"> The proposal is of a scale and character that will make a positive contribution to the streetscape and assist with place making. Collaboration with a number of stakeholders has been undertaken during the design and assessment process, with the development shaped by input from a wide range of consultants and stakeholders, including Penrith City Council.

5.5.4 Land and Housing Corporation Design Requirements

The *Land and Housing Corporation Design Requirements* (LAHC Design Requirements) (February 2023) are used to inform the design and development of the LAHC social housing portfolio. These requirements apply to all new LAHC developments and are driven by tenant wellbeing, design quality, environmental performance and operational effectiveness within cost parameters.

Clause 43(1)(f)(ii) of the Housing SEPP requires the relevant authority to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed residential development under Part 2, Division 6 of the Housing SEPP.

It is noted that the Land and Housing Corporation Design Requirements 2023 (LAHC Design Requirements) replaced the LAHC Dwelling Requirements on 2 March 2023. The proposed development had already commenced statutory notification when the new requirements came into effect and therefore the supporting documentation has not been updated to reference the LAHC Design Requirements. Notwithstanding this, the proposal generally achieves the design principles and specifications outlined in the LAHC Design Requirements. Further detail will be incorporated in the construction documentation to ensure consistency with the LAHC Design Requirements.

5.5.5 Other State Environmental Planning Policies

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

Table 7 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX Certificate has been obtained for the development proposal, as required under the SEPP (refer to <i>Appendix L</i>).
SEPP (Transport and Infrastructure) 2021	<p>The proposal is not required to be notified to public authorities other than Council in accordance with Section 2.15 and 2.17 of the TISEPP, as referred to under Section 43 of the Housing SEPP.</p> <p>The site is located approximately 75m from Glossop Street, which is defined as a state road. The development is not defined as a traffic generating development.</p>
SEPP (Biodiversity and Conservation) 2021	Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy.

State Environmental Planning Policy	Applicability
	<p>Notwithstanding, Clause 6 of Housing SEPP specifies that development permitted without consent may be carried out without another consent or a licence, permission, approval or authorisation otherwise required under another environmental planning instrument. This means the proposed removal of trees within the site can be included within the REF scope and does not require a permit from Council.</p> <p>The Biodiversity and Conservation SEPP also provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p>Tree removal is proposed (refer to Arboricultural Impact Appraisal and Method Statement at <i>Appendix K</i>).</p> <p>The site is located within a regulated catchment, namely, the Hawkesbury-Nepean Catchment. Accordingly, the controls for development set out in Division 2 of Part 6.2 of the Biodiversity and Conservation SEPP apply to the activity.</p> <p>Under Section 171A(1) of the EP&A Regulation, LAHC, as determining authority for the activity, when considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, must consider <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1).</p> <p>Further, as the consent authority LAHC must be satisfied under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).</p> <p>6.6 Water quality and quantity</p> <p>This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> • have a neutral or beneficial effect on the quality of water entering a waterway, • have an adverse impact on water flow in a natural waterbody, • increase the amount of stormwater run-off from a site, and • Incorporate on-site stormwater retention, infiltration or reuse. <p>The consent authority is also required to assess the impact of the development:</p> <ul style="list-style-type: none"> • on the level and quality of the water table, • the cumulative environmental impact of the development on the regulated catchment, and • whether the development makes adequate provision to protect the quality and quantity of ground water. <p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p> <ul style="list-style-type: none"> • the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and • the impact on water flow in a natural waterbody will be minimised. <p><u>Comment:</u> Stormwater will be collected within the site, filtered through a 'jellyfish' stormwater filtration system and conveyed in a pipeline to a boundary pit on the Stapleton Parade frontage where it will connect into the existing public stormwater infrastructure.</p>

State Environmental Planning Policy	Applicability
	<p>Modelling provided with the amended concept stormwater plans demonstrate that there will be an overall reduction in stormwater flow from pre-existing conditions, and a greater capture of gross pollutants as a result of the proposed filtration measures.</p> <p>Further to this, Identified Requirement (No. 13) recommends that sediment control measures be implemented during construction in accordance with Council requirements and/or the guidelines contained in the <i>Blue Book Managing Urban Stormwater: Soils and Construction</i> (4th edition, Landcom, 2004).</p> <p>Identified Requirements (Nos 6, 42 & 72) are applied to the Activity Determination recommending that stormwater management of the activity is designed in accordance with Penrith City Council's technical guidelines and policies.</p> <p>6.7 Aquatic ecology</p> <p>This clause requires the consent authority to consider whether the development:</p> <ul style="list-style-type: none"> • will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation, • involves the clearing of riparian vegetation and, if so, whether the development will require either a controlled activity approval under the <i>Water Management Act 2000</i>, or a permit under the <i>Fisheries Management Act 1994</i>, • will minimise or avoid the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody, or will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area, • includes adequate safeguards and rehabilitation measures to protect aquatic ecology, • if the site adjoins a natural waterbody — whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody. <p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p> <ul style="list-style-type: none"> • that the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development, • the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves, • if a controlled activity approval under the <i>Water Management Act 2000</i> or a permit under the <i>Fisheries Management Act 1994</i> is required in relation to the clearing of riparian vegetation — the approval or permit has been obtained, • the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised, • the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised. <p><u>Comment:</u> The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The proposed development includes retention of 1 existing tree, appropriate replacement planting to compensate for the loss of trees to be removed,</p>

State Environmental Planning Policy	Applicability
	<p>and new planting of suitable native indigenous vegetation. In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.</p> <p>6.8 Flooding</p> <p>This clause relates to flood liable land in a regulated catchment.</p> <p><u>Comments:</u> The site is not identified as flood liable land.</p> <p>6.9 Recreation and public access</p> <p>This clause relates to development on recreational land and public access to natural water bodies and foreshores.</p> <p><u>Comment:</u> The proposed activity will not impact recreational land uses or alter public access to recreational land or foreshores.</p>
SEPP (Resilience and Hazards) 2021	<p>Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. The site is located within a developed residential area of St Marys.</p> <p>The s10.7 Planning Certificates have not identified the site as potentially contaminated (refer to Appendix F). A standard recommended Identified Requirement requires implementation of management measures in the event of contamination during construction works.</p> <p>It is noted that Bennett Park, located opposite the site is identified on council's website as being a site of environmental investigation and requiring asbestos remediation². It is understood that remediation works commenced in January 2023 and Council envisage it could take up to 12 months to complete. The remediation works include the removal of asbestos material and preloading the site with appropriate fill to ensure optimal site conditions for the construction of the new mixed recreation space planned for the park. These works are being undertaken by Council and there is no indication that the extent of asbestos contamination extended beyond the boundary of the Bennett Park investigation area.</p>
SEPP (Precincts – Western Parkland City) 2021	<p>The section 10.7 certificates identify that the land may be subject to additional planning controls under Chapter 4 of this SEPP specifically in relation to the Western Sydney Aerotropolis.</p> <p>The land is identified as 'Outer Horizontal Surface RL 230.5m AHD' on the Obstacle Limitation Surface Map. The highest point of the site is approximately 56m AHD therefore the development will not protrude into the obstacle limitation surface area. The proposal also does not involve a 'controlled activity' therefore no additional planning controls apply in relation to non-controlled activities.</p> <p>The site is also mapped as being within the "13km zone" of the Wildlife Buffer Zone map. As the proposed development does not fall into the category of 'relevant development' as identified in clause 4.19 of the SEPP, no additional planning controls relating to the management of wildlife apply.</p>

² <https://www.penrithcity.nsw.gov.au/waste-environment/environment/asbestos#:~:text=Asbestos%20safety%20in%20Penrith&text=All%20of%20Council's%20asbestos%20related,contractors%20and%20licenced%20asbestos%20assessors.>

5.6 Local Planning Controls

5.6.1 Penrith Local Environmental Plan 2010 (PLEP 2010)

Compliance with the relevant provisions / development standards set out in the PLEP 2010 is demonstrated in **Table 8** below. It is relevant to note that the following provisions of the PLEP 2010 are not a matter for consideration under Part 2, Division 6 of the Housing SEPP however have been considered during the design and assessment process to ensure the proposed development is compatible with the context and character of the local area.

Table 8 Penrith Local Environmental Plan 2010

Relevant Provisions / Development Standards for Multi Dwelling Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres)	The maximum building height (measured in accordance with the LEP definition) is 7.7 metres.
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. No FSR applies to the subject land.	Proposed FSR is 0.43:1.
7.1	Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters –</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,</p>	<p>A Site Investigation Report (Appendix A) was undertaken for the site and informed the design of the proposed development.</p> <p>A Cut and Fill Plan is provided at Appendix A. Areas of cut up to a maximum of 585mm in depth are proposed around the centre of the site and towards the eastern boundary to create a level building platform that will facilitate the residential use of the land.</p> <p>Identified Requirement No. 14 requires retaining walls to be designed by a suitably qualified engineer.</p> <p>No fill is proposed.</p>

Relevant Provisions / Development Standards for Multi Dwelling Housing

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
- (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.

5.6.2 Penrith Development Control Plan 2014

Penrith Development Control Plan 2014 (PDCP 2014) contains specific development controls for multi dwelling housing which are addressed in **Table 9** below.

The general controls for all development set out in PDCP 2014 have generally been addressed in the various sections of this REF that address compliance with the provisions of the Housing SEPP. It is also noted that the provisions of the DCP are not a matter for consideration under Part 2, Division 6 of the Housing SEPP however have been considered during the design and assessment process to ensure the proposed development provides an appropriate response to local character and satisfies councils waste and stormwater management requirements.

Table 9 Penrith Development Control Plan 2014

Compliance with controls for multi-unit housing

Multi-unit housing

Clause	Requirement	Proposed
2.4.3 Development Site	A minimum lot frontage and lot width of 22m is required for multi dwelling housing development within the R3 Medium Density Residential Zone.	The proposed lot width is approximately 42.3m, which is compliant with the minimum lot width requirement.
2.4.4 Urban Form	<p>For dwellings fronting the street, adopt a traditional orientation:</p> <ul style="list-style-type: none"> living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties; and private gardens fill the front setback area; and garages are concealed behind dwellings. <p>Dwellings behind the street frontage should adopt similar principles:</p> <ul style="list-style-type: none"> living rooms and entrances face the street, and / or the landscaped rear boundary setback; and private gardens fill the rear setback area. <p>Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width garden courtyards:</p> <ul style="list-style-type: none"> break buildings into separate blocks, each one not longer than 20m; 	<p>8 x two storey townhouses are proposed along the Stapleton Parade street frontage all of which adopt a traditional orientation with front entrances, private terrace gardens and living rooms all facing the street.</p> <p>The 6 x single storey villas located at the rear of the site each contain private gardens located at the rear, adjacent to the living rooms of each villa.</p> <p>The proposal does not present a "gun-barrel" style development.</p> <p>The proposed development is broken up into five separate blocks and are less than 20m in length. The driveway, car parking and landscaped area is provided between buildings, which is greater than 4m. The minimum</p>

Compliance with controls for multi-unit housing

	<ul style="list-style-type: none"> provide "open space corridors" between buildings at least 4m wide across each site (this does not include front/rear setback areas); a combination of garden areas and parking courtyards; or open parking spaces that are lined by an "avenue" of shady, overhanging trees; along common driveways, step the alignment of buildings, and / or their external walls plus eaves; at the head of common driveways, a distinctive building or landscape feature should terminate the vista from the street. 	<p>separation distance between front and rear dwellings is 6.7m.</p> <p>On-grade parking is provided at the rear of the site and tree and shrub planting is proposed along the common driveway and around the carpark. The car parking area is unlikely to be highly visible from the street as it is predominantly tucked behind the townhouses fronting Stapleton Parade.</p> <p>Several trees are proposed to be planted within the front setback and two street trees are proposed along the site frontage to soften the appearance of the development from the street. One large existing tree is proposed to be retained in the front setback area of dwellings 7 & 8 which will make a positive contribution to the streetscape.</p>
2.4.5 Front and Rear Setbacks	<p>1) Determine the maximum development footprint for your site:</p> <ul style="list-style-type: none"> a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m. b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m. c) adopt a front setback that matches the neighbourhood character. <p>2) Within the rear boundary setback:</p> <ul style="list-style-type: none"> a) there shall be no building encroachments either above or below ground (eaves excepted); b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs; c) where there are physical encumbrances such as open drains, increase the setback accordingly. <p>3) Determine an appropriate front setback:</p> <ul style="list-style-type: none"> a) either average the setbacks of the immediate neighbours; or b) a 5.5m minimum whichever is the greater dimension. <p>4) Permissible encroachments within the front setback are:</p>	<p>Only single storey buildings are proposed at the rear of the site, with a rear setback of 4m, compliant with Council's requirements.</p> <p>A minimum 5.76m front setback to Stapleton Parade is proposed which is consistent with the existing setbacks provided in the street, which varies between approximately 6m (13 Stapleton Parade) to 14m (11 Stapleton Parade). It is relevant to note that existing development with larger front setbacks are typically older dwellings, with newer development in the street being positioned closer to the front boundary as is typical for the area.</p> <p>There is no building encroachment within the rear boundary setback.</p> <p>Tree and shrub planting is proposed within the private open space areas for the rear located dwellings and along the rear boundary of the site. Deep soil is provided in several locations with the majority provided along the entire frontage area of the development. Deep soil represents a total of 16% of the site area.</p> <p>A front set back ranging from 5.76m to 9.8m is proposed, consistent with Council's requirement.</p>

Compliance with controls for multi-unit housing

	<p>a) verandahs and pergolas only which are a 4.5m minimum setback to the face of the verandah or pergola; and maximum 50% of elevation.</p> <p>5) Garages and parking spaces are not permissible within the front setback.</p>	<p>No garages are proposed. The proposed car park is located towards the rear of the site.</p>
2.4.6 Building Envelope and Side Setbacks	<p>1) Development is to comply with the building envelope for the site. The building envelope means a height plane over the site at 45 degrees from a specified height above natural ground level at the side boundaries of the site</p> <p>2) The building envelope shall be measured relative to:</p> <ol style="list-style-type: none"> Side boundaries only; and Existing ground level. <p>3) Only minor encroachments through the building envelope shall be permitted: a) eaves to main roofs b) chimneys and antennas c) pergolas.</p> <p>4) Cut and fill and maximum ground floor heights:</p> <ol style="list-style-type: none"> on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level; restrict cut-and-fill to a maximum of 500mm; and provide effective sub-soil drainage. <p>5) Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual bulk of the building.</p> <p>6) Provide reasonable separation and landscaping between neighbouring buildings, consistent with the following parts of this section:</p> <ol style="list-style-type: none"> Driveways and parking Landscaped area Solar planning; and Privacy and outlook. <p>7) Setbacks from side boundaries should be varied to articulate walls to side boundaries:</p> <ol style="list-style-type: none"> a minimum setback of 2m, but only along not more than 50% of any boundary. <p>8) Zero setbacks from the side boundary are not permissible except for single garages or</p>	<p>A height plane of less than 45 degrees is proposed, as demonstrated on the proposed elevation plans, consistent with Councils control.</p> <p>2) and 3) are noted.</p> <p>Areas of cut up to a maximum of 600mm in height are proposed toward the eastern boundary of the site to create a level building platform that will facilitate the residential use of the land. No fill is proposed. The depth of cut slightly exceeds Council's requirement by 100mm and is contained within the proposed carparking area. The minor exceedance of cut will not impact surrounding properties and is considered acceptable in this instance.</p> <p>There is no pitch roof in the front façade. A minimum roof pitch is proposed for buildings at the rear in order to reduce overshadowing to the existing neighbouring buildings.</p> <p>The proposal complies with the side and rear setbacks, and landscaped buffer areas are provided along the side and rear boundaries where the site adjoins neighbouring development.</p> <p>A 2m side setback is proposed along the northern and southern boundaries of the site and breaks are provided in the built form to create pockets of deep soil planting.</p> <p>N/A – refer to the above. No garages are proposed.</p>

Compliance with controls for multi-unit housing		
	carports with an open appearance according to - Garage design, not taller than 2.1 m at the boundary.	
2.4.7 Driveways and Parking Areas	<p>1) Provide on-site parking in accordance with the parking section of this DCP.</p> <p>2) Driveways should:</p> <ul style="list-style-type: none"> a) have a minimum paved width of 3m providing one-way movement; b) incorporate passing-bays and queue space at the street frontage where more than 5 dwellings are served, and driveways are longer than 30m; c) minimise the paved area within the front setback; d) be separated from dwellings by a landscaped verge at least 1m wide; e) where possible, also separated from boundary fences by a landscaped verge; f) prevent adverse long-term effect upon any vegetation that must be preserved; g) provide for effective and healthy landscaping along all site boundaries; h) provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence; i) drain by gravity to Council's stormwater network. <p>3) Garages and parking spaces should:</p> <ul style="list-style-type: none"> a) not be located in the front setback; b) should not directly face the street; c) be setback at least 6.5m from the outside driveway kerb. <p>4) Basement carparking may be permitted on development lots with a minimum lot frontage of 22m.</p>	<p>Car parking is provided in accordance with the Housing SEPP. A total of 9 car parking spaces is proposed, which exceeds the minimum requirements of the Housing SEPP.</p> <p>The driveway width proposed is 3m, providing one-way movement from Stapleton Parade to the car park, located at the rear of the site. No passing or queuing bays are proposed however the proposal was assessed by a traffic and parking consultant who deemed it to be acceptable and in accordance with Australian Standards.</p> <p>Hard paved areas have been minimised where possible and supported with landscaping and tree plantings.</p> <p>The driveway is set back from dwellings by 1.2m and screened by landscaping and shrub plantings.</p> <p>Landscaping is proposed along both sides of the driveway and along all site boundaries. Refer to Landscape Plan at Appendix B.</p> <p>The driveway drains by gravity to Council's stormwater network.</p> <p>No garages are proposed. Instead at-grade car parking is proposed and is located at the rear of the site and is not directly visible from the street frontage.</p> <p>No basement car parking is proposed.</p>
2.4.8 Landscaped Area	<p>1) Landscaped areas should provide:</p> <ul style="list-style-type: none"> a) effective separation between neighbouring dwellings; b) healthy growth of new trees and shrubs; c) long-term survival of existing vegetation required by Council to be preserved; d) private courtyards for all dwellings and a green outlook; e) front gardens that contribute to an attractive streetscape; and 	<p>Physical separation, such as planting, fences and screening louvers have been designed to provide separation between townhouses and villas and neighbouring dwellings, to support the healthy growth of new trees and shrubs.</p> <p>Individual private terrace courtyards are provided for all townhouses and villas and screen planting is provided around all private open spaces in</p>

Compliance with controls for multi-unit housing

	<p>f) where more than 10 dwellings are proposed, a centrally located communal open space area that is accessible and available to all residents of the development, comprising 10% of the minimum landscaped area requirement.</p> <p>g) The area of common open space proposed can be reduced where larger areas of private open space are provided for individual dwellings. Where there is no common open space proposed private courtyards must be a minimum of 40m².</p> <p>2) Landscaped area must meet the following requirements:</p> <p>a) Landscaped areas should be: 40% landscaped area of the site (R3 Medium Density Residential)</p> <p>b) have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy;</p> <p>c) may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances;</p> <p>d) do not include substantially-paved areas such as buildings, driveways and covered garages;</p> <p>e) should include verges that surround car parking areas and open driveways;</p> <p>f) should provide a reasonable area of private open space in accordance with the part within this section on design;</p> <p>g) where more than one building is proposed, that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.</p>	<p>conjunction with metal screening to minimise overlooking. Front gardens are provided along the Stapleton Parade frontage, which will improve the visual amenity of this streetscape.</p> <p>No communal open space facilities are provided as the development incorporates generous areas of private open space and a large passive recreation area (Bennett Park) is located directly opposite the site. This is in accordance with Control 2.4.8(g) below.</p> <p>As noted above, whilst no common space is proposed, individual private courtyards ranging between 32.3m² and 119.9m² are proposed.</p> <p>The proposal doesn't meet the minimum landscaped area requirement specified in the DCP. The proposal retains 792.6m² of landscaped area (equivalent to 30% of the site area) which is consistent with the <i>Seniors Living Urban Design Guidelines</i>.</p> <p>Landscape areas have minimum widths of at least 2m and contain areas for deep soil planting.</p> <p>There is a buffer of 0.5-3m to separate the driveway to the proposed buildings.</p> <p>All units contain private open space areas that have been designed in accordance with PDGP 2014 and range in size from 32.3m² to 119.9m².</p>
2.4.9 Solar Planning	<p>1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:</p>	<p>Refer to shadow diagrams at Appendix A.</p> <p>The shadow diagrams confirm the development has been designed to maximise solar access within the development whilst preserving</p>

Compliance with controls for multi-unit housing

	<ul style="list-style-type: none"> a) Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions; b) Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas; c) Demonstrating shadows cast by neighbouring buildings; d) Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun; e) Ensuring that the proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (i.e. areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings; f) Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings; g) In situations where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%. h) Applications shall include: shadow diagrams for two-storey buildings or additions prepared by a qualified technician for 9am, 12 noon and 3pm on June 21 and any other time required by Council. 	<p>adequate sunlight to neighbouring dwellings and their areas of private open space.</p> <p>The View from Sun diagrams at Appendix W confirm that 10 out of the 14 dwellings will receive 4 hours or more of sunlight between 9am and 3pm on 21 June to internal living zones. The remaining 4 dwellings will receive at least 3 hours of sunlight between 9am and 3pm. The proposal achieves solar access to 70% of dwellings, in accordance with the <i>LAHC Design Requirements</i>.</p> <p>The View from Sun Diagrams at Appendix W confirm that all 14 dwellings (100%) will receive at least 3 hours or more sunlight between 9am and 3pm on 21 June of the main private open space.</p> <p>The Shadow Diagrams and Solar Access Study at Appendix A also confirm that the adjoining dwellings will receive at least 3 hours of sun access to 40% of the main open space of the dwellings between 9am and 3pm on 21 June.</p>
2.4.12 Building Design	<p>1) Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of two storey buildings:</p> <ul style="list-style-type: none"> a) stepped alignment of walls; b) projections in the ground floor plan; c) rooms that extend beyond the upper storey; d) attached verandahs and carports; e) a variety of shadow-casting roofs; f) wide eaves; g) projecting verandahs and awnings; h) pergolas. 	<p>The development is broken down into five blocks to provide identity and sense of ownership to the residents.</p> <p>Facades have been articulated through the use of a range of brick pattern and colours, and windows to provide architectural variety and visually reduce the length of the walls facing the street and neighbouring properties.</p> <p>Whilst the development has a contemporary aesthetic, high quality finishes and durable materials such as brick and metal cladding will ensure</p>

Compliance with controls for multi-unit housing

	<p>2) Development should incorporate features that are typical of housing in established areas:</p> <ul style="list-style-type: none"> a) stepped walls and articulated roof-forms; b) windows and doors inserted into all visible walls; c) a variety of materials including lightweight cladding and brickwork both face and painted. <p>3) Variety in architectural features should be apparent in all visible facades:</p> <ul style="list-style-type: none"> a) facing the street; b) facing side driveways; and c) facing neighbouring residential properties. 	<p>the development provides a positive contribution to the streetscape into the future.</p>
2.4.13 Energy Efficiency	<p>1) All new multi dwelling housing development should employ construction techniques that provide appropriate thermal mass such as:</p> <ul style="list-style-type: none"> a) ground floor: slab-on-ground; b) walls: masonry internal walls to ground floor are desirable. <p>2) All new two storey townhouse development should provide effective insulation including:</p> <ul style="list-style-type: none"> a) roofs and top-floor ceilings: sarking and batts with a minimum total rating of R3; b) walls: sarking and batts with a minimum total rating of R1.5 <p>3) All new multi dwelling housing development should adopt an appropriate orientation for rooms and windows including:</p> <ul style="list-style-type: none"> a) living areas - facing within 30 degrees of solar north is desirable; b) windows - at least 50% of glazing facing solar north is desirable, unprotected glazing facing east, west or south shall be avoided and for every habitable room, windows in two external walls are desirable; <p>4) Where multi dwelling housing development cannot achieve the desired orientation, higher compliance with other energy efficiency standards shall be achieved.</p> <p>5) All new multi dwelling housing development should provide effective shading from summer sun including:</p>	<p>The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal. Refer to Appendix L.</p> <p>As detailed on Drawing DA01 of the Architectural Plan (refer to Appendix A), R2.0 bulk insulation will be supplied to the suspended timber floor and R3.5 bulk insulation will be supplied to the ceiling and roof spaces.</p> <p>A west to east orientation is adopted, with ample solar access to living areas and private open space areas located to the east and west of each dwelling.</p> <p>Due to the orientation of the site, there is limited opportunity for glazing facing solar north. Appropriate window design and protection is provided to windows facing east, west and south.</p> <p>The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal. Refer to Appendix L and M.</p> <p>Sufficient shading is provided with eave length ranging from 450-950mm and shading over court yards where appropriate. Refer to Architectural Plans at Appendix A.</p> <p>Glazing performance and door materials are to be considered at detailed design stage of the project.</p>

Compliance with controls for multi-unit housing

	<ul style="list-style-type: none"> a) Overhanging eaves: at least 450mm wide; b) Adjustable exterior shading devices for windows and doors to habitable rooms, and to skylights; c) Pergolas over courtyards. <p>6) All new multi dwelling housing development should employ effective glazing including:</p> <ul style="list-style-type: none"> a) for any large south-facing window: high performance glass e.g. double glazing in thermal break frames; b) windows and doors facing east, south or west: high performance glass e.g. Double glazing in thermal break frames; c) all windows and external doors: weather-stripping should be used. <p>7) All new multi dwelling housing development should adopt a configuration for dwellings that promotes cross-ventilation including:</p> <ul style="list-style-type: none"> a) living areas and bedrooms with two external walls for windows; b) particularly important for attic rooms. 	<p>All dwellings are cross ventilated.</p>
2.4.14 Design of Dwellings and Private Courtyards	<p>1) A reasonable area of private open space should be provided for each dwelling:</p> <ul style="list-style-type: none"> a) a minimum of 25m²; b) including one area measuring at least 5m by 4m, suitable for outdoor dining; and c) located immediately beside, and level with, living or dining rooms; and d) also incorporating an area for outdoor clothes-drying at least 2m wide, exposed to sunlight and breeze, screened from view by a fence or wall at least 1.8m tall; and e) with access direct to the street or common driveway; f) through a courtyard at least 2m wide; or g) via a carport with an open design. <p>2) Landscaped areas should maximise the area available for private courtyards and gardens:</p> <ul style="list-style-type: none"> a) the front and rear boundary setbacks should be used for private gardens, 	<p>All dwellings are designed with generous areas of private open space (POS) exceeding the minimum area of 25m² and ranging between 32.3m² – 119.9m².</p> <p>Each dwelling is provided with a paved POS area directly accessible from the internal living area that is an appropriate size to accommodate a small outdoor dining setting.</p> <p>Each POS area is provided with a clothesline that is appropriately screened from internal living areas and Stapleton Parade.</p> <p>Not all POS areas are directly accessible from Stapleton Parade. However, they have been co-located with internal living areas and positioned to maximise privacy for residents.</p>

Compliance with controls for multi-unit housing

	<p>b) common open space should be restricted to driveway verges.</p> <p>3) Rooms within a villa development should have dimensions and an area that:</p> <ul style="list-style-type: none"> a) can accommodate the range of furniture typically associated with their function; and b) recognise that furnishing options may be restricted by the location of windows and doors; c) acknowledge that access and furnishing options may be restricted by raked attic ceilings; d) provide flexibility to meet the needs of future occupants: for example home business activities and aged residents. 	<p>The site's front and rear setbacks are used for private gardens and courtyards.</p> <p>Common areas throughout the site are restricted to the driveway and carparking area, pedestrian pathways and gardens.</p> <p>As indicated on the Architectural Plans (refer Appendix A) the rooms have been sized to accommodate a range of furniture and layouts.</p>
2.4.16 Garden Design	<p>1) The rear boundary setback should provide:</p> <ul style="list-style-type: none"> a) private garden courtyards; b) a corridor of habitat, and a green backdrop that is visible from the street; c) conservation for any existing corridor of mature trees; or d) an interlocking canopy of low to medium-height trees and shrubs; e) predominantly species indigenous to the soils of Penrith City. <p>2) Alongside boundaries, provide:</p> <ul style="list-style-type: none"> a) small-to medium height canopy trees for sun-shading and privacy separation between dwellings; b) within the verges to any common driveway: hedges fronting windows to any dwelling; <p>3) Alongside boundaries within private courtyards provide:</p> <ul style="list-style-type: none"> a) feature plantings of ground covers and shrubs growing to fence height at maturity; b) a level area of well-drained turf, or an alternative water-permeable material such as river pebbles; b) street frontage plantings should provide: c) private gardens for street-front dwellings; 	<p>Private courtyards are provided within the rear boundary setback along with screen planting to provide an appropriate 'green backdrop' and privacy screening to adjoining neighbours.</p> <p>Proposed plantings contain a mix of low-maintenance indigenous, native and exotic species to provide variety and interest throughout the site.</p> <p>Landscaping is provided along the side and rear boundaries to provide privacy between adjoining dwellings. Twenty-three 'canopy' trees with mature heights of between 3m and 15m are proposed to be planted throughout the site (refer to Landscape Plans at Appendix B).</p> <p>Multiple private courtyards are provided to dwellings and are paved and planted with a range of trees, shrubs and ground covers.</p> <p>Private gardens are proposed for dwellings with a street frontage.</p> <p>Deep soil planting is provided along the entire street frontage area with new plantings proposed to replace trees proposed for removal and to further enhance the streetscape</p>

Compliance with controls for multi-unit housing

	<ul style="list-style-type: none"> d) a civic garden frontage appropriate to the established neighbourhood character; and e) mixed species of trees, shrubs, and accent plantings including flowers and ground covers; f) level areas of well-drained turf; and g) along noisy thoroughfares: h) noise attenuation with an interlocking canopy formed by at least two rows of trees under planted with dense hedges. 	<p>character. Refer to Landscape Plan at <i>Appendix B</i>.</p>
2.4.18 Fences and Retaining Walls	<ul style="list-style-type: none"> 1) Fences should be no taller than: <ul style="list-style-type: none"> a) 1.8m generally; and b) 2.4m on sloping sites, including the height of any retaining wall. 2) Fences along boundaries forward of the front building alignment: <ul style="list-style-type: none"> a) should not be taller than 1.2m, or if taller, of see-through construction; b) should not be constructed of metal panels; c) walls of solid construction and taller than 1.2m (such as courtyard walls) should be set back at least 2m from the front boundary (to allow for landscaping) and should not occupy more than 50% of the allotment width. d) Be sympathetic to the natural setting and character in form, materials and colour e) Maximise natural surveillance from the street to the building and from the building to the street. f) Be structurally adequate, in accordance with the Building Code of Australia, and meets the Dividing Fences 1991. 3) Fences along driveways and separating existing multi-unit housing, or fronting a public park should be 1m tall, or if taller, of see-through construction; 4) Fences along boundaries around private courtyards should minimise cross-viewing and the transmission of noise; 5) Fences along boundaries in any location that can be seen from the street or a public 	<p>Proposed side and rear fencing proposed is between 1.5m and 1.8m.</p> <p>Open style metal slated fencing is proposed along the street frontage and ranges in height from 1.2m to 1.5m to provide a sense of security to private open space areas whilst also allowing passive surveillance of the street.</p> <p>Fencing along the side boundaries and private open space areas located forward of the building line are proposed as metal slat fencing and slat screening with brick.</p> <p>The metal slat fencing proposed around the private open space areas of Units 6-9 are 1.5m in height. The fencing is not setback the required 2m from the front boundary, however tree and shrub planting is proposed to soften the appearance of the courtyard fence from the streetscape. The fencing occupies less than 50% of the site width. Metal grey colorbond fencing is proposed that is sympathetic and in keeping with the character and materials of the proposed development.</p> <p>As noted above, the proposed metal fencing provides a sense of security for residents whilst also allowing natural surveillance to public and communal areas.</p>

Compliance with controls for multi-unit housing

	<p>park frontage should not be constructed of metal panels;</p> <p>6) Fences along boundaries fronting noisy thoroughfares:</p> <ul style="list-style-type: none"> a) solid masonry walls are acceptable to a maximum of 1.8m; and b) incorporating corners and planting beds every 5m; <p>7) Where fencing affects easements or stormwater flow paths: consult with Council and the relevant authority.</p> <p>8) Fencing of a "see-through" construction includes:</p> <ul style="list-style-type: none"> a) panels set into a timber frame or between brick piers; where b) any solid base is not taller than 1m; and c) panels are spaced pickets or palings, or lattice. <p>9) Retaining walls:</p> <ul style="list-style-type: none"> a) generally should be no taller than 500mm; b) should not cut through roots of any tree required by Council to be preserved; c) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing; d) should provide drainage for any associated planter-bed; e) should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles. 	<p>Metal slated see-through fencing is at 1.5m and metal sheet fencing up to 1.8m high is proposed along driveways and around private open space areas throughout the site. Fencing along the site frontage fronting the public park is between 1.2m and 1.5m high.</p> <p>Metal slat fencing is proposed along the site frontage and facing the adjacent public open space.</p> <p>No solid masonry walls are proposed.</p> <p>A retaining wall with a maximum height of 660mm is provided along the eastern rear boundary to provide the height of the building platform, carparking area and rear courtyards to return to natural ground level. The wall is separated from the boundary by a minimum 1m planter-bed. Drainage is incorporated into the planter bed. Refer to Landscape Plan at <i>Appendix B</i>.</p>
2.4.19 Visual and Acoustic Privacy and Outlook	<p>1) Demonstrate a package of measures that achieves reasonable privacy:</p> <ul style="list-style-type: none"> a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows; b) dormer windows generally to be oriented to face the street or the rear boundary; 	<p>At least 3m separation is provided between adjacent development at 12 Stapleton Pde, 8 Stapleton Pde and 149-151 Glossop St. In addition, development at the rear of the site has been kept to single storey to prevent overlooking. A minimum 6.7m is provided between windows in dwellings on the same site.</p> <p>No dormer windows are proposed.</p>

Compliance with controls for multi-unit housing

<p>c) private courtyards should be screened by pergolas and masonry walls to prevent direct cross-viewing and excessive transmission of noise;</p> <ul style="list-style-type: none"> i. screening measures, including: ii. offsetting of windows; or iii. oblique orientation for windows; or iv. external screens to windows; or v. courtyard walls and pergolas; vi. note that landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening; vii. rooms other than bedrooms should have any windows facing a driveway screened by landscaped verges at least 2m wide, viii. bedroom windows facing a driveway should be screened by masonry walls at least 1.5m tall located at least 1m from the face of the window; <p>d) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:</p> <ul style="list-style-type: none"> i. are offset by a distance sufficient to limit views between windows; or ii. have sill heights of 1.7 m above floor level; or iii. have fixed obscure glazing in any part of the window below 1.7 m. <p>e) All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.</p>	<p>Private courtyards are screened by either metal slated fencing or sheet metal fencing up to 1.8m in height. Overlooking is minimised by locating private open space areas to the rear of the site. Refer to Architectural Plans at Appendix A.</p> <p>There are no windows of internal living areas overlooking the driveway or carparking area.</p> <p>Ground floor bedroom windows of Units 12 and 13 facing the carparking area are either narrow or high sill windows to improve privacy and minimise opportunity for headlight glare.</p> <p>Buildings are separated by a minimum 6.7m distance and include 1.5m metal slat fencing around private open space areas ensuring privacy is maintained between habitable room windows.</p> <p>No balconies or decks are proposed.</p> <p>Landscape buffers are provided along all boundaries, the driveway and carparking area.</p> <p>Adequate separation is provided between bedrooms and living rooms of neighbouring dwellings.</p> <p>Internal layouts have been designed to separate sleeping and liveable areas.</p> <p>Plant equipment is located to the side of Unit 4. No sleeping area is proposed on the ground floor of Unit 4, instead all bedrooms are located at the upper level and no windows are proposed on the side elevation to minimise impacts from the transmission of noise and odour.</p> <p>The site is not located along a noisy arterial road or rail corridor.</p>
<p>2) Demonstrate measures that protect dwellings from external noise sources:</p> <ul style="list-style-type: none"> a) windows to ground-level living rooms screened by landscaped verges at least 2m wide, b) within any dwelling, bedrooms should not adjoin the garage or living rooms of a neighbouring dwelling; internally, bedrooms should be segregated and 	<p>Windows to habitable rooms located close to the driveway and carparking area are limited. Private open space areas are shielded from the driveway and carparking areas with metal slat fencing up to 1.5m or metal panel fencing up to 1.8m in height.</p>

Compliance with controls for multi-unit housing

	<p>separated from living areas by hallways, stairs or service rooms;</p> <ul style="list-style-type: none"> c) sound resisting construction of separating walls, floors and windows, in accordance with BCA; d) zoning of dwellings into active living areas and passive sleeping areas, separated by corridors and/or service zones; e) plant and equipment should be effectively screened and located away from sleeping areas; f) along frontages to noisy arterial roads or the rail corridor: g) locate habitable rooms and private open spaces away from noise sources and if required protect with appropriate noise shielding devices. 	
2.4.21 Accessibility and Adaptability	<p>1) Demonstrate that planning and design measures do not prevent access by people with disabilities:</p> <ul style="list-style-type: none"> a) Access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances. b) Stair nosings should have a distinctive colour and texture. c) Dwellings should have: <ul style="list-style-type: none"> i. Dimensions consistent with AS1428.1-1998 Design for access and mobility and AS4299-1995 Australian Adaptable Housing ii. Hallways at least 1m wide iii. Circulation in bathrooms at least 1m wide. d) The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standards AS1428-1998 and AS4299-1995. e) Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard regarding parking for people with a disability. <p>2) Demonstrate that dwellings have been designed to meet the needs of an ageing population:</p>	<p>The proposal includes two adaptable dwellings and 2 accessible parking spaces.</p> <p>The Access Report at <i>Appendix I</i> confirms that the proposal achieves the spatial requirements to provide access for people with a disability. Assessment of the detailed requirements such as internal fit-out, details of stairs, ramps and other features will occur at Construction Certificate stage.</p>

Compliance with controls for multi-unit housing

- a) incorporate design measures which are appropriate to people with disabilities; and
- b) employ lever-type door handles and traditional cruciform tap-handles; and
- c) provide for future low-cost modifications to bathrooms:
- d) future removal of hobs from shower recesses;
- e) provision for future attachment of grab-rails to walls.
- f) provide for future low-cost modifications to kitchens including replacement of under bench shelves with drawers & attachment of grab-rails.
- g) provide appropriate levels and location of lighting.

6 Notification, Consultation and Consideration of Responses

Copies of the notification letters sent to the local Council and to the adjoining occupiers are provided in **Appendix H**, together with a copy of the response received from council.

6.1 Council Notification

In accordance with section 43 of the Housing SEPP, Penrith City Council was notified of the development by letter dated 2 March 2023 (refer to **Appendix H**). The notification response period formally closed on 27 March 2023 and Council responded to the notification by letter dated 14 April 2023. The key matters raised in Council's letter are addressed in **Table 10** below. A response is provided in relation to the matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements in the **Activity Determination**.

Table 10 Issues raised in Council submission

Issues raised	Response
<p><u>Desired future character</u></p> <p><i>The proposal in its current form does not reflect the existing and desired future character of the area. New development in the area should be designed to contribute positively to the established streetscape setting and adopt the key characteristics of traditional housing in our established areas such as St Marys</i></p>	<p>The site is located within an established residential area which is characterised by older style single storey detached dwelling houses of brick construction with tiled roofs interspersed with more recent 2-storey dwelling houses, dual occupancy and multi dwelling housing developments (refer to photographs at Figure 13 to Figure 15).</p> <p>The overall design has been informed by the provisions of the Housing SEPP 2021, LAHC Design Requirements and <i>Seniors Living Urban Design Guide</i> as well as the Penrith LEP 2010, Penrith DCP</p>

Issues raised	Response
<p><i>New buildings should show characteristics of traditional suburban development: with dwellings oriented to face the street, building forms stepped and articulated, and set within a landscaped garden setting</i></p>	<p>2014. The design of the proposed development responds to the emerging character of the area and adopts a building scale and contemporary form that reflects the built form features of the locality (refer to Architectural Design Statement prepared by Morson Architects at Appendix V).</p> <p>The proposed terraces along the site frontage are orientated to address the street, providing a typical residential frontage and optimising the panoramic view towards Bennett Park. The front setback to dwellings 5 – 8 has been increased to accommodate the retention of an established tree which makes a positive contribution to the existing streetscape character.</p> <p>The overall building design adopts the contemporary character of more recent multi-dwelling housing in the area (refer to Figure 13 and Figure 14).</p> <p>The development reflects the varied front setbacks within the street, which range from 5m up to 14m, and the development has been kept single storey at the rear to minimise privacy, overshadowing and visual impact on neighbours.</p> <p>A comprehensive landscaping and planting schedule is proposed, and an existing tree has been retained in the front setback. The proposed design adheres to the height limit and remains within the boundaries of the Building Envelope, as specified by the Penrith City Council Development Control Plan (DCP).</p>
<p><u>Front and Rear Setbacks</u></p> <p><i>The proposal provides inadequate front and rear setbacks to integrate the development into the locality and contribute to the broader landscape setting, being non-compliant with the setback controls.</i></p>	<p>The development adopts front setbacks, ranging from 5.76m to 9.8m which are consistent with the varied setbacks of existing development in Stapleton Parade.</p> <p>The development has been kept to single storey at the rear and a setback of 4m is provided, compliant with Council's requirements for single storey development. Private courtyards, landscaping and tree planting are proposed within the rear setback area consistent with development in the locality.</p>
<p><i>The development does not adopt the average front setback of the adjoining properties and the rear setback contains car parking areas, drainage, retaining walls and paved verandahs which limits the availability of quality deep soil planting.</i></p>	<p>The front and rear setbacks are addressed above.</p> <p>Private courtyards and two parking spaces are proposed to be located within the rear setback area, however sufficient deep soil zone is provided for planting of several trees and shrubs along the rear boundary of the site.</p>

Issues raised	Response
	<p>It is noted that the private open space area for the rear units have been oriented to maximise solar access to these areas, however, the rear building setback is compliant with Council's DCP controls. Paved areas have been kept to a minimum and are provided adjacent to the living area to facilitate outdoor dining, and access to the clothes drying area.</p> <p>The Landscape Plan has been amended following receipt of Council's comments and the location of rear retaining walls revised to increase available deep soil areas along the rear boundary.</p>
<p><u>Urban Form & Building Design</u></p> <p><i>The scale and form of the buildings containing units 1-4 & 5-8 are overly bulky and do not suitably integrate with the streetscape.</i></p>	<p>The Architect has provided a detailed response to Council's comments (refer to <i>Appendix V</i>). In summary, the Architect notes that the development is divided into two building blocks positioned in different setbacks to create variation in the streetscape presentation and reduce visual prominence.</p> <p>The development adheres to the height limit, side and rear setbacks and building envelope prescribed under the DCP.</p>
<p><i>It is noted that the first-floor plan is larger than the ground floor plan and cantilevers in part over the ground floor. This emphasizes the buildings bulk and scale.</i></p>	<p>It is acknowledged that the first-floor plan surpasses the ground floor in size, with a cantilevered portion extending beyond the ground level, however this part is situated at the rear of the development and remains concealed from view when observing the property from the street (refer <i>Appendix V</i>).</p>
<p><i>The development does not include features that are typical of traditional housing in St Marys including projecting verandahs, pitched roof forms, eaves, shadow casting elements, variety of materials and a first-floor plan that is smaller than the ground floor plan.</i></p>	<p>The Architect notes that the building façade is designed with portal frame/vertical blade elements, creating a simple but rhythmic aesthetic.</p> <p>The awnings on the façade align with the requirements of the DCP and do not exceed 50% of the façade length. The awning design adds a sculptured element that complements the strong portal frame features surrounding each terrace house, resulting in a cohesive and organised façade.</p> <p>Stapleton Parade has a mixture of development styles, including more contemporary building aesthetics with simplified facades. The development is to be constructed of durable materials including face brick walls, metal cladding and colorbond roofing. Contrasting brick colours and sculptural window and door awning elements are introduced in</p>

Issues raised	Response
	<p>the façade to provide articulation and visual interest.</p> <p>The Landscape Plan includes the retention of 1 established tree, and the planting of 5 new trees within the front setback area which will further contribute to the streetscape quality of the development.</p>
<p><u>Garden Design</u></p> <p><i>The proposal provides inadequate areas for landscaping along the rear setback and throughout the development site to ensure the healthy growth of new trees and shrubs and to create a green corridor between developments.</i></p>	<p>In response to Council's comment the Landscape Plan have been modified to increase soil areas and maximise planting opportunities along the rear boundary of the site (refer to Appendix B).</p> <p>The rear retaining wall has been adjusted to create more space at ground level along the boundary. Various native screen plants of medium height will be used in narrower areas, while taller and broader species will be planted in wider northern landscape zones. Existing trees and additional plantings will contribute to the overall canopy cover, creating landscaped buffer areas along the side and rear boundaries. Refer to Landscape Design Statement in Appendix V.</p>
<p><i>The landscaping plan does not correlate with the civil and architectural plans. Tree locations conflict with stormwater pits, pipes and retaining walls and paved areas compromising the soil volume for root development and healthy mature trees. The areas nominated on the landscape plan are insufficient to permit the growth of the landscaping (trees) to maturity with natural shape and form and provide adequate canopy coverage.</i></p>	<p>The Landscape Architect has confirmed that refinements have been made to the Landscape Plans in response to Council's comment to ensure the successful growth of proposed plantings, refer to Appendix V.</p> <p>Smaller, fastigate species are placed between building groupings. A 'Strat Vault' subsoil system is recommended beneath paved paths to connect garden beds and promote growth. The planting plan on Sheet 2 of the Landscape Plan indicates the intention to position stormwater pipes behind the concrete sleeper retaining wall, maximizing soil opportunities in that area (refer Appendix B and Appendix V).</p>
<p><i>The areas between building blocks are insufficient to provide an adequate landscape separation between buildings as they are compromised due to fencing, drainage, paving and pathways.</i></p>	<p>Separation between the 2-storey townhouses at the front and single storey villas has been maximised where possible and at a minimum, 6.7m separation has been provided between buildings. Deep soil landscaped areas have been incorporated, and sufficient separation has been provided to allow good solar access to private open space areas for all dwellings. A combination of hedge landscaping and 1.5m screens have been incorporated to maintain privacy between common and private areas..</p>

Issues raised	Response
<p><u>Garage Design</u></p> <p><i>The width of the carparking spaces is not satisfactory. Carpark widths of 2.5m are to be provided for multi-unit housing development for full opening of vehicle doors in accordance with AS2890.1 (vehicle User Class 2).</i></p>	<p>All resident car parking spaces are 2.5m wide as dimensioned on the plans. The widths exceed the minimum 2.4m required by AS2890.1 Class 1A spaces for residential use. The accessible parking spaces are 2.4m wide with a 2.4m shared zone, consistent with the requirements of AS2890.6 as verified in the Traffic & Parking Impact Assessment at Appendix T.</p>
<p><u>Stormwater</u></p> <p><i>The development does not incorporate any stormwater treatment or addressed water quality and conservation.</i></p>	<p>The proposed stormwater management plan has been revised to incorporate additional stormwater treatment measure and MUSIC modelling has been undertaken to demonstrate that water quality and conservation targets are met (refer to updated Civil Plans and Engineering Response Letter at Appendix C and Appendix V).</p>
<p><u>Biodiversity Conservation</u></p> <p><i>The application has not addressed the recent changes to the State Environmental Planning Policy (Biodiversity Conservation) 2021.</i></p>	<p>The proposed stormwater management plan has been revised to address Councils' comments. Under the revised plan, stormwater will be collected within the site, filtered through a 'jellyfish' stormwater filtration system and conveyed in a pipeline to a boundary pit on the Stapleton Parade frontage where it will connect into the existing public stormwater infrastructure.</p> <p>Modelling provided with the revised concept stormwater plans demonstrates that there will be an overall reduction in stormwater flow from pre-existing conditions, and a greater capture of gross pollutants as a result of the proposed filtration measures.</p> <p>The Engineering Response Letter confirms that the proposed stormwater management measures provided in the updated civil plans (Appendix C) satisfy the water quality and quantity requirements set out under the Biodiversity and Conservation SEPP. Refer to Appendix V.</p>
<p><i>The BASIX certificate indicates 5x3kL tanks are to be provided but the engineering plans only indicate 1 tank.</i></p>	<p>The civil drawings have been updated to include a 20,000L rainwater tank to satisfy BASIX requirements. The amended plan is provided under Appendix C.</p>
<p><u>Additional stormwater and roadworks requirements</u></p> <p><i>The maximum discharge to the kerb shall be 25L/s in the 10% AEP storm event. The on-site stormwater detention with regard to permissible site discharge and site storage requirement shall be subject to any adjustment necessary to ensure this is met.</i></p>	<p>Updated civil plans and an engineering response letter have been provided noting the maximum discharge to the kerb and gutter has been limited to 25L/s (Refer to Appendix C and Appendix V).</p>

Issues raised	Response
	Identified Requirement No. 42 requires the detailed stormwater plan to be designed in accordance with the requirements of Penrith City Council.
<i>The stormwater management system must be designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.</i>	Noted – updated civil plans have been provided to ensure consistency with Councils WSUD policy and Identified Requirement No. 42 requires the detailed stormwater plan to be designed in accordance with the requirements of Penrith City Council.
<i>A restriction on the use of land and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.</i>	Noted. An Identified Requirement is recommended (No. 72) in response to Council's comment requiring a restriction on the use of land and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) being registered on the title of the property. Identified requirement No. 72 also requires a positive covenant and restriction-as-to-user to be registered on title to ensure the stormwater system is adequately maintained in perpetuity. Refer to Activity Determination .
<i>The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.</i>	
<i>Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.</i>	
<i>Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).</i> <i>All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.</i>	This is not applicable, as Section 138 of the Roads Act doesn't apply to a Public Authority (e.g. Land and Housing Corporation). However, Identified Requirements No. 10 and 11 are included in the Activity Determination to ensure that works within the public road and footway are designed and constructed to Council's standards and specifications and a copy of the detailed plans are submitted to Council prior to work commencing.
<i>An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets.</i>	Identified Requirement No. 71 requires LAHC's building contractor to cover any costs associated with the repair of any damage caused to Council assets during the demolition and construction works.

6.2 Notification of Occupiers of Adjoining Land and Other Persons

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

Advice was sought from Council regarding additional persons or property that should be notified of the development via an email dated 24 May 2022. Council provided an email response on 20 February 2023 advising that the notification map is consistent with Council's Community Participation Plan and acceptable to Council. Council did not nominate additional properties to be included in the scope of notification. **Figure 18** illustrates the properties in which the landowners and current occupiers were notified of the development.



Figure 18 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 43(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 2 March 2023. The landowners of the properties identified in **Figure 18**, were also notified. Copies of the notification letters are provided at **Appendix H**. The notification response period formally closed on 27 March 2023 and the two neighbour submissions received are discussed in **Table 11**.

Table 11 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
<p>Submission 1:</p> <p>Preference for small to medium trees along the boundary of 149 Glossop St to ensure trees won't overhang property boundary.</p> <p>Privacy concerns regarding the windows for properties along the front of the development on Stapleton Pde and overlooking into adjoining property at 149 Glossop St.</p>	<p>Noted. An Identified Requirement (No. 75) has been recommended to replace the larger plant species proposed along the shared boundary with smaller species that are less likely to result in branches overhanging adjoining properties on Glossop St.</p> <p>Second storey windows are setback a minimum 21m from the rear boundary to minimise opportunity for overlooking and privacy impacts to 149 Glossop Street. Dwellings in the rear are designed to be single storey to reduce overshadowing and overlooking to adjoining development.</p> <p>The purchase of private property is outside the scope of the subject development, however, the request has been passed on to the LAHC's Acquisitions Team.</p>

Issues raised	LAHC Response
Queried if LAHC would be interested in purchasing a property at 149 Glossop St.	
<p>Submission 2:</p> <p>Design of façade and local character: The development is not in keeping with the area and is ugly.</p> <p>Heat radiating from western wall: The brick western wall of the double story townhouse 08 will absorb heat in the summer months and radiate into the adjoining property at 12 Stapleton Pde.</p> <p>Traffic and parking: More parking spaces required.</p> <p>Tree removal: Removal of Tree 7 due to impact to property and maintenance issues.</p>	<p>The overall design has been informed by the development controls set out in the Housing SEPP, Penrith LEP 2010 and Penrith DCP 2014. The proposal presents a contemporary design that is reflective of the emerging character of the local area and is of a scale and density envisaged for the zone.</p> <p>The proposed development will replace the older dwellings with more energy efficient buildings that are fit for purpose and provide a higher level of amenity for residents. As confirmed in the Heritage Assessment at Appendix S, whilst the subject properties represent early examples of social housing, they are not appropriate for local or state heritage listing.</p> <p>Due to site orientation, the Stapleton Parade façade has a westerly aspect which will receive direct afternoon sunlight. Glazed elements and window awnings have been introduced to minimise heat retention inside the development during the hotter summer months. In addition, the development has been designed to retain a large Paperbark tree located in the northwest corner of the site in front of units 7 and 8. This tree will provide significant shading of the west facing façade and will assist in reducing the likelihood of radiant heat affecting 12 Stapleton Parade during the summer months.</p> <p>The development is proposed to be serviced by an at-grade open parking area accessed via a single combined ingress/egress driveway located in the centre of the site along Stapleton Pde. A total of 9 car parking spaces including two disabled spaces are proposed, which exceeds the minimum requirements of the Housing SEPP.</p> <p>The Traffic Impact Assessment at Appendix T confirms that there is adequate capacity to accommodate any possible minor increase in parking demand without unreasonable impacts on surrounding residential amenity.</p> <p>Following further assessment, an Arborist found that the root system of Tree No. 7 was causing significant damage to the pathways and driveway of 12 Stapleton Parade (refer to Tree Report in Appendix X). This tree was originally identified for retention however due to the safety concerns raised by the neighbour and the findings of the Tree Report it is now recommended to be removed. Identified Requirement (No. 74) requires the removal of this tree and an appropriate replacement tree provided. The replacement tree must be a species nominated by a Registered Landscape Architect as being appropriate size for the location.</p>

6.3 Notification of Specified Public Authorities

The development is “residential development” under section 42 of the Housing SEPP. As required by section 42(5) of the Housing SEPP, consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council.

7 Review of Environmental Factors

Environmental factors associated with the proposed activity in terms of location, character, bulk and density, privacy, solar access and overshadowing have been considered in accordance with the provisions of the Housing SEPP and discussed in **Sections 5.5** and **5.6** of this REF. A review of other environmental factors associated with the proposed activity, and the measures required to mitigate any adverse impacts to the environment, are provided below.

7.1 Neighbourhood Character

The site is located within an established residential area supporting a variety of housing types including single and two storey detached dwelling houses, dual occupancies and multi dwelling housing developments. Within the local area the housing developments are largely of brick or weatherboard construction with tiled roofs and associated structures, such as pergolas, garages and car ports.

There are pockets of redevelopment in the area, particularly on Glossop Street as it transitions from low density housing to medium density development. The proposed development will complement the existing developments along Glossop Street and is reflective of the emerging character of the area.

The bulk and scale of the proposed development will be compatible with the existing built form of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The single and two storey design, siting, layout and landscape setting of the proposed development aligns with that of emerging development in the locality.

Mitigation Measures

No mitigation measures are required, as the design of the proposed development is sympathetic to the neighbourhood character, providing setbacks to neighbouring development that are consistent with surrounding dwelling houses. Suitable design treatments, including fencing, landscaping and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

7.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding development in the locality of St Marys. The single and two storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development is split into five separate buildings and designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a floor space ratio of 0.43:1 and a maximum height of 7.7m which is generally consistent with a low-density residential area. The proposed FSR and single and two storey built form is sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R3 Medium Density Residential zone, which allows multi dwelling housing. The built form of the proposed multi-dwelling housing is similar to that of a terrace house and is therefore considered consistent with the objectives of the R3 Medium Density Residential zone of the PLEP 2010.

The generous setbacks, low FSR and single storey built form at the rear confirms the proposal does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required.

7.3 Streetscape

The architectural style of the proposed development is compatible with the form of medium density development emerging in the surrounding locality. The street façade is divided into a number of distinct elements, separated with substantial landscaping resulting in a finer grained streetscape appearance, consistent with existing dwellings in the area. In addition, the hardstand car parking area will be generally obscured from street view, resulting in a built form that has been designed with consideration of the adjoining dwellings and surrounding public domain.

The development has been designed to retain a substantial tree located within the front setback area, which will ensure the development has a positive streetscape presence from the date of completion. The façade design has a refined aesthetic, with contrasting brickwork and window awnings used to create visual contrast without creating a busy façade. Substantial landscaping and greater building setbacks towards the northern corner of the frontage will ensure the development provides an appropriate transition to neighbouring development in the street.

The built form has been designed to address the street frontages through incorporation of street facing windows and doors, as well as front gardens, improving casual surveillance of the street and a typical residential setting.

Mitigation Measures

No mitigation measures are required.

7.4 Visual Impact

The proposed development will generate some short-term visual impact on the surrounding area during construction, with a long-term positive visual impact associated with the establishment of new dwellings in an existing urban residential context.

The proposed development will make a positive contribution to the residential streetscape through construction of new contemporary dwellings that respond to the site context and neighbourhood character. Articulation, diverse mix of materials and a neutral colour palette including light and dark brick will assist with the overall aesthetic.

A significant Paperbark (*Melaleuca quinquenervia*) tree with a height of approximately 14m has been retained in the Stapleton Parade front setback area. Additionally, the proposed landscape scheme incorporates new planting in the front setback area including 2 x Water Gum cultivar (*Tristanopsis laurina*) trees with a mature height of up to 7m, 5 x Bluberry Ash (*Elaeocarpus reticulatus*) trees with a mature height of up to 8m and various shrubs, with mature heights ranging between 0.3 and 3m. Two new street trees are proposed with a mature height of up to 7m which will create additional green canopy in the Stapleton Parade streetscape.

Tree and shrub planting along the side and rear boundaries of the site will add to the long-term visual amenity of the surrounding properties and improve the appearance of the site from the street. As such, no mitigation measures are required.

Mitigation Measures

No mitigation measures are required.

7.5 Privacy

A high level of internal and external privacy is maintained by the proposed development through a range of measures including careful and considered site landscaping, new 1.2-1.8m high fencing, adequate site setbacks and strategic placement of windows to avoid direct overlooking of neighbours. Measures employed to ensure privacy is maintained include:

- Dwellings at the rear of the site have been kept to single storey to reduce overlooking.
- No balconies are proposed throughout the whole development.
- Ground level private courtyards associated with Units 9 - 14 are east facing and located at the rear in order to improve privacy between dwellings.
- Privacy between adjoining development to the rear at No.151 Glossop Street will be maintained through fencing and screen planting.
- Dwellings located to the front of the site, comprising Units 1 – 8, are primarily orientated towards the street. These units comprise dual ground level private courtyards facing both Stapleton Parade and the internal common area. Privacy will be maintained with landscaping, including trees and shrubs, proposed within the front and side setbacks, and along the driveway to improve streetscape amenity and privacy for future residents.
- Window openings have been minimised within northern and southern elevations of Units 1, 8, 9 & 14 to minimise overlooking of adjoining neighbours at 12 Stapleton Parade and to the south at 8 Stapleton Parade. No balconies are provided along the northern or southern elevations.
- Proposed 1.8m Colorbond fencing will mitigate unacceptable overlooking from ground level units into properties to the north and east.
- Patios within the development have been appropriately separated by location or fencing and/or landscape treatments.

Mitigation Measures

No mitigation measures are required.

7.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the *Seniors Living Policy: Urban Design Guidelines for Infill Development* (SLUDG). The submitted Architectural Plans indicate that 70% of dwellings receive at least 3 hours direct solar access to the living and POS areas on June 21, which satisfies the requirements under SLUDG.

Shadow diagrams also confirm the proposed development will facilitate an acceptable level of sunlight to living areas and private open space of dwellings on adjoining sites. Refer to **Section 7.7** for further detail on overshadowing impact to development to the immediate south.

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

Mitigation Measures

No mitigation measures are required.

7.7 Overshadowing

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

At 9am, shadows generated by the proposed development are generally contained within the site, with some overshadowing to the adjoining properties to the south (8 Stapleton Parade) as well as across the Stapleton Parade reserve. At 12noon, shadows are improved, with some overshadowing still occurring in the northern portion of the front yard of 8 Stapleton Parade, a minor portion of the northern and western elevation of the dwelling at 8 Stapleton Parade and Stapleton laneway. At 3pm, shadows are improved to the front yard of 8 Stapleton Parade, however overshadowing still occurs along the northern elevation of the dwelling.

The shadow diagrams and view from sun diagrams demonstrate the north facing windows within the existing dwelling at 8 Stapleton Parade will achieve less than 3 hours of sunlight per day between 9:00 am and 3:00 pm. However, existing floor plans³ for 8 Stapleton Parade confirm that these windows are bedrooms only and not primary living areas. Notwithstanding, some sunlight will be retained to these north facing windows during the morning period between approximately 11:00 am and 12:00 am.

The extent of overshadowing caused by the proposed development has been assessed and deemed supportable for the following reasons:

- The windows along the northern elevation of the adjoining property at 8 Stapleton Parade appear to be bedrooms and not primarily living areas. This is observed by viewing the existing floor plans for the property³ and from a site inspection held on 24 April 2023.
- The primary open space area, located between the primary dwelling and secondary dwelling at 8 Stapleton Parade will retain in excess of 3 hours sun access between 9:00 am and 3:00 pm on the 21st of June. The front garden will receive at least 3 hours sun access to the majority of the area during the afternoon period of the winter solstice.
- The internal living rooms of both the primary and secondary dwellings at 8 Stapleton Parade are oriented to the east, south and south-west and will remain generally unaffected by the shadows cast by the proposed development between 9:00 am and 3:00 pm on the 21st of June.

The proposed development therefore retains a minimum of 3 hours sunlight to all living and principal private open space areas of neighbouring properties between 9:00 am and 3:00 pm on the 21st of June.

Mitigation Measures

No mitigation measures are required.

7.8 Traffic & Parking

Nine car parking spaces, including 2 accessible spaces, will be available on site for use by residents. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP by 1 parking space. Unrestricted street parking is available on Stapleton Parade to accommodate any overflow parking demand generated by the proposed development, such as for visitors.

The Traffic and Parking Impact Assessment Report (*Appendix T*) indicates that the development will have a projected nett increase of 6 vehicles per hour in the AM peak hour and a nett increase of 7 vehicles during the

³ Viewed at <https://www.realestate.com.au/sold/property-house-nsw-st+marys-142241384>

PM peak hour. The assessment found that the projected nett change in traffic activity as a consequence of the development proposal was negligible and will not have any unacceptable implications in terms of road network capacity.

The Traffic and Parking Impact Assessment Report examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the design is suitable for the scale of development proposed. The projected vehicle movements expected during the peak hour periods is significantly less than the 30 vehicles per hour threshold for two-lane roadways. A passing bay on the driveway is therefore not required and the proposed access arrangement is acceptable.

Mitigation Measures

No mitigation measures are required.

7.9 Flora and Fauna

An Arboricultural Impact Appraisal and Method Statement has been prepared for the site by Naturally Trees (**Appendix K**). The report considers 22 trees, 19 of which are located within the subject site while 1 street tree is located in the road reserve of Stapleton Parade and the remaining 2 are within neighbouring properties.

The Report recommends the removal of 17 existing trees within the site that are either located within the proposed development footprint or are likely to be impacted by the development due to an unavoidable major encroachment within their tree protection zones. It also recommends retention of 5 existing trees within the site, 1 street tree and 2 trees within neighbouring properties (Tree Nos. 5,6,7,9 & 22).

Tree Nos 1-4,8,10-21 will be impacted by the building, stormwater infrastructure and car parking area within the site therefore requiring removal.

Appropriate replacement planting is proposed, as indicated on the landscape plan and details. The new plantings will provide replacement tree cover on the site and increase the variety of species, including flowering trees, which will provide additional habitat for fauna in the long-term.

A submission was received from the neighbouring property at 12 Stapleton Parade regarding damage to the footpath and driveway of their property being caused by Tree No. 7. In response to this, a separate tree assessment was carried out by Plateau Tree Service (**Appendix X**) in February 2023 which confirmed that the root system of Tree No. 7 was causing significant damage to the pathways and driveway of this property which was creating a safety concern. As such, Identified Requirement No. 74 requires the removal of this tree and appropriate replacement planting.

There will be no significant impact on native fauna as a result of the proposed development, given that compensatory planting is proposed.

Mitigation Measures

An Identified Requirement (No. 74) has been applied to ensure an appropriate replacement tree is provided to compensate for the loss of Tree No. 7.

Works within the Tree Protection Zones of the retained trees are to be undertaken using tree sensitive excavation and construction techniques such as pier and beam construction with suspended sections to reduce any impact on their stability, with piers to be dug by hand using non-motorised machinery to further assist in their protection. Retained trees are to be protected in accordance with the Tree Protection Plan contained within the Arboricultural Impact Appraisal and Method Statement (refer to **Appendix K**).

If associated infrastructure (pipe works) is to be installed within the Tree Protection Zone of any retained specimen, they are to be installed by hand with non-motorised machinery. If structural roots are found within

the trench, they are to be left intact and dug around retaining this specimen's structural integrity with works to be undertaken in consultation with the project arborist (refer to Identified Requirement No. 36).

Any excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009) (refer to Identified Requirement No.36).

7.10 Heritage (European / Indigenous)

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

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search dated 26 June 2023 (*Appendix J*) did not find any record of Aboriginal Sites or Places on the site or in the surrounding locality and the site is considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* determined that no additional investigation was warranted. Discovery of cultural material during development activities cannot be ruled out, however, an identified requirement has been applied should any Aboriginal relics be discovered on the site during excavation/construction.

Other Cultural Heritage

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

Mitigation Measures

An Identified Requirement (No. 46) has been applied should any cultural heritage relics be discovered on the site during excavation / construction.

7.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation Report, prepared by SMEC indicates the following:

- The subsurface conditions consist of topsoil overlying silty clays and weathered sandstone. The topsoil is observed to depths of 0.2 to 0.3 metres. In BH2 and BH5 hand auger refusal occurred at depths of 0.2 and 0.6 metres. Silty clays underlie the topsoil and are present to depths of 0.7 to 0.8 metres. The strength of these materials varies between firm to stiff and very stiff. Weathered sandstone underlies the site and was observed to the depths of auger refusal, 1.2 to 1.3 metres.
- No groundwater was observed in the boreholes during the fieldwork.

Mitigation Measures

No mitigation measures required.

Contamination

The site is located within a developed residential area of St Mary's. According to Penrith City Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to contaminated land. As noted in **Table 7**, Bennett Park, located opposite the site is identified on council's website as being a site of

environmental investigation and requiring asbestos remediation⁴. It is understood that remediation works commenced in January 2023 and Council envisage it could take up to 12 months to complete. The remediation works include the removal of asbestos material and preloading the site with appropriate fill to ensure optimal site conditions for the construction of the new mixed recreation space planned for the park. These works are being undertaken by Council and there is no indication that the extent of asbestos contamination extended beyond the boundary of the Bennett Park investigation area.

Mitigation Measures

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

Acid Sulfate Soils

According to Penrith City Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by acid sulfate soils.

Mitigation Measures

No mitigation measures are required.

Salinity

Council's Section 10.7(2) & (5) Planning Certificates indicate that the site is not affected by salinity.

Mitigation Measures

No mitigation measures are required.

7.12 Drainage / Flood Prone Land / Hydrology/ Water Quality

Stormwater drainage for the proposed development has been designed in accordance with Council's requirements. Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground detention tank draining to the proposed street drainage pit within Stapleton Parade at the site frontage. Roof water from the subject development will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

As detailed in **Table 7**, the site is located in the Hawkesbury-Nepean catchment therefore the provisions under the Biodiversity and Conservation SEPP are applicable. The amended stormwater management plan includes a stormwater filtration system to ensure that there is an overall reduction in stormwater flow from pre-existing conditions, and a greater capture of gross pollutants.

The Section 10.7(2) & (5) Planning Certificates issued by Penrith City Council for the subject site indicate that the land is not subject to flood related development controls.

The proposed development has been designed to have no adverse impact on the hydrology or water quality within the local area.

Mitigation Measures

Identified Requirements (Nos. 6-9, 14 & 42) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

⁴ <https://www.penrithcity.nsw.gov.au/waste-environment/environment/asbestos#:~:text=Asbestos%20safety%20in%20Penrith&text=All%20of%20Council's%20asbestos%20related,contractors%20and%20licenced%20asbestos%20assessors.>

7.13 Bushfire Prone Land

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

Mitigation Measures

No mitigation measures are required.

7.14 Noise and Vibration

During Demolition / Construction

During demolition/construction typical noise levels associated with demolition/ building works will be generated within the hours prescribed under Department of Environment, Energy and Science guidelines and/or in accordance with the local council requirements.

During Occupation

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

Buildings will be constructed to comply with the deemed-to-comply provisions of *the Building Code of Australia* with respect to noise transmission. Buildings to be designed and constructed to achieve internal noise level design targets.

Mitigation Measures

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

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

Appropriate Identified Requirements (Nos. 2, 60 & 58) have been applied to ensure compliance with the above mitigation measures.

7.15 Air Quality

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes might be generated during the clearing and excavation of the site and construction of the proposed development.

Mitigation Measures

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

7.16 Waste Minimisation

The following waste minimisation and management measures have been identified and are to be considered in conjunction with the specific details, including the estimated quantities of waste, provided in the final waste management plan to be prepared by the demolition/building contractor.

During Demolition

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

- concrete and bricks will be transported to an approved building waste collection facility;
- any asbestos sheeting and fibrous insulation will be handled according to SafeWork NSW requirements and disposed of to an approved building waste collection facility;
- mixed demolition materials will be transported to an approved building waste collection facility; and
- timber, metal, wall and roof cladding and other salvageable materials will be resold to various salvage yards where appropriate or disposed of at an approved building waste collection facility.

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

During Construction

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

- bricks, tile and concrete to be transported to building recycling facility;
- concrete shall be crushed and reused for filling, levelling or temporary road base;
- tiles shall be crushed and reused for filling, levelling or temporary road base;
- timber shall be sent to second hand suppliers;
- plasterboard shall be sent to building recycling facility; and
- metal offcuts from gutter and downpipes, etc. shall be recycled wherever possible.

During Occupation

General, non-recyclable waste, and recyclables (paper, metal, glass) will be disposed of in Council's standard waste storage bins located in the garbage storage enclosures and placed on the street kerb by LAHC contractor for collection by Council's waste services.

Mitigation Measures

Identified Requirements (Nos. 52 – 54, 61 & 66) are recommended to ensure construction/demolition waste is appropriately managed and disposed of.

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

7.17 Resource Use & Availability

The proposed activity will not result in any discernable depletion or degradation of natural resources. The proposal has been designed to meet water and energy efficiency targets as demonstrated by the BASIX certificate for the proposal.

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

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

Mitigation Measures

No additional mitigation measures are required.

7.18 Community / Social Effects

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

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

Mitigation Measures

No mitigation measures are required.

7.19 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Penrith local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- the local sourcing of tradesmen and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

7.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

8 Conclusion

8.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, PLEP 2010, and the design principles and better practices set out in the relevant guidelines.

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

The proposed development will enable LAHC to meet the increasing demand for 2- and 3-bedroom dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

9 Recommendation

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

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLANS

APPENDIX C – CIVIL PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – CERTIFICATE OF TITLES

APPENDIX F – S.10.7 PLANNING CERTIFICATES

APPENDIX G – NOTIFICATION PLANS

APPENDIX H – NOTIFICATION OF PUBLIC AUTHORITY LETTERS AND RESPONSE

APPENDIX I – ACCESS REPORT

APPENDIX J – AHIMS SEARCH RESULT

APPENDIX K – ARBORIST REPORT

APPENDIX L – BASIX CERTIFICATE

APPENDIX M – NatHERS CERTIFICATE

APPENDIX N – BCA REPORT

APPENDIX O – DESIGN COMPLIANCE CERTIFICATES

APPENDIX P – SENIORS LIVING URBAN DESIGN GUIDE CHECKLIST

APPENDIX Q – PART 5 CHECKLIST

APPENDIX R – GEOTECHNICAL REPORT

APPENDIX S – HERITAGE REPORT

APPENDIX T – TRAFFIC IMPACT ASSESSMENT

APPENDIX U – WASTE MANAGEMENT PLAN

APPENDIX V – SUB-CONSULTANT DESIGN STATEMENTS

APPENDIX W – VIEW FROM SUN DIAGRAMS

APPENDIX X – TREE REPORT